

Lincoln County Planning Commission Meeting

August 10th, 2009 - 5:30 p.m.

The Lincoln County Planning Commission met in regular session on Monday, August 10th, 2009 at 5:30 p.m. in the Conference Room of the Planning and Zoning Department building. Those present were Herbert Moxley, Chairman, District Four; Coleman Kennedy, Vice-Chairman, District Three; Commissioner Barney Aycock, III, District Two; Commissioner Johnny Burns, District One; Commissioner Jim Mattison, At Large by the Chairman; Roby Seymour, Planning and Zoning Director and Denise Cunningham, Planner.

1.

Call Meeting to Order

Chairman Moxley called the meeting to order.

2.

Invocation

Chaplain Aycock opened the meeting with prayer.

3.

Pledge of Allegiance to the Flag

Chairman Moxley led in the Pledge of Allegiance to the Flag.

4.

Declaration of a Quorum

Quorum was confirmed by Chairman Moxley.

5.

Approval of July 6, 2009 Minutes

On motion by Commissioner Aycock and seconded by Commissioner Burns, the board voted unanimously to approve the minutes dated July 6, 2009 from the previous meeting.

6.

Approval of Agenda

On motion by Commissioner Aycock and seconded by Vice-Chairman Kennedy, the board voted unanimously to approve the agenda.

7.

Variance Request

Applicant: Charles Folger

Plat Approvals / Lot Area

1.35 acre Tract (Map 52B/Parcel 028)

Divide into 2 lots

R-1 Zoning – 1 acre minimum

Chairman Moxley opened the meeting with a variance request for plat approvals/ lot area for property known as (Map 52B/Parcel 028) located at 1081 Creek Drive owned by Charles Folger. Mr. Folger was present to answer questions from the board. Mr. Folger would like to divide the 1.35 acre tract into two lots as follows: 1 @ .50 acre tract and 1 @ .85 acre tract. He provided information that the proposed lot had been tested and approved for a septic system. There are existing driveways for both lots. It also has been approved for a dock permit. He submitted a list of property owners that were under 1.0 acre tracts within the Soap Creek Subdivision. After reviewing the survey presented, the road frontage and lot/depth requirements comply with the county ordinance. Director Seymour stated that in an approved subdivision with county water the minimum lot size could be reduced down to .75 acre. Commissioner Burns asked Mr. Folger if there were any complaints from his surrounding neighbors. Mr. Folger commented by stating that his neighbor, Melony Dawkins thought that the property was already divided into 2 lots. (According to the tax records – Melony Dawkins lot (Tax Map 52B/Parcel 029) is a .50 acre tract.) Commissioner Aycock stated that by approving these lots that there would be more to follow. Director Seymour stated that this particular lot had the road frontage and lot/depth requirements for each lot and not all lots would meet these requirements. Commisioner Mattison did not make any comments and withdrew from voting due to business relationships with Mr. Folger. Vice-chairman Kennedy motioned for approval seconded by Commissioner Aycock. The three members of the board (Commissioner Mattison did not vote) voted unanimously to approve the .50 acre and .85 acre plats that met the subdivision requirements located in the Soap Creek Subdivision.

8.

Rezoning Extension for PUD

Applicant: Wade Family Properties

“The Village at Soap Creek”

A proposed Planned Unit Development

(Tax Map 45/Parcel 52 – 50 acres)

Located off of McCormick HWY

Chairman Moxley proceeded with a rezoning extension request for a PUD (Planned Unit Development) known as “The Village at Soap Creek” (Tax Map 45 /Parcel 52) zoned as a PUD located on the McCormick HWY (GA HWY 378). This property was originally approved as a PUD development on April 7th, 2007. Mr. and Mrs. Lamar Wade were present to answer any questions from the committee. Per Mr. Wade, the development of the property has been delayed awaiting finalization of the extension of waste water services to this location that will be provided by the City of Lincolnton. Once sewer services are finalized, engineering and development of “The Village at Soap Creek” can be finalized. We are requesting an extension from April 15, 2009 to April 14, 2010 to finalize our engineering. After a brief discussion among the board members, Commissioner Burns motioned for approval contingent upon the following condition being approved by the Lincoln County Board of Commissioners:

The Lincoln County Planning Commission hereby approves this P.U.D. Concept Plan as a part of its decision to permit rezoning from A-3 to P.U.D. District, Lincoln County Code Section 34-491(13). The concept plan may be recorded with the Clerk of Superior Court’s office, however, this approval and subsequent recordation does not constitute preliminary plat approval nor does it vest the landowner with any rights associated preliminary plat approval, pursuant to Lincoln County Code Section 34-131, et seq. It is expressly agreed and understood that the Concept Plan has been approved based upon the representation that the landowner shall pursue the entire concept plan as a development plan. The landowner shall not be permitted to pursue the plan in phases or sections, and expressly agrees that any such attempt shall render the approval of Concept Plan null and void.

The Lincoln County Planning Commission, by approval of the Concept Plan, does not waive or release the landowner from any of the requirements of the Lincoln County Land Development Ordinance.

Preliminary plat must be approved within one year or said property may revert back to original zoning.

Vice-chairman Kennedy seconded the motion. The board voted unanimously to approve the rezoning extension with conditions for the PUD development known as “The Village at Soap Creek.”

9.

**PLANNING AND ZONING
DEPARTMENTAL UPDATE AND DISCUSSION**

- a) Discussed proposed AE and RE zoning for “Equestrian” use. The board asked to research surrounding counties for equestrian use and table to the next scheduled meeting for further discussion.**

10.

ADJOURN

On motion by Commissioner Aycock and seconded by Vice-Chairman Kennedy, the board voted unanimously to adjourn.

Herbert Moxley, Chairman

Denise Cunningham, Planner