

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JANUARY 9, 2023

The Lincoln County Board of County Commissioners met on January 9, 2023, at the Commissioners Room, Administration Building, 353 N. Generals Blvd, Lincolnton, the regular place of meeting at 6:30 PM.

Commissioners Present:

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

Others Present:

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

Chairman Mitchem called for a Moment of Silence and led in the Pledge of Allegiance.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, January 9, 2023
6:30 PM

Lincoln County Admin Building
353 N. Generals Blvd.
Lincolnton, NC 28092

Call to Order – Chairman Mitchem

Moment of Silence

Pledge of Allegiance

1. Adoption of the Agenda

2. Consent Agenda
 - a. Approval of Minutes - December 19, 2022
 - b. VTS Refunds
 - c. Surplus Property
3. 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, January 9th, 2023, at 6:30 p.m. to consider the following matters:

- A. 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.
- B. CZ #2020-1A Scott and Carmen O’Neil, applicant (Parcel ID# 33822 and 34692) A request to rezone a 0.71-acre parcel from B-N (Neighborhood Business) to CZ I-G (Conditional Zoning General Industrial) to amend a conditional zoning district for the expansion of a self-storage facility. The property is located at 4360 N. N.C. 16 Business Hwy. on the east side of N.C. 16 Business south of Balsom Ridge Road in Catawba Springs Township.
- C. CZ #2023-2 Southern Legacy Properties, LLC, applicant (Parcel ID# 23692, 51293, and 51294) A request to rezone 4.89 acres from B-N (Neighborhood Business) and R-S (Residential Suburban) to CZ B-G (Conditional Zoning General Business) to permit a self-storage facility. The subject property is located at 5106 E. N.C. 150 Hwy. about 500 feet southwest of the intersection with Ivey Church Road in Ironton Township.
- D. ZMA #708 Michelle O’Shields, applicant (Parcel ID# 59870) A request to rezone 1.99 acres from R-SF (Residential Single-Family) to R-T (Transitional Residential). The subject property is located at 1767 Sherrod Ln in Ironton Township.

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

- E. SUP #476 Andre Sutiono, applicant (Parcel ID# 51185) A request for a special use permit to operate a car wash in the ELDD (Eastern Lincoln Development District). The 1.3-acre parcel is located on the south side of N.C. 73 and the west side of Cottonwood Commons Drive in Catawba Springs Township.
4. Public Comments

5. Award of Construction Manager at Risk (CM@R) Contract to Hickory Construction in the Amount of \$136,500 – John Henry
6. Amendment to the Lincoln County Work First Family Assistance County Plan – Megan Gilbert, Matthew Hillman
7. Approval of Purchase of Additional TASERS for new deputies to be hired in January, and Jail staff – Deanna Rios, Sheriff Beam
8. Finance Officer’s Report
9. Other Business

Adjourn

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

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

- a. Approval of Minutes - December 19, 2022
- b. VTS Refunds
- c. Surplus Property

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

Joshua Grant presented the following cases:

PD #2021-4 Villages of Denver, LLC, applicant:

The applicant is requesting 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. Under the Lincoln County Unified Development Ordinance, any proposed subdivision with 50 or more lots is subject to approval through the planned development process. A concept plan and a PD-R report with terms and conditions for the proposed development have been submitted as part of the rezoning application and would serve as the master plan for the development if the rezoning request is approved. The PD-R report includes commitments by the applicant to provide certain traffic improvements prior to the recording of the plat for the initial phase of the development. The improvements are based on a

traffic impact analysis that is included with the application. In addition, the applicant has provided minutes from a community involvement meeting that was held December 14, 2021.

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 Hager's 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.

Public Utilities

The applicant is proposing to serve the development with public water and public sewer. The applicant has been advised that Lincoln County currently could not allocate sewer capacity for the proposed development.

Land Use Plan and UDO Conformance

The subject property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood, suitable for densities up to 2.0 dwelling units per acre. The proposed density for this development is 2.11 units per acre.

The UDO requires that a planned development include a minimum of 12.5% recreation and open space. Approximately 41% of the acreage in this proposed development would be reserved as recreation and open space. The proposed master plan complies with the UDO's subdivision standards for sidewalks and street trees.

The applicant has applied for waivers from the subdivision standards regarding the connectivity ratio for the new roads and the maximum block length. The Planning Board will hear and decide those requests following the rezoning hearing. Section 5.4.4 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 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.

The applicant requested variances from Section 7.5 and Section 2.4 of the Lincoln County Unified Development Ordinance to permit the encroachment of the proposed right-of-way for the road accessing Hagers Hollow Dr into the streamside buffer and the project boundary buffer. The Lincoln County Board of Adjustment approved the variance requests following a public hearing on October 24, 2022.

Staff's Recommendation

Staff recommends approval of the rezoning request

Commissioner Cesena mentioned the desire for this to be completed so the roads can be turned over to NCDOT for traffic enforcement.

Chairman Mitchem opened the public hearing concerning PD #2021-4 Villages of Denver, LLC, applicant.

Rob Brown, Attorney, introduced the development team for Meadows at Denver. The rezoning is a request for an additional 107 lots for a total of 267 (160 previously approved plus 107 new). The original zoning permitted 2.80 DUA. The new development plan reduces the density to 2.04 DUA. The new plan also includes 41% common open space, green space and amenity space. Mr. Brown presented the Planning Staff's proposed phasing plan and also the Villages of Denver resident's preferred phasing plan. He presented concepts for the Meadows at Denver. Mr. Brown presented the results of a community survey in which 89.39% agreed with supporting the request.

Commissioner Cesena asked about the Optimist Club overpass and how that will affect the traffic with this development.

Jeff Moore, Traffic Engineer, said the scope did not go to Optimist Club to determine what the overpass would do.

There was discussion concerning the phasing plan. Due to the fact that staff and Commissioners had not seen the phasing plan, the Board discussed postponing the public hearing to have time to review the new information.

UPON MOTION by Commissioner Lineberger, the Board voted unanimously to table the public hearing until the February meeting.

Chairman Mitchem closed the public hearing.

CZ #2020-1A – Scott and Carmen O'Neil, applicants:

The applicant is requesting the rezoning of a 0.71-acre parcel from B-N (Neighborhood Business) to CZ I-G (Conditional Zoning General Industrial) to amend a conditional zoning district for the expansion of a self-storage facility. CZ #2020-1 was approved on January 13, 2020 to rezone a 4.1-acre tract (Parcel ID# 34692) from R-SF (Residential Single-Family) to CZ I-G (Conditional Zoning General Industrial) to permit the development of a self-storage facility in accordance with the approved plan.

The applicant is requesting to expand the approved CZ I-G district to include Parcel ID# 33822 to add 24 storage units. A site plan has been submitted as part of the rezoning application. Since this is a proposed rezoning to a conditional zoning district, if the request is approved, the property could only be used for the specified use in accordance with the approved site plan. The applicant and Lincoln County Planning staff were the only attendees at the scheduled community involvement meeting on December 6, 2022.

Site Area and Description

The subject property is located at 4360 N. N.C. 16 Business Hwy. on the east side of N.C. 16 Business south of Balsom Ridge Road in Catawba Springs Township. The property is adjoined by property zoned B-N (Neighborhood Business), I-G (Industrial General), and R-S (Residential Suburban). Land uses in this area include industrial, business, and residential uses.

Plan Conformance

The subject property is part of an area designated by the Lincoln County Land Use Plan as an Industrial Center, suitable for manufacturing, storage, and distribution facilities.

Additional Information

Permitted uses under current zoning: office, retail

Permitted uses under proposed zoning: self-storage facility

Most of the property is located within the WS-IV Protected Area of the Lake Norman Water Supply Watershed. The applicant is proposing the use of the high-density option to allow the development to have a built-upon surface area covering up to 70 percent of the site, with the use of engineered stormwater controls. A separate public hearing for a special use permit will be held for the high density option proposal.

Staff's Recommendation

Staff recommends approval of the request

Chairman Mitchem opened the public hearing concerning CZ #2020-1A – Scott and Carmen O’Neil, applicants

Scott O’Neil, applicant, said he is here to answer any questions. He said the new units will be fully enclosed and there will be no outdoor storage on the gravel area. He said the plan show the building being right next to the existing building, it was changed from previous plans.

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

CZ #2023-2 Southern Legacy Properties, LLC, applicant:

The applicant is requesting the rezoning of 4.89 acres from B-N (Neighborhood Business) and R-S (Residential Suburban) to CZ B-G (Conditional Zoning General Business) to permit a self-storage facility. A site plan has been submitted as part of the rezoning application. Since this is a proposed rezoning to a conditional zoning district, if the request is approved, the property could only be used for the specified use in accordance with the approved site plan. Also included in this packet is a summary of the community involvement meeting that was held on December 6, 2022.

Site Area and Description

The subject property is located at 5106 E. N.C. 150 Hwy. about 500 feet southwest of the intersection with Ivey Church Road in Ironton Township. The property is adjoined by property zoned B-N (Neighborhood Business), R-S (Residential Suburban), and R-SF

(Residential Single-Family). Land uses in this area include business, residential, agricultural, and civic uses.

Plan Conformance

This property is designated by the Lincoln County Land Use Plan as Suburban Commercial, suitable for commercial uses that serve the daily needs of surrounding residential neighborhoods.

Additional Information

Permitted uses under current B-N zoning: office, retail, service, restaurant

Permitted uses under current R-S zoning: site-built home, modular home, duplex

Permitted uses under proposed zoning: self-storage facility

Staff's Recommendation Staff recommends approval of the request.

Chairman Mitchem opened the public hearing concerning CZ #2023-2 Southern Legacy Properties, LLC, applicant.

Bradley Ritchie, applicant, said there will be lighting on the side of the building, side mounted and pointed down toward the pavement.

David Ledford, speaking on behalf of the applicant, produced the plans for this site. The plan was designed with large buffers and trees that will not be disturbed.

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

ZMA #708 – Michelle O'Sheilds, applicant:

The applicant is requesting the rezoning of 1.99 acres from R-SF (Residential Single-Family) to R-T (Transitional Residential).

Site Area and Description

The subject property is located at 1767 Sherrod Ln in Ironton Township. The property is adjoined by property zoned R-SF (Residential Single-Family). Land uses in this area are primarily residential uses.

Plan Conformance

This property is designated by the Lincoln County Land Use Plan as Single-Family Neighborhood, suitable primarily for single-family detached homes with densities of 1.0 to 2.0 units per acre.

Additional Information

Permitted uses under current zoning: site-built single-family home, modular home

Permitted uses under proposed zoning: site-built single-family home, modular home, duplex, manufactured home

Staff's Recommendation Staff recommends approval of the request.

Chairman Mitchem opened the public hearing concerning ZMA #708 – Michelle O'Shields, applicant.

Michelle O'Shields, applicant, said she wants to rezone to put a doublewide beside her mom and dad, who currently live on the property and are in bad health. She said all the homes on the private drive are doublewides.

Mary Sizemore, 1854 Waterfalls, said she does not begrudge wanting to put a home beside your parents, but everything is zoned residential single family. She said a mobile home will bring down the property values.

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

The Planning Board recessed their meeting to room 310. Chairman Mitchem called for a five minute recess and called the meeting back to order.

SUP #476 – Andre Sutiono, applicant:

The applicant is requesting a special use permit to operate a car wash in the ELDD (Eastern Lincoln Development District). Under the Unified Development Ordinance vehicle service, which includes auto detailing and outdoor car washes, is a special use in the ELDD.

Site Area and Description

The request involves a 1.3-acre parcel located on the south side of N.C. 73 and the west side of Cottonwood Commons Drive in Catawba Springs Township. The subject property is located in the B-G (General Business) zoning district and the ELDD (Eastern Lincoln Development District) overlay. The subject property is adjoined by property zoned B-G (General Business). Land uses in this area include business and multi-family residential uses. This property is located in an area designated by the Lincoln County Land Use Plan as Walkable Activity Center, suitable for a mixture of commercial and residential uses.

Chairman Mitchem opened the public hearing concerning SUP #476 – Andre Sutiono, applicant.

Patrick Perales, Civil Engineer speaking on behalf of the applicant, Take 5 Car Wash, said he is here to answer any questions. He said he prepared the proposed findings of fact and would like to incorporate them into his testimony.

John Hettwer, property owner, said he is here to answer any questions.

Ken Moore, 7296 NC 73 Hwy, said his concern is the congestion that will be put there with the apartments and car wash. He said he owns Midtown Sundries and wonders if there are plans to put a light there.

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

UPON MOTION by Commissioner Lineberger, the Board voted unanimously to approve the Findings of Fact for SUP #476 – Andre Sutiono, applicant.

UPON MOTION by Commissioner Lineberger, the Board voted unanimously to approve SUP #476 – Andre Sutiono, applicant.

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

Award of Construction Manager at Risk (CM@R) Contract to Hickory Construction in the Amount of \$136,500: John Henry presented the following:

Purchasing issued RFQ 2022-0829 in July for the Jail Expansion Construction Manager at Risk (CM@R) and submissions were received on August 29. Three firms submitted and were scored. Hickory Construction was scored highest by staff. He asked the Board to award CM@R to Hickory Construction in the amount of \$136,500.00

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the award the Construction Manager at Risk contract to Hickory Construction in the amount of \$136,500.00

Amendment to the Lincoln County Work First Family Assistance County Plan:

The Lincoln County Work First Family Assistance County Plan was submitted to the Board of Commissioners on December 13, 2021 based on directive from North Carolina DHHS that the plan was supposed to be for FFY23-26. The State is now requiring that the Plan be amended for a triennial plan for FFY23-26.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Amendment to the Lincoln County Work First Family Assistance County Plan as requested.

Approval of Purchase of Additional TASERS for new deputies to be hired in January, and Jail staff: Deanna Rios and Sheriff Bill Beam presented the following:

The Sheriff's Department will hire new Deputies in January/February. These officers will require body cameras and TASERS. The Department would also like to issue TASERS to certain Detention personnel. Axon currently provides us with TASERS and Body Cameras, and this agreement is an add-on to our current agreement. Equipment is warranted for 60 months, but we

pay this amount over the remaining 34 months of the contract. The equipment is ours to continue to use after the end of the agreement.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the addendum to the agreement to purchase additional TASERs as presented.

Finance Officer's Report: Deanna Rios presented the Finance Officer's Report.

Other Business: **UPON MOTION** by Commissioner Cesena, the Board voted unanimously to reappoint Jennifer Hames to the Airport Authority.

Mr. Madden reminded the Board of the budget workshop on Friday, January 13, 2023 at 10:00 AM.

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

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners