



**LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT**

302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092  
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE 704-732-9010 FAX

To: Board of Commissioners  
Planning Board

From: Randy Hawkins, Zoning Administrator

Date: May 13, 2019

Re: CZ #2019-5  
Dean Fisher, applicant  
Parcel ID# 33243 and 74369 (portion)

*The following information is for use by the Lincoln County Board of Commissioners and the Planning Board at their joint meeting/public hearing on June 3, 2019.*

**Request**

The applicant is requesting the rezoning of 6.2 acres from R-SF (Residential-Single Family) to CZ B-G (Conditional Zoning General Business) to permit contractors' offices, retail sales (including sales of boat lifts with outdoor display and storage), and other uses permitted in the B-G district.

Contractors' offices are a permitted use in the B-G district but a conditional use in the Eastern Lincoln Development District (ELDD), in which this property is located. "Retail, General" is a permitted use in the B-G district and in the ELDD except where the subject property is located adjacent to a residential district, as is the case here. If this rezoning request is approved, other uses permitted in the B-G district and in the ELDD would also be allowed, but not other conditional uses such as vehicle sales. Other uses permitted in the B-G district and in the ELDD without exception include business and medical offices and personal services such as a hair salon.

Two parcels of land are involved in the rezoning request: a 0.96-acre lot that fronts on N.C. 16 Business and a 9.8-acre tract located behind it and extending nearly to Webbs Chapel Cove Court. The area proposed to be rezoned does not include 4.6 acres at the rear of the larger tract, which would remain zoned R-SF.

A site plan has been submitted as part of the application. The original application called for rezoning approximately 6.8 acres and leaving 4.0 acres as R-SF. The proposed rezoning area was reduced in size following a community involvement meeting. The added area that would remain R-SF is labeled as "concession acreage" on the first site plan page, which shows the two parcels in their entirety.

A 4,800-square-foot, multi-tenant building is proposed. A product display area is shown near the front of the site, with a screened area for storage and vehicle parking

located behind the building. The area proposed for development extends only slightly onto the larger tract.

Because this is a proposed rezoning to a conditional zoning district, if the request is approved, the property could only be developed and utilized in accordance with the approved site plan, with uses limited to those specified. Any major modification or future expansion would require approval through a public hearing process.

All but 0.3 acre of the area proposed for rezoning is located in a WS-IV Critical Area watershed, which limits the impervious coverage under the low-density option to 24%, one of the reasons for including a larger area in the request.

### Site Area & Description

The subject property is located at 2996 N. NC 16 Business, on the east side of N.C. 16 Business about 1,600 feet north of Webbs Road. It is adjoined by property zoned R-SF, CU B-N (Conditional Use Neighborhood Business) and B-N. Land uses in this area include business, residential, industrial and agricultural. The front part of the subject property is part of an area designated by the Lincoln County Land Use Plan as a Suburban Commercial Center, suitable for general commercial services. The rear tract is part of an area designated as Single-Family Neighborhood. The NC 16 Corridor Vision Plan recommends that commercial activity be concentrated in nodes.

### Additional Information

#### **Permitted uses**

Under current zoning: site-built houses, modular homes, church.

Under proposed zoning: contractors' offices, retail sales, and other uses permitted in B-G district.

#### **Adjoining zoning and uses**

East: zoned R-SF, undeveloped land (remainder of larger tract involved in rezoning request).

South: zoned R-SF, vacant lot and undeveloped tract.

West (opposite side of N.C. 16 Business): zoned B-N, wooded portion of large tract that includes residences.

North: zoned R-SF and I-G, sawmill operation.

### Staff's Recommendation

Staff recommends approval of the rezoning request. See proposed statement on following page.



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### **Zoning Amendment Staff's Proposed Statement of Consistency and Reasonableness**

Case No. **CZ #2019-5**

Applicant **Dean Fisher**

Parcel ID# **33243 and 74369 (portion)**

Location **2996 N. NC 16 Business Hwy.**

Proposed amendment **Rezone from R-SF to CZ B-G to allow permit contractors' offices, retail sales (including sales of boat lifts) and other uses permitted in B-G district**

This proposed amendment **is consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

**The front of the subject property, where the proposed development will be largely located, is part of an area designated by the Land Use Plan as a Suburban Commercial Center, suitable for general commercial services. The N.C. 16 Corridor Vision Plan recommends that commercial activity be concentrated in nodes. This property is located in an existing business area near a main intersection.**

This proposed amendment **is reasonable and in the public interest** in that:

**The subject property is adjoined by properties zoned business and by a tract that contains a sawmill operation and is largely zoned industrial. Several businesses are located in this area. The rezoning will allow the subject property to be developed as locations for businesses, which will provide employment opportunities.**



## **Conditional Zoning District Application**

Lincoln County Planning and Inspections Department  
Zoning Administrator  
302 N. Academy St., Suite A, Lincolnton, NC 28092  
Phone: (704)736-8440 FAX: (704)732-9010

## PART I

Applicant Name Dean Fisher

Applicant Address P.O. Box 1439, Denver NC 28037

Applicant Phone Number 7046344253

Property Owner Name Martha Howard Sherrill

Property Owner Address 6265 ALYSSUM PL, Denver NC 28037

Property Owner Phone Number

## PART II

Property Location 2996 Hwy-16 Business

Property ID (10 digits) 4605206623 and 4605314263 Property size 10.803 acres

Parcel # (5 digits) 33243 & 74369 Deed Book(s) 2685 Page(s) 972

## PART III

Existing Zoning District ELDD R-SF      Proposed Zoning District

Briefly describe how the property is being used and any existing structures. .

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List the proposed use or uses of the property.

**APPLICATION FEE (less than 2 acres \$400, 2-5 acres \$800, 5+ acre \$1,200)**  
**MUST BE RECEIVED BEFORE PROCESSING.**

I hereby certify that all knowledge of the information provided for this application and attachments is true and correct to the best of my knowledge.

*At the best of my knowledge.*  
Applicant's Signature *Markus Parrie* Date *3/25/19*

## Community Involvement Meeting Minutes

**Date: Wednesday May 8<sup>th</sup>, 2019**

**Location: Denver Fire Department 3956 NC-16 Business, Denver, NC 28037**

**Purpose: Lincoln County Community Involvement Meeting to Provide Information Regarding the Rezoning Project for Lake Norman Custom Dock & Pile Driving, Inc.**

Dean Fisher introduced himself as owner of Lake Norman Custom Dock and LKN Boatlifts and presented a site plan proposal for combining parcel #33243 with part of parcel #74369 to create approximately 10.8 acres. Once combined he wishes to change the zoning on the 6.2-acre parcel from R-SF to CZ B-G to allow for construction of a commercial building for Lake Norman Custom Dock with offices available for lease to businesses. The floor was opened for questions.

-A resident for Webbs Chapel Cove stated that the homeowners are concerned about changing the property from residential to commercial thus bringing down their property values. The question was asked what would be the reason they as a community would want to support the plan? Dean Fisher responded stating that 4.6 acres in the rear of the property would stay residential and this is where he would build his own personal home. In good faith he would like to join the Webbs Chapel Cove HOA and become a paying HOA member thus making sure his future home meets the HOA guidelines. His residential property would act as the main buffer to the commercial property. Dean stated the main reason for the entire 6.2 acres is for watershed reasons. The resident then stated that the two key issues for the members of the community were that they wanted more of a residential buffer and the long-term aspects of the commercial property itself. Dean Fisher stated that the property is in the 16 corridor and the properties in that area are either commercial or they are going to be that way soon. He stated that the business itself would have light traffic being that it is a marine based business. Randy Hawkins from Lincoln County stated that it was a conditional rezoning that was tied to the site plan and that the only development that Dean can have on that property is what is shown and that Dean was correct with the fact that if he was to use the low density option of 24% impervious the county would want the rest of the land as needed to be zoned business so it cannot be subdivided into residential in the future. Randy did suggest moving the buffer line for a couple of reasons one being able to get to the 24% and the other for taxes on the parcel itself. Randy stated according to the GIS the nearest home in Webbs Chapel Cove would be more than 500ft from the zoning line. Dean stated that he would be open to moving the buffer line as a compromise to the homeowners in Webbs Chapel Cove.

-A resident from the Sailview community asked the question what the building would look like. Dean stated that it would meet the Denver commercial property requirements and that the side of the building would have a type C buffer so it would be hidden from HWY 16 plus all overflow storage would be in an enclosed fenced area.

-The resident from Webbs Chapel Cove asked why Dean chose this particular area for his business. Dean replied that he would like to stay in Denver and that the property had not only the commercial aspects he was looking for but the residential ones as well.

-The resident from Sailview asked the question if the property behind the building would stay undeveloped to prevent becoming a storage facility in the future. Randy stated that Dean or a future owner would need to resubmit plans and that it also depends on the final zoning.

-A member of the Lincoln County commissioner's office had voiced concerns on the property becoming something undesirable in the future. Dean assured him that the type of rezoning he is applying for will limit the type of businesses that could move into the area in the future (i.e. car lot, storage facility, ect)

-The resident from Sailview asked if Dean took into account the possible widening of Hwy 16 in the future and the flow of traffic and Dean assured him that he did take that into advisement when he did the building placement.

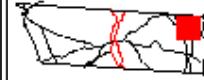
Dean Fisher thanked everyone for coming and the meeting was adjorned,



## Lincoln County, NC

## Office of the Tax Administrator, GIS Mapping Division

Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD. Date: 4/4/2019 Scale: 1 Inch = 300 Feet



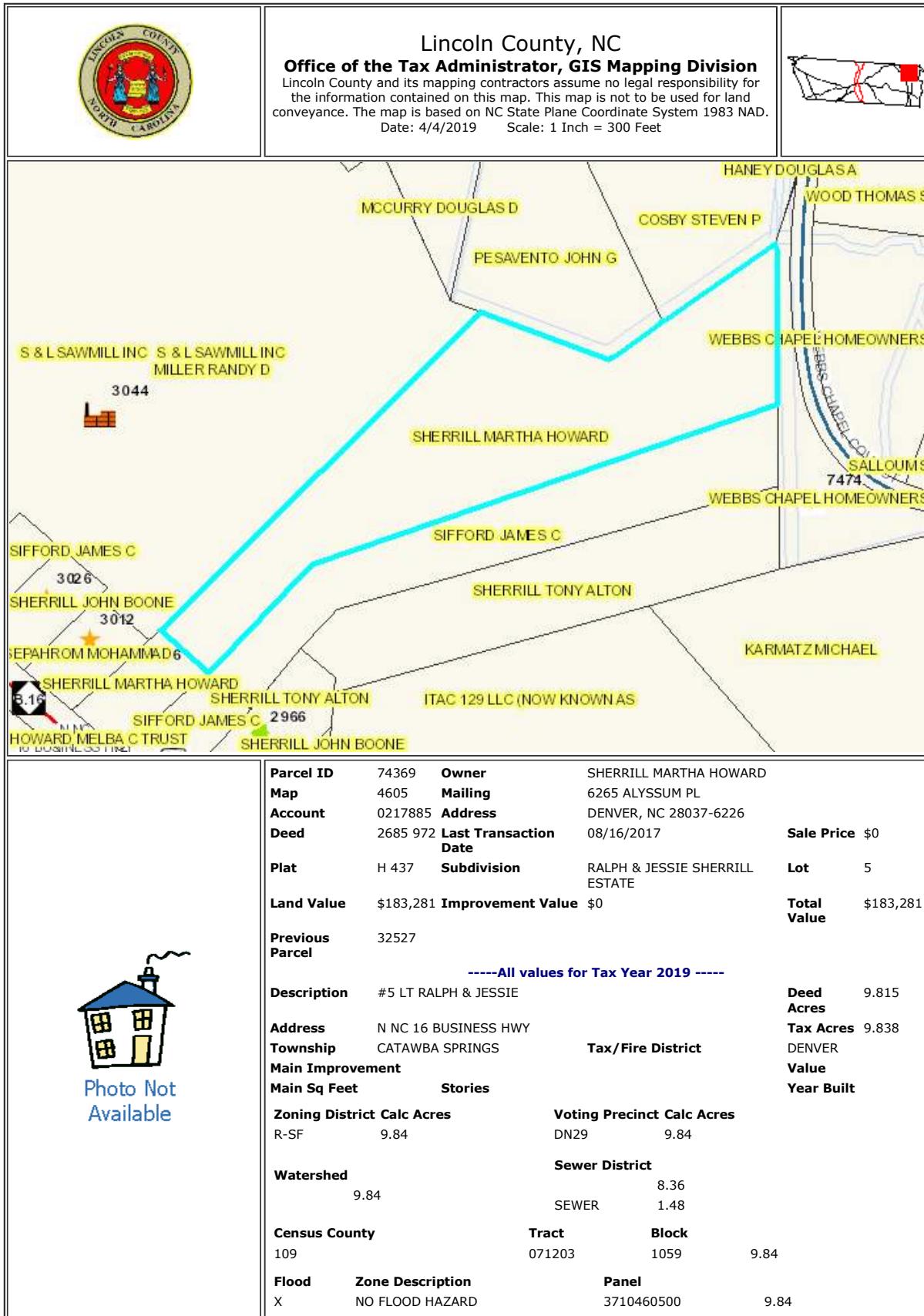
Parcel ID	33243	Owner	SHERRILL MARTHA HOWARD
Map	4605	Mailing	6265 ALYSSUM PL
Account	0217885	Address	DENVER, NC 28037-6226
Deed	2685 972	Last Transaction Date	08/16/2017
Plat		Subdivision	
Land Value	\$41,776	Improvement Value	\$0
Previous Parcel			Total Value \$41,776

## -----All values for Tax Year 2019 -----

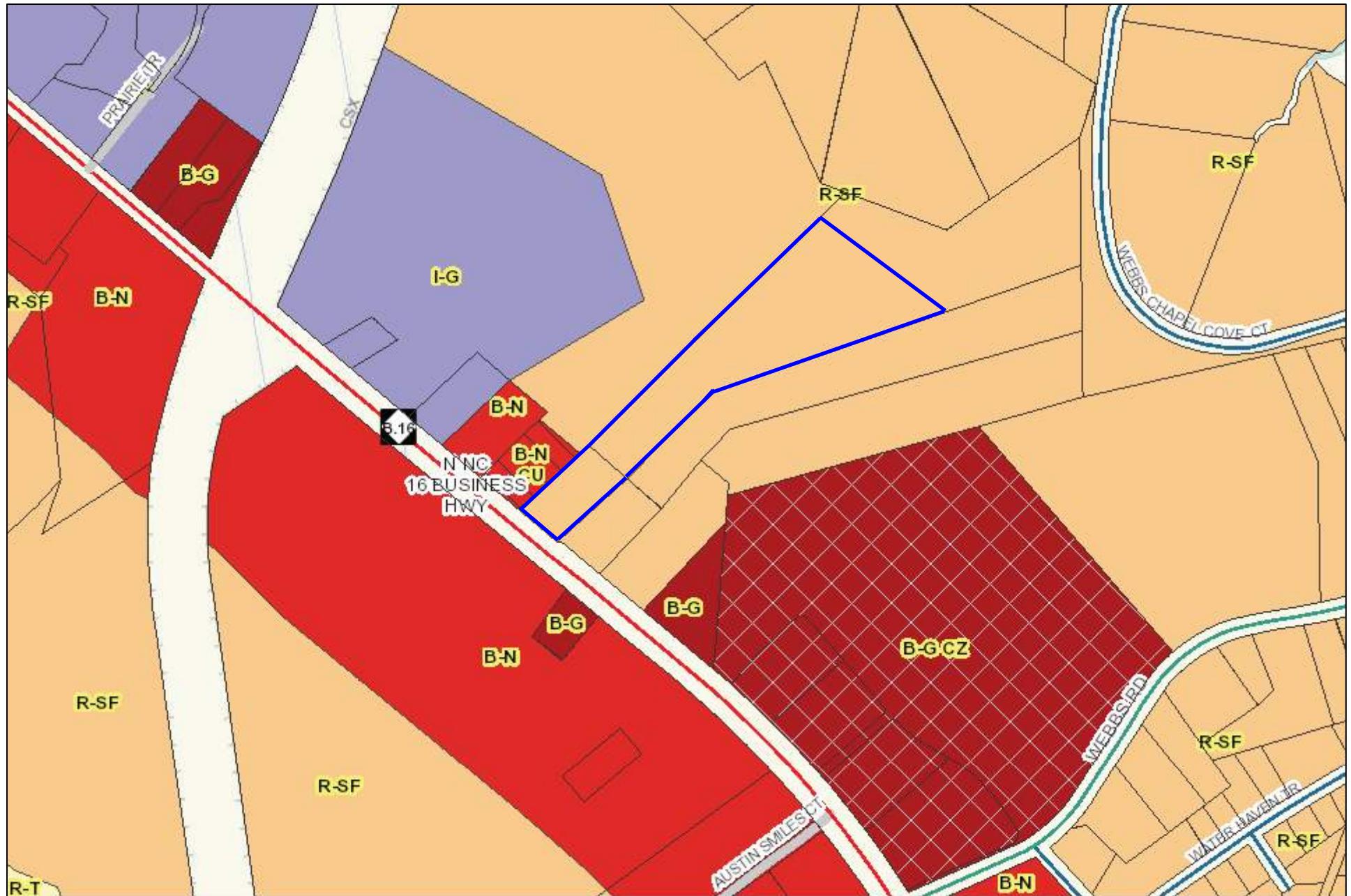
Description	SHERRILL LD HWY 16	Deed Acres	1.11
Address	N NC 16 BUSINESS HWY	Tax Acres	0.965
Township	CATAWBA SPRINGS	Tax/Fire District	DENVER
Main Improvement		Value	
Main Sq Feet	Stories	Year Built	
Zoning District	Calc Acres	Voting Precinct	Calc Acres
R-SF	0.97	DN29	0.97
Watershed		Sewer District	
	0.65	SEWER	0.97
	0.32		
Census County		Tract	Block
109		071203	1059
Flood	Zone Description	Panel	
X	NO FLOOD HAZARD	3710460500	0.97



Photo Not Available



CZ #2019-5  
subject property is outlined in blue



April 4, 2019

Esri, Inc., Lincoln County, NC

0 100 200 Feet  
[Scale Bar]

1 inch = 400 feet



WEBBS CHAPEL COVE CT

IC

SFN

SFN

SC

SC

**Land Use Plan**

- [Green] Open Space (OS)
- [Light Green] Rural Living (RL)
- [Light Blue] Industrial Center (IC)
- [Yellow] Large Lot Residential (LLR)
- [Yellow] Single-Family Neighborhood (SFN)
- [Yellow] Multifamily Neighborhood (MFN)
- [Orange] Rural Crossroads (RC)
- [Orange] Suburban Commercial (SC)
- [Red] Suburban Office (SO)
- [Grey] Special District (SD)
- [Purple] Walkable Neighborhood (WN)
- [Dark Purple] Walkable Activity Center (WC)

**Parcel ID# 33243 & 74369**

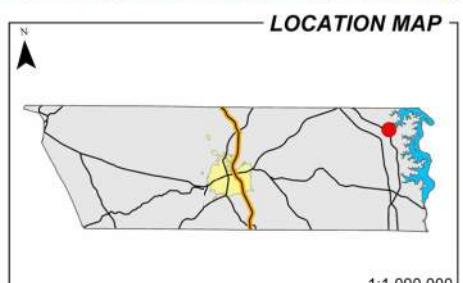
Lincoln County  
Planning & Inspections  
302 N. Academy St.  
Suite A  
Lincolnton, NC 28092

□ - Property Location(s)

▨ - Area to be Rezoned

See Attached Application for Parcel Information

Property Location(s) Outlined in Purple

**LOCATION MAP**

1:1,000,000

● Property Location(s)

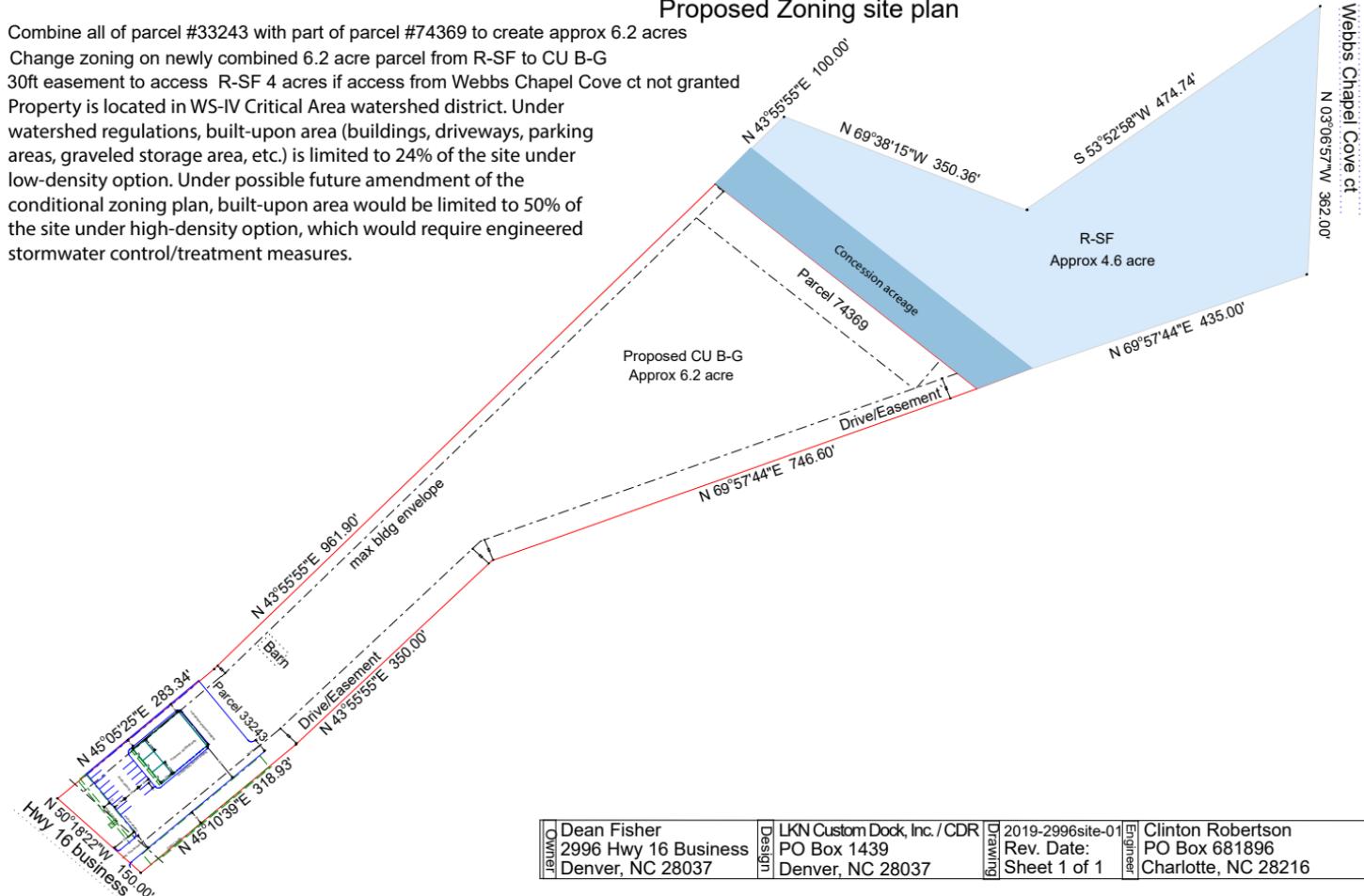
## Proposed Zoning site plan

Combine all of parcel #33243 with part of parcel #74369 to create approx 6.2 acres

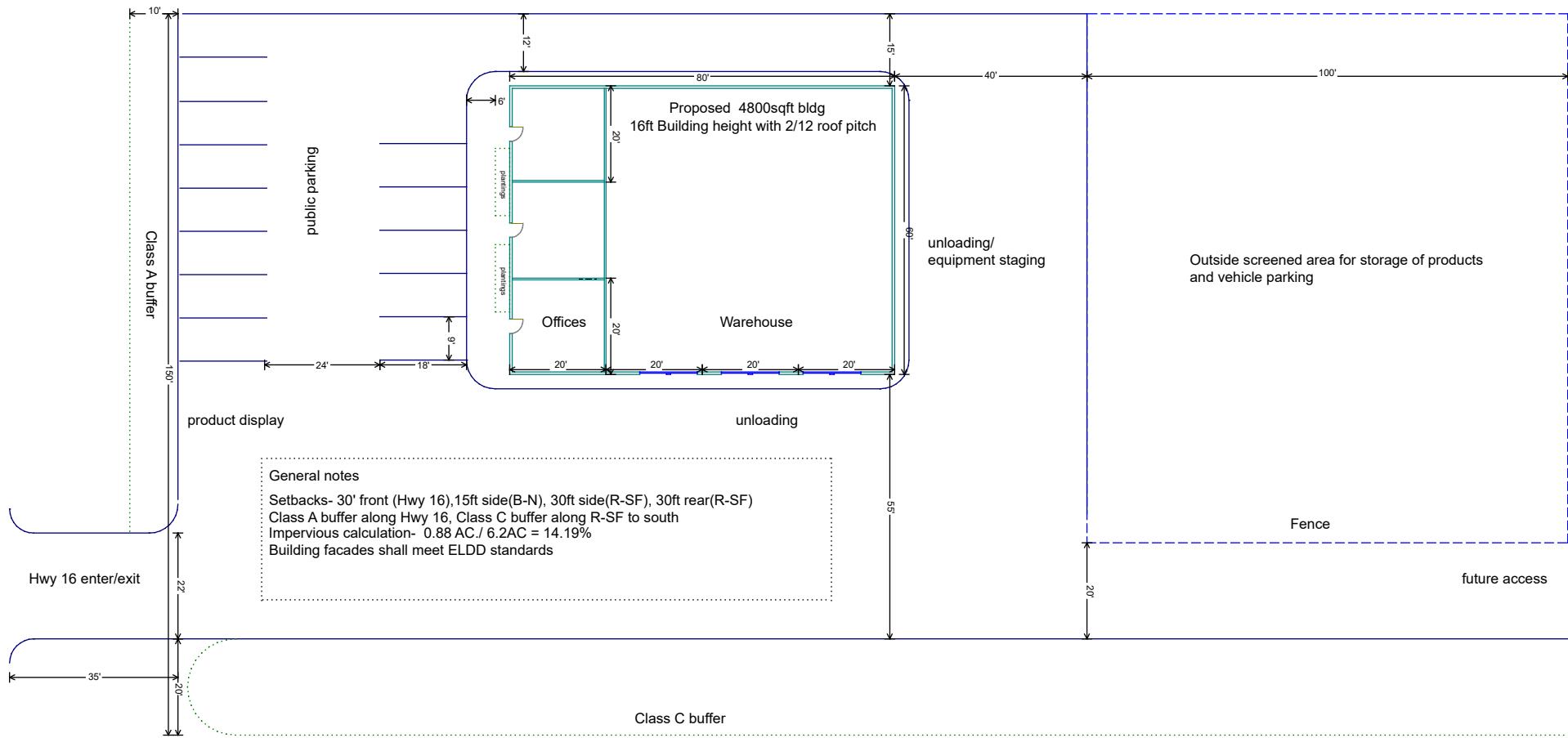
Change zoning on newly combined 6.2 acre parcel from R-SF to CU B-G

30ft easement to access R-SF 4 acres if access from Webbs Chapel Cove ct not granted

Property is located in WS-IV Critical Area watershed district. Under watershed regulations, built-upon area (buildings, driveways, parking areas, graveled storage area, etc.) is limited to 24% of the site under low-density option. Under possible future amendment of the conditional zoning plan, built-upon area would be limited to 50% of the site under high-density option, which would require engineered stormwater control/treatment measures.



# Proposed building layout



Owner	Dean Fisher 2996 Hwy 16 Business Denver, NC 28037	Design	LKN Custom Dock, Inc. / CDR PO Box 1439 Denver, NC 28037	Drawing	2019-2996site-01 Rev. Date: Sheet 1 of 1	Engineer	Clinton Robertson PO Box 681896 Charlotte, NC 28216
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