



**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: August 28, 2015

Re: Zoning Map Amendment #623  
Forest Oaks residents, applicants  
Parcel ID# 52787

*The following information is for use by the Lincoln County Board of Commissioners and the Planning Board at their joint meeting/public hearing on September 14, 2015.*

Request

The applicants are requesting the rezoning of 2.3 acres from CU I-L (Conditional Use Light Industrial) to B-G (General Business). The property, owned by Global Holdings Group, LLC, is the site of the Universal Rubber Products plant that was destroyed by fire in February. The property was rezoned in a parallel conditional use rezoning in 1996 from B-N (Neighborhood Business) to CU I-L to permit rubber fabrication. One of the conditions that were imposed was that there be "no outside storage on sides of property abutting residential district."

Site Area & Description

The property is located on the south side of Forest Oak Drive about 500 feet west of N.C. 16 Business. It is located in the Eastern Lincoln Development District and is adjoined by property zoned B-N (Neighborhood Business), B-G (General Business) and R-SF (Residential Single-Family). This property is served by public water and sewer. Land uses in this area include business and residential. This property is part of an area designated by the Lincoln County Land Use Plan as the NC 16 Corridor. The Land Use Plan called for the creation of a new zoning overlay district that, among other goals, would prohibit certain "heavy" or unsightly uses from locating along the corridor. The Eastern Lincoln Development District was established as a result. Under the ELDD use table, the manufacture of rubber products is a conditional use. The NC 16 Corridor Vision Plan recommends that commercial activity be concentrated in nodes.

### Additional Information

#### **Permitted uses**

Under current CU I-L zoning: rubber fabrication

Under requested B-G zoning: retail sales, offices, personal services, restaurant, etc.

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

East: zoned B-N, medical offices.

South: zoned B-G, auto parts store.

West: zoned R-SF, residences.

North (opposite side of Forest Oak Drive): self-storage facility, vehicle service garage, auto sales lot, car wash.

### Staff's Recommendation

Staff recommends that the rezoning request be denied. See proposed statement on following page for rationale.



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

Case No. **ZMA #623**  
Applicant **Forest Oaks residents**  
Parcel ID# **52787**  
Location **south side of Forest Oaks Drive about 500 feet west of N.C. 16 Business**  
Proposed amendment **rezone from CU I-L to B-G**

This proposed amendment **is 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 the NC 16 Corridor. The NC 16 Corridor Vision Plan recommends that commercial activity be concentrated in nodes. This property is located in a commercial area near a main intersection. B-G zoning permits a variety of commercial uses.**

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

**The property owner made substantial expenditures to construct a facility in reliance on a conditional use permit following a parallel conditional use rezoning in 1996, establishing a vested right to use the property for rubber fabrication. The Lincoln County Unified Development Ordinance further provides in Section 9.11.12.B that once the original building permit was issued, the conditional use permit shall remain in force unless the use, construction or activity ceases for a period of 12 consecutive months. The fire that destroyed the facility occurred in February 2015, and there has not been a period of 12 consecutive months of inactivity.**



### Zoning Map Amendment Application

Lincoln County Planning and Inspections Department

Zoning Administrator

302 N. Academy St., Lincolnton, NC 28092

Phone: (704) 736-8440 Fax: (704) 732-9010

#### Part I

Applicant Name Richard & Brenda Smith

Applicant Address 7575 Forest Oak Dr., Denver, NC 28037

Applicant Phone Number 704-966-0018

Property Owner's Name Global Holding Group LLC

Property Owner's Address 7988 Westgate Dr., Denver, NC 28037

Property Owner's Phone Number 704-483-1249

#### Part II

Property Location 7780 Forest Oak Dr., Denver, NC

Property ID # (10 digits) 4602661191 Property Size 2.3

Parcel # (5 digits) 52787 Deed Book(s) 2457 Page(s) 398

#### Part III

Existing Zoning District CU-T-L Proposed Zoning District B-G

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

Vacant due to industrial 25 Alarm fire

Briefly explain the proposed use and/or structure which would require a rezoning.

More appropriate NC 16 Corridor

**APPLICATION FEE (up to 2 acres \$300, 2-5 acres \$500, 5+ acre \$1,000)**

**MUST BE RECEIVED BEFORE PROCESSING.**






















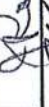

I hereby certify that all of the information provided for this application and attachments is true and correct to the best of my knowledge.

Brenda Smith  
Applicant  
Richard Smith

7-31-15  
Date



# Page 2 of Zoning Map Amendment Application

Print Name	Signature	Address	Phone Number
Lee Caldwell		7784 Deer Track Dr Denver NC 28037	704 483 1447
Sharon Richard Page		7658 Deer Track Dr. Denver NC 28037	704 483 -2258
Emily Toto		7608 Deer Track Dr Denver 28037	704.641.6913
John BLACK		7624 Forest Oak Dr, DENVER NC 28037	704 564-9149
RICHARD FERGUSON		7623 Forest Oak Dr. Denver, NC 28037	704 489 8862
STEVE McINTYRE		7539 Forest Oak Dr. Denver, NC. 28037	704-483-3986
Lisa Windell		7847 Deer Track Dr Denver NC 28037	704-488-1775
Terry Windell		7847 Deer Track Dr. Denver NC 28037	704-488-1755
DANNY SCOTT		7813 DEER TRACK DR. DENVER NC 28037	704-483-0377
Larry Caldwell		7764 Deer Track Dr. Denver NC 28037	704-996-4383
Dolinda Scott		7813 Deer Track Dr Denver NC 28037	704-483-0377
Christy Gordon		7691 Deer Track Dr. Denver NC 28037	704-483-6149
Doug Gordon		7691 Deer Track Dr. Denver, NC 28037	704-483-6149
SUZANNE SMITH		7556 Deer Track Drive, Denver NC 28037	704-506-7134
Debra Smith		7556 Deer Track Drive Denver NC 28037	704-400-6429
Alexandra Smith		7556 Deer Track Drive Denver NC	704-606-3316
Brian Padrick		7773 Deer Track Drive Denver NC 28037	704-578-3316
Tony Luckey		7561 Forest Oak Dr. Denver NC 28037	704 483 9487
Charles M. Mills		7562 FOREST OAK DR. DENVER N.C. 28037	704-483-5238
SHARON BLACK		7624 Forest Oak Dr Denver NC 28037	704 506 7134
ROBERT JILFER		7550 FOREST OAK DR DENVER NC 28037	704 607 1587
Jeff Horne		7682 Foster Oak Dr, DENVER, NC 28037	704 579-2790
Nichelle Armstrong		7869 Deer Track Dr. Denver NC 28037	704-301-2632

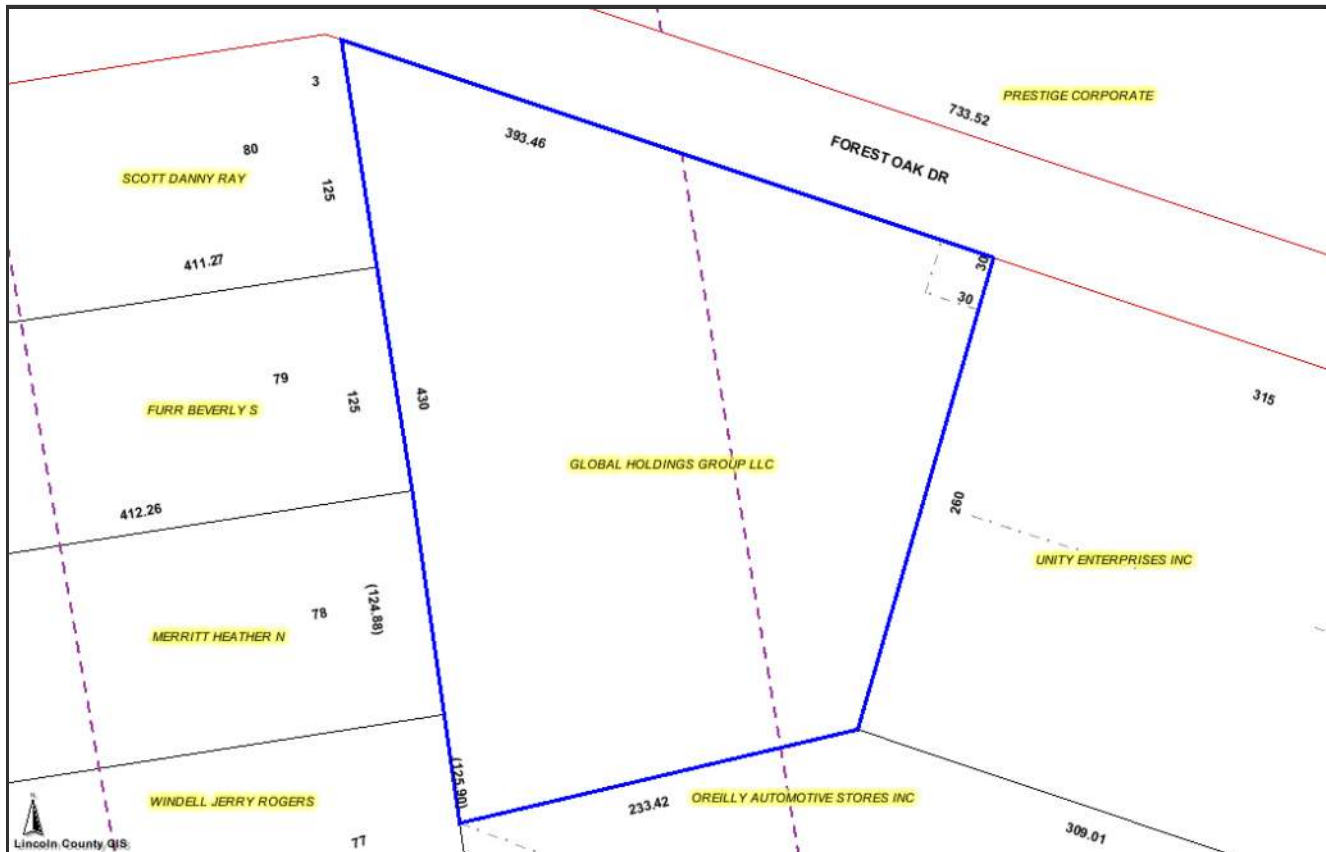
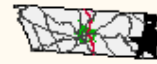




## Lincoln County, NC

**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: 8/6/2015 Scale: 1 Inch = 100 Feet**



### PHOTOS



Photo Not  
Available

### PARCEL INFORMATION FOR 4602-66-1191

<b>Parcel ID</b>	52787	<b>Owner</b>	GLOBAL HOLDINGS GROUP LLC	<b>Sale Price</b>	0
<b>Map</b>	4602-02	<b>Mailing</b>	7988 WESTCAPE DR	<b>Previous Parcel</b>	
<b>Account</b>	0251816	<b>Address</b>	DENVER NC 28037		
<b>Deed</b>	2457-398	<b>Recorded</b>	5/22/2014		
<b>Land Value</b>	\$123,181	<b>Total Value</b>	\$343,009		
----- All values are for tax year 2015. -----					
<b>Description</b>	MATTOX #10	<b>Deed Acres</b>	2.32		
<b>Address</b>	7780 FOREST OAK DR	<b>Tax Acres</b>	2.3		
<b>Township</b>	CATAWBA SPRINGS	<b>Tax/Fire District</b>	EAST LINCOLN / EL SEWER		
<b>Main Improvement</b>	MFG/WAREHOUSE/OFFICE	<b>Value</b>	\$219,018		
<b>Main Sq Feet</b>	12470	<b>Stories</b>	1	<b>Year Built</b>	1998
<b>Zoning District</b>	I-L CU	<b>Calculated Acres</b>	2.3	<b>Voting Precinct</b>	TRIANGLE (TR30)
<b>Watershed Class</b>	Not in a watershed	<b>Calculated Acres</b>	2.3	<b>Sewer District</b>	In the sewer District
<b>2000 Census County</b>		<b>Tract</b>	071100	<b>Block</b>	2016
<b>Flood</b>	X	<b>Zone Description</b>	NO FLOOD HAZARD	<b>Panel</b>	3710460200

