



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: April 20, 2012

Re: CUP #311

Bobby Smith, applicant

Parcel ID# 84058

The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on May 7, 2012.

REQUEST

The applicant is requesting a conditional use permit to operate an Internet sweepstakes center in the B-G (General Business) district in the Eastern Lincoln Development District (ELDD). The center would be located in an existing multi-tenant development. For zoning purposes, an Internet sweepstakes center is classified as an amusement center. An amusement center is a conditional use in the B-G district and in the Eastern Lincoln Development District.

SITE AREA AND DESCRIPTION

The proposed 0.8-acre site is located at 1236 N NC 16 Hwy., on the east side of N.C. 16 Business about 900 feet south of Unity Church Road. The property is adjoined on both sides and on the opposite side of the highway by property zoned B-G and on the rear by property zoned R-SF (Residential Single-Family). Land uses in this area are primarily commercial along the highway and residential elsewhere. This property is located in an area identified by the NC 16 Corridor Vision Plan as a commercial node.

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

Application # **CUP #311** Date **May 7, 2012**

Applicant Name **Bobby Smith**

Applicant **P.O. Box 1027, Lincolnton, 28093**

Property Location **1236 N NC 16 Hwy. (PID# 84058)** Zoning District **B-G, ELDD**

Proposed Conditional Use **Internet sweepstakes center (amusement center)**

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 _____ 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:



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 Bobby Smith

Applicant Address PO Box 1027 Lincolnton NC 28093

Applicant Phone Number 704 736-5030

Property Owner Name Market Street Investments

Property Owner Address 816 W. Market St. Smithfield NC 27577

Property Owner Phone Number 919 915 2785

PART II

Property Location 1234 Hwy 16 N Denver NC 28037

Property ID (10 digits) 4603-64-7239 Property size .85 Acre

Parcel # (5 digits) 84058 Deed Book(s) 1786 Page(s) 223

PART III

Existing Zoning District ELDD B-G

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

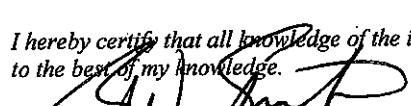
OFFICE / RETAIL Building
Real Estate, Insurance, Photography

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

1200 Sq Ft on existing structure,
To be used for business center + Eatery
Swingstakes

\$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

3/20/12
Date

Conditional Use Plan

The proposed Internet Sweepstakes to be located in part of the building at 1236 North Hwy 16, Denver, NC, will include 23 Internet ready machines. The facility is currently zoned General Business, and was used as a charter school and includes adequate parking for the proposed business, which will be located in approximately 1,200 square feet of space. It was last used as a restaurant. There are currently two other similar businesses in the Hwy 16/Hwy 73 corridors in operation, as well as four or more in the Lincolnton area.

Our hours of operation will be Monday-Saturday 8 a.m.-2 a.m., and Sunday 1 p.m.-midnight.

Bobby Smith

APPLICANT'S PROPOSED FINDINGS OF FACT
FOR A CONDITIONAL USE PERMIT

Application No. **CUP #311**

Applicant **Bobby Smith**

Applicant's Address **P.O. Box 1027, Lincolnton, NC 28093**

Property Location **1236 N. NC 16 Hwy. (Parcel ID# 84058)**

Zoning District **B-G, ELDD**

Proposed Conditional Use **Internet sweepstakes center (amusement center)**

PROPOSED FINDINGS

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan.

This is an existing multi-tenant development. No new facilities are proposed.

2. The use meets all required conditions and specifications.

An amusement center is a conditional use in the B-G district and in the Eastern Lincoln Development District.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.

This is an existing commercial development in an existing commercial area.

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.

This is an existing commercial area. This property is part of an area identified by the NC 16 Corridor Vision Plan as a commercial node.



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: 4/11/2012 Scale: 1 Inch = 80 Feet

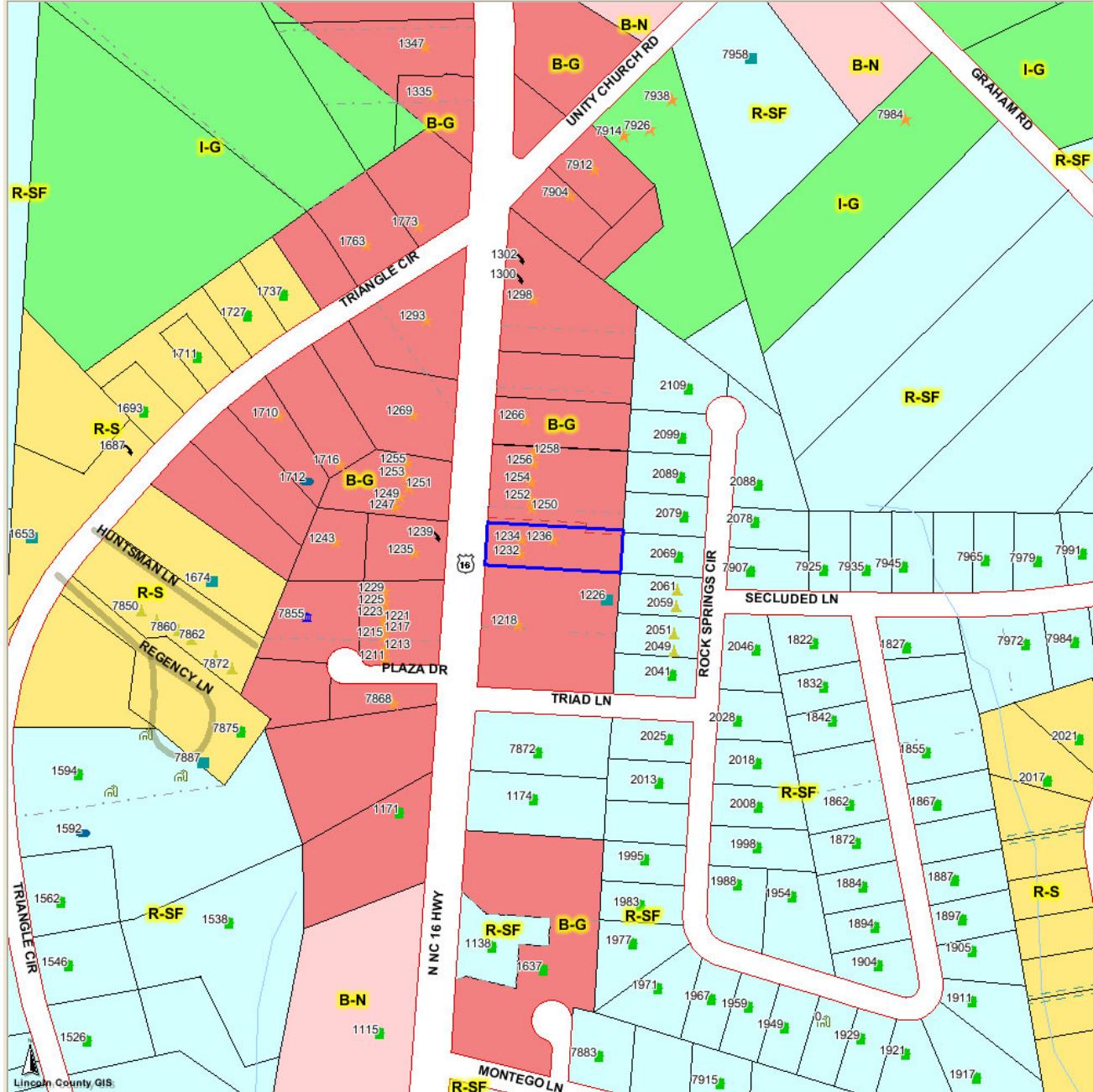


PHOTOS		PARCEL INFORMATION FOR 4603-64-7239						
		Parcel ID 84058 Owner MARKET STREET INVESTMENTS Map 4603-04 Mailing 816 W MARKET ST Account 0189667 Address SMITHFIELD NC 27577 Deed 1786-223 Recorded 2/13/2006 Sale Price \$575,000 Land Value \$214,314 Total Value \$741,791 Previous Parcel <i>----- All values are for tax year 2012. -----</i>						
		Subdivision Lot PT 25 ROBERT NIXON EST Description OFFICE PT25 RBT NIXON EST Address 1232 36 N NC 16 HWY Township CATAWBA SPRINGS	Tax/Fire District Main Improvement Main Sq Feet 12600 Office Stories 1 Year Built 2000 Zoning District B-G Calculated Acres 0.82 Watershed Class WS-IVC Calculated Acres 0.82 2000 Census County 37109 Flood X Zone Description NO FLOOD HAZARD	Plat D-94 Deed Acres 0.84 Tax Acres 0.82 Value \$524,439	Plat D-94 Deed Acres 0.84 Tax Acres 0.82 Value \$524,439	Calculated Acres 0.82	Calculated Acres 0.82	Calculated Acres 0.82
84058		Voting Precinct TRIANGLE EAST (LW31) Sewer District In the sewer District						
		Tract 071200 Block 4002 Panel 3710460300						

LINCOLN COUNTY GIS

Thu Mar 22 15:21:57 EDT 2012

Scale: 1 Inch = 400 Feet



Structures		Mobile Home Space		Creeks		Town of Maiden		R-CR		O-I
Outbuilding		UnAddressed		Interior Lot Line		Zoning Districts		R-14		P-B
Site-built Home		Mobile Home		Child Facility		Drainage Easement		R-20		R-10
Business				Home Site		Utility Easement		R-MF		R-15
Industry				County		Right-of-Ways		B-N		R-25
Utility Service				Boundaries		Roads		I-G		R-8
Church						Railroads		I-L		RMF
Government, School						Public Walkway		P-MU		R-O
Fire Department						Parcels		PD-C		O-R
Mobile Home						Private Roads		PD-I		ROS
Apartment, Condominium						City Jurisdictions		PD-MU		B-C
Manufactured Home						City of Lincolnton		PD-R		Lake Norman
Cellular Tower						ETJ		P-R		
(cont)						(cont)		(cont)		

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