



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 Park Dr., Denver, NC 28037

Applicant Phone Number

704-966-0018

Property Owner's Name

Global Holding Group LLC

Property Owner's Address

1988 Westgate Dr., Denver, NC 28037

Property Owner's Phone Number

704-483-1249

Part II

Property Location

7780 Forest Park 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 *CUT-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.

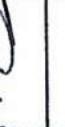
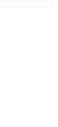
*I hereby certify that all of the information provided for this application and attachments is true and correct
to the best of my knowledge.*

Brenda Smith
Applicant
Richard Smith

7-31-15

Date

Page 2 of Zoning Map Amendment Application

Print Name	Signature	Address	Phone Number
Lee Caldwell		1784 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 NC 28037	704-641-8913
John Black		7034 Forest Oak Dr. Denver NC 28037	704-564-9149
RICHARD FERGUSON		1623 Forest Oak Dr. Denver NC 28037	704-489-8862
STEVE McINTYRE		7529 Forest Oak Dr. Denver NC 28037	704-483-3986
Lisa Windell		7847 Deer Track Dr. Denver NC 28037	704-488-1775
Jeff Windell		7847 Deer Track Dr. Denver NC 28037	704-488-1955
DANKE SCOTT		7813 DEER TRACK DR. DENVER NC 28037	704-483-0377
Larry Colbert		7649 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
Alexandra Smith		7556 Deer Track Drive Denver NC 28037	704-506-7134
Bryan Pedretti		7773 Deer Track Drive Denver NC 28037	704-578-3316
Tony Hockey		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	704-483-6668
ROBERT SILVER		7550 FOREST OAK DR. DENVER NC 28037	704-607-1587
Jeff Horne		7652 Forest Oak Dr. Denver NC 28037	704-579-2790
Michele Armstrong		7869 Deer Track Dr. Denver NC 28037	704-301-2632



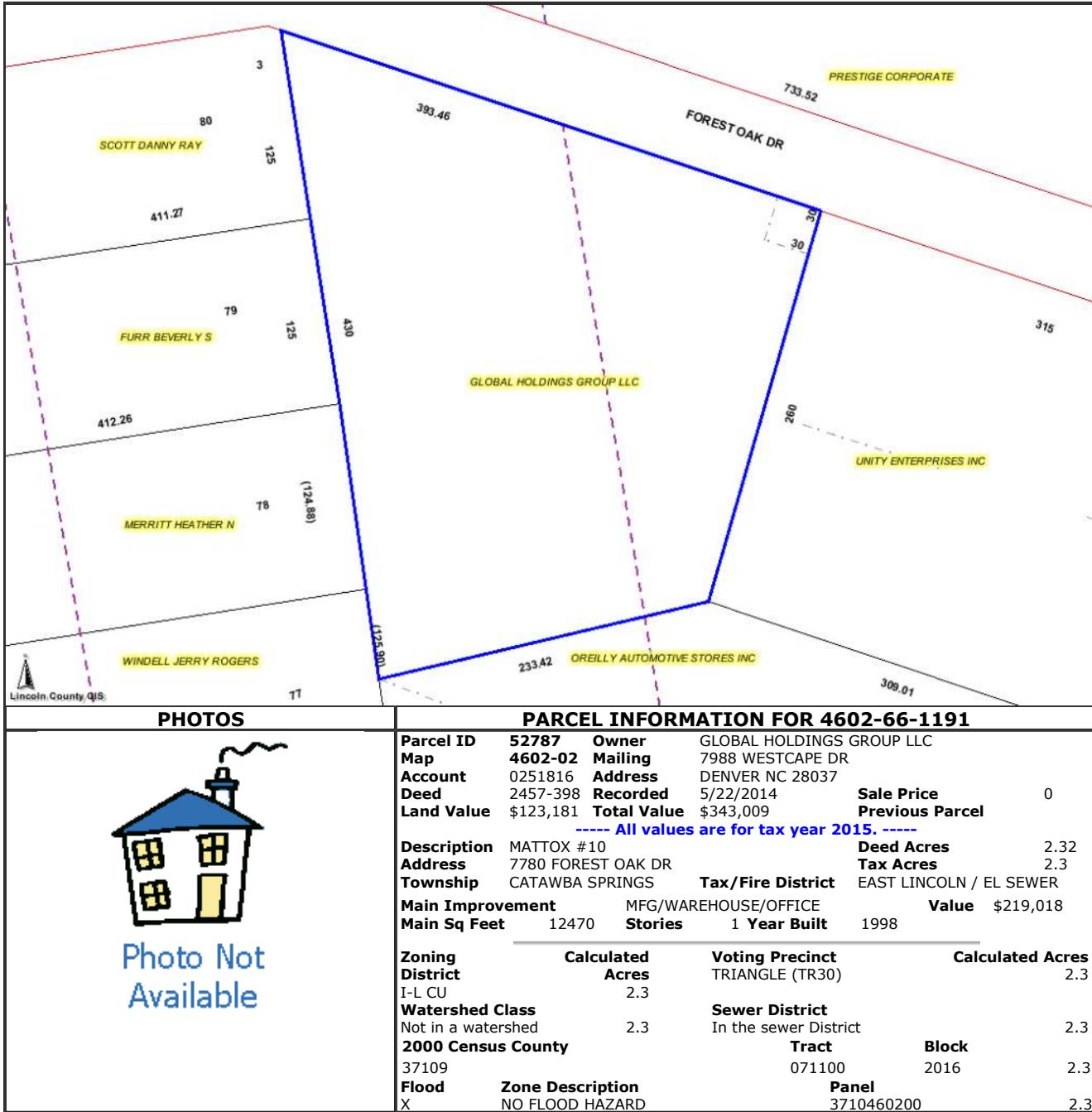
Lincoln County, NC

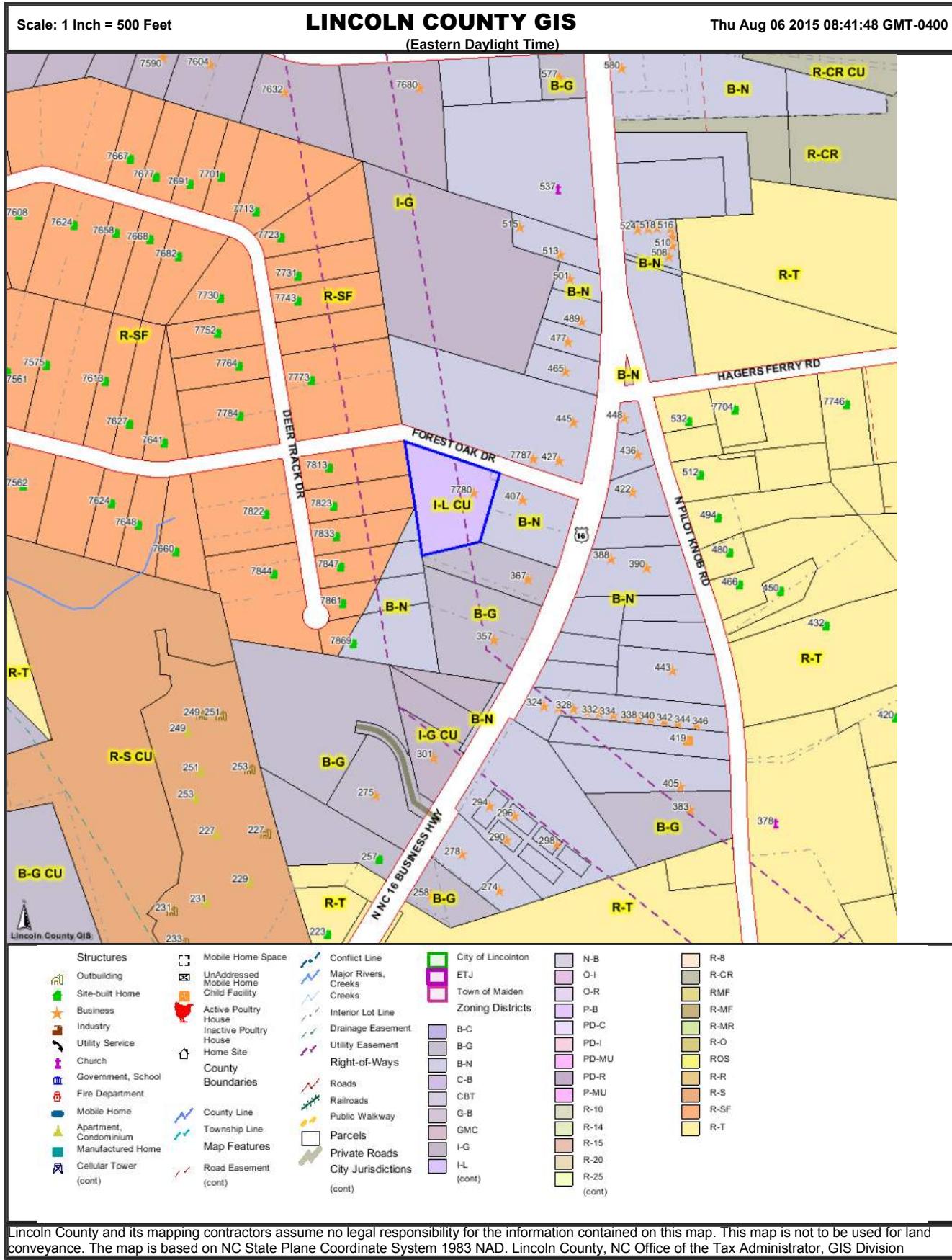
Office of the Tax Administrator, GIS Mapping Division

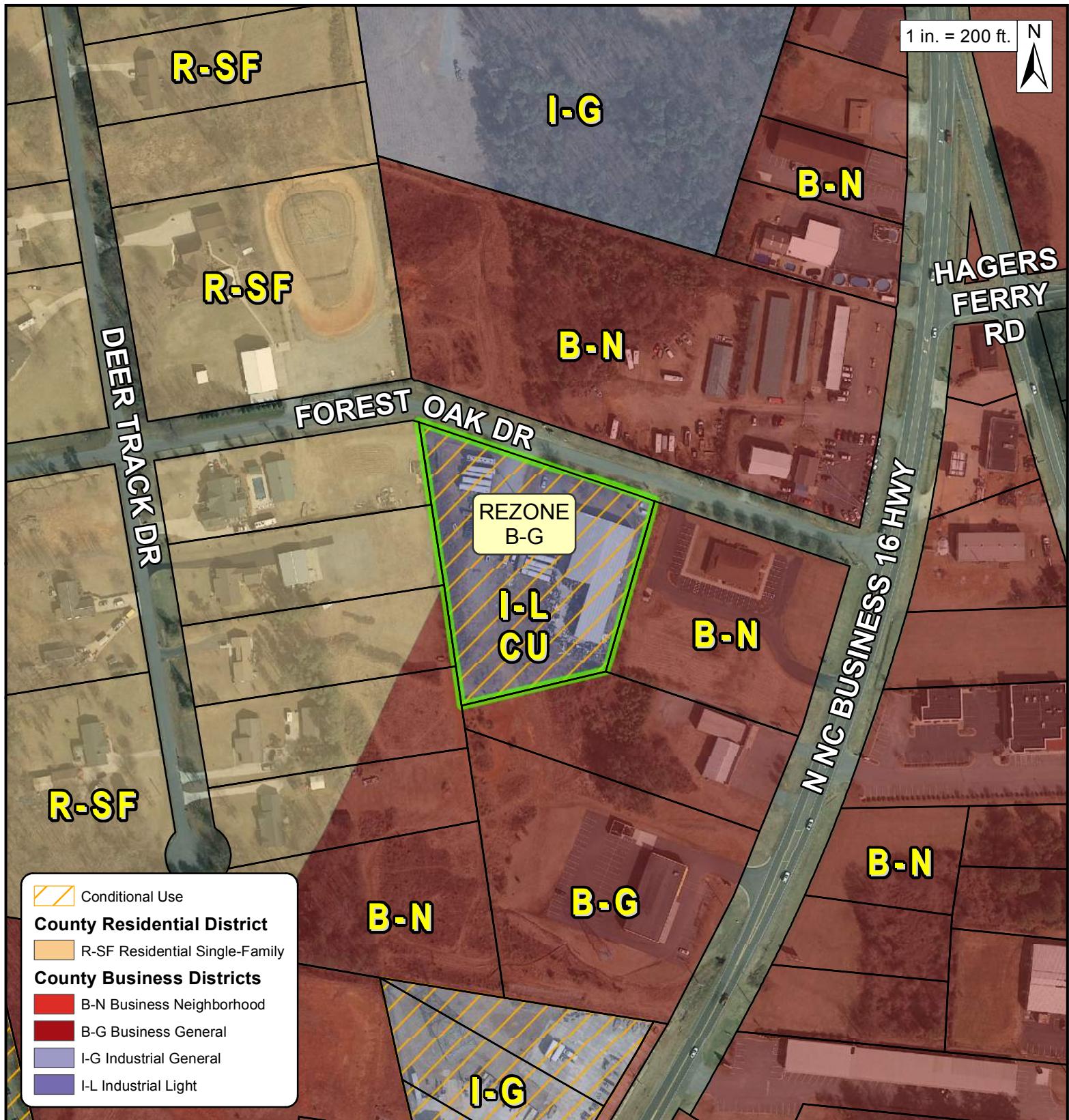
Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD.



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







ZONING MAP AMENDMENT



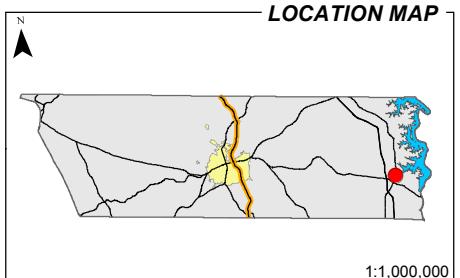
Lincoln County
Planning & Inspections
302 N. Academy St.
Suite A
Lincolnton, NC 28092

Application	ZMA #623
NCPIN#	4602-66-1191
PID#	52787

- Property Location(s)

See Attached Application for Parcel Information
Property Location(s) Outlined in Green

LOCATION MAP



Property Location(s)