



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: PCUR #157
Damon Lusk, applicant
Parcel ID# 32374

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 parallel conditional use rezoning to rezone 1.3 acres from B-G (General Business) to CU I-G (Conditional Use General Industrial) to permit an office/warehouse for building material sales in the Eastern Lincoln Development District (ELDD). Building material sales is a permitted use by right in the I-G district and is a conditional use in the ELDD. If this request is approved, the development and use of the property would be subject to the approved site plan and building elevations and any conditions mutually approved by the county and the applicant.

SITE AREA AND DESCRIPTION

The 1.3-acre parcel is located on the north side of N.C. 16 Business about midway between its intersections with Denver Industrial Park Road in Catawba Springs Township. It is adjoined by property zoned B-G, I-G and B-N (Neighborhood Business). Land uses in this area include industrial, business and residential. This property is part of an area designated by the Lincoln County Land Use Plan as industrial.

ENVIRONMENTAL

This property is located in a WS-IV Protected Area watershed district. Because the proposed project would disturb an acre or more of land and require an erosion control plan, it would be subject to the limits on impervious area established under the watershed regulations for this district: 36% by right, or 70% under the high-density option for the Lake Norman watershed. An impervious area of 68% is proposed for this project. This would require engineered stormwater controls and a watershed conditional use permit. If the rezoning case is approved, stormwater plans would be reviewed through another public hearing process.

ADDITIONAL INFORMATION

Permitted uses

Under current zoning: retail sales, offices, restaurant, bank, vehicle service, etc.

Under requested zoning: office/warehouse for building material sales.

Adjoining zoning and uses

East: Zoned B-G, vacant house.

South (opposite side of N.C. 16 Business): Zoned B-N, residence.

West: Zoned B-G, fitness center.

North: Zoned I-G, industrial plant.

Traffic

The average daily traffic count on N.C. 16 Business in this area is approximately 14,000 vehicles, according to 2010 figures.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning request. See proposed statement on following page for rationale.



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

Zoning Amendment Staff's Proposed Statement of Consistency and Reasonableness

Case No. **PCUR #157**
Applicant **Damon Lusk**
Parcel ID# **84058**
Location **east side of N.C. 16 Business about midway between its intersections
with Denver Industrial Park Road (Parcel ID# 32374)**
Proposed amendment **Rezone from B-G to CU I-G to permit building material sales**

This proposed amendment **is consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that: **This property is located in an area designated by the Land Use Plan as industrial.**

This proposed amendment **is reasonable and in the public interest** in that: **This property is located in an area that is largely industrial. It is adjoined by property zoned I-G. Because this is a parallel conditional use rezoning, the use will be limited to building material sales and will be subject to the approved site plan and building elevations.**

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

Application # PCUR #157 Date May 7, 2012

Applicant Name Damon Lusk

Applicant 3400 Denver Dr., Denver, NC 28037

Property Location North N.C. 16 Business (PID# 32374) Proposed Zoning CU I-G

Proposed Conditional Use office/warehouse for building material 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 _____ 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:

**Parallel Conditional Use Rezoning 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 IApplicant Name Damon LuskApplicant Address 3400 Denver DR Denver NC 28037Applicant Phone Number 704 578 3404Property Owner Name Damon Lusk, Lusk ConstructionProperty Owner Address 3400 Denver Dr. Denver NC 28037Property Owner Phone Number 704 578 3404**PART II**Property Location 4052 Highway 16, Denver, NC 28037Property ID (10 digits) 3695-36-7135 Property size 1.34 AcresParcel # (5 digits) 32374 Deed Book(s) 2273 Page(s) 259**PART III**Existing Zoning District B-G Proposed Zoning District CUI-G

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

VACANT

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

Building Material Sales**\$750 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.

Applicant's Signature Date 3/20/12



3400 Denver Drive, Denver, NC 28037

LUSK CONSTRUCTION, INC.

3400 Denver Dr. Denver, NC 28037

April 11, 2012

RE: Re-Zoning at 4052 N. Hwy 16, Denver

To Whom It May Concern:

Thank you for your cooperation and your consideration in this matter. I wanted to give you a brief description of what Race City Steel does, and what our plans are for the future. We are located at 3400 Denver Dr. in Denver, and operate out of a 12,250 SQ FT facility. Our business is selling and distributing metal products to the racing industry, primarily to NASCAR Teams in the surrounding area, as well as other types of fabricating, machining, and construction businesses. We currently have 3 delivery trucks that deliver in a 100 mile radius, and accept walk-in trade as well. Our business is built on service and reliability for a market that is on a "Need Now" basis offering same day service.

Race City Steel has been very fortunate to keep growing in a down economy, and now is a good time for us to take the next step in upgrading, and moving to a larger facility to 4052 N. Hwy 16. Currently we have 7 employees, and need to hire more, but we are at a standstill until we can add more inventory and space to accommodate additional sales.

We believe that our new facility will bring a lot to the Denver area. We plan on growing our business to be the "elite" company in the steel market. The appearance, layout, and overall look of the property will dramatically improve the area, and we feel that this can attract additional race teams and businesses to the Denver area. Moving onto Hwy 16 with a larger facility will allow us to further grow our business, add quality employees, and increase our walk-in trade, bringing more tax dollars into this county. We plan on working with LEDA to help promote growth for the racing industry, and bring more industrial type jobs to the area.

Thanks again for your consideration in this matter.

Sincerely,

Damon Lusk
President/Owner
Race City Steel, Inc.
Lusk Construction, Inc.

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

Application No. **PCUR #157**

Applicant **Damon Lusk**

Applicant's Address **3400 Denver Drive, Denver, NC 28037**

Property Location: **N.C. 16 Business (Parcel ID# 80383)**

Proposed Conditional Use **building material sales**

PROPOSED FINDINGS

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

A driveway permit will be obtained from NCDOT. The building will meet the state building code. The use will be limited to an office/warehouse for building material sales.

2. The use meets all required conditions and specifications.

Building material sales is a permitted use in the I-G district and a conditional use in the Eastern Lincoln Development District. The plans meet the requirements of the Unified Development Ordinance's general development standards and the requirements of the Eastern Lincoln Development District's special standards. Subject to the approval of a watershed conditional use permit and the provision of engineered stormwater controls, the use will comply with the UDO's watershed regulations.

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

Because this is a parallel conditional use rezoning, the use will be limited to building material sales and the property will be developed according to the approved site plan and building elevations. No outside storage of materials is permitted. Stormwater controls will be provided. The properties on both sides of this property and on the opposite side of the highway are zoned business. The plan includes buffers along both sides and along the highway. The properties to the rear of this property are zoned industrial and contain industrial uses.

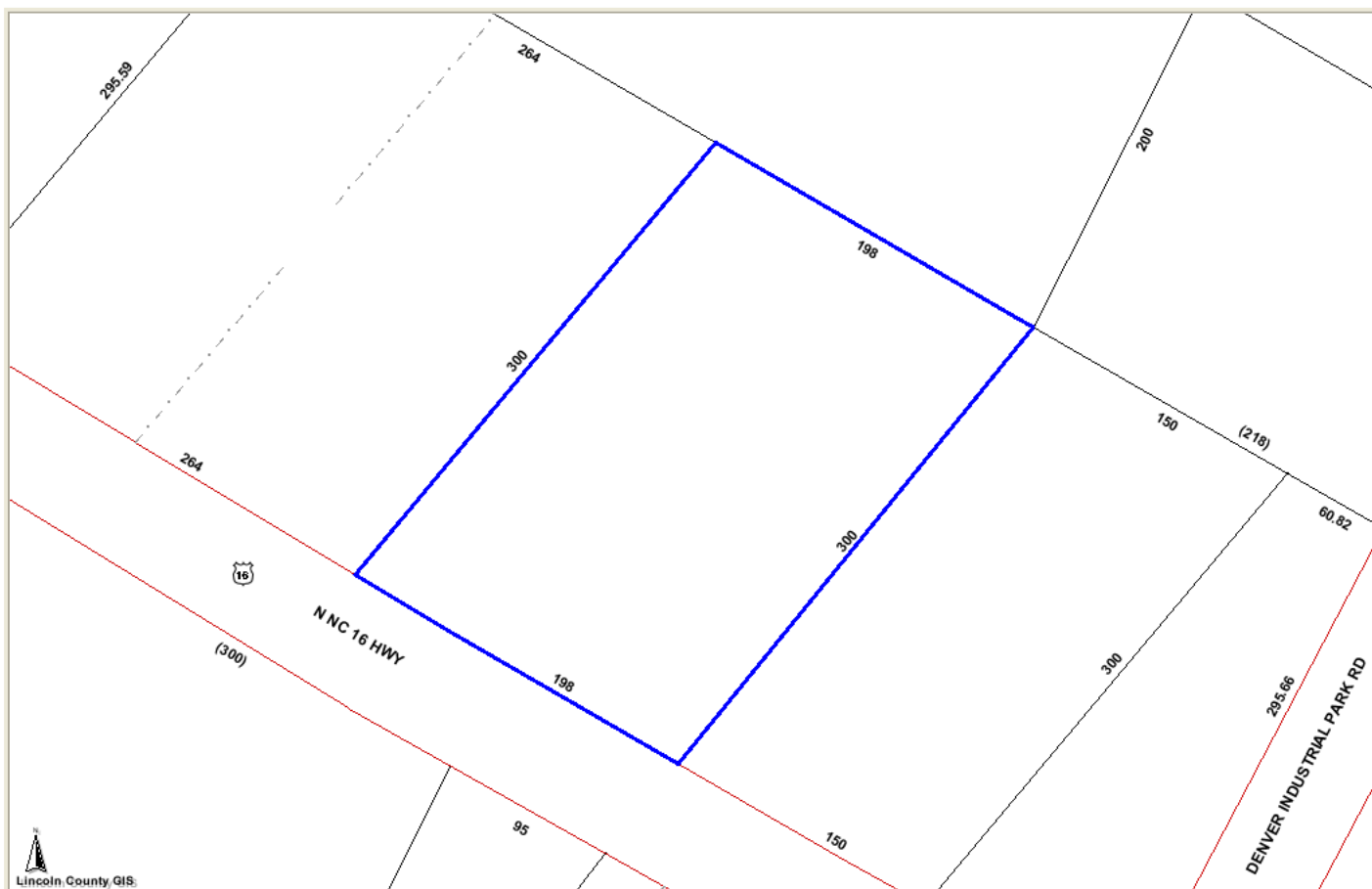
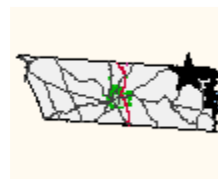
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.

This is an existing industrial/commercial area. This property is part of an area designated by the Land Use Plan as industrial.



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: 3/27/2012 Scale: 1 Inch = 100 Feet



PHOTOS

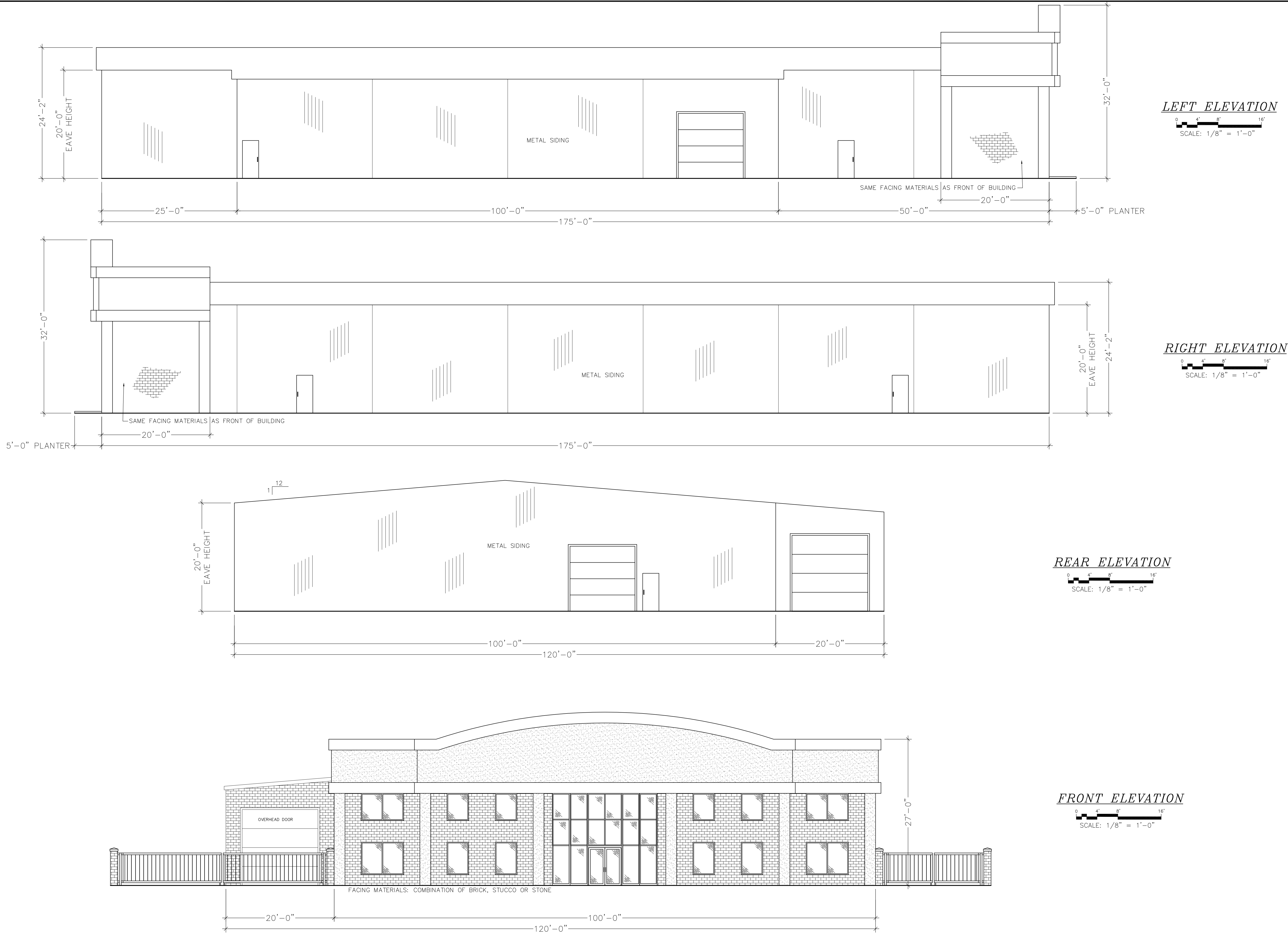


PARCEL INFORMATION FOR 3695-36-7135

Parcel ID	32374	Owner	LUSK CONSTRUCTION LLC
Map	3695-10	Mailing	3400 DENVER DR
Account	0212726	Address	DENVER NC 28037-7206
Deed	2273-259	Recorded	10/7/2011
Land Value	\$217,000	Total Value	\$217,000
----- All values are for tax year 2012. -----			
Description	SHELTON LD HWY 16	Sale Price	\$125,000
Address	4052 N NC 16 HWY	Previous Parcel	
Township	CATAWBA SPRINGS	Deed Acres	1.36
Improvement	No Improvements	Tax Acres	1.34
Zoning		Tax/Fire District	DENVER / EL SEWER
District		Voting Precinct	
		DENVER (DN29)	1.09
		DENVER WEST (DN29)	0.25
Watershed Class		Sewer District	
WS-IVP	1.34	In the sewer District	1.34
2000 Census County		Tract	
37109		071100	
Flood	Zone Description	Block	
X	NO FLOOD HAZARD	1003	1.34
		Panel	
		3710369500	1.34



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NOTE: THIS PLAN IS FOR RE-ZONING ONLY. ACTUAL BUILDING DESIGN MAY VARY AND MUST MEET ALL LOCAL ORDINANCES AND STATE CODES.

AE1.0	
SHEET NO.: 2 OF 2	
PROJECT NO.: 2011-34	
DATE: 09/26/2011	
REVISIONS	
2 04/08/12 REVISED PLAN	
1 05/21/12 REVISED PLAN	
PROJECT MANAGER: JEFFREY SWARTZ	
DESIGN BY: JUS	CHECKED BY: JUS
DRAWN BY: JUS	CHECKED BY: JUS
CLIENT/APPLICANT: DAMON LUSK LUSK CONSTRUCTION, INC. 3400 DENVER DRIVE DENVER, CO 80231 PHONE: (704) 489-2101 FAX: (704) 489-2169 dlusk22@aol.com	
PLANS PREPARED BY: JEFFREY J. SWARTZ, P.E., LEED AP, BAE NC LICENSE NO. 033411 TAYLORSVILLE, NC 28681 PHONE: (828) 221-2250 FAX: (831) 604-5011 jjspe@bellsouth.net	
SHEET TITLE: SAMPLE BUILDING ELEVATIONS	
SEAL	
SEAL	
PROPOSED RE-ZONING FOR 4052 S NC HWY 16 LINCOLN COUNTY, NORTH CAROLINA	