To: Planning Board Members  
From: Jeremiah Combs, Planner  
Date: December 16, 2022  
Re: SR #84  
Villages of Denver, LLC, applicant  
Parcel ID# 91568, 30147, 52404, and 100646  

The following information is for use by the Lincoln County Planning Board at their meeting/public hearing on January 9, 2022.

Request  

The applicant is requesting waivers from the subdivision standards of Section 5.4.4.C and Section 5.6.2.A.2 of the Lincoln County Unified Development Ordinance to allow for a connectivity ratio less than 1.4 and to exceed the maximum block length of 1,500 feet. Under Section 9.6.9 of the UDO, the Planning Board is authorized to grant waivers from the subdivision standards if it makes certain findings based upon the evidence presented.

Section 5.4.4.C of the Lincoln County Unified Development Ordinance requires a minimum connectivity ratio of 1.4; the applicant’s site plan results in a proposed ratio of 1.33.

Section 5.6.2.A.2 of the Lincoln County Unified Development Ordinance sets a maximum block length of 1,500 feet. The block length on one section of the new road providing access to Hagers Hollow Drive is in excess of 2,500 feet.

Site Area and Description  

The subject property is located immediately north of the end of Kenyon Drive and south of Hagers Hollow Drive in Catawba Springs Township. The property is adjoined by the previous phases of the Villages of Denver subdivision to the south and the Hagers Hollow and Deertrack subdivisions to the North and East respectively. The property is also adjoined by parcels zoned B-N (Neighborhood Business) and I-G (General Industrial). Land uses in this area primarily include residential and industrial.
§5.4.3. Road Layout

A. The arrangement, character, extent, width, grade, and location of all roads must be in keeping with existing and proposed transportation patterns, topographical and other natural features, public convenience and safety, and proposed uses of lands to be served by such roads.

B. The proposed road layout within a subdivision must be coordinated with the existing and proposed road network within the surrounding area (as established on adopted thoroughfare plans and the road layout within existing and approved subdivisions in the general area), including the extension to property boundaries and interconnection of roads between adjacent properties where appropriate to the development of a local road network.

Commentary: A network of extended and interconnected local roads is intended to provide each parcel in the general area the safe, convenient, and efficient means of access that will ensure the orderly development of the parcel and the area, provide a wholesome community environment, ensure the effective and efficient provision of emergency and other public services, and help to avoid degradation of existing roads and highways.

§5.4.4. Road Connectivity

A. Purpose

An interconnected road system is necessary in order to promote orderly and safe development by ensuring that roads function in an interdependent manner, provide adequate access for emergency and service vehicles, enhance access by ensuring connected transportation routes, and provide continuous and comprehensible traffic routes.

B. Connectivity Defined

Connectivity shall be defined by the ratio of links to nodes in any subdivision.

1. The connectivity ratio shall be the number of road links divided by the number of nodes or end links, including cul-de-sac heads.

2. A link shall be any portion of a road, other than an alley, defined by a node at either end. Stub-outs to adjacent property shall be considered links. For the purpose of determining the number of links in a development, boulevards, median-divided roadways, and divided entrances shall be treated the same as conventional two-way roadways.

3. A node shall be the terminus of a road or the intersection of two or more roads.
   
   (a) Any curve or bend of a road that exceeds 75 degrees shall receive credit as a node. Any curve or bend of a road that does not exceed 75 degrees shall not be considered a node.

   (b) A divided entrance shall only count once.

C. Internal Connectivity Ratio

1. In all districts except in the R-R district, the road network for any subdivision with internal roads or access to any public right-of-way shall achieve a connectivity ratio of not less than 1.40, measured within the subdivision.
2. Within the R-R district, the road network for any subdivision with internal roads or access to any public right-of-way shall achieve a connectivity ratio of not less than 1.20, measured within the subdivision.

3. Road links and nodes along a collector or arterial road providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.

**EXAMPLE 1:** Does not meet ratio
(13 links/11 nodes = 1.18)

**EXAMPLE 2:** Modified to meet ratio
(16 links/11 nodes = 1.45)

**Figure 78. Internal Connectivity Ratio**

**Commentary:** The internal connectivity ratio in this subsection C provides a formula that ensures a consistent number of links within a development. But, one could design a subdivision with a sufficient number of internal connections to meet the ratio standard and only one external connection; hence the "double standard". See External Access Required in D, below.

**D. External and Internal Access Required**

In order to accommodate emergency and service vehicles, the following standards shall apply:

1. Any residential subdivision of greater than 30 lots shall be provided with separate and approved fire apparatus access roads as defined in the latest edition of the North Carolina State Building Code Fire Prevention Code. Within a residential subdivision, no more than 30 lots shall be located on any road that lacks emergency access from two directions.

2. Any residential subdivision of greater than 50 lots shall include a minimum of two access points.

3. Residential subdivisions of 250 or more lots shall provide three separate access points. Where three or more access points are required, the Board of
4. The panhandle portion of the lot shall not be included in calculating lot size; and

5. Panhandle lots may not be further subdivided following initial subdivision approval.

§5.6.2. Blocks

A. Layout

1. Blocks shall be laid out with special consideration given to the type of land use proposed within the block.

2. Block length shall not exceed 1,500 feet.

3. Blocks width shall be sufficient to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic.

B. Pedestrian Connection

1. A pedestrian connection not less than ten feet in width may be required near the center and entirely across any block in excess of 900 feet in length to provide adequate access to schools, shopping centers, churches, or transportation facilities.

2. A pedestrian connection through a cul-de-sac not less than ten feet in width may be required when the cul-de-sac helps provide adequate access to schools, shopping centers, churches, or transportation facilities.
Application for Subdivision Waiver

PART I

Name of Subdivision  The Meadows of Denver

Applicant Name  Frank Bologna

Applicant Address  1999 Circle Drive, Suite B, Cleveland, OH 44106

Applicant Phone Number  216-272-0265

Property Owner Name  Villages of Denver, LLC c/o Frank Bologna

Property Owner Address  1999 Circle Drive, Suite B, Cleveland, OH 44106

Property Owner Phone Number  216-272-0265

PART II

Property Location  Catawba Springs Township, bordered by Hager’s Hollow Road, CSX Railroad, and Kenyon Drive

Property ID (12 digits)  4604332972
                          4604237212
                          4604117498
                          4604219266

Parcel # (5 digits)  100646  52404  91568  30147

PART III

PURPOSE OF REQUEST *Property owner: Grena Wang Edinger, 928 Spring Tide Ave., Henderson, NV 89002 Included with permission.

To the Lincoln County Board of Commissioners,

| Frank Bologna  (Name of Applicant) hereby petition for a waiver from Article 5, Subdivision Standards, of the Lincoln County Unified Development Ordinance. The extraordinary hardships or practical difficulties which may result from strict compliance can be described as follows:

Ordinance section(s) Number  5.4.4 Road Connectivity, C. affecting Lot number(s)  All may cause practical difficulties in meeting the 1.4 links to nodes ratio required. The site has an irregular boundary and difficult topography. A connection from the existing Villages of Denver to Hager’s Hollow Road is required, and staff has requested that impacts to streams and wetlands be avoided to the greatest extent possible. The rail line is the entire western boundary, a Duke Energy transmission ROW cuts through the eastern side, connection to Villages of Denver is at the one location that works topographically and environmentally, and the other adjacent subdivisions are either built out with no provisions for connections or are on the other side of the power ROW at a 32’ minimum difference in elevation. The achievable ratio is 1.3. The only way to get the ratio to 1.4 is to have additional stubs to adjacent property and this site simply has no opportunity to do that given the listed constraints.

115 W Main St | Lincolnton, NC 28092 | lincolncounty.org | 704.736.8440
Application for Subdivision Waiver

APPLICANT’S JUSTIFICATION

Where the Board of Commissioners finds that extraordinary hardships or practical difficulties may result from strict compliance with Article 5, Subdivision Standards, and the intent of the UDO may be served to a greater extent by an alternative proposal, a waiver may be granted. A waiver shall not have the effect of nullifying the intent and purpose of the UDO, and the Board of Commissioners shall not grant a waiver unless the Board of Commissioners makes findings based upon the evidence presented in each case that:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located. The granting of the waiver will have no detrimental effect to other properties or improvements in the neighborhood. It will allow the internal subdivision roads to better follow topography to minimize grading and walls, and limit impact to streams and wetlands while connecting Villages of Denver to Hager’s Hollow Road as required as a condition in that original rezoning approval.

2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not generally applicable to other property.

The conditions of the site are unique in that there is a combination of an irregular boundary, difficult existing topography, the presence of two jurisdictional streams, the large railroad and power line ROW's, and existing adjacent neighborhoods that were built with no provision for connections.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the UDO is enforced.

The existing topography of the site and presence of two jurisdictional streams severely limit the routing of proposed roads and the locations that the proposed roads are able to connect to existing external streets, therefore limiting the opportunity to make the external connections needed to achieve a 1.4 ratio.

4. The purpose of the waiver is not based primarily upon financial consideration.

The purpose of the waiver request is due to the physical site constraints of two jurisdictional streams, severe topography, and the lack of connectivity points available in older adjacent subdivisions. There simply are no other design options available to achieve a 1.4 ratio.

Affirmation

I hereby affirm that to the best of my ability, knowledge, information and belief, I have provided all information requested on this form and that it is accurate.

Applicant’s Signature
Application for Subdivision Waiver

PART I
Name of Subdivision       The Meadows of Denver
Applicant Name             Frank Bologna
Applicant Address         1999 Circle Drive, Suite B, Cleveland, OH 44106
Applicant Phone Number    216-272-0265
Property Owner Name       Villages of Denver, LLC c/o Frank Bologna
Property Owner Address    1999 Circle Drive, Suite B, Cleveland, OH 44106
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PART II
Property Location         Catawba Springs Township, bordered by Hager's Hollow Road, CSX Railroad, and Kenyon Drive

Property ID (12 digits)  4604332972          Parcel # (5 digits) 100646
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                         4604117498          91568
                         4604219266*         30147*

PART III

PURPOSE OF REQUEST
*Property owner—Grena Wang Edinger, 928 Spring Tide Ave., Henderson, NV 89012
Included with permission.

To the Lincoln County Board of Commissioners,

I, Frank Bologna (Name of Applicant) hereby petition for a waiver from Article 5, Subdivision Standards, of the Lincoln County Unified Development Ordinance. The extraordinary hardships or practical difficulties which may result from strict compliance can be described as follows:

Ordinalance section(s) Number 5.6.2, Block 3, Layout 2, , affecting Lot number(s) All may cause practical difficulties in meeting the maximum block length of 1,500 feet. To make the required road connection from the existing Village of Denver Subdivision to Hager's Hollow Road, the irregular shape of the site boundary does not allow space for intersecting streets for a portion of the site. The resulting street/block length is 2,651 feet. 

(Describe hardship(s) in specific terms)
Application for Subdivision Waiver

APPLICANT'S JUSTIFICATION

Where the Board of Commissioners finds that extraordinary hardships or practical difficulties may result from strict compliance with Article 5, Subdivision Standards, and the intent of the UDO may be served to a greater extent by an alternative proposal, a waiver may be granted. A waiver shall not have the effect of nullifying the intent and purpose of the UDO, and the Board of Commissioners shall not grant a waiver unless the Board of Commissioners makes findings based upon the evidence presented in each case that:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located. The granting of the waiver will have no detrimental effect to other properties or improvements in the neighborhood. It is necessary to achieve the connection to Hager's Hollow Road from Villages of Denver as required as a condition in the rezoning approval for Villages of Denver.

2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not generally applicable to other property.
   The conditions of the site are unique in that, to create the required road connection to Hager's Hollow Road, the new road has to pass through the portion of the site where the irregular boundary parallels a major stream and crosses the Duke Energy ROW, resulting in a less than an adequate width to accommodate any perpendicular cross or connecting streets.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the UDO is enforced.
   To meet the rezoning condition to connect to Hager's Hollow Road, the new road has to pass through the narrowest portion of the site. Physical constraints of the site boundary, power ROW, existing stream and buffers, and steep topography negate the possibility of cross streets, resulting in a length of road that exceeds the 1,500 foot maximum.

4. The purpose of the waiver is not based primarily upon financial consideration.
   The purpose of the waiver request is due solely to physical site constraints (an irregular property boundary, utility ROW, and a jurisdictional stream) which result in a long stretch of road that cannot be utilized lots or other street connections, but is necessary to meet the condition of the Villages of Denver rezoning approval to connect the Villages of Denver to Hager's Hollow Road.

Affirmation

I hereby affirm that to the best of my ability, knowledge, information and belief, I have provided all information requested on this form and that it is accurate.

Applicant's Signature
# MEADOWS AT DENVER REZONING

**LINCOLN COUNTY, NORTH CAROLINA**

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**REZONING MASTER PLAN - NOT FOR CONSTRUCTION**

**01/05/2022**

**DENVER**

**LINCOLN COUNTY, NC**

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**DESCRIPTIONS**

<table>
<thead>
<tr>
<th>SHEET NUMBER</th>
<th>SHEET TITLE</th>
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<tbody>
<tr>
<td>RZ1.0</td>
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<td>RZ1.1</td>
<td>SITE DATA</td>
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<tr>
<td>RZ1.2</td>
<td>RE-ZONING NOTES</td>
</tr>
</tbody>
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**OWNER/DEVELOPER**

**NAME:** VILLAGES OF DENVER, LLC

**ADDRESS:** 25700 SCIENCE PARK DR, STE. 365, BEACHWOOD, OH 44112

**CONTACT:** BILL RICE

**PHONE:** (704) 309-1552

**EMAIL:** Landman3478@hotmail.com

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**OWNER**

**NAME:** GRENA WANG EDINGER

**ADDRESS:** 928 SPRING TIDE AVE, HENDERSON, NV 89002

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**SCALE:** 1" = 1,000' (Horiz.)
**GENERAL SITE NOTES:**

- **LINKS TO NODES RATIO:**
  - 20 LINKS / 15 NODES = 1.3
  - ±41.1% OF TOTAL ACRES
  - ±15.80 AC (12.5% OF 126.42 AC)

- **MINIMUM SETBACKS:**
  - 20' FRONT SETBACK
  - 25' SIDE CORNER
  - 36" CLEAR SPACE SHALL BE MAINTAINED AROUND ALL FIRE HYDRANTS AT ALL TIMES.

- **NCDOT REVIEW:**
  - REQUIRED BY LINCOLN COUNTY AND NCDOT.
  - ALL DESIGN WILL MEET LINCOLN COUNTY ZONING AND NCDOT REQUIREMENTS.
  - SERVICE.
  - TIMES.

- **SITE LAYOUT:**
  - SHOWN IS PRELIMINARY AND NOT FOR CONSTRUCTION.
  - SITE LAYOUT MAY CHANGE SLIGHTLY DURING FINAL ENGINEERING DESIGN TO MEET UDO.

- **SERVICE:**
  - FOR FIRE DEPARTMENT ACCESS AT ALL TIMES DURING CONSTRUCTION.

- **PROPOSED LOTS AND ROADWAY CONFIGURATION:**
  - WHICH MAY RESULT IN THE NEEDED ADJUSTMENTS TO THE LAYOUT.

- **PROPOSED LIFT STATION #2:**
  - (ACTUAL LOCATION TBD)

- **NO LOTS TO BE DEVELOPED UNTIL CONNECTION IS INSTALLED TO NARRAM'S MILL ROAD**

**SITE STATISTICS:**

- **TOTAL LOT AREA:**
  - 50' RIGHT OF WAY
  - MIN. LOT DEPTH 120'
  - MIN. LOT WIDTH 60'
  - 7,200 SF
  - 415 M2-AC (55 ACRE)
  - 415 M2-AC (9.5 ACRE)
  - 415 M2-AC (0.8 ACRE)
  - 415 M2-AC (0.3 ACRE)

- **PROPOSED:**
  - DENSITY:
    - 2.11 DUA
  - NUMBER OF LOTS:
    - 750 LOT
  - PROVIDED LOT SIZE:
    - 7,200 SF
  - PROPOSED ZONING:
    - R-T, PD-R, R-SF
  - PROPOSED USED:
    - 4' UTILITY EASEMENT
  - PROPOSED 20' UNDISTURBED BUFFER, TYP.

**VILLAGES OF DENVER, LLC**

**REV.NO.**

**EMAIL:**

**PHONE #:**

**25700 SCIENCE PARK DRIVE, STE. 365**

**LANDMAN3478@HOTMAIL.COM**

(704) 309-1552
Call UNLESS OTHERWISE SPECIFIED HEREIN, DEVELOPMENT OF THE SITE SHALL

1. RESIDENTIAL DISTRICTS.

The uses permitted for this site are those permitted in the PD-R Zoning District (PD-R) shall govern all development taking place on the site. In the use district, the regulations established under the use for the planned residential zoning district (PD-R) shall govern all development taking place on the site.

2. TRANSPORTATION/ACCESS/PARKING:

The site shall be served with public water and public sewer. All signs installed on the site shall comply with the requirements of

3. LIGHTING:

None of the uses permitted for this site are those permitted in the PL-Zoning District. All uses permitted for this site are those permitted in the PD-R Zoning District, which included all uses permitted by right, as conditional uses permitted by right.

4. WATER AND SEWER:

In the use district, the regulations established under the use for the planned residential zoning district (PD-R) shall govern all development taking place on the site.

5. SECURITIES:

The site shall be served with public water and public sewer. All signs installed on the site shall comply with the requirements of

6. SIGNS:

All signs installed on the site shall comply with the requirements of

7. PHOTOS: NAME OF ELECTRONIC DOCUMENT IS THE

This electronic document is the