



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. SHERBILLS FORD, NC 28673
Property Owner Phone Number 704-483-5776

PART II

Property Location 7149 CAMPGROUND 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
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

Date

6-12-10

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: _____

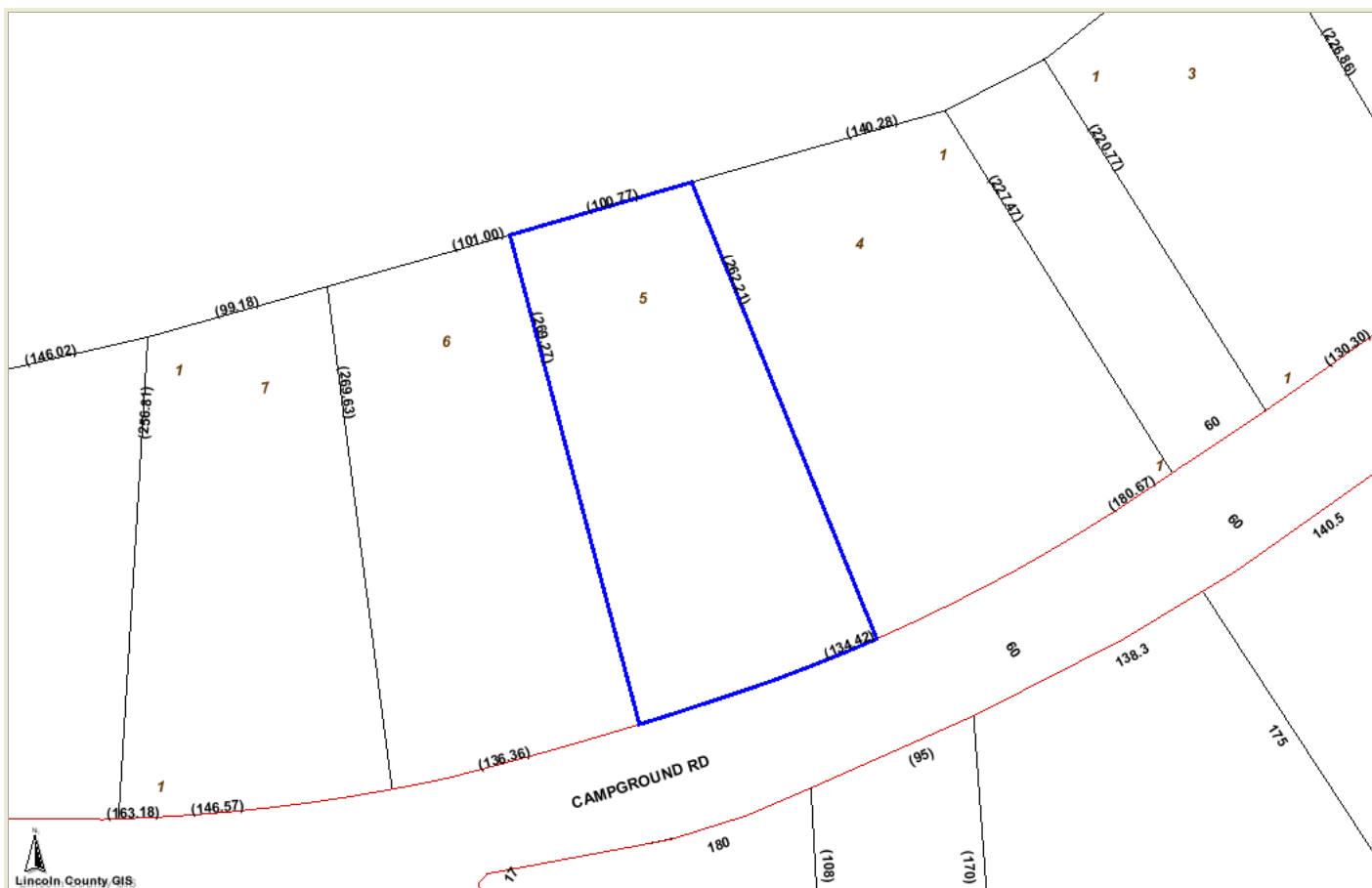
After having held a Public Hearing on August 2, 2010 and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Planning Board:

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



Lincoln County, NC

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: 6/24/2010 Scale: 1 Inch = 100 Feet



Lincoln County, GIS

PHOTOS



56941

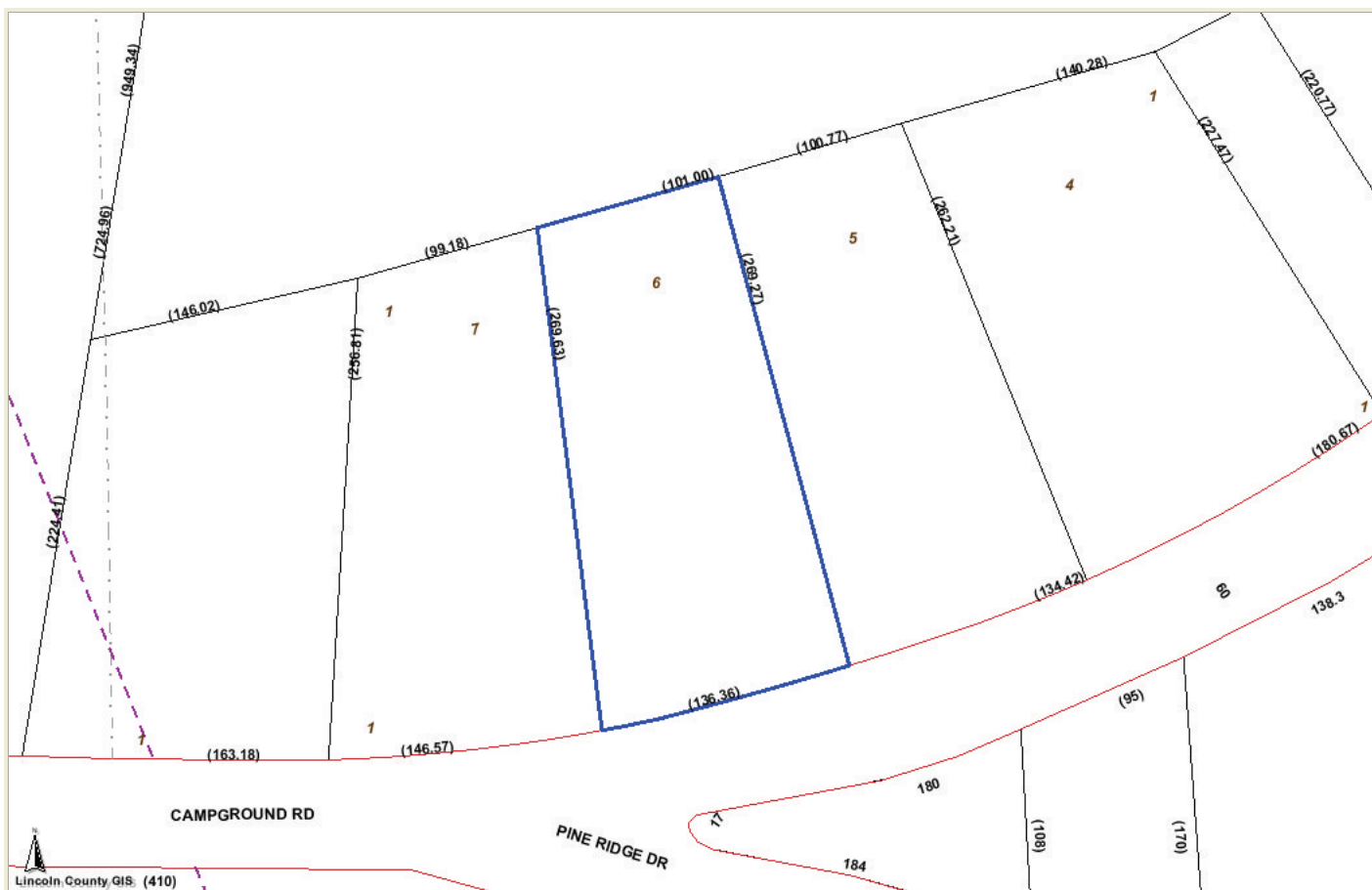
PARCEL INFORMATION FOR 4605-07-5568

Parcel ID	56941	Owner	FOSTER JOHN WAYNE SR FAMILY TR HARWARD WILLIAM M CO-TRUSTEE		
Map	4605-05	Mailing	44102 MILLINGPORT RD		
Account	0223399	Address	RICHFIELD NC 28137-7647		
Deed	2161-275	Recorded	11/23/2009	Sale Price	0
Land Value	\$78,300	Total Value	\$166,829	Previous Parcel	
----- All values are for tax year 2010. -----					
Subdivision	Lot 5 DERR PARK			Plat	F-333
Description	DERR PARK #5			Deed Acres	0.82
Address	7149 CAMPGROUND RD			Tax Acres	0.71
Township	CATAWBA SPRINGS			Tax/Fire District	DENVER / EL SEWER
Main Improvement	SERVICE SHOP/OFFICE			Value	\$81,974
Main Sq Feet	2440	Stories	1	Year Built	2000
Zoning District	B-G			Calculated Acres	0.72
Watershed Class	WS-IVC			Voting Precinct	DENVER (DN29)
	WS-IVP			Calculated Acres	0.72
2000 Census County	37109			Sewer District	Not in the sewer district
Flood	X				In the sewer District
Zone Description	NO FLOOD HAZARD			Tract	071100
				Block	1000
				Panel	4605



Lincoln County, NC

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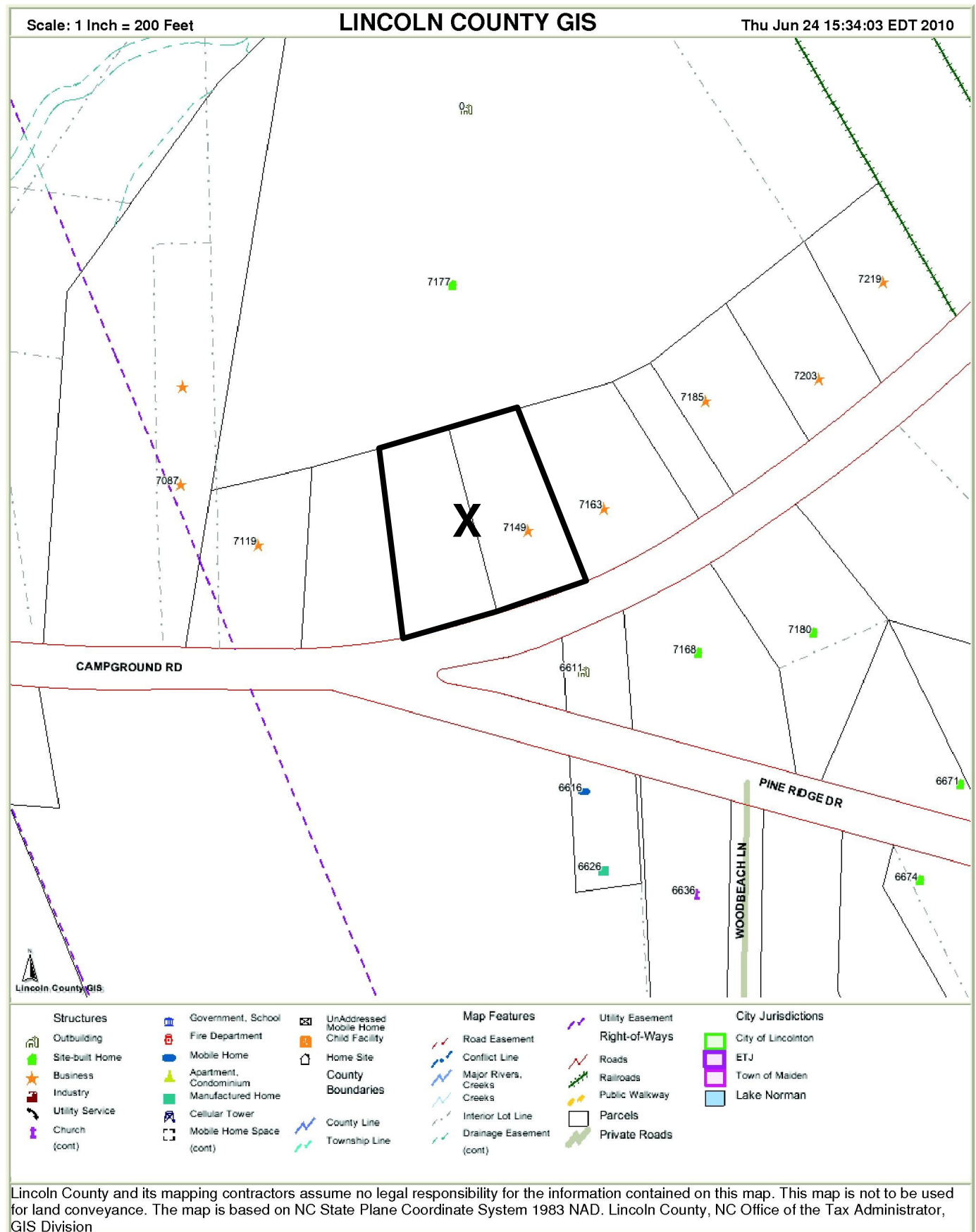


Photo Not Available

PARCEL INFORMATION FOR 4605-07-4544

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

Map with Legend



X= Subject Parcels

