



## LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT

115 W. MAIN ST., LINCOLNTON, NORTH CAROLINA 28092  
704-736-8440 OFFICE      704-736-8434 INSPECTION REQUEST LINE

To: Board of Commissioners  
Planning Board

From: Randy Hawkins, Zoning Administrator

Date: December 11, 2020

Re: CZ #2021-2  
Mark Phinney and Fred Lanier, applicants  
Parcel ID# 00364

*The following information is for use by the Lincoln County Board of Commissioners and the Planning Board at their joint meeting/public hearing on January 4, 2021.*

### Request

The applicants are requesting the rezoning of a 2.86-acre lot from R-S (Residential Suburban) to CZ B-G (Conditional Zoning General Business) to permit vehicle service and vehicle sales. An existing building, a former fire station, would be used as a vehicle service garage. Vehicle service (oil change, brake service, alignment, etc.) is a permitted use and vehicle sales is a conditional use in the B-G district.

A site plan has been submitted as part of the rezoning application. Also included are minutes from a Dec. 3 community involvement meeting. Because this is a proposed rezoning to a conditional zoning district, if the request is approved, the property could only be used for the specified uses in accordance with the approved site plan.

### Site Area & Description

The subject property is located at 4588 Reepsville Road, on the north side of Reepsville Road about 600 feet east of Jetton Drive, in Howards Creek Township. It is surrounded by property zoned R-S. Land uses in this area are primarily residential. This property is designated by the Lincoln County Land Use Plan as a Special District, a classification that includes institutional facilities such as a fire station.

## Additional Information

### **Permitted uses**

Under current R-S zoning, single-family residence, duplex, church.

Under proposed CZ B-G zoning: vehicle service, vehicle sales.

### **Adjoining zoning and uses**

East: zoned R-S, undeveloped lot.

South (opposite side of Reepsville Road): zoned R-S, residences.

West: zoned R-S, house under construction.

North: zoned R-S, farmland and residence.

## Staff's Recommendation

Under the Unified Development Ordinance, prior to adopting or rejecting a zoning amendment, the Board of Commissioners must adopt one of the following statements:

- (1) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (3) A statement approving the zoning amendment and containing at least all of the following:
  - a. A declaration that the approval is also deemed an amendment to the comprehensive plan.
  - b. An explanation of the change in conditions the governing board took into account in amending the plan to meet the development needs of the community.
  - c. Why the action taken is reasonable and in the public interest.

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



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### **Proposed Statement Approving Zoning Amendment, Simultaneously Amending Land Use Plan**

Case No. **CZ #2021-2**

Applicants **Mark Phinney and Fred Lanier**

Parcel ID# **00364**

Location **4588 Reepsville Road**

Proposed amendment **rezone from R-S to CZ B-G to permit vehicle service and vehicle sales**

**The Board of Commissioners approves this zoning amendment and hereby declares that this approval is also deemed an amendment to the Lincoln County Land Use Plan to designate this property as Suburban Commercial. In amending the Land Use Plan, the Board of Commissioners took into account the following:**

- 1) This property had been the site of a fire station for many years, but the station was deactivated in 2019 after a new station and a substation were built in other locations.
- 2) The building is well suited for a vehicle service garage.

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

**A nonresidential use has been located on this property for many years. The rezoning will allow the reuse of a former fire station. Because this is a rezoning to a conditional zoning district, the use and development of the property will be limited to the specified uses and the approved site plan. The use of the building as a vehicle service garage will provide a needed service in the community.**



## 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 Phinney Enterprises, Inc. (Mark Phinney and Fred Lamic)

Applicant Address 4362 Katie Deep Lane, Vale, NC 28168

Applicant Phone Number (704) 334-3350 (x) (704) 488-0042 (c)

Property Owner Name Union Vol. Fire Dept., Inc. of Vale

Property Owner Address 4588 Deepsville Rd., Vale, NC 28168

Property Owner Phone Number (704) 276-2944

### PART II

Property Location 4588 Deepsville Rd., Vale NC 28168

Property ID (10 digits) 2695800413 Property size 2.864 ac.

Parcel # (5 digits) 00364 Deed Book(s) 1226 Page(s) 446

### PART III

Existing Zoning District R-5 Proposed Zoning District CZ-BCa

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

The property is being used currently as a volunteer fire dept. for Lincoln County.

List the proposed use or uses of the property.

The proposed uses will be a vehicle service and sales operation.

**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

11/4/2020

Date

Robert B. Young

Dept. Chair

11/13/2020

## COMMUNITY INVOLVEMENT MEETING

**DATE: December 3, 2020**

**LOCATION: 4588 Reepsville Rd, Vale, NC 28168**

**PURPOSE:** Community involvement meeting to provide information regarding the rezoning of 4588 Reepsville Rd., Vale, NC 28168 for the proposed auto repair and auto sales for Phinney Enterprises, Inc., dba Kelly Auto Repair and Tire Sales.

**INTRODUCTION:** Mark Phinney introduced himself for Phinney Enterprises, Inc., and David Ledford introduced himself and displayed the proposed site plan for review.

### **OPEN DISCUSSION:**

Question: Several people brought up the concern regarding the cleanliness and wanted to know if there would be junk cars/parts sitting around outside.

Answer: I want to be a good neighbor and I do not operate in that manner. There would not be junk cars or parts sitting around. Most cars will be left inside the building when the shop is closed. There will be no open storage outside.

Question: Where will the cars that are for sale be located and how many will you have?

Answer: The cars for sale will be parked in the designated parking area located on the site plan. There will be up to 16 cars for sale.

Question: One neighbor asked what would be done on the left side of the property?

Answer: No plans for the left side (if facing the building) of the property as indicated on the site plan.

Question: The question was asked where is your current location?

Answer: 2514 North Davidson St. Charlotte, NC 28205

Question: Are you only servicing cars and selling cars? Not doing major repairs like transmission work like at Rebecca's.

Answer: Only general repair and service along with car sales.

Question: Will you be working by yourself or will there be more people.  
Answer: To begin with I will be by myself but hope to bring more employees soon.

Question: What are hours of operation and do you work on the weekend?  
Answer: The proposed hours are Monday thru Friday 8 am to 5 pm.

Question: Are you planning on any outdoor lighting on the property?  
Answer: I believe the existing lighting should be adequate.

Question to the realtor Angie Warlick: How will this affect the adjacent properties?  
Answer: Angie said it will be a similar use and did not feel it would be an issue. Also, there had been a fuel spill and it could not be used as residential.

Question: What will be done on the back of the property?  
Answer: On the site plan there is a proposed possible future building as well as a 70 foot buffer.

Question: Will there be a new sign and where?  
Answer: Plan on using the existing sign out front and possibly have one on the building.

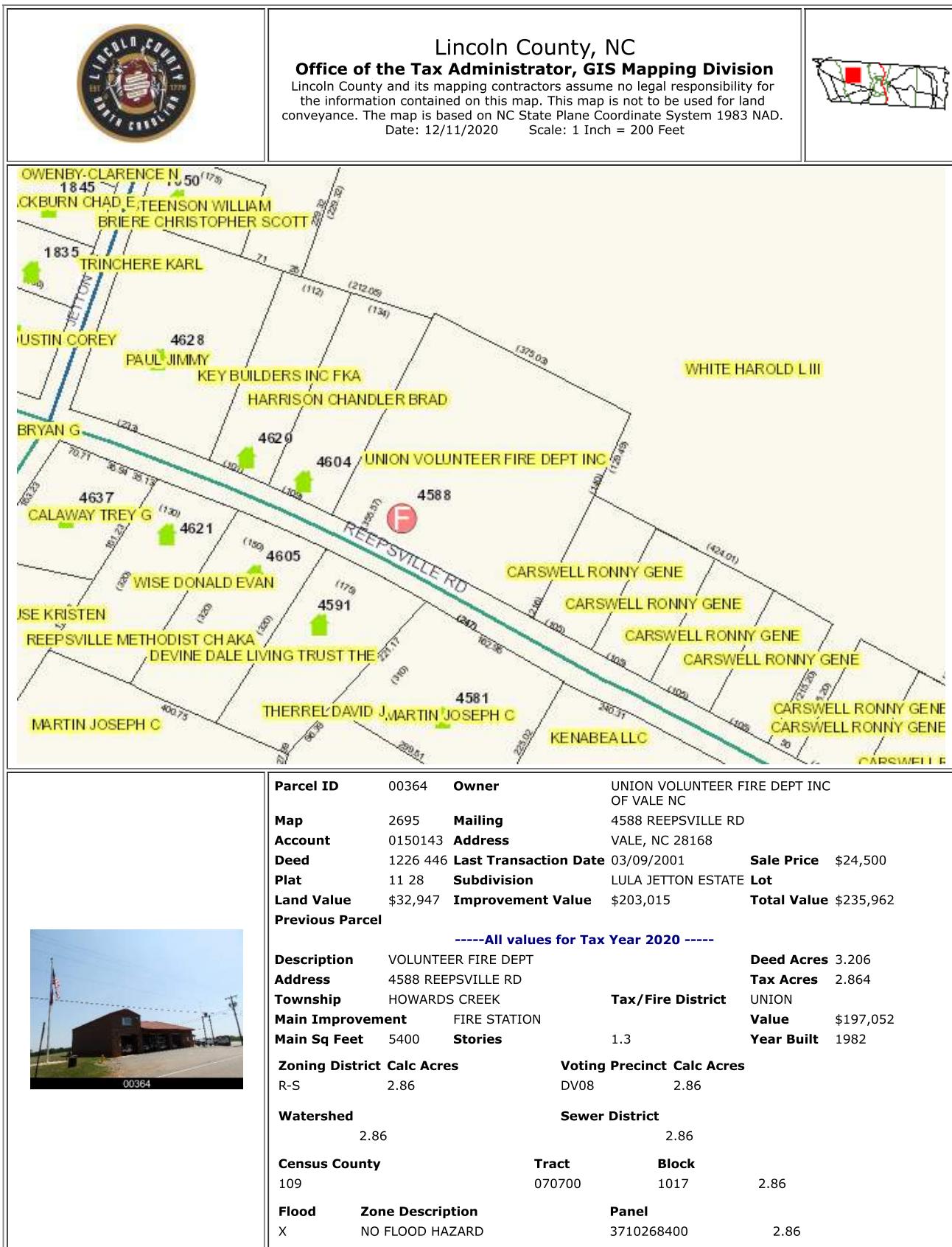
Question: When is the rezoning hearing?  
Answer: January 4, 2021

Question: Can conditions regarding no open outside storage be listed on the site plan.  
Answer: Yes, we will add the recommended condition.

Question: In the future will other owners be subject to these conditions?  
Answer: Yes, unless rezoned.

Questions: Can we get updates on what will be put on the site plan?  
Answered by Randy Hawkins: The website address [www.lincolncounty/rezoning](http://www.lincolncounty/rezoning) was given.

CZ #2021-2 Mark Phinney and Fred Lanier, applicants  
12/03/2020 community involvement meeting



CZ #2021-2  
subject property is outlined in blue



November 6, 2020

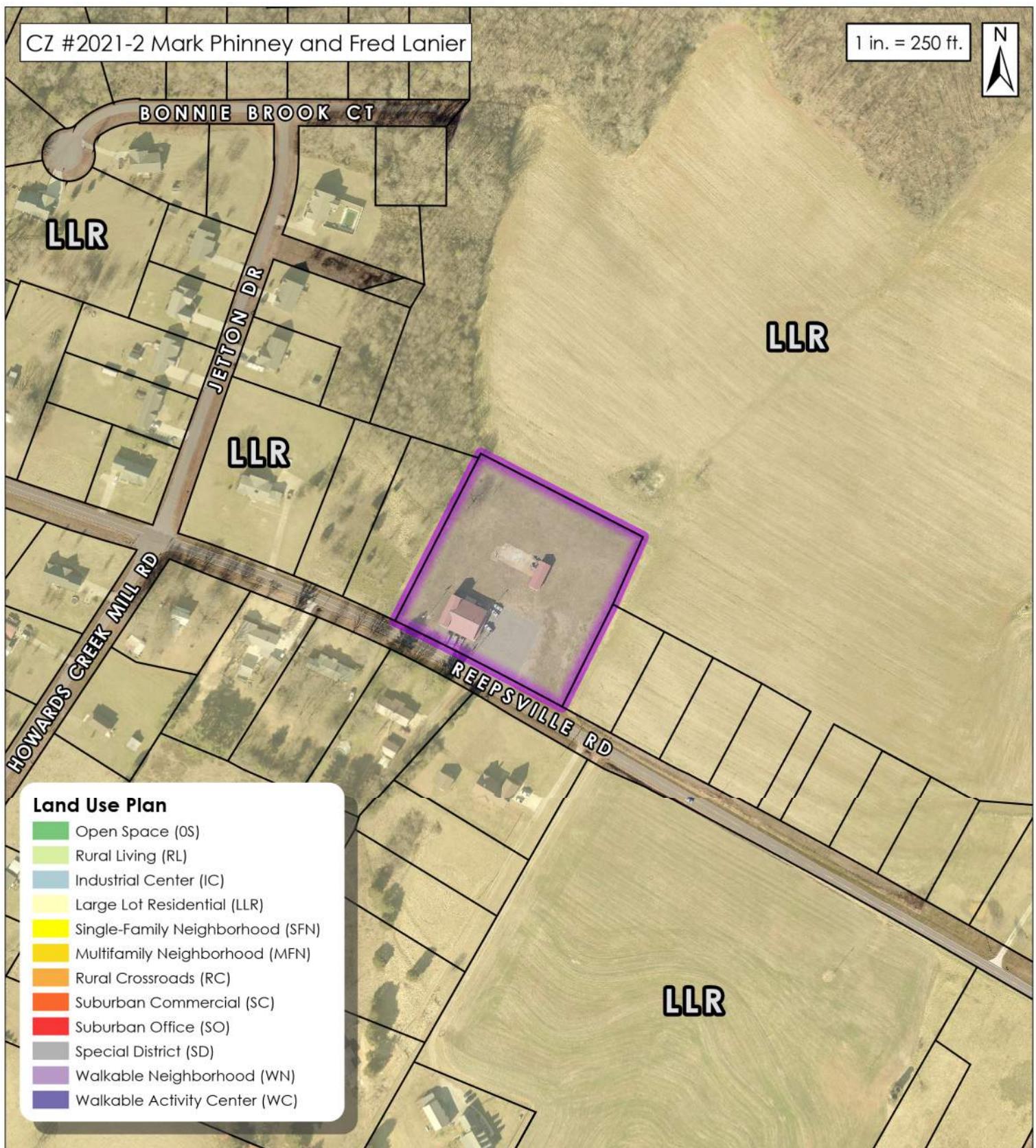
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Esri, Inc., Lincoln County, NC

CZ #2021-2 Mark Phinney and Fred Lanier

1 in. = 250 ft.



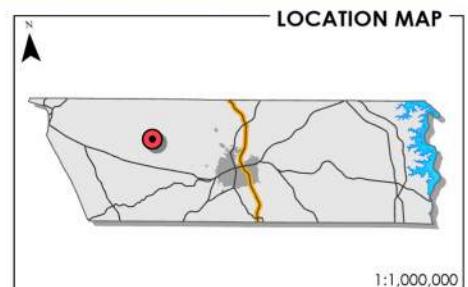
Lincoln County  
Planning & Inspections  
115 W. Main St  
3rd Floor  
Lincolnton, NC 28092

Parcel ID# 00364

- Property Location(s)

See Attached Application for Parcel Information

Property Location(s) Outlined in Purple.



Property Location(s)

