



COUNTY OF LINCOLN, NORTH CAROLINA

302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092

PLANNING AND INSPECTIONS DEPARTMENT
704-736-8440 OFFICE
704-732-9010 FAX

To: George Wood
County Manager

From: Randy Hawkins
Zoning Administrator

Date: July 20, 2010

Re: CUP #297
John Wayne Foster Jr., applicant
Parcel ID# 56941 and 56942

The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on August 2, 2010.

REQUEST

The applicant is requesting a conditional use permit to allow vehicle sales in the B-G (General Business) district. Under the Unified Development District, vehicle sales are permitted in the B-G district only where approved by the Board of Commissioners through the issuance of a conditional use permit. A site plan is included as part of the application.

SITE AREA AND DESCRIPTION

The proposed 1.4-acre site is located at 7149 Campground Road, on the north side of Campground Road just east of Pine Ridge Drive. It is adjoined by property zoned B-G and R-T (Transitional Residential). Land uses in this area include business and residential. The Lincoln County Land Use Plan designates this area as Neighborhood Business, appropriate for small-scale retail and service establishments.

STANDARDS FOR VEHICLE SALES

Under Section 4.4.21 of the Unified Development Ordinance, the following standards apply to vehicle sales:

- A. A Class C buffer (see §3.4) shall be established along any side of the property adjacent to a residential use.
- B. Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site, and in no case shall a parked vehicle encroach within ten feet of the right-of-way.
- C. The outdoor overnight storage of vehicles under repair may be allowed subject to Board of Commissioners approval (see §3.10, Outdoor Storage and Display).
- D. Vehicle sales displayed for rental or sale visible from the public road shall provide a parking buffer as set forth in §3.4.6.B.2.

CONDITIONAL USE PERMIT REQUIREMENTS

Section 9.11.8 of the Unified Development Ordinance requires that four findings be determined by the Board of Commissioners in deciding whether to approve a conditional use permit:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
2. The use meets all required conditions and specifications, and
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is located and will be in general conformity with the approved Land Development Plan for the area in question.

STAFF'S RECOMMENDATION AND COMMENTS

Staff recommends approval. The proposed use meets all required conditions and specifications, is compatible with this area and is consistent with the Land Use Plan.



Conditional Use Permit 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 JOHN WAYNE FOSTER, JR.

Applicant Address 7428 EDGESTONE LN. DENVER, NC 28037

Applicant Phone Number 704-400-2836

Property Owner Name JOHN WAYNE FOSTER, SR. FAMILY TRUST

Property Owner Address 5166 GLENWOOD ST. SHERRIUS FORD, NC 28673

Property Owner Phone Number 704-483-5776

PART II

Property Location 7149 CAMP GROUND RD DENVER, NC 28037

Property ID (10 digits) 4605075568 Property size 0.82 + 0.83 = 1.65 TOTAL

Parcel # (5 digits) 56941 Deed Book(s) F Page(s) 333
4605074554
56942 F 333

PART III

Existing Zoning District B-G GENERAL BUSINESS

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

AUCTION HOUSE / STORAGE FACILITY.
STRUCTURE IS 2440 SQ FT. HAS A 20X40 LEAN TOO
18X20 CARPORT + 20X42 CARPORT

Briefly explain the proposed use and/or structure which would require a Conditional Use Permit.

NC AUTOMOBILE DEALER LICENSE

\$750 APPLICATION FEE 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

6-12-10

Date

LINCOLN COUNTY PLANNING BOARD'S
RECOMMENDATIONS ON FINDINGS OF
FACT FOR A CONDITIONAL USE PERMIT

Application # CUP #297 Date August 2, 2010

Applicant Name John Wayne Foster Jr.

Applicant 7428 Edgestone Ln., Denver, NC 28037

Property Location 7149 Campground Road Existing Zoning B-G

Proposed Conditional Use vehicle sales

FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES _____ NO _____

FACTUAL REASON CITED: _____

2. The use meets all required conditions and specifications. YES _____ NO _____

FACTUAL REASON CITED: _____

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity
YES _____ NO _____

FACTUAL REASON CITED: _____

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.

YES _____ NO _____

FACTUAL REASON CITED: _____

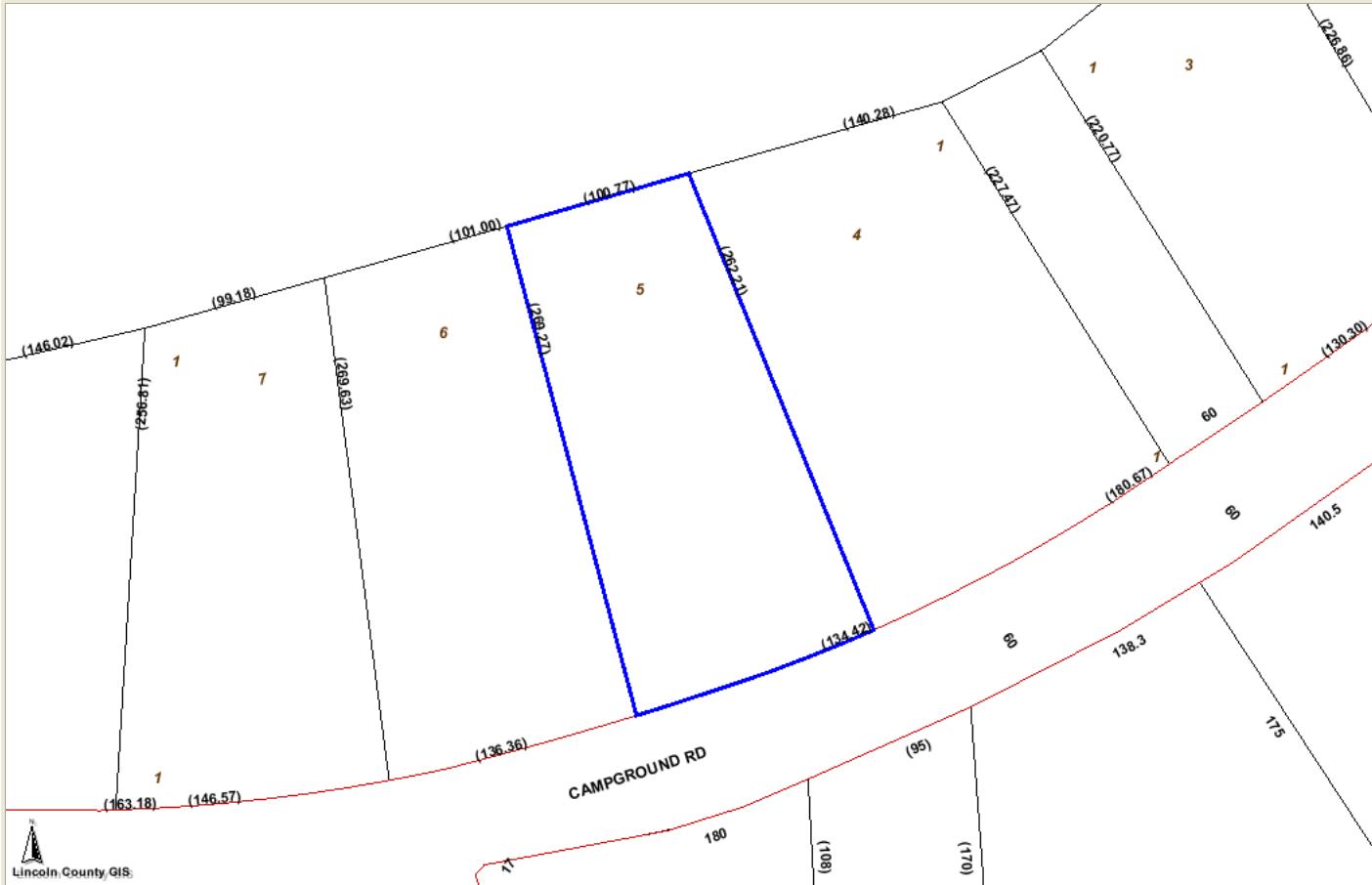
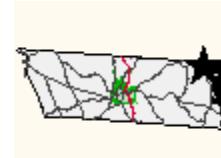
After having held a Public Hearing on August 2, 2010 and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Planning Board:

In recommending such Conditional Use Permit, the following conditions were recommended by the Lincoln County Planning Board:



Lincoln County, NC

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 conveyance. The map is based on NC State Plane Coordinate System 1983 NAD.
Date: 6/24/2010 Scale: 1 Inch = 100 Feet



PHOTOS



56941

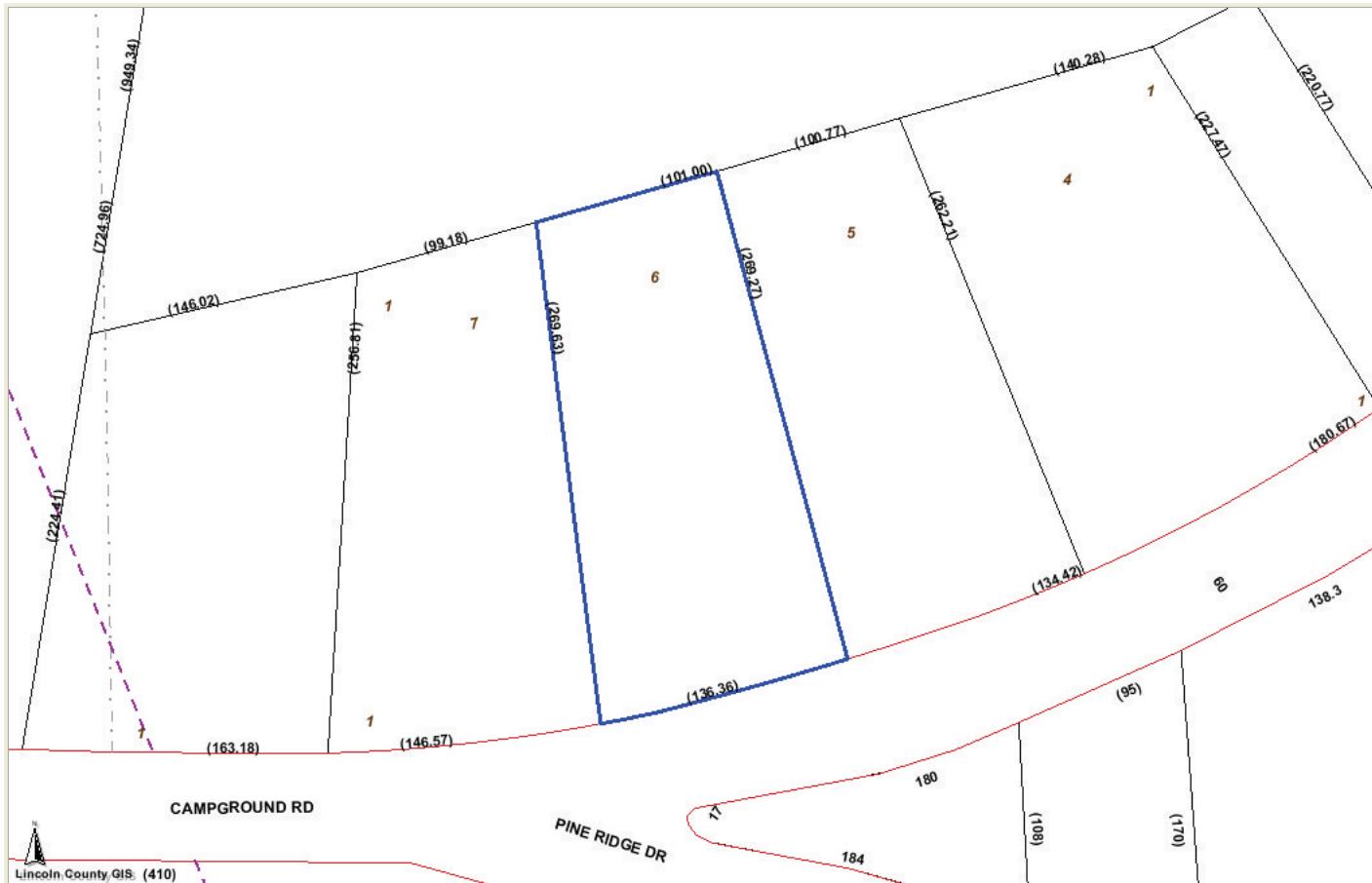
PARCEL INFORMATION FOR 4605-07-5568

Parcel ID	56941	Owner	FOSTER JOHN WAYNE SR FAMILY TR HARWARD WILLIAM M CO-TRUSTEE		
Map	4605-05	Mailing Address	44102 MILLINGPORT RD		
Account	0223399	Recorded	RICHFIELD NC 28137-7647		
Deed	2161-275	Total Value	Sale Price Previous Parcel 0		
Land Value	\$78,300	----- All values are for tax year 2010. -----			
Subdivision	Lot 5 DERR PARK				
Description	DERR PARK #5				
Address	7149 CAMPGROUND RD				
Township	CATAWBA SPRINGS				
Main Improvement	SERVICE SHOP/OFFICE				
Main Sq Feet	2440	Stories	1 Year Built		
			Value \$81,974		
Zoning District	Calculated Acres	Voting Precinct	Calculated Acres		
B-G	0.72	DENVER (DN29)	0.72		
Watershed Class					
WS-IVC	0.02	Not in the sewer district	0.1		
WS-IVP	0.7	In the sewer District	0.62		
2000 Census County					
37109		Tract	Block		
Flood	Zone Description	071100	1000		
X	NO FLOOD HAZARD				
		Panel	0.72		
		4605			



Lincoln County, NC

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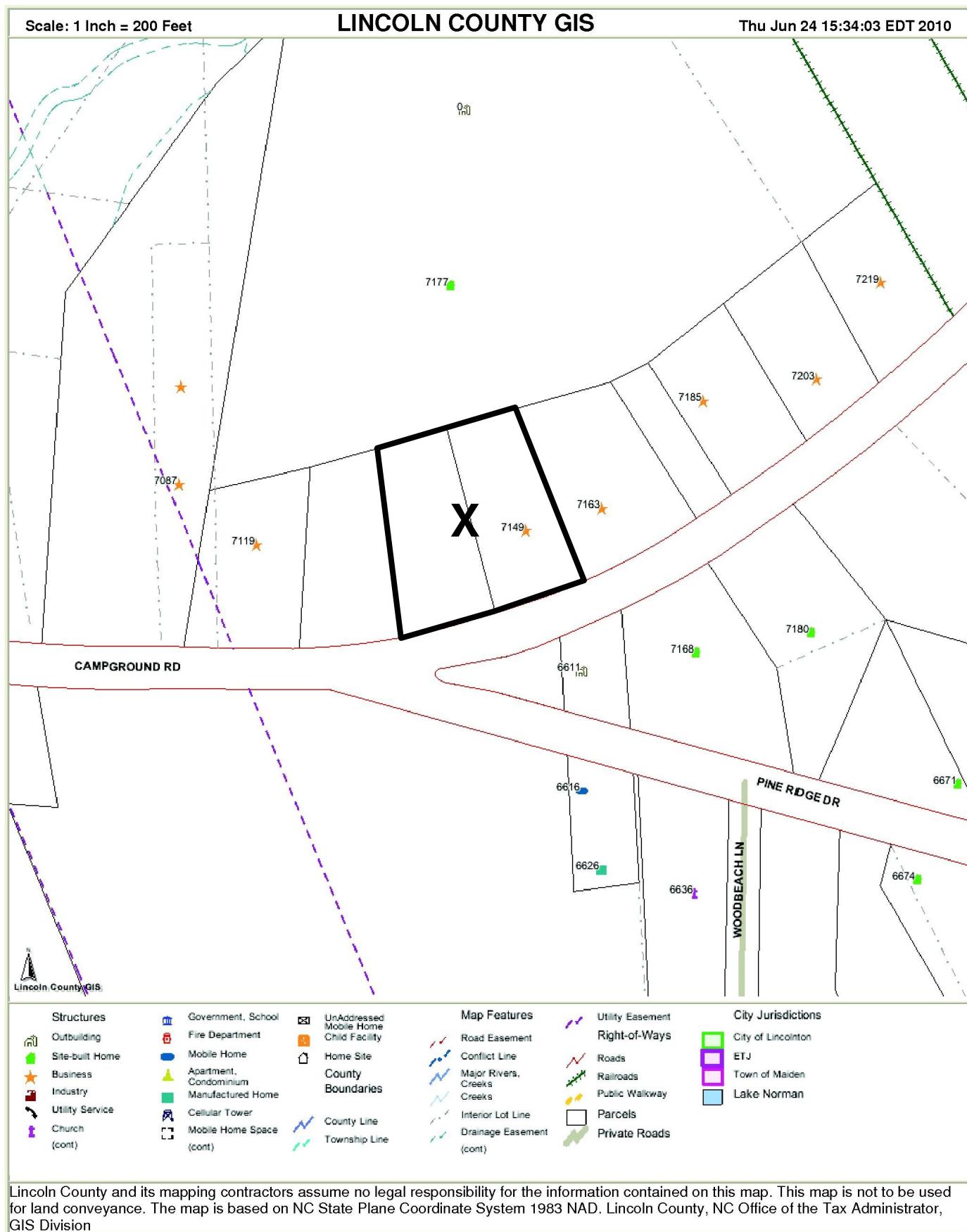


Photo Not Available

PARCEL INFORMATION FOR 4605-07-4544

Parcel ID	56942	Owner	FOSTER JOHN WAYNE SR FAMILY TR HARWARD WILLIAM M CO-TRUSTEE 44102 MILLINGPORT RD RICHFIELD NC 28137-7647
Map	4605-05	Mailing Address	
Account	0223399	Recorded	11/23/2009
Deed	2161-275	Total Value	\$60,765
Land Value	\$60,765	Sale Price Previous Parcel	0
----- All values are for tax year 2010. -----			
Subdivision	Lot 6 DERR PARK		
Description	DERR PARK #6		
Address	CAMPGROUND RD		
Township	CATAWBA SPRINGS		
Improvement	Tax/Fire District No Improvements		
Parcel ID	60308	Owner	FOSTER JOHN WAYNE SR FAMILY TR HARWARD WILLIAM M CO-TRUSTEE 44102 MILLINGPORT RD RICHFIELD NC 28137-7647
Map	4605-05	Mailing Address	
Account	0223399	Recorded	11/23/2009
Deed	2161-275	Total Value	\$11,270
Land Value	\$11,270	Sale Price Previous Parcel	0
----- All values are for tax year 2010. -----			
Subdivision	Lot 6 DERR PARK		
Description	DERR PARK #6		
Address	CAMPGROUND RD		
Township	CATAWBA SPRINGS		
Improvement	Tax/Fire District No Improvements		
Zoning District	Calculated Acres	Voting Precinct	Calculated Acres
B-G	0.73	DENVER (DN29)	0.73
Watershed Class		Sewer District	
WS-IVP	0.73	Not in the sewer district In the sewer District	0.11 0.62
2000 Census County		Tract	
37109		071100	0.73
Flood	Zone Description	Block	
		1000	0.73
		Panel	

Map with Legend



X= Subject Parcels

