

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 2, 2018

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on April 2, 2018, at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Bill Beam, Chair
Anita McCall, Vice Chair
Martin Oakes
Carrol Mitchem
Richard Permenter

Planning Board Members Present:

Dr. Crystal Mitchem, Chair
Floyd Dean, Secretary
Matt Burton
Matt Fortune
Keith Gaskill
Jamie Houser

Others Present:

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

Call to Order: Chairman Beam called the meeting to order. He led in a Moment of Silence and led the Pledge of Allegiance.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, April 2, 2018
6:30 PM

James W. Warren Citizens Center
115 West Main Street
Lincolnton, North Carolina

Call to Order - Chairman Beam

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - Resolution Regarding Ingleside
 - Amended Lease Agreement (Oaklawn)
 - Surplus Property
 - VTS Refunds
 - Waived fees - Medal of Honor Day
 - Minutes for Approval – March 19, 2018
3. Zoning Public Hearing - Randy Hawkins

CUP #376 Siemens Energy, Inc., applicant (Parcel ID# 52075) A request for a conditional use permit to expand a Duke Energy combustion-turbine power plant by adding a combustion turbine and associated facilities on a 638-acre tract located at 6760 Old Plank Road in Catawba Springs Township.

CUP #377 Michael and Jennifer Wootton (Parcel ID# 31336) A request for a conditional use permit to build a guest house and to allow the guest house to extend past the front building line of an existing house on a lot adjacent to Lake Norman. The 0.99-acre lot is located at 7585 Dellinger Road in Catawba Springs Township.

CZ #2018-3 Lincolnton Main Street, LLC, applicant (Parcel ID# 13359) A request to rezone 3.0 acres from R-SF (Residential Single-Family) to CZ B-G (Conditional Zoning General Business) to permit a medical office building. The property is located on the northeast corner of N.C. 27 and Howards Creek Mill Road in Howards Creek Township.

ZMA #648 Patrick Elmore, applicant (Parcel ID# 76546) A request to rezone a 0.64-acre lot from B-G (General Business) to I-G (General Industrial). The property is located on the north side of Commerce Drive about 300 feet west of N.C. 16 Business in Catawba Springs Township.

ZMA #649 Terry Boothe, applicant (Parcel ID# 26806) A request to rezone a 1.1-acre lot from I-G (General Industrial) to R-T (Transitional Residential). The property is located at 2801 Will Schronce Road in Ironton Township.

PD #2016-1-A Essex Homes, applicant (Parcel ID# 29612) A request to rezone 14.7 acres from R-SF (Residential Single Family) to PD-R (Planned Development-Residential) to permit 50 single-family detached houses as an additional phase of the Stratford (formerly Newton Crossing) development and to amend the master plan for Stratford to remove a provision that a 17-acre site that includes the 14.7 acres be donated to Lincoln County as a potential location for an elementary school. (In lieu of this donation, the applicant has agreed to donate a different site.) This request involves an 87-acre tract located east of N.C. 16 Business and south

of Sarah Drive in Catawba Springs Township.

4. Public Hearing for the Adoption of the 2017 Lincoln County Land Use Plan Map and Community Type Designations - Andrew Bryant
5. Discussion concerning sewer allocation - Don Chamblee
6. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
7. Other Business

Adjourn

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

Consent Agenda: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the Consent Agenda as submitted.

- Resolution Regarding Ingleside
- Amended Lease Agreement (Oaklawn)
- Surplus Property
- VTS Refunds
- Waived fees - Medal of Honor Day
- Minutes for Approval – March 19, 2018

New Business/Advertised Public Hearings: Mr. Wesley Deaton gave information on the zoning cases and asked if any Board member has had ex parte communication on the Conditional Use Permits.

CUP #376 – Siemens Energy, applicant: Mr. Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to expand a Duke Energy combustion-turbine power plant by adding a combustion turbine and associated facilities in the I-G (General Industrial) district. Under the Unified Development Ordinance, an electrical generation plant is classified as a major utility and is a conditional use in the I-G district.

SITE AREA AND DESCRIPTION

The request involves a 638-acre tract located at 6760 Old Plank Road in Catawba Springs Township. The subject property is adjoined by property zoned I-G, R-T (Transitional Residential) and PD-R (Planned Development Residential). Land uses in this area include industrial, residential and agricultural. The subject property is part of an area designated by the Lincoln County Land Use Plan as industrial.

The updated Land Use Plan designates this as a special district, reserved for uses that don't meet other categories.

The site plan has been presented and meets the standards and setback requirements. Since the report was prepared, one issue concerning the UDO has come up, Siemens is proposing a structure that would enclose the combustion turbine that is taller than the maximum height allowed in the I-G district. The maximum height is 60 feet and the structure is proposed at 90 feet. A variance application has been submitted and is scheduled for hearing on April 23, 2018.

Mr. Hawkins recommended hearing the evidence and the Planning Board deliberating with a possible recommendation in favor contingent upon on the outcome of the variance request. A final decision by the Board of Commissioners should be tabled until May 7.

Commissioner Oakes objected to this new information being presented that he has not had a chance to review, nor the public.

A MOTION by Commissioner Oakes to table this public hearing until the application is complete.

VOTE: 3 – 2 AYES: Oakes, Permenter, McCall
NOES: Beam, Mitchem

CUP #377 – Michael and Jennifer Wootton, applicant:

The applicants are requesting a conditional use permit to build a guest house to serve as an accessory use to a single-family dwelling and to allow the guest house to extend past the front building line of an existing house on a lot adjacent to Lake Norman. Under the Unified Development Ordinance, a guest house may be permitted as a conditional use in any residential district, subject to certain requirements. The applicant is proposing a 600-square-foot guest house that would be located to the side of the existing 2,940-square-foot existing house but extend closer to the road.

SITE AREA AND DESCRIPTION

The request involves a 0.99-acre lot located at 7585 Dellinger Road. The subject property is zoned R-SF (Residential Single Family) and is adjoined by property zoned RSF, PD-R (Planned Development Residential) and by Lake Norman. Land uses in this area are primarily residential. This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential.

ORDINANCE STANDARDS

Under the UDO, the term used for a guest house is “private residential quarters.”

Chairman Beam opened the public hearing for CUP #377 – Michael and Jennifer Wootton, applicant.

Jennifer Wootton, applicant, stated that that after having their septic system inspected, they could not do an addition to their current home. By adding a guest house, they will be adding an additional septic system. She said they have family in Florida, Maryland and Virginia that will be coming to visit. The guest house will only be used for family. She incorporated the proposed findings of fact into her testimony.

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

CZ #2018-3 – Lincolnton Main Street, LLC, applicant:

The applicant is requesting the rezoning of 3.0 acres from R-SF (Residential Single-Family) to CZ B-G (Conditional Zoning General Business) to permit a medical office building. A site plan has been submitted as part of the rezoning application. Because this is a proposed rezoning to a conditional zoning district, if the request is approved, the use of the property would be limited to a medical office building.

Site Area & Description

This property is located on the northeast corner of N.C. 27 and Howards Creek Mill Road in Howards Creek Township. It is surrounded by property zoned R-SF. County water is available at this location. Land uses in this area include residential, agricultural and institutional (church). This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential.

Additional Information

Permitted uses

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

Under proposed zoning: medical office building.

Adjoining zoning and uses

East: zoned R-SF, agricultural use.

South (opposite side of N.C. 27): zoned R-SF, residential use.

West (opposite side of Howards Creek Mill Road: zoned R-SF, church

North: zoned R-SF, agricultural use.

Chairman Beam opened the public hearing for CZ #2018-3 – Lincolnton Main Street, LLC, applicant.

John Carmichael, representing the applicant and Atrium Health, presented information concerning the site for the new medical office building.

Dr. Jason Glass said West Lincoln Family Medicine recently celebrated their 10 year anniversary and they have treated over 6000 patients. He asked for the Board's approval of the new state of the art medical facility for West Lincoln.

Joe Kiser asked the Board's approval of the new medical facility for West Lincoln.

Rondell Burke asked for the Board's approval of the new medical facility for Dr. Glass and his excellent staff.

John Miller asked for the Board's approval of the new medical facility.

Ronnie Jo Ritchie asked for the Board to approve the new medical facility.

John Cagle thanked Dr. Glass and Atrium Health for what they've done for Lincoln County and asked for the Board's approval.

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

ZMA #648 – Patrick Elmore, applicant:

The property in question has been sold and the current owner, AM Denver Properties, LLC.

The applicant is requesting the rezoning of a 0.64-acre lot from B-G (General Business) to I-G (General Industrial). This property is located in the Eastern Lincoln Development District (ELDD). It is one of three adjoining lots that are owned by Schwappe Partners, LLC, of which the applicant is a member. The three lots were rezoned from I-G to B-G in 2010 at the request of the applicant. The subject property in this rezoning request is the only one of the three lots that does not front on N.C. 16 Business.

Site Area & Description

The subject property is located on the north side of Commerce Drive about 300 feet west of N.C. 16 Business. It is adjoined by property zoned I-G and B-G. Land uses in this area include industrial, business and residential. County water and sewer are available at this location. The Lincoln County Land Use Plan designates Commerce Drive as industrial except for an area along N.C. 16 Business, for which a redevelopment plan was recommended, resulting in the NC 16 Corridor Vision Plan and the establishment of the ELDD overlay district.

Additional Information

Permitted uses

Under current B-G zoning: retail sales, offices, personal services, etc.

Under proposed I-G zoning: offices, warehouse, race team shop, vehicle service, machine shop, etc.

Adjoining zoning and uses

East: zoned B-G, undeveloped lots.

South (opposite side of Commerce Drive): zoned I-G, gas station/convenience store.

West: zoned I-G, office/warehouse.

North: zoned I-G, undeveloped lot.

Chairman Beam opened the public hearing concerning ZMA #648 – Patrick Elmore, applicant.

Donna Mackie, current owner, said their plans are for retail development. She said changing the zoning for the lot in the rear gives them more flexibility for leasing.

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

ZMA #649 – Terry Boothe, applicant.:

The applicant is requesting the rezoning of a 1.12-acre lot from I-G (General Industrial) to R-T (Transitional Residential).

Site Area & Description

The subject property is located at 2801 Will Schronce Road in Ironton Township. A singlewide manufactured home was previously located on this lot. This property is adjoined by property zoned I-G and R-SF (Residential Single Family). Property zoned R-T is located about 350 feet to the south of the subject property. Land uses in this area include industrial, residential and agricultural. This property is part of an area designated by the Lincoln County Land Use Plan as residential.

Additional Information

Permitted uses

Under current I-G zoning: machine shop, woodworking shop, vehicle service, etc.

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

home, site-built house, church.

Adjoining zoning and uses

East (opposite side of Will Schronce Road): zoned R-SF, undeveloped property.

South: zoned I-G, doublewide manufactured home.

West: zoned I-G, site of The Timken Co. manufacturing plant.

North: zoned I-G, site of The Timken Co. manufacturing plant.

Chairman Beam opened the public hearing concerning ZMA #649 – Terry Boothe, applicant.

Terry Boothe, applicant, said he purchased this property to retire there.

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

PD #2016-1-A – Essex Homes, applicant.:

The applicant is requesting the rezoning of 14.7 acres from R-SF (Residential Single-Family) to PD-R (Planned Development-Residential) to permit 50 single-family detached houses as an additional phase of the Stratford (formerly Newton Crossing) development and to amend the master plan for Stratford to remove a provision that a 17-acre site that includes the 14.7 acres be donated to Lincoln County as a potential location for an elementary school. (In lieu of this donation, the applicant has agreed to donate a 19-acre site located off Duckworth Lane about 4.5 miles to the south of Stratford.)

Under the Lincoln County Unified Development Ordinance (UDO), any proposed subdivision with 50 or more lots is subject to approval through the planned development process. The applicant is also proposing lots smaller in size than the minimum area permitted in the R-SF district.

The proposed fifth phase would put the total number of potential homes for Stratford at 249 and put the total acreage for the development at 84.6 acres, a density of 2.9 homes per acre. A total of 199 lots are shown on the current plan for Phases 1-4, which was approved for up to 200 homes in a rezoning in March 2016. Site development work is currently under way, but no homes have been built yet.

The proposed amendment to the Stratford plan would set aside 2.4 acres, the remainder of the 17-acre site, for potential commercial use. That portion of the site, which fronts on N.C. 16 Business, is not part of the current rezoning request. It would be subject to a separate rezoning process at a later date.

In the original plan, the provision concerning the donation of the 17 acres includes a stipulation that if a permit for the construction of a school is not obtained within five years of the recording of a plat for Phase 1 of Stratford, ownership of the property would automatically revert to the donor.

The applicant has agreed to donate the Duckworth Lane site with no strings attached. In December, the Lincoln County Board of Education voted in support of the proposed substitute donation.

A traffic study that was submitted as part of the 2016 rezoning application looked at the impact not only of the proposed homes but also of a 700-student elementary school. Included with the current rezoning application is a memorandum from a traffic engineer that compares the impact of the new proposal. The analysis shows a significant decrease in the number of peak-hour trips. Road improvements are recommended at Stratford's main access on N.C. 16 Business, at N.C. 16 Business and Sarah Drive (which will serve as a secondary access), and on N.C. 16 Business at Webbs Road.

SITE AREA AND DESCRIPTION

This request involves an 87-acre parcel located east of N.C. 16 Business and south of Sarah Drive. It is adjoined by property R-SF, PD-R, B-G (General Business) and B-N (Neighborhood Business). Land uses in this area are primarily residential, with some business uses along N.C. 16 Business. County water and sewer lines are located in this area. This property is largely located in a WS-IV Protected Area watershed district, with a small portion located in a WS-IV Critical Area. None of the property is located in a floodplain.

UDO COMPLIANCE

Under the UDO's watershed regulations, the maximum density for subdivisions in a WS-IV Protected Area is two homes per acre if streets include curb and gutter, or three homes per acre without curb and gutter, as is proposed in this case.

The UDO requires that a planned development include a minimum of 12.5% recreation and open space. Approximately 30% of the acreage in Stratford will be reserved as recreation and open space.

The plan also complies with the UDO's subdivision standards for external and internal connectivity, block length and cul-de-sac length.

PLAN CONFORMANCE

This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential. These planning areas are primarily single family in character. In areas with public water and public sewer, densities of up to 2.0 dwelling units per acre are appropriate. In order to achieve greater densities, additional open space shall be conserved and/or improved, or other improvements to the local neighborhood shall be offered as defined in G.S. 153-331(a) and (c): **§ 153A-331**

(a) A subdivision control ordinance may provide for the orderly growth and development of the county; for the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes including the dedication of rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote public health, safety, and the general welfare.

(c) A subdivision control ordinance may provide that a developer may provide funds to the county whereby the county may acquire recreational land or areas to serve the development or subdivision, including the purchase of land that may be used to serve more than one subdivision or development within the immediate area.

STAFF'S RECOMMENDATION

Staff recommends that the rezoning request be approved. See proposed statement on following page for rationale.

Chairman Beam opened the public hearing concerning PD #2016-1-A – Essex Homes, applicant.

Josh Peeler, with CES Group Engineers, presented the following:
Stratford Phase 5 is the proposed fifth phase of single family residential home sites of the already approved Stratford community currently under development located on the east side of North NC16 Business Hwy, just south of Sarah Drive.

This phase consists of 14.47 acres, yielding up to 49 homes. The overall subdivision acreage will be 84.74 acres, yielding up to 249 homesites.

A key feature of the proposed community will be the ample open spaces and the community amenities. The approved and proposed plans represent approximately 31% open space, remaining undeveloped as natural buffer area and/or passive and active open space.

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

Public Hearing for the Adoption of the Land Use Plan: Andrew Bryant presented the Land Use Plan Update.

Chairman Beam opened the Public Hearing concerning the Land Use Plan Update.

Raye Watson-Smyth asked if the public gets a chance to look over the revisions to the Land Use Plan.

Greer Jones said this needs to be tabled until the public gets to see the tweaks made.

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

The Planning Board recessed their meeting to the 2nd floor balcony.
Chairman Beam called for a brief recess and called the meeting back to order.

Discussion Concerning Sewer Allocation: Don Chamblee presented the following information:

Commissioner Oakes has requested that staff present to the Board of Commissioners the amendment that non residential classification shall include apartments for the purposes of allocating sewer capacity only. The Board discussed amending the February 8, 2018 Board of Commissioners motion to retain 8% sewer allocation for non-residential.

A MOTION by Commissioner Mitchem to deny the request as written. Commissioner Mitchem withdrew his motion.

