



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: July 15, 2019

Re: CZ #2019-4
Tim and Marian Dellinger, applicants
Parcel ID# 90500 (3.6-acre 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 August 5, 2019.

Request

The applicant is requesting the rezoning of 3.6 acres from R-SF (Residential-Single Family) to CZ B-G (Conditional Zoning General Business) to permit a self-storage facility. A self-storage facility is a conditional use in the B-G district. A site plan has been submitted as part of the application. Also included are minutes of a community involvement meeting that was held on May 2. Because this is a proposed rezoning to a conditional zoning district, if the request is approved, the property could only be developed and utilized for a self-storage facility in accordance with the approved site plan.

Site Area & Description

The subject property is located on the east side of Little Fork Cove Road about 400 feet north of Webbs Road. It is adjoined by property zoned R-SF and I-G (General Industrial). Land uses in this area include residential, agricultural, industrial and business. The subject property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood, suitable for single-family homes.

Environmental

This property is located in a WS-IV Critical Area watershed district, which would limit the proposed project to 50% impervious coverage under the high-density option for the

Lake Norman watershed. This would require engineered stormwater controls and approval through a conditional use permit process.

Additional Information

Permitted uses

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

Under proposed zoning: self-storage facility.

Adjoining zoning and uses

East: zoned R-SF, farmland.

South: zoned I-G and R-SF, concrete plant, shop building, farmland and offices.

West (opposite side of Little Fork Cove Road): zoned CU PD-R (Conditional Use Planned Development-Residential), residences in Norman Pointe subdivision.

North: zoned R-SF and CU PD-R, telecommunications tower, undeveloped land and common open space area of Lakewood subdivision.

Staff's Recommendation

Staff recommends disapproval 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 #2019-4**
Applicants **Tim and Marian Dellinger**
Parcel ID# **90500 (3.6-acre portion)**
Location **east side of Little Fork Cove Road 400 feet north of Webbs Road**
Proposed amendment **Rezone from R-SF to CZ B-G to permit a self-storage facility**

This proposed amendment **is not consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

This property is part of an area designated by the Land Use Plan as Single-Family Neighborhood, suitable for single-family homes. Commercial uses such as a self-storage facility are not listed as primary or secondary uses under this designation.

This proposed amendment **is not reasonable and not in the public interest** in that:

Land uses in this area are predominantly residential. The only nonresidential zoning in the immediate area is an adjoining parcel that contains a concrete plant and a commercial building that were in place prior to the enactment of zoning in this area in 1993. Little Fork Cove Road is a local neighborhood road with narrow shoulders and is not an appropriate location for commercial development.



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 Tim + Marian Dellinger

Applicant Address 2086 Cameron Hills Circle Denver NC 28037

Applicant Phone Number 980-722-8723

Property Owner Name Gary + Virginia Dellinger

Property Owner Address Cataula N.C

Property Owner Phone Number 704-201-4079

PART II

Property Location 8165 Webb's Road Denver NC 28037

Property ID (10 digits) 4615026075 Property size 12.425

Parcel # (5 digits) 02641 Deed Book(s) 2294 Page(s) 72

PART III

Existing Zoning District R-SF Proposed Zoning District CZB-G

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

Farm land.

List the proposed use or uses of the property.

Boat + RV Storage + Mini Storage. I am
wanting to Rezone 3.6 acres, so I can use 3.6 acres
for storage.

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.

Applicant's Signature

Date

4/2/19

Community Involvement Meeting Minutes

Date: Thursday, May 2, 2019 – 7:00 p.m.

Location: East Lincoln Community Center, Denver NC

Purpose: To provide information and get feedback from the community, regarding the proposed rezoning of 3.6 acres from Residential-Single Family to Conditional Zoning, General Business, to permit a self-storage facility.

Introduction:

Marian Dellinger introduced herself, her husband, Tim and their consultant, Recil Wright. Marian explained that she and Tim are seeking approval to rezone a portion of family land off Little Fork Cove Road, which is about 400 feet off Webbs Road, behind an existing business.

Before sharing the actual site plan, Marian shared some history about the family land and why they chose this location. Marian also shared that, if this portion of the property is rezoned, she and Tim will build their personal home on the property next to the site.

The Facility:

Marian shared the following information:

- The storage units (buildings and parking spaces) will vary in size and will take up approximately 1.8 acres of the proposed 3.6 acres of land.
- Due to the watershed, at least 50% of the area will be left undeveloped.
- Initially, the facility will have approximately 120 units, with the remaining space for boat and RV parking.
- All building structures will have a concrete floor.
- The driveway will be asphalt.
- Each end of the buildings will be brick.
- A black, chain-link fence will surround the proposed site with added black screening panels, if required to do so.
- Street lamps will provide adequate rental security.

- Cameras will be installed, as an extra security measure.
- A front-load garbage receptacle will be on-site at the facility for small debris.
- There will be no flushing from boats or any other recreational vehicle permitted.
- Natural water currently flows from this property in a pattern that, of course, currently leads to the lake.
- A retention pond will be created and designated for erosion control.
- Landscaping will surround the proposed site on the outside of the black, chain-link fence.
 - Marian shared that landscaping will include Japanese Cedars (Radicans), which are a fast-growing tree (3-4 feet per year and mature to heights of 30-40 feet) and Burning Bush hedges that grow 4-6 feet tall.
- Hours of the facility are still being considered. In an attempt to control the traffic in and out of Little Fork Cove Road late at night or too early in the morning, the suggested hours are Monday-Friday, 6 a.m. – 11 p.m. and Saturday and Sunday, 7 a.m. – 12 p.m. Users will not be allowed to enter the facility outside of these times. Marian stated that they are open to suggestions that make sense to keep the traffic under control and neighbors satisfied.

Open Discussion:

- Residents expressed their concerns about the criminal activity that takes place at a storage unit facility. National statistics were discussed by the residents. No local statistics were known by the residents or the presenters. One resident stated that the national statistics were not applicable to this proposed site and shouldn't determine storage facility crime rates in Lincoln County. Concerns were voiced about raising young children living in the community around storage units, as well as people stalking their homes. One resident asked Marian how she was going to protect her children and another resident answered, that it is not up to Tim and Marian to protect your children, it is up to you as the parent to protect your children.
- A couple of residents were concerned about their property values decreasing and wanted to know if their property would be re-evaluated if this rezoning is passed.
- A resident asked about the retention pond and asked if the EPA would be involved due to environmental factors. Randy Hawkins stated it would have to be engineered,

and reviewed by a third party engineer. Recil Wright indicated that indirectly the EPA would be involved and it would be built to code.

- Residents voiced their opinions on the hours of operation. Marian indicated to the residents that no hours had been set in stone and stated they want to be respectful of the neighbors in the area and said she is open to suggestions. No resident provided a suggestion. Most residents just made negative comments.
- Residents asked about the lighting around the storage facility; several indicated they do not want lights on all night. Marian explained that having the lights on all night would be an extra security measure. Residents said they do not want lights shining in their window at night. Tim explained that there are woods separating the storage facility and homes and the type lighting used would not shine in their yards and windows. Residents continued to make negative comments about the lighting.
- Residents asked if the buffer was going to be around all four sides of the facility, Marian answered, yes. Marian reiterated that the proposed trees to be used grow to be 15 feet tall. Residents expressed concerns over the proposed Burning Bushes to be used with the trees were not environmentally safe. Marian indicated that she and Tim are happy to look at alternatives.
- One resident raised a concern about asphalt being used as the driveway, said it would cause more water to flow to his personal property.
- Residents asked how many units would ultimately be built. Marian explained that they would be phased in; starting with 100 units growing to no more than 350-400. Marian further explained that parking for boats and/or RVs would be allowed within the paved, fenced area of the facility until more storage units were added. Storage units will be added as demand warrants. Marian stated that the actual fenced in storage unit space is 1.8 acres of the proposed 3.6 acres.
- Residents asked if the tops of the RVs would be visible from the road. Marian tried to answer this question but met resistance from residents not allowing her to speak.

Other questions from residents and items to note:

- How did the adjacent property originally get zoned to industrial?
- When was the property in question zoned as single-family homes? The answer from Randy Hawkins was that it dates back to the original zoning in the 1990s.
- Commissioner Sigmon took the mic to remind residents that we are all neighbors and to respect the Dellingers and to respect each other. He stated to stand and ask your questions and pointed out that at the time, "it's just hollering". He further stated that the purpose of the community meeting is for residents to ask questions and for the

presenters to gather feedback which can be addressed. And also reminded residents that if they did this, they will “go away from here with a lot more knowledge.” And, “we don’t need to yell at each other.”

- One resident abruptly marched to the back of the room and yelled out that he had no desire to let the Dellingers do anything, they think they own this town. Marian and Tim reminded this gentleman that they own nothing in Denver but their home and do not have anything to do with any other businesses or rezoning requests in Lincoln County.
- Marian had to ask the residents several times to please stop yelling; she indicated that she would happily try to answer their questions but didn’t want to be yelled at. At times, residents wouldn’t allow her to speak.
- One resident asked, “From a precedent perspective, if you get rezoning approval, have you thought about how you are going to protect the property you can control from further growth?” The concern addressed, if the property is rezoned and then Tim and Marian sell the property, the new owners can then come in to ask for rezoning. Other residents asked the same question about the impact this rezoning would have on future zoning decisions and how the Dellingers planned to protect further growth of the property they control, from being rezoned to B-G. Randy Hawkins shared, “Each application is considered individually. Anybody can apply to rezone their property anywhere.” Randy further explained that, it’s difficult to say whether it would or would not have an impact, that each application is considered on its own merit. Randy explained that the existing business adjacent to the proposed property to be rezoned is currently industrial and that somebody could argue that point and rezoning could expand that area further, but that decision is up to whoever is serving as county commissioner at the time.
- A resident asked for clarification on the change in proposal given and the amount of property being less than what was in the letter sent out to the residents. Randy explained that there was a modification to the proposal and not enough time to resend information to residents and the change would be explained at the meeting, which it was.

The meeting was closed with the announcement that the next meeting would take place on June 6th and Randy Hawkins encouraged residents to assign one or two speakers to speak. He reminded residents that there is a time limit on how long an individual can speak versus a person speaking for a group.



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 = 400 Feet

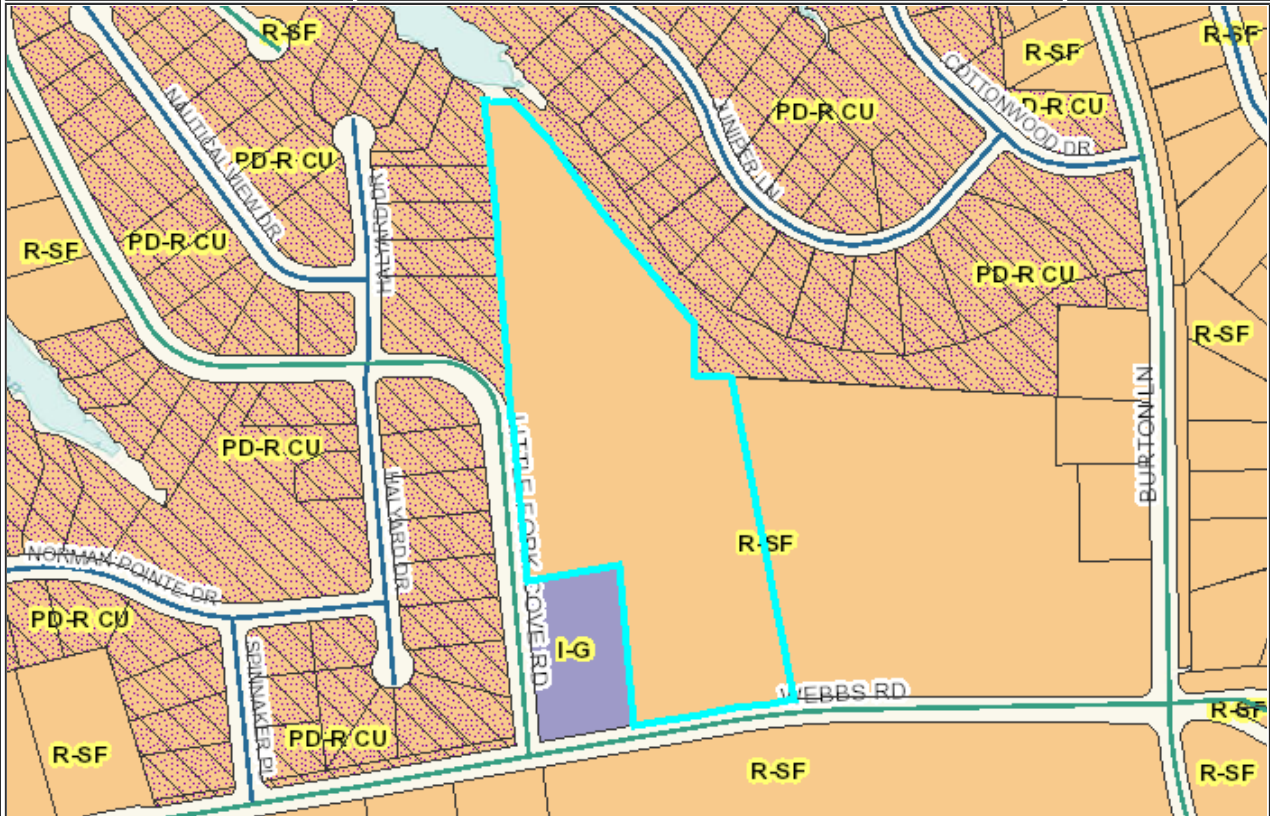
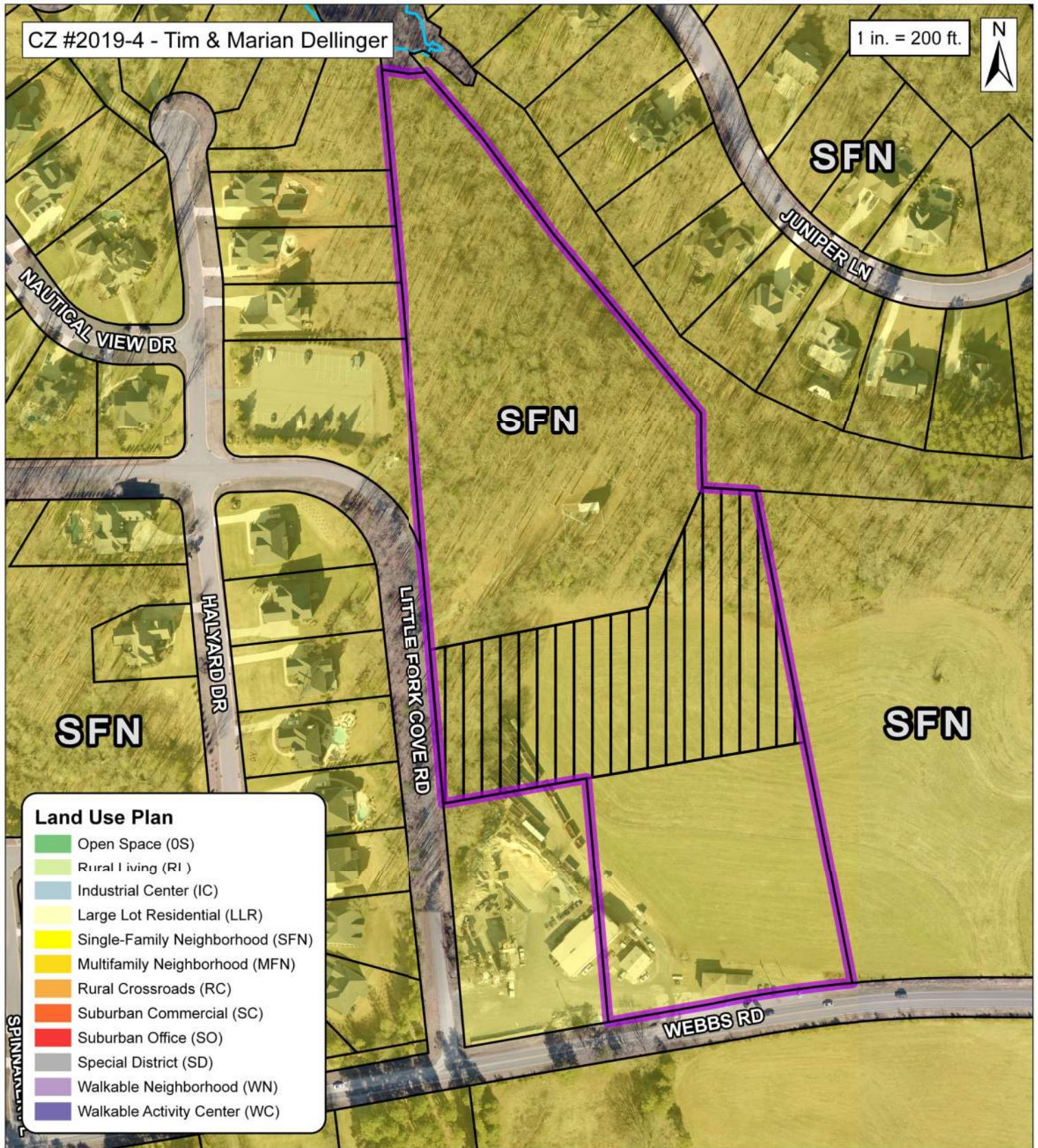


Photo Not
Available

Parcel ID	90500	Owner	DELLINGER GARY DELLINGER VIRGINIA C
Map	4615	Mailing	8151 WEBB RD
Account	17438	Address	DENVER, NC 280370000
Deed	2294 72	Last Transaction Date	02/02/2012
Plat		Subdivision	
Land Value	\$459,039	Improvement Value	\$0
Previous Parcel	30199	Total Value	\$459,039
-----All values for Tax Year 2019 -----			
Description	TRACT 1 DELLINGER LD		Deed Acres 12.94
Address	8165 WEBB RD		Tax Acres 12.425
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	12.43	DN29	12.43
Watershed	12.43	Sewer District	12.43
Census County	Tract	Block	
109	071203	1012	12.43
Flood Zone Description			Panel
AE	SPECIAL FLOOD HAZARD AREA BASE ELEVATION DETERMINED - 100 YEAR		3710461500 0.02
X	NO FLOOD HAZARD		3710461500 12.4

CZ #2019-4 - Tim & Marian Dellinger

1 in. = 200 ft.



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

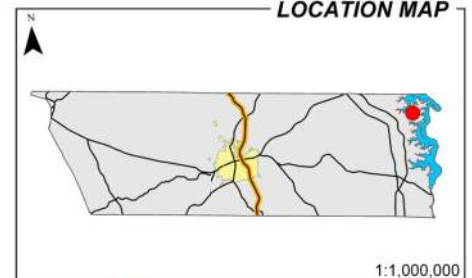
Parcel ID# 90500

- Property Location(s)
- Area to be Rezoned

See Attached Application for Parcel Information

Property Location(s) Outlined in Purple

LOCATION MAP



Property Location(s)

1:1,000,000

