



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: Alex Patton, Board of Commissioners Chairman

George Wood, County Manager

Jeff Frushtick, Planning Board Chairman

From: Randy Hawkins, Zoning Administrator

Date: March 22, 2011

Re: CZ #2011-1

East Lincoln Fire Department, applicant

Parcel ID# 53015 and 30063

The following information is for use by the Lincoln County Board of Commissioners and the Planning Board at their joint meeting/public hearing on April 4, 2011.

Request

The applicant is requesting the rezoning of 0.94 acres from R-T (Transitional Residential) to CZ B-N (Conditional Zoning Neighborhood Business) to permit a vehicle service garage. An existing building on this site, formerly a fire station, would be used for the garage. Under the Unified Development Ordinance, vehicle service is a conditional use in the B-N district. Vehicle service includes tire sales and mounting, alignment, brake service, oil change, etc. If this request is approved, the use of this property would be subject to the approved site plan and any conditions mutually approved by the county and the applicant.

Site Area & Description

This property is located at 7654 Hwy. 73, on the southeast corner of Hwy. 73 and Pilot Knob Road. It is adjoined by property zoned R-T and B-G (General Business). Land uses in this area include business and residential. The Lincoln County Land Use Plan classifies the area on this side of Pilot Knob Road as Suburban Residential. The area on the west side is classified as Regional Business.

Additional Information

Permitted uses

Under current zoning: single-family home (including manufactured home), duplex, church.

Under requested zoning: vehicle service.

Adjoining zoning and land uses

East: zoned R-T, vacant land.

South: zoned R-T, gas pipeline and residence.

West (opposite side of Pilot Knob Road): zoned R-T, gas pipeline facility.

North (opposite side of Hwy. 73): one corner zoned B-G, multi-tenant commercial building; other corner zoned R-T, residence.

Landscaping

A berm with shrubs is proposed around the corner of the intersection to limit access and to provide a parking/road buffer. Trees and shrubs meeting the standards for a Class C buffer are proposed along the property lines as a zoning district boundary buffer.

Signage

No freestanding sign is proposed. Under the Unified Development Ordinance, signage on the building would be limited to 10 percent of the wall area.

Traffic

The average daily traffic count on Hwy. 73 in this area is approximately 13,000 vehicles and the count on Pilot Knob Road is approximately 7,000 vehicles, according to 2009 figures. The N.C. Department of Transportation has reviewed the site plan.

Staff's Recommendation

Staff recommends approval. This property is located on a main highway at a signalized intersection. One of the corners of the intersection is zoned business and has been developed as a commercial center. Another corner is used for a gas pipeline facility. This property is located at the edge of an area designated by the Land Use Plan as Regional Business.

Community Involvement Meeting report

CZ #2011-1

East Lincoln Fire Department, applicant

A community involvement meeting on this rezoning request was held on March 8, 2011, at East Lincoln Fire Department. James Martin, vice chairman of the department's board of directors, and Fire Chief Tim Tench talked about the proposal and answered questions. Tim Norman, who plans to lease the property and operate the proposed business, also spoke. Three citizens attended the meeting.

Following is a summary of the comments, questions and answers.

James Martin: The fire department's plan had been to sell the old fire station and use the proceeds to pay down the debt on the new station. Given the location, the highest and best use of the property would be commercial use. However, it's not a good time now to try to sell commercial property. But we need to do something with it rather than just let it sit there. Nobody is going to lease it for a home or tear it down and build a home there. We've had a few people interested in leasing the building for other uses. An agreement has been reached with Tim Norman on a lease with an option to purchase. The building would be used for Norman Tire and Auto. Several improvements would be provided, including a landscaped buffer along the property lines and a landscaped berm around the corner of the intersection to limit access. The N.C. Department of Transportation is also requiring a curb along a portion of N.C. 73 for safety reasons.

Tim Norman: This would be a tire store and service center, brakes, alignment, etc., one-day general service.

Operator of a nearby garage: Auto repairers are struggling in this area. To add another guy who's struggling is going to hurt the community. It's going to definitely hurt us.

Tim Norman: I've been in the business for 19 years. Clark Tire is doing well in this area.

Resident: Will the money (for the lease/purchase) go to the fire department?

Tim Tench: It's going for debt service on this building.

Resident: So many other garages have car parts pushed out behind the building.

Tim Tench: That's addressed in the lease agreement.



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 East Lincoln Fire Department

Applicant Address 406 South Pilot Knob Road

Applicant Phone Number 704-822-5999

Property Owner Name East Lincoln Fire Department

Property Owner Address 406 South Pilot Knob Road

Property Owner Phone Number 704-822-5999

PART II

Property Location 7654 Hwy 73 Stanley NC 28164

Property ID (10 digits) 4602714986 & 4602723033 Property size .56 & .38

Parcel # (5 digits) 53015 & 30063 Deed Book(s) 729-721 & 1414-290

PART III

Existing Zoning District R-T Proposed Zoning District CZ B-N

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

Currently the property is vacant due to the fire station relocating to its new facility. We are requesting to rezone the property in order to lease the property.

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

The new proposed use would be a vehicle service facility.

\$1,000 APPLICATION FEE* MUST BE RECEIVED BEFORE PROCESSING.

***SEE PLANNING DEPT. FOR PLANNED DEVELOPMENT FEES.**

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.

John H. Lusk for East Lincoln Fire Department 2-17-2011
Applicant's Signature Date



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Zoning Amendment

Statement of Consistency and Reasonableness Adopted by the Lincoln County Planning Board on _____

Case No. **CZ #2011-1**

Applicant **East Lincoln Fire Department**

Parcel ID# **53015 and 30063**

Location **southeast corner of Hwy. 73 and Pilot Knob Road**

Proposed amendment **Rezone from R-T to CZ B-N to permit a vehicle service garage**

This proposed amendment is

- consistent
- inconsistent

with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

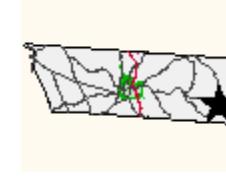
This proposed amendment is

- reasonable and in the public interest
- not reasonable and not in the public interest

in that:



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