



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 Lanier)
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 RS Proposed Zoning District CZ-BG

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 Mark Phinney Date 11/4/2020

Robert B. Jones 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 was given.

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

[illegible]



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: 12/11/2020 Scale: 1 Inch = 200 Feet



Parcel ID	00364	Owner	UNION VOLUNTEER FIRE DEPT INC OF VALE NC		
Map	2695	Mailing	4588 REEPSVILLE RD		
Account	0150143	Address	VALE, NC 28168		
Deed	1226 446	Last Transaction Date	03/09/2001	Sale Price	\$24,500
Plat	11 28	Subdivision	LULA JETTON ESTATE	Lot	
Land Value	\$32,947	Improvement Value	\$203,015	Total Value	\$235,962
Previous Parcel					

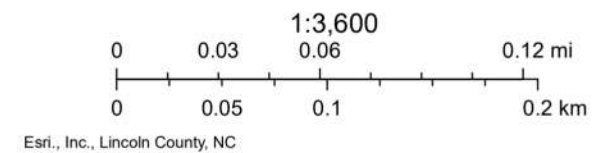
-----All values for Tax Year 2020 -----

Description	VOLUNTEER FIRE DEPT			Deed Acres	3.206
Address	4588 REEPSVILLE RD			Tax Acres	2.864
Township	HOWARDS CREEK		Tax/Fire District	UNION	
Main Improvement	FIRE STATION		Value	\$197,052	
Main Sq Feet	5400	Stories	1.3	Year Built	1982
Zoning District	Calc Acres		Voting Precinct	Calc Acres	
R-S	2.86		DV08	2.86	
Watershed			Sewer District		
	2.86			2.86	
Census County			Tract	Block	
109			070700	1017	2.86
Flood	Zone Description		Panel		
X	NO FLOOD HAZARD		3710268400		2.86

CZ #2021-2
subject property is outlined in blue

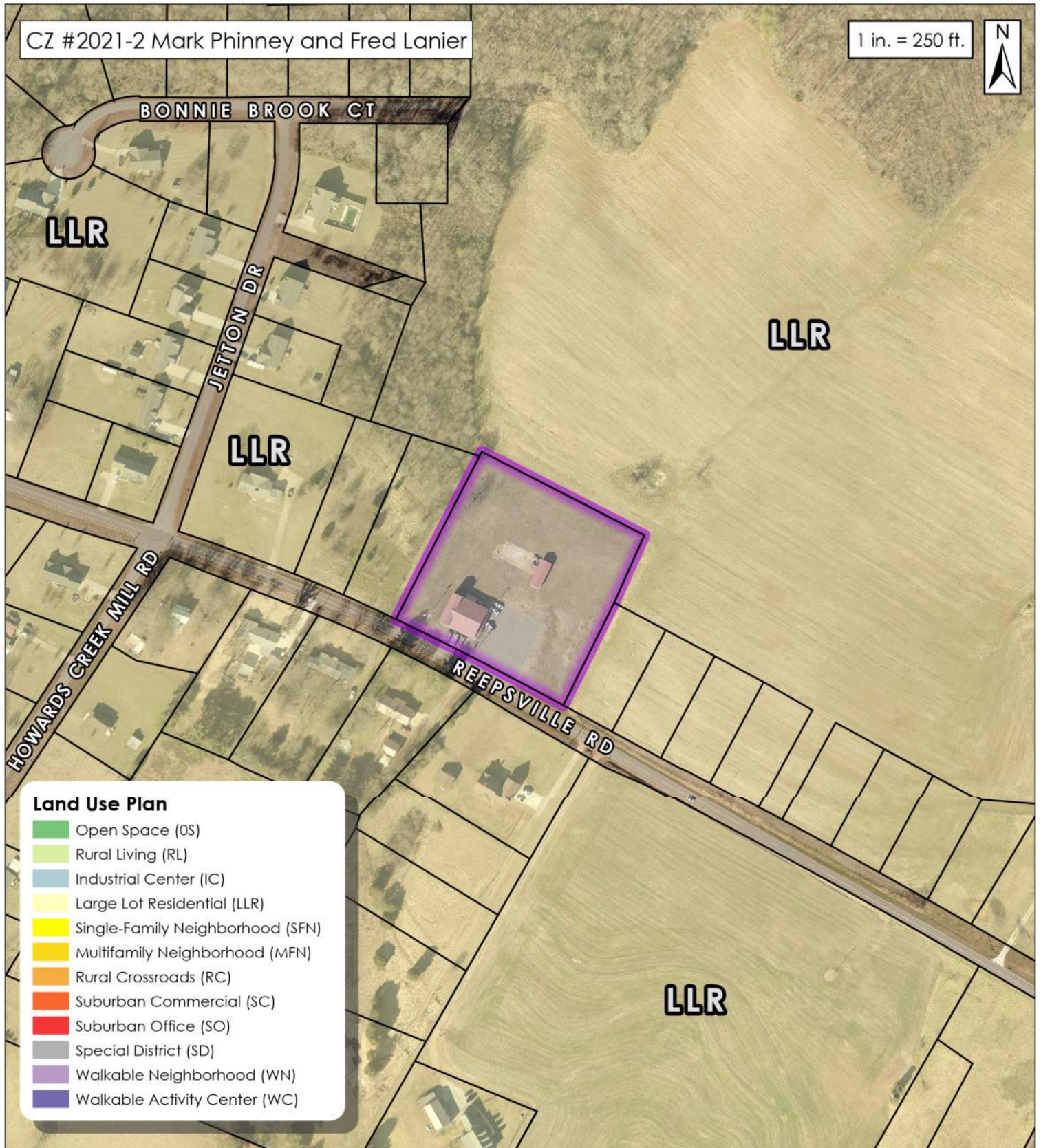


November 6, 2020



CZ #2021-2 Mark Phinney and Fred Lanier

1 in. = 250 ft.



Land Use Plan

- Open Space (OS)
- Rural Living (RL)
- Industrial Center (IC)
- Large Lot Residential (LLR)
- Single-Family Neighborhood (SFN)
- Multifamily Neighborhood (MFN)
- Rural Crossroads (RC)
- Suburban Commercial (SC)
- Suburban Office (SO)
- Special District (SD)
- Walkable Neighborhood (WN)
- Walkable Activity Center (WC)



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

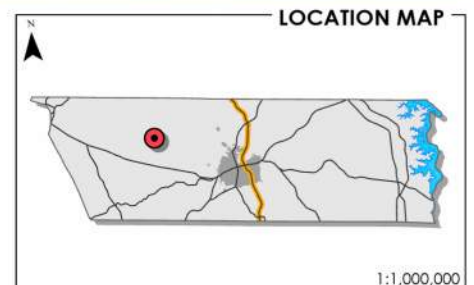
Parcel ID# 00364

 - Property Location(s)

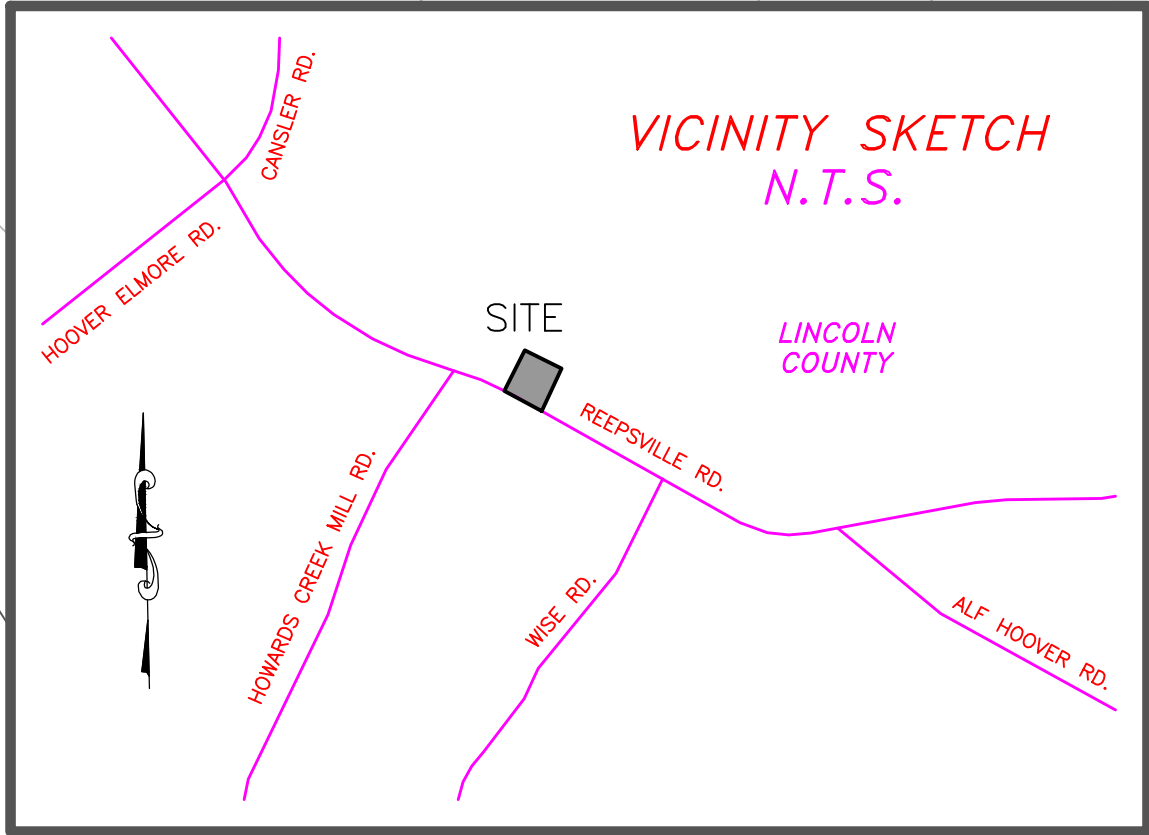
See Attached Application for Parcel Information

Property Location(s) Outlined in Purple.

LOCATION MAP



 Property Location(s)



CHANDLER HARRISON
PARCEL: 79156
DEED: 2952-150
ZONING: R-S
USE: VACANT

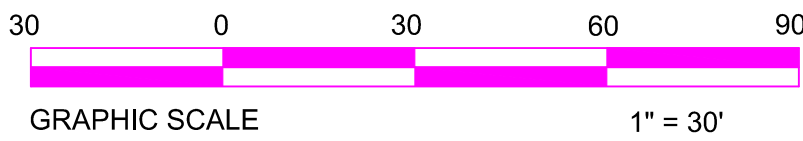


REEPSVILLE METHODIST CHURCH
PARCEL: 00354
ZONING: R-S
USE: RESIDENTIAL

DALE & JUDY DEVINE LIVING TRUST
PARCEL: 13155
DEED: 2524-771
ZONING: R-S
USE: RESIDENTIAL



JOSEPH & TAMARA MARTIN
PARCEL: 88401
DEED: 2046-253
ZONING: R-S
USE: RESIDENTIAL



HAROLD & LEIGH WHITE
PARCEL: 13255
DEED: 2857-40
ZONING: R-S
USE: VACANT

HAROLD & LEIGH WHITE
PARCEL: 13255
DEED: 2857-40
ZONING: R-S
USE: VACANT

RONNY CARSWELL
PARCEL: 101687
DEED: 2851-89
ZONING: R-S
USE: VACANT

APPLICANT INFORMATION:

PHINNEY ENTERPRISES, INC. & FRED LANIER
4362 KATIE REEP LANE
VALE, NC 28168

CONTACTS: MARK W. PHINNEY
(704) 488-0042
(704) 334-3350
kellytiresales@bellsouth.net

PARCEL INFORMATION:

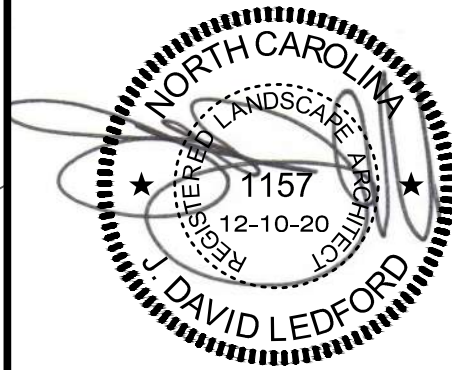
PARCEL ID #: 00364
PARCEL PIN #: 2695800413
OWNER: UNION VOL. FIRE DEPT., INC. OF VALE
4588 REEPSVILLE ROAD
VALE, NC 28168
ADDRESS: 4588 REEPSVILLE ROAD
VALE, NC
LINCOLN COUNTY
TOTAL ACREAGE: 2.864 AC
DEED BOOK: 1226 DEED PAGE: 446
PLAT BOOK: 11 PLAT PAGE: 28
EXISTING ZONING: R-S
PROPOSED ZONING: CZ-BG
EXISTING BUILDING TYPE: MASONRY
FUTURE ACCESSORY BUILDING TYPE: METAL
W/ UPGRADE FACADE PER COUNTY UDO
WATERSHED: NOT IN A PROTECTED WATERSHED
FLOODPLAIN: NO FLOODPLAIN ON-SITE
WETLANDS: NO WETLANDS PER NATIONAL
WETLAND INVENTORY
OFF-STREET PARKING:
4 SERVICE BAYS 12 SPACES
(1 SPACE PER SERVICE BAY)
VEHICLE SALES OFFICE - 1,000 S.F. BUILDING
(1 SPACE PER 500 S.F. GFS) 2 SPACES
TOTAL PROPOSED SPACES 14 SPACES
IMPERVIOUS AREA:
EXISTING IMPERVIOUS: 32,733 S.F.
FUTURE PROPOSED IMPERVIOUS: 3,890 S.F.
TOTAL IMPERVIOUS ON TRACT: 36,623 S.F.
% IMPERVIOUS TOTAL TRACT: 29.4%

PLAN DESIGN INFORMATION:

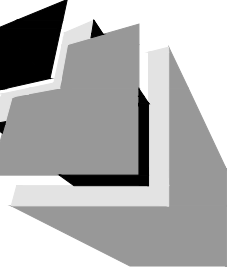
SITE DEVELOPMENT:
J. DAVID LEDFORD, RLA
2730 MAIDEN HIGHWAY
LINCOLNTON, NC 28092
CONTACT: DAVID LEDFORD, RLA
(704) 530-7880

COGNITIONAL USE PLAN ADDITIONAL CONDITIONS:
NO OUTSIDE OPEN STORAGE WILL BE PERMITTED.

NOTES :
CONTOUR INTERVAL = 2' LIDAR TOPOGRAPHIC DATA
UTILITIES SHOWN HEREON ARE BASED SOLELY ON VISIBLE ABOVE GROUND EVIDENCE
AND LIMITED LOCATED UTILITIES. THERE MAY BE UNDERGROUND UTILITIES THAT EXIST
ON THE SITE THAT ARE NOT SHOWN HEREON. ACTUAL LOCATION, SIZE, AND DEPTH
OF LINES SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANIES BEFORE
ANY PROPOSED GRADING OR CONSTRUCTION OF ANY TYPE STARTS.
PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS OF WAY OR
EASEMENTS NOT OBSERVED.



J. DAVID LEDFORD, RLA



LANDSCAPE ARCHITECTURE LAND PLANNING SEDIMENT EROSION CONTROL STORMWATER PLANNING
jdaavidledford@yahoo.com
2730 Maiden Highway
Lincolnton, NC 28092
CELL (704) 530-7880

PLAN DATE: 10/30/20

DRAWN BY: JDL

CHECKED BY: JDL

REVISIONS:

#1 10/30/20 MF

PROJECT DESCRIPTION:

PROPOSED SITE PLAN
PHINNEY ENTERPRISES, INC.
LINCOLN COUNTY

DRAWING NUMBER:

S1