

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JANUARY 4, 2021

The Lincoln County Board of County Commissioners met on January 4, 2021, at the Auditorium, James. W. Warren Citizens Center, 115 W. Main Street, Lincolnton, at 6:30 PM.

Commissioners Present:

Carrol Mitchem, Chairman
Milton Sigmon, Vice-Chairman
Anita McCall
Bud Cesena
Cathy Davis

Others Present:

Kelly G. Atkins, County Manager
Wesley Deaton, County Attorney
Josh Grant, Programs Manager
Amy S. Atkins, Clerk to the Board

Members Present:

Jamie Houser, Chairman
Doug Tallent, Vice-Chair
Robert Shugarman, Secretary
Jenni Boyles
Keith Gaskill
Jeff Pariano

Staff Present:

Andrew Bryant, Director
Randy Hawkins, Zoning Administrator
Amy Brown, Clerk to Planning Board

Adoption of Agenda: Chairman Mitchem presented the agenda for the Board's approval.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, January 4, 2021
6:30 PM

James W. Warren Citizens Center Auditorium
115 W. Main Street
Lincolnton, NC 28092

Call to Order – Chairman Mitchem

Moment of Silence

Pledge of Allegiance

1. Adoption of the Agenda
2. Approval of Minutes – December 21, 2020
3. Oath of Office for Senator Ted Alexander
4. Zoning Public Hearings

Quasi Judicial Cases:

CUP #432 Rebecca Smith, applicant (Parcel ID# 51678) A request for a conditional use permit to sell vehicles in the I-G (General Industrial) district. The 1.0-acre parcel is located at 6630 Denver Industrial Park Road in Catawba Springs Township.

CUP #433 Ransford Properties, LLC, applicant (Parcel ID# 33796) A request for a conditional use permit to place a Class B (doublewide) manufactured home in the R-S (Residential Suburban) district. The 0.47-acre parcel is located on the south side of Wrenn Drive about 250 feet east of Killian Street/Canada Lane in Catawba Springs Township.

CUP #434 Winston Conrad, applicant (Parcel ID# 19393) A request for a conditional use permit to place a Class B (doublewide) manufactured home in the R-S (Residential Suburban) district. The 1.0-acre parcel is located on the north side of Bynum Road about 1,100 feet west of Gastonia Highway in Lincolnton Township.

CUP #435 CMH Homes, Inc., applicant (Parcel ID# 24173) A request for a conditional use permit to place a Class B (doublewide) manufactured home in the R-S (Residential Suburban) district. The 1.46-acre parcel is located on the north side of Car Farm Road about 900 feet east of Horseshoe Lake Road.

Legislative Case:

ZMA #677 Oakwood Homes of Newton, applicant (Parcel ID# 28273) A request to rezone a 1.3-acre lot from R-SF (Residential-Single Family) to R-T (Transitional Residential). The property is located on Sherrod Lane at Waterfalls Drive about 150 feet east of Buffalo Shoals Road in Ironton Township.

CZ #2021-2 Mark Phinney and Fred Lanier, applicants (Parcel ID# 00364) A request to rezone a 2.86-acre lot from R-S (Residential Suburban) to CZ B-G (Conditional Zoning General Business)

to permit vehicle service and vehicle sales. The property is located at 4588 Reepsville Road, on the north side of Reepsville Road about 600 feet east of Jetton Drive, in Howards Creek Township.

5. Public Comments

6. Other Business

Adjourn

UPON MOTION by Commissioner McCall, the Board voted unanimously to adopt the agenda as presented.

Oath of Office for Senator Ted Alexander: Judge Micah Sanderson administered the Oath of Office to Senator Ted Alexander.

Approval of Minutes – December 21, 2020: **UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve the December 21, 2020 minutes.

Zoning Public Hearings: Wesley Deaton, County Attorney, gave information on the Quasi-judicial cases on the agenda. He asked if any Planning Board members or Commissioners had any ex parte communications or conflicts of interest. None were disclosed.

CUP #432 – Rebecca Smith, applicant: Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to sell vehicles in the I-G (General Industrial) district. The sales office would be located in an existing commercial building. Vehicle sales is a conditional use in the I-G district.

SITE AREA AND DESCRIPTION

The 1.0-acre parcel is located at 6630 Denver Industrial Park Road, about 600 feet north of N.C. 16 Business. The subject property is surrounded by properties zoned I-G. Land uses in this area include industrial, business and residential (opposite side of N.C. 16 Business). This property is located in an area designated by the Land Use Plan as an Industrial Center.

Chairman Mitchem opened the public hearing concerning CUP #432 – Rebecca Smith, applicant.

Rebecca Smith, applicant, said she is here to answer any questions. She said they will sell high end vehicles at this site. She stated that she prepared and would like to incorporate the proposed findings of fact into her testimony.

Being no additional speakers, Chairman Mitchem closed the public hearing.

CUP #433 – Ransford Properties, LLC, applicant: Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to place a Class B manufactured home in the R-S (Residential Suburban) district. A Class B manufactured home is a doublewide that meets the Unified Development Ordinance's appearance standards. Under the UDO, a Class B manufactured home may be placed in the R-S district subject to the issuance of a conditional use permit.

SITE AREA AND DESCRIPTION

The 0.47-acre parcel is located on the south side of Wrenn Drive about 250 east of Killian Street/Canada Lane at the Lincoln-Catawba county line. It is adjoined by property zoned R-S and R-40 (a Catawba County zoning district). Land uses in this area include residential, business and industrial. Doublewide manufactured homes and duplexes are located in this area. This property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood, suitable for single-family homes.

Chairman Mitchem opened the public hearing concerning CUP #433 – Ransford Properties, LLC, applicant.

Tina Rikard, speaking on behalf of the applicant, said she is here to answer any questions. She stated that her father prepared and she would like to incorporate the proposed findings of fact into her testimony.

Being no additional speakers, Chairman Mitchem closed the public hearing.

CUP #434 – Winston Conrad, applicant: Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to place a Class B manufactured home in the R-S (Residential Suburban) district. A Class B manufactured home is a doublewide that meets the Unified Development Ordinance's appearance standards. Under the UDO, a Class B manufactured home may be placed in the R-S district subject to the issuance of a conditional use permit.

SITE AREA AND DESCRIPTION

The 1.0-acre parcel is located on the north side of Bynum Road about 1,100 feet west of Gastonia Highway. It is adjoined by property zoned R-S and R-SF (Residential-Single Family). Land uses in this area include residential and institutional (church). Site-built and modular homes are located in the immediate area around the subject property. A manufactured home park is located about 700 feet to the west. This property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood,

suitable for single-family homes.

Chairman Mitchem opened the public hearing concerning CUP #434 – Winston Conrad, applicant.

Winston Conrad, applicant, said he is here to answer any questions. He stated that he prepared and would like to incorporate the proposed findings of fact into his testimony.

Being no additional speakers, Chairman Mitchem closed the public hearing.

CUP #435 – CMH Homes, Inc., applicant: Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to place a Class B manufactured home in the R-S (Residential Suburban) district. A Class B manufactured home is a doublewide that meets the Unified Development Ordinance's appearance standards. Under the UDO, a Class B manufactured home may be placed in the R-S district subject to the issuance of a conditional use permit.

SITE AREA AND DESCRIPTION

The 1.46-acre parcel is located on the north side of Car Farm Road about 900 feet east of Horseshoe Lake Road. It is surrounded by property zoned residential. Land uses in this area are mainly residential. Singlewide and doublewide manufactured homes are located in this area. This property is part of an area designated by the Lincoln County Land Use Plan as Large-Lot Residential, suitable for single-family homes.

Chairman Mitchem opened the public hearing concerning CUP #435 – CMH Homes, Inc., applicant.

Joshua Fountain, applicant, said he is here to answer any questions. He stated that he prepared and would like to incorporate the proposed findings of fact into his testimony.

Being no additional speakers, Chairman Mitchem closed the public hearing.

ZMA #677 – Oakwood Homes of Newton, applicant: Randy Hawkins presented the following:

The applicants are requesting the rezoning of a 1.3-acre lot from R-SF (Residential Single Family) to R-T (Transitional Residential).

Site Area & Description

The subject property is located on Sherrod Lane at Waterfalls Drive about 150 feet east of Buffalo Shoals Road in Ironton Township. It is adjoined by property zoned R-SF and B-N (Neighborhood Business). Land uses in this area are primarily residential and include

manufactured homes. A doublewide manufactured home was previously located on this lot. This property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood, suitable for single family homes. Strategy 8.1.2 of the Land Use Plan calls for maintaining the county's policies regarding the placement of manufactured homes in most, but not all, portions of the county.

Additional Information

Permitted uses

Under current R-SF zoning: site-built house, modular home.

Under proposed R-T zoning: site-built house, modular home, duplex, manufactured home (singlewide or doublewide).

Minimum lot size

Under current R-SF zoning: 32,500 square feet (0.746 acre)

Under proposed R-T zoning: 32,500 square feet (0.746 acre)

Adjoining zoning and uses

East: zoned R-SF, doublewide manufactured home.

South: zoned R-SF, doublewide manufactured home.

West (opposite side of Waterfalls Drive): zoned B-N, commercial building.

North: zoned R-SF, singlewide manufactured home.

Staff's Recommendation Staff recommends approval of the rezoning request.

Chairman Mitchem opened the public hearing concerning ZMA #677 – Oakwood Homes of Newton, applicant.

Matthew Vaughn, applicant, said he is here to answer any questions.

Mike Kowalczyk said he lives at the end of Sherrod Lane, and the property owners recently spent money to maintain the road. He asked which road the home will face.

Being no additional speakers, Chairman Mitchem closed the public hearing.

CZ #2021-2 – Mark Phinney and Fred Lanier, applicants: Randy Hawkins presented the following:

The applicants are requesting the rezoning of a 2.86-acre lot from R-S (Residential Suburban) to CZ B-G (Conditional Zoning General Business) to permit vehicle service and vehicle sales. An existing building, a former fire station, would be used as a vehicle service garage. Vehicle service (oil change, brake service, alignment, etc.) is a permitted use and vehicle sales is a conditional use in the B-G district.

A site plan has been submitted as part of the rezoning application. Also included are minutes from a Dec. 3 community involvement meeting. Because this is a proposed rezoning to a conditional zoning district, if the request is approved, the property could only be used for the specified uses in accordance with the approved site plan.

Site Area & Description

The subject property is located at 4588 Reepsville Road, on the north side of Reepsville Road about 600 feet east of Jetton Drive, in Howards Creek Township. It is surrounded by property zoned R-S. Land uses in this area are primarily residential. This property is designated by the Lincoln County Land Use Plan as a Special District, a classification that includes institutional facilities such as a fire station.

Additional Information

Permitted uses Under current R-S zoning, single-family residence, duplex, church.
Under proposed CZ B-G zoning: vehicle service, vehicle sales.

Adjoining zoning and uses East: zoned R-S, undeveloped lot.
South (opposite side of Reepsville Road): zoned R-S, residences.
West: zoned R-S, house under construction.
North: zoned R-S, farmland and residence.

Staff's Recommendation

Under the Unified Development Ordinance, prior to adopting or rejecting a zoning amendment, the Board of Commissioners must adopt one of the following statements: (1) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest. (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest. (3) A statement approving the zoning amendment and containing at least all of the following: a. A declaration that the approval is also deemed an amendment to the comprehensive plan. b. An explanation of the change in conditions the governing board took into account in amending the plan to meet the development needs of the community. c. Why the action taken is reasonable and in the public interest. Staff recommends approval of the rezoning request.

One condition has been added: no open, outdoor storage.

Chairman Mitchem opened the public hearing concerning CZ #2021-2 – Mark Phinney and Fred Lanier, applicants.

Mark Phinney, applicant, said he is here to answer any questions. He said he owns a garage in Charlotte and would like to bring his business here.

David Ledford said there was a community meeting with 20 to 30 people there. He said the storage issues have been addressed and he does not see any citizens here to speak. He asked the Board to vote in favor of the request.

Being no additional speakers, Chairman Mitchem closed the public hearing.

Public Comments: Chairman Mitchem opened Public Comments.
Being no speakers, Chairman Mitchem closed Public Comments

Other Business: **UPON MOTION** by Commissioner Cesena, the Board voted unanimously to appoint Andrew Loftin, P.E. to the Board of Health as the Engineer and Terra Smith, DVM as Veterinarian.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to appoint Milton Sigmon as the primary member of the GLMPO and Cathy Davis as the Alternate.

Mr. Kelly Atkins reminded the Board of the upcoming budget workshop on Friday, January 8 at 9:30 a.m.

Adjourn: **UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to adjourn.

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners