MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, DECEMBER 5, 2022

The Lincoln County Board of County Commissioners met on December 5, 2022, at the James W. Warren Citizens Center, 115 W. Main Street, Lincolnton, at 6:30 PM.

Commissioners Present:
Carrol Mitchem, Chairman
Bud Cesena, Vice-Chairman
Anita McCall
Cathy Davis
Jamie Lineberger

Planning Board Members Present:     Planning Staff Present:
Robert Shugarman, Chair     Andrew Bryant, Director of Development Services
Doug Tallent, Vice-Chair     Joshua Grant, Planning & Inspections Division Manager
Jim Konieczny, Secretary     Jeremiah Combs, Planner
Jenni Boyles                 Julie Mosteller, Planner
James Dean                  Amy D. Brown, Clerk to Planning Board
Keith Gaskill

Others Present:
Davin Madden, County Manager
Megan Gilbert, County Attorney
Deanna Rios, Finance Director
Amy S. Atkins, Clerk to the Board

Call to Order: Davin Madden, County Manager, called the meeting to order and asked for a Moment of Silence.

Commissioner Davis asked for prayers for Adam Dancoff.

Mr. Madden led in the Pledge of Allegiance.

Induction of Commissioners:

INDUCT BOARD OF COMMISSION MEMBERS
By Fred Hatley, Clerk of Court

Bud Cesena
Jamie Lineberger
Fred Hatley, Clerk of Court, administered the Oath of Office to the newly elected Commission members, Bud Cesena and Jamie Lineberger.

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN

“I, Vincent Paul Cesena, do solemnly swear (or affirm) that I will support and maintain the Constitution and the laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as County Commissioner of Lincoln County, so help me God.”

“I, Vincent Paul Cesena, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.”

I, Vincent Paul Cesena, do further swear (or affirm) that I will well and truly execute the duties as a member of the Lincoln County Board of Commissioners, according to the best of my skill and ability, according to law; so help me, God.

______________________________
Vincent Paul Cesena

Subscribed and sworn to before me this 5th day of December, 2022, as witness my hand.

______________________________
Fred Hatley, Clerk of Court

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN
“I, James Franklin Lineberger, III, do solemnly swear (or affirm) that I will support and maintain the Constitution and the laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as County Commissioner of Lincoln County, so help me God.”

“I, James Franklin Lineberger, III, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.”

I, James Franklin Lineberger, III, do further swear (or affirm) that I will well and truly execute the duties as a member of the Lincoln County Board of Commissioners, according to the best of my skill and ability, according to law; so help me, God.

___________________________________
James Franklin Lineberger, III

Subscribed and sworn to before me this 5th day of December, 2022, as witness my hand.

___________________________________
Fred Hatley, Clerk of Court

**Election of Chair:** Mr. Madden opened the floor to nominations for Chairman. Commissioner Cesena nominated Commissioner Carrol Mitchem as Chairman.

Mr. Madden called for a vote for Commissioner Mitchem as Chair: Unanimously approved.

Chairman Mitchem thanked the Board for their confidence in his leadership.

**Election of Vice Chair:** Chairman Mitchem conducted the election of Vice-Chairman.
Commissioner Lineberger nominated Commissioner Cesena for Vice-Chairman.

Chairman Mitchem called for votes for Commissioner Cesena: Unanimously approved.

**Approval of Bond for Sheriff:** UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the Bond for the Sheriff.

**Approval of Bond for Register of Deeds:** UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Bond for the Register of Deeds.

**Induction of Sheriff Bill Beam:** Fred Hatley, Clerk of Court administered the Oath of Office to Sheriff Bill Beam.

**Recognition of Commissioner Sigmon’s Service:** Vice-Chairman Cesena presented Milton Sigmon with a clock commemorating his service on the Board of Commission.

Milton Sigmon spoke concerning his accomplishments while serving on the Board and said it has been a privilege to serve.

Chairman Mitchem called for a brief recess for a reception in the lobby. Chairman Mitchem called the meeting back to order at 7:15 PM.

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

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

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**AGENDA**

**Lincoln County Board of Commissioners Meeting**

**Monday, December 5, 2022**

**6:30 PM**

**James Warren Citizens Center**

**115 W. Main Street**

**Lincolnton, NC 28092**

*Call to Order* – Davin Madden, County Manager

*Moment of Silence*

*Presentation of the American Flag – Lincoln County Sheriff’s Office Honor Guard*

*Pledge of Allegiance*
Induct Board of Commission Members
- Bud Cesena
- Jamie Lineberger

Seating of Board
- Election of Chair
- Election of Vice-Chair

Approval of Bond for Sheriff and Register of Deeds

Induct Sheriff Bill Beam
By Fred Hatley, Clerk of Court

Recognition of Commissioner Service
- Milton Sigmon

Public Congratulations – The Board will recess for public congratulations and reconvene in the Auditorium at 7:00 PM.

1. Adoption of the Agenda
2. Adoption of Rules of Procedure
3. Consent Agenda
   a. Approval of Minutes – November 21, 2022
   b. VTS Refunds
4. Purchase Approval for Roll-off Truck for Solid Waste – Andrew Bryant
5. Set the Surety Bond for the Finance Director at $1,000,000 – Deanna Rios
6. Finance Officer’s Report – Deanna Rios
7. Zoning Public Hearings – Jeremiah Combs/Andrew Bryant

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, December 5, 2022, at 6:30 p.m. to consider the following matters:
a) **CZ #2022-10 Jamie and Sadie Bridges, applicant** (Parcel ID# 58854) A request to rezone a 1.18-acre portion of a 13.9-acre parcel from R-T (Transitional Residential) to CZ I-G (Conditional Zoning General Industrial) to permit the use of that portion of the property as a parking area for up to 4 trucks and trailers for a general freight trucking operation. The property is located on the west side of Alf Hoover Road approximately 1 mile south of the intersection with Reepsville Road in Howards Creek Township.

b) **CZ #2022-11 Brian Lloyd, applicant** (Parcel ID# 57288) A request to rezone 19.22 acres from R-CR (Residential and Commercial Recreational) to CZ I-G (Conditional Zoning General Industrial) in the Eastern Lincoln Development District overlay to permit a 10,000 square foot commercial building and up to 154 storage units. The property is located on the east side of N.C. 16 Business about 500 feet south of the intersection with Cherry Point Drive in Catawba Springs Township.

c) **PD #2021-1A Ranger Island Associates, LLC, applicant** (Parcel ID# 02446) A request to revise a condition of the original approval that required that the orientation of the townhome buildings shown on the approved conceptual plan to be within 10 degrees of what is shown on the plan as to maximize the privacy between existing residences and the townhomes. The subject property is located on Ranger Island Road, Mozelle Sherrill Drive and Ranger Island Marina Road and borders Lake Norman in the Catawba Springs Township.

d) **PD #2021-4 Villages of Denver, LLC, applicant** (Parcel ID# 91568, 30147, 52404 and 100646) A request to rezone a 126-acre tract from PD-R CU (Conditional Use Planned Residential), R-T (Transitional Residential), R-SF (Residential Single-Family), and I-G (General Industrial) to PD-R (Planned Development-Residential) to permit a subdivision with up to 267 single-family detached homes. The property is located immediately north of the end of Kenyon Drive and south of Hagers Hollow Drive in Catawba Springs Township.

e) **ZMA #706 Ozambolo Joaquin, applicant** (Parcel ID# 31451) A request to rezone 4.18 acres from R-SF (Residential Single-Family) to R-T (Transitional Residential). The property is located on the south side of Hagers Ferry Road and the west side of Duckworth Lane in Catawba Springs Township.

f) **ZMA #707 Marty Wilcox, applicant** (Parcel ID# 53101) A request to rezone 1.75 acres from B-N (Neighborhood Business) to I-G (General Industrial). The property is located on the west side of N.C. 16 Business about 800 feet south of the intersection with McIntosh Road in Catawba Springs Township.

g) **UDO #2022-3 Lincoln County Planning and Inspections, applicant** A request to amend Section 2.4.5 & Section 2.4.6 & Section 2.4.7 to revise the Dimensional Standards, to amend Section 2.4.9.A., Section 2.4.9.B. & Section 2.4.9.E. to
standardize Dimensional Standards for residential uses in Planned Development Districts, and to amend Section 5.6.1.A. to provide for a reduction in the required minimum lot size for Family Subdivisions.

h) **UDO #2022-4 Lincoln County Planning and Inspections, applicant**
   a. A request to amend Section 4.2.3 to remove the requirement that a Two-Family House be designed to appear as a single-family detached home in accordance with State law, Section 8.5 Remove reference to Adequate Public Facilities Committee, Section 9.8.7.F.3 to apply the Level of Service standard to all accesses and streets, Section 9.20.10 to clarify the process of claiming a Common Law Vested Right, Section 9.6.9.F to assign to authority of granting waivers to Subdivision Standards to the Board of Commissioners, Section 9.6.9.G to remove the option to send a Preliminary Plat back to the Planning Board for additional consideration, Section 10.5.2 to reference the provisions of state law that allow for the modernization of a billboard to a digital display if the billboard is permitted by NCDOT, Update assorted references to Condition Use Permits to Special Use permits throughout the ordinance.

Following the joint meeting, the Lincoln County Board of Commissioners will hold public hearings to consider the following QUASI-JUDICIAL matters:

i) **PA #56 Garden Street Communities Southeast, LLC, applicant** (Parcel ID# 14798, 14509, and 91403) A request for preliminary plat/sketch plan approval for a residential subdivision with up to 49 lots on 72.9 acres. The property is located on the south side of N.C. 182 at Gainsville Church Road in Howards Creek Township.

j) **SUP #470 Craig P. Gates, Incorporated, applicant** (Parcel ID# 55045) A request for a special use permit to allow the placement of a manufactured home in the R-S (Residential Suburban) zoning district. The 0.69-acre parcel is located on the south side of Knollwood Lane about 600 feet east of the intersection with Branchview Trail in Lincolnton Township.

k) **SUP #474 Graylin Locklear, applicant** (Parcel ID# 72399) A request for a special use permit to allow vehicle sales in the I-G (Industrial General) district. The 0.77-acre parcel is located at 4130 Sinclair St in Catawba Springs Township.

8. **Public Comments**

9. **Other Business**

    Adjourn
Adoption of Rules of Procedure: UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the consent agenda as presented.

Consent Agenda: UPON MOTION by Commissioner Davis, the Board voted unanimously to approve the consent agenda as presented.

a. Approval of Minutes – November 21, 2022
b. VTS Refunds

Purchase Approval for Roll-off Truck for Solid Waste: Andrew Bryant presented the following:

The request is for the purchase approval for a Roll-off truck for Solid Waste. The purchase will replace a 2005 Volvo Roll-off truck with almost 500,000 miles. The state contact award is $184,995 and this amount is currently budgeted.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the purchase of a Roll-off truck for Solid Waste as presented.

Motion to Set the Surety Bond for the Finance Director at $1,000,000: Deanna Rios presented the following:

The bond for the Finance Director has been $50,000. GS 159-29 has changed in that the bond may now not be less than the greater of (1) $50,000 or (2) an amount equal to ten percent of the unit’s annually budgeted funds, up to one million dollars.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the bond for the Finance Director at $1,000,000, as presented.

Finance Director’s Report: Deanna Rios presented the Finance Director’s Report.

Zoning Public Hearings: Megan Gilbert, County Attorney, presented information concerning legislative hearings and asked if any Commissioners or Planning Board members had a conflict. No conflicts were disclosed.

Jeremiah Combs presented the following cases:

CZ #2022-11 Brian Lloyd, applicant:

The applicant is requesting the rezoning of a 19.22-acre parcel from R-CR (Residential and Commercial Recreational) to CZ I-G (Conditional Zoning General Industrial) in the Eastern
Lincoln Development District overlay to permit a 10,000 square foot flex space building and up to 154 storage units. Property located within an approved conditional zoning district, such as the one proposed on this property, may only be used for the specified use in accordance with the approved site plan. Included in this packet is a summary of the community involvement meeting that was held on October 26, 2022.

**Site Area and Description**

The property is located on the east side of N.C. 16 Business about 500 feet south of the intersection with Cherry Point Drive in Catawba Springs Township. The property is adjoined by property zoned I-G (General Industrial), B-N (Neighborhood Business), R-S (Residential Suburban), and R-CR (Residential and Commercial Recreational). Land uses in this area include residential, industrial, and business type commercial uses. This property is designated by the Lincoln County Land Use Plan as Single Family Neighborhood.

**Additional Information**

Permitted uses under current zoning: Single Family, Modular, Park, Public Recreation Facilities

Permitted use under proposed CZ I-G zoning: Flex Space Commercial Building and Self-Storage Facility

The property is located within the WS-IV Critical Area of the Lake Norman Watershed and will require a subsequent Watershed Special Use Permit (WSSUP) in order to be able to exceed the maximum of 24% impervious surface area to accommodate this rezoning request. The WSSUP application will be brought before the Board of Commissioners at a future hearing prior to any construction approvals.

**Staff’s Recommendation**

Staff recommends disapproval of the rezoning request.

Chairman Mitchem opened the public hearing concerning CZ #2022-11 Brian Lloyd, applicant.

Brian Lloyd, applicant, presented a site plan for the proposed luxury storage facility. The flex office space on the front of the parcel will act as a visual screen to the storage units and will provide a means of keeping with the Highway 16 Corridor Vision Plan. In addition, the flex space is designated office (general, professional, medical). The timeline for the complex development is 12-18 months, but could take up to 24 months. The request is to rezone 19.22 acres from R-CR (Residential and Commercial Recreational) to CZ I-G (Conditional Zoning General Industrial). The project is industrial only in size, because they crossed the 50,000 square foot building threshold. There is currently residential zoning directly adjoining true industrial on
both sides. The property will be fenced in and gated with no exterior facing garage doors. There will be no exterior storage allowed on the site.

Mr. Lloyd said he understands that for the rezoning request change to be approved, there are two major components that must be considered, one would be the land use designation and the other is reasonableness. It is their contention that they are presenting an aesthetically pleasing development that is a tax generator, with no impact on the school system or traffic.

He said this is storage, people will not be working on vehicles on site.

Martin Oakes, 8057 Lucky Creek Lane, said he lives within 600 feet of this property. He said he has seen the facility on Highway 150 that was built by Mr. Lloyd and it is very nice. He said the boundary to the north and east currently has 10’ of mature woods, so everyone who lives there is going to see 10’ of trees, plus the buffer. He said he is basically in favor of this request as this is a much better and more passive use than others that have been proposed.

William Simpson, Jr., 8029 Lucky Creek Lane, said he went to the concerned citizens meeting. He said overall this is a much better use of the property than some that have been proposed. He expressed concerns about motor homes or trucks with trailers turning into the site and with traffic flow disruption. He voiced concerns about the retention pond and the water being absorbed with possible oil changes and washer fluid. He said the lighting on the site is concerning to them also. He asked what happens when the property is sold and the use changes. He said they are not against the concept, but would like a few things addressed.

Mr. Lloyd said the lighting will not be on poles, but will be mounted on buildings and facing inward. He said the site engineer can answer questions about the retention pond, but they cannot discharge water at any greater rate than currently comes off the property. He said the vegetation portion, they are willing to work with the neighbors to address their concerns.

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

**PD #2021-1A Ranger Island Associates, LLC, applicant:**

The applicant is requesting to revise a previously imposed condition that limited the rotation of any structure to no more than 10 degrees from the orientation that was depicted on the approved site plan. The new proposal is to allow building blocks A, B, E, F and G (as shown on the attached site plan) to exceed the 10 degree rotation restriction. Building blocks C, D and H will still be held to the maximum 10 degree rotation restriction. Site Area and Description The subject property is located on Ranger Island Road, Mozelle Sherrill Drive and Ranger Island Marina Road and borders Lake Norman. The three lots for single-family homes would be located on what’s known as Ranger Island, which is connected to the rest of the subject property by a narrow strip of land.

Chairman Mitchem opened the Public Hearing concerning PD #2021-1A Ranger Island Associates, LLC, applicant.
David Dupree, North State Development, said this is a request for building H to be turned, because a neighbor did not want the building facing her backyard. The neighbors support the request.

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

**ZMA #706 – Ozambolo Joaquino, applicant:**

The applicant is requesting the rezoning of a 4.182-acre tract from R-SF (Residential-Single Family) to Residential Transitional (R-T). The stated reason for the request is to subdivide and locate a manufactured home on the parcel.

**Site Area & Description**
The subject property is located at 7914 Hagers Ferry Road in the Catawba Springs Township. It is adjoined by property zoned R-T (Residential Transitional) with R-SF (Residential Single Family) across the road. Land uses in the immediate area include a mixture of stick built and manufactured homes. The subject property is located in an area designated by the Lincoln County Land Use Plan as Single Family Neighborhood suitable for single family homes.

**Additional Information**
Permitted uses under current R-SF zoning: single family home, modular home Permitted use under proposed R-T zoning: single family home, modular home, duplex, manufactured home (class A, B, C, E)

**Adjoining zoning and uses**
East, South and West: zoned R-T, manufactured and site built homes North: zoned R-SF, Manufactured home park

**Staff’s Recommendation**
Staff recommends approval of the rezoning request.

Chairman Mitchem opened the Public Hearing concerning ZMA #706 – Ozambolo Joaquino, applicant.

Ozambolo Joaquino, 1326 Strawberry Lane, said he requested the rezoning because the lot is large for an existing single-family house. His mother is retiring next year and he would like to get her to move here to assist her with her needs. He said he would like to put an manufactured home next to the existing home on the property.

Karen Danza, 1699 Dogwood Hill Drive, opposed allowing manufactured homes on this site.
Jeff David, 1349 Nature Preserve Trail, opposed the rezoning of this property because the road cannot handle more traffic.

Sherry Gordon, 135 Nature Preserve Trail, voiced concerns about RT zoning. She asked if they will be protected down the road if the zoning is changed to RT.

Teresa Dearnly, 8879 Hagers Ferry Road, said they live in a single family residential area and want to maintain that. She said she is against trailers on this property.

Larry Donnelly, 7808 High Terrace Lane, said he does not think this is a good idea, because there is no plan in place.

Lance Sedlak, 1739 Dogwood Hill Dr., said the applicant wants to support family members with this request. He asked if a request would be approved without a plan. He asked the Board to recognize the lack of support shown here tonight.

Megan Gilbert said this is a zoning map amendment, which changes the zoning of the property. It is not approval of a plat.

David Hinson, 7834 High Terrace Lane, said he has lived there 32 years. He said he understands the man wants to put his family there, but they would like to see a plan. He said there is no problem with 2 homes if that was the plan, but they do not want a bunch of rentals in the neighborhood.

Mr. Combs said this is a simple rezoning and is not based on a site specific plan. He said there can be no conditions or restrictions placed. Any proposed subdivision would have to comply with the minimum lot size and frontage standards. This would be reviewed administratively.

Karl Dearnly, 8879 Hagers Ferry Road, said a proposal to subdivide the property a few years ago was not successful.

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

Chairman Mitchem called for a brief recess and Vice-Chairman Cesena called the meeting back to order.

ZMA #707 – Marty Wilcox, applicant:

The applicant is requesting the rezoning of a 1.742-acre tract from B-N (Neighborhood-Business) to I-G (General-Industrial).

Site Area & Description
The subject property is located at 1592 S NC 16 Business Highway in the Catawba Springs Township. It is adjoined by property zoned B-N (Neighborhood Business), R-SF (Residential-
Single Family) and R-T (Residential-Transitional). Land uses in the immediate area are commercial, residential and industrial. The subject property is located in an area designated by the Lincoln County Land Use Plan as Large Lot Residential suitable for single family detached homes.

**Adjoining zoning**

**Additional Information**
This property is located between Climatech and Lowesville Café and is across Hwy 16 Business from Contractor’s yards and warehousing.

**Staff’s Recommendation**
Staff recommends disapproval of the rezoning request.

Vice-Chairman Cesena opened the Public Hearing concerning ZMA #707 – Marty Wilcox, applicant.

Marty Wilcox, applicant, speaking on behalf of the owners of 1592 S. NC 16 Business Highway, Stanley, of which they are requesting a rezoning from Neighborhood Business to Industrial. This property has a 2000 square foot warehouse on 1.75 acres with a loading dock and fenced in area. The building was formerly used as a landscaping company. She said they have the support from surrounding property areas for the request. All sides are non-conforming uses. She asked for the Board’s approval of the request.

Being no additional speakers, Vice-Chairman Cesena declared the public hearing closed.

Andrew Bryant presented the following:

**UDO Proposed Amendment #2022-3 Lincoln County Planning and Inspections Department, applicant**

The planning staff is proposing the following amendment to the Lincoln County Unified Development Ordinance: 1) amend Section 2.4.5 & Section 2.4.6 & Section 2.4.7 to revise the Dimensional Standards, to amend Section 2.4.9.A., Section 2.4.9.B. & Section 2.4.9.E. to standardize Dimensional Standards for residential uses in Planned Development Districts 2) amend Section 5.6.1.A. to provide for a reduction in the required minimum lot size for Family Subdivisions.

**Background**
The purpose of Amendment 1 is to revise the Dimensional Standards table to eliminate any omissions from UDO Amendment 2022-2 and to implement a separate Dimensional Standards table for Planned Development. The revised tables keep minimum lot size consistent for single family detached, zero lot line, alley-loaded, and two family housing types while placing a
maximum density per acre standard of 6 units per acre for townhomes and 8 units per acre for multi-family development. The added tables for Planned Developments maintain a one-acre minimum lot size for single family detached, zero lot line, alley-loaded, and two family housing types and creates a maximum density per acre standard of 6 units per acre for townhomes and 8 units per acre for multi-family development. The purpose of Amendment 2 is to create a reduction in the minimum lot size requirement for Family subdivisions. This reduction is 25% of the minimum lot size defined by the underlying zoning district.

Vice-Chairman Cesena opened the Public Hearing concerning UDO Proposed Amendment #2022-3 Lincoln County Planning and Inspections Department, applicant.

Martin Oakes, 8057 Lucky Creek Lane, said this request should be sent back for a major rework due to loopholes.

George Barr, 7837 Live Oaks, speaking on behalf of ELBA, echoed Mr. Oakes’ concerns.

Ruby Davis, 722 N. Ingleside Farm, spoke on behalf of Lincoln County Residents for Sustainable Development. She said the community is speaking. She asked the Board to say no to the amendment.

Dante Massaro, 9591 Julian Clark Ave., asked the Board to reconsider density for walkable activity center. He asked the Board to reconsider the one size fits all approach.

Being no additional speakers, Vice-Chairman Cesena declared the public hearing closed.

**UDO Proposed Amendment #2022-4 Lincoln County Planning and Inspections Department, applicant**

The planning staff is proposing the following amendment to the Lincoln County Unified Development Ordinance:

1) Section 4.2.3 to remove the requirement that a Two-Family House be designed to appear as a single-family detached home in accordance with State law.
2) Section 8.5 Remove reference to Adequate Public Facilities Committee,
3) Section 9.8.7.F.3 to apply the Level of Service standard to all accesses and streets,
4) Section 9.20.10 to clarify the process of claiming a Common Law Vested Right,
5) Section 9.6.9.F to assign to authority of granting waivers to Subdivision Standards to the Board of Commissioners,
6) Section 9.6.9.G to remove the option to send a Preliminary Plat back to the Planning Board for additional consideration,
7) Section 10.5.2 to reference the provisions of state law that allow for the modernization of a billboard to a digital display if the billboard is permitted by NCDOT,
8) Update assorted references to Conditional Use Permits to Special Use permits throughout the ordinance. Background The purpose of Amendment 1 is to remove the requirement that a Two-
Family House be designed to appear as a single-family detached home as prohibited by § 160D-702. (b)

Vice-Chairman Cesena opened the Public Hearing concerning UDO Proposed Amendment #2022-3 Lincoln County Planning and Inspections Department, applicant.

Martin Oakes, 8057 Lucky Creek Lane, pointed out some areas of concern, which Andrew Bryant pointed out the revisions have been made and sent out to the Board.

Being no additional speakers, Vice-Chairman Cesena declared the public hearing closed.

The Planning Board recessed their meeting to the 3rd floor to deliberate the cases.

**PA #56 – Garden Street Communities Southeast, LLC, applicant:**

The applicant is requesting approval of a preliminary plat review / sketch plan for a 49-lot residential subdivision. Article 9.6 of the Lincoln County Unified Development Ordinance states that all preliminary plats meeting the definition of a major subdivision shall be submitted to the Board of Commissioners, in the form of a quasi-judicial public hearing, for approval, disapproval, or approval with conditions.

The proposed site plan shows a network of new roads within the subdivision with two points of vehicular access to N.C. 182. The applicant is proposing to extend public water to serve the lots in the subdivision.

**Site Area and Description**
The 72.9-acre site is located on the south side of N.C. 182 at Gainsville Church Road in Howards Creek Township. The subject property is zoned R-SF (Residential Single-Family) and is surrounded by property zoned R-SF. Land uses in this area include residential, agricultural, and civic uses. The site is approximately 1200 feet west of the campus of Lincoln Charter School.

**Land Use Plan**
The subject property is part of an area designated by the Lincoln County Land Use Plan as Large Lot Residential, suitable for densities between 0.2 and 1.35 dwelling units per acre. The density of this proposed subdivision is 0.67 dwelling units per acre.

**UDO Conformance**
The proposed plan complies with the UDO’s subdivision standards for lot size, lot width, external access, internal connectivity, block length and cul-de-sac length.

Vice-Chairman Cesena opened the Public Hearing concerning PA #56 Garden Street Communities, Southeast, LLC, applicant.
Greg Williams, 3401 S. Vardell Ct., Charlotte, said this neighborhood has been redesigned to 49 lots. County water will be run to the neighborhood and the development will have septic tanks. He said he prepared and would like to include the Findings of Fact as part of his testimony.

William Makuch, 1517 Hwy. 182, voiced concerns about water supply issues and the use of septic systems.

Shane Gorth, 1807 NC 182 Hwy, said his primary concern is water supply and the amount of septic tanks. He voiced concerns about the school system and the rapid development.

Patrick O’Hearn, 1824 Hwy. 182, spoke concerning water issues. He asked that the proposal be contingent on the 12” water line being completed.

Mr. Williams addressed the septic tank questions and the water supply questions. There is adequate water available, and county water will be tapped into.

Being no additional speakers, Vice-Chairman Cesena declared the public hearing closed.

**UPON MOTION** by Commissioner Davis, the Board voted unanimously to postpone a vote until the next meeting.

Megan Gilbert advised that the Board should not participate in ex parte communication concerning this matter since a vote has not been taken.

**SUP #470 Craig P. Gates Incorporated, applicant:**

The applicant is requesting a special use permit to place a doublewide manufactured home in the R-S (Residential Suburban) district. A doublewide manufactured home is a special use in the R-S district.

**Site Area and Description**
The 0.589 acre parcel is located on Knollwood Ln. The property is located within a subdivision off of Southside Rd. approximately 1,800 feet from the intersection with the public road, in the Lincolnton Township. The subject property is surrounded by property zoned R-S. Land uses in this area are primarily residential; with a mixture of site built and manufactured homes. This property is located in an area designated by the Lincoln County Land Use Plan as Large Lot Residential, suitable for single-family detached homes. The property is currently vacant.

Vice-Chairman Cesena opened the Public Hearing concerning SUP #470 – Craig P. Gates Incorporated, applicant.

Being no speakers, Vice-Chairman Cesena declared the public hearing closed.

The applicant was not present to submit information.
Megan Gilbert advised that since this is a quasi-judicial matter, evidence must be submitted. Since no evidence was submitted, the Board can deny the request.

**UPON MOTION** by Commissioner Davis, the Board voted unanimously to deny the request due to the fact that no evidence was submitted.

**SUP #474 – Graylin Locklear, applicant:**

The applicant is requesting a special use permit to sell vehicles in the I-G (General Industrial) district. The sales office would be located in an existing building that is currently used for office space and storage. A site plan has been submitted as part of the application, and the applicant has indicated an area on the side of the building for the display of vehicles. Vehicle sales is a special use in the I-G district.

**Site Area and Description**

The request involves a 0.776-acre parcel located at 4130 Sinclair Street in Catawba Springs Township. The property is zoned I-G (General Industrial) and is adjoined by property zoned I-G. Land uses in this area are industrial. This property is part of an area designated by the Lincoln County Land Use Plan as Industrial Center.

Vice-Chairman Cesena opened the Public Hearing concerning SUP #474 – Graylin Locklear, applicant.

Graylin Locklear, applicant, said he is a business owner and wants to move his current location to the business park. He said he prepared and would like to include the Findings of Fact as part of his testimony.

Being no speakers, Vice-Chairman Cesena declared the public hearing closed.

**UPON MOTION** by Commissioner Davis, the Board voted unanimously to approve the Findings of Fact submitted by the applicant.

**UPON MOTION** by Commissioner Davis, the Board voted unanimously to approve SUP #474 – Graylin Locklear, applicant, based on the Findings of Fact.

**Public Comments:** Vice-Chairman Cesena opened Public Comments.

Being no speakers, Vice-Chairman Cesena closed Public Comments

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