

Lincoln County Planning Commission Meeting

June 8th, 2009 - 5:30 p.m.

The Lincoln County Planning Commission met in regular session on Monday, June 8th, 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 Barney Aycock, III 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 Minutes

On motion by Vice-Chairman Kennedy and seconded by Commissioner Aycock , the board voted unanimously to approve the minutes dated May 11, 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.

Special Use Request

Applicant: Nellie McGee

Property Owner: Annette B. Johnson

Personal Care Home/Assisted Living

(Tax Map 46/Parcel 024B)

2213 Augusta HWY

Chairman Moxley opened the meeting with a request for a “Special Use Permit” to operate an “Assisted Living/Personal Care Home” for applicant Nellie McGee and property owner Annette B. Johnson known as (Tax Map 46/Parcel 024B) located at 2213 Augusta HWY. Mrs. Nellie McGee addressed the committee by stating that she would be caring for (6) residents in the facility. Commissioner Burns asked if there were any complaints from the neighbors in the area. Mrs. McGee replied that she was surrounded by commercial businesses and her adjoining property owner, Mrs. Ruth Poland had no objections. Director Seymour stated that we had not received any calls from the public concerning this special use request. Mrs. McGee stated that there would be staff present around the clock. She went on to say that the state requires the employees to have background checks and to be fingerprinted. The facility will be set up with an alarm security system for the residents. She is currently working with the state to get certification. Commissioner Burns motioned for approval contingent upon the following conditions:

- 1. Must comply with State and local health department guidelines.**
- 2. Business license must be obtained within (1) year of approval.**
- 3. Once the use is discontinued, the “Special Use” will cease.**

Vice-chairman Kennedy seconded the motion and the board voted unanimously to approve with the conditions for the “Special Use Permit” for assisted living.

**Variance for Lot/Depth Plat Approval for 12 Lots
 Applicant: Charleston Bay, LLC
 Charleston Bay Subdivision
 (Tax Map 11/Parcel 017)
 Off Tabernacle Church Road**

Chairman Moxley moved to the last item on the agenda for a variance for lot/depth plat approval for a revision from 75 to 12 lots for the Charleston Bay Subdivision known as (Tax Map 11/ Parcel 017) off of Tabernacle Church Road. Director Seymour introduced Mr. Lovick Evans with the Charleston Bay subdivision. Mr. Larry Courtney and Mr. Evans are owners of the subdivision. He stated that the subdivision had been approved and recorded on October 30, 2007. They came back before the board to revise the subdivision to lower the infrastructure cost by making changes with the roads in October 2008. The revision was approved, however; it was never recorded with the county. Mr. Courtney had notified the Planning and Zoning department that due to economic hardship, they were requesting to withdraw the subdivision in order for the county to release the bonds. There have not been any lots sold. Mr. Evans has since come up with an alternative plan for a new revised subdivision plan consisting of 12 lots off of Tabernacle Church Road. Director Seymour advised that these lots do not meet the requirements of our Land Development Code - Chapter 34 based on our lot/depth ratio and that is why they are applying for a variance. Mr. Evans stated that the lot sales were falling off for small lots and he is proposing 5 acre minimum lot sizes. He does not want to rezone back to agricultural because they still want to market the smaller lots. The developers only options are getting the revised 12 lots approved or withdraw the subdivision and let it remain zoned as R-1 Residential for future development. It is either sink or swim. Commissioner Aycock stated that the Planning Commission board could not approve based on Chapter 34 of our Land Development Code for Lincoln County.

Sec. 34-521 (District, Lot area, yard and height standards) The requirements regarding lot size, building size and building placement on the lot for each zoning district shall be met as indicated in sections 34-61 through 34-71 and the zoning district, area, yard and height requirements.

LOT DEPTH/WIDTH RATIO

ALL ZONING DISTRICTS

LOT SIZE	LOT DEPTH
Less than 5 acres	No more than 2.5 times the lot width
Five to 20 Acres	No more than 4 times the lot width
20 Acres or more	No minimum depth requirements for lots with 500 feet or more of frontage

Mr. Evans replied that this is his last attempt before withdrawing the subdivision. Director Seymour stated that by never filing the revised final plat this automatically puts it back to the preliminary plat. During this time, you can take deposits or reservations, but you can not close on the lot. The developers would have to go back through the channels by posting the bonds before final plat approval. Mr. Evans advised that he would like to proceed with the variance and if the Board of Commissioners deny the variance, he will proceed with the withdrawal of the subdivision. Commissioner Aycock motioned that we deny the lot/depth ratio based on Section 34-521 of our Land Development Code and the motion was seconded by Vice-chairman Kennedy. The board voted unanimously to deny the lot/depth ratio revision for the Charleston Bay Subdivision.

9.

**PLANNING AND ZONING
DEPARTMENTAL UPDATE AND DISCUSSION**

10.

ADJOURN

On motion by Commissioner Aycock and seconded by Commissioner Mattison, the board voted unanimously to adjourn.

Herbert Moxley, Chairman

Denise Cunningham, Planner