



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 16, 2012

Re: CUP #309
Louse Amico and James Ryan, applicants
Parcel ID# 32037

The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on April 2, 2012.

REQUEST

The applicant is requesting a conditional use permit to sell vehicles in the B-G (General Business) district. An existing building and parking lot would be utilized as part of the proposal (see site plan). Under the Use Table of the Unified Development Ordinance, a vehicle sales establishment is a conditional use in the B-G district. It's also a conditional use under the regulations for the Eastern Lincoln Development District (ELDD), in which this property is located.

SITE AREA AND DESCRIPTION

The 1.5-acre parcel is located at 1269 N. NC 16 Hwy., on the west side of N.C. 16 Business about 400 feet south of the Unity Church Road intersection, and backs up to Triangle Circle. It is adjoined by property zoned B-G and R-S (Residential Suburban). Land uses in this area are primarily commercial, with some residential uses on the opposite side of Triangle Circle. This property is located in an area identified by the NC 16 Corridor Vision Plan as a commercial node.

ADDITIONAL INFORMATION

Adjoining zoning and uses

- East (opposite side of N.C. 16 Business): Zoned B-G, vehicle sales.
- South: Zoned B-G, multi-tenant commercial complex on N.C. 16 Business, boat service on Triangle Circle.
- West (opposite side of Triangle Circle): Zoned R-S and B-G, single-family dwelling and undeveloped lot.
- North: Zoned B-G, bank.

ELDD STANDARDS

The ELDD regulations require that all outdoor sales areas for vehicles be separated from the road right-of-way by a Class A buffer and a fence constructed of ornamental iron or other metal works, or masonry columns of brick, decorative block or similar materials. The minimum requirement for a Class A buffer is a 10-foot-wide landscaping strip with two canopy trees, two understory trees and 12 shrubs per 100 feet of frontage.

ALTERNATIVE MEANS OF COMPLIANCE

In this case, the existing parking lot extends right up to the edge of the road right-of-way. To provide an area for the required fence and plantings, the applicants are proposing to remove five feet of the existing pavement. This would be half the width of the minimum requirement for a Class A buffer. Under the ELDD regulations, the Planning Board is authorized to approve a site plan that does not meet specific standards, provided that certain findings of fact are made (see form).

NON-LISTED TREE

The UDO's general development standards for landscaping call for trees and shrubs to be chosen from a list of recommended species. However, plants that are not on the list may be used with the approval of the Board of Commissioners. In this case, the landscaping plan calls for a non-listed tree, a sabal palm.

LINCOLN COUNTY PLANNING BOARD'S
FINDINGS OF FACT FOR
ALTERNATIVE MEANS OF COMPLIANCE
WITH ELDD STANDARDS

Application # **CUP #309**

Applicant's Name **Louis Amico and James Ryan**

Applicant's Address **8131 Bay Pointe Dr., Denver, NC 28037**

Property Location **1269 N. NC 16 Hwy.**

Zoning District **B-G**

Standard at Issue **width of required road buffer for vehicle sales (5-foot buffer is proposed instead of 10-foot)**

FINDINGS OF FACT

1. The proposed development attempts to meet the intent of the Eastern Lincoln Development District. YES_____ NO_____

FACTUAL REASONS CITED: _____

2. There are physical conditions, not only economic considerations, which prevent the proposed development from meeting the specific standards of the Eastern Lincoln Development District. YES_____ NO_____

FACTUAL REASONS CITED: _____

3. The proposed development will be designed to meet the standards of this section to the fullest extent possible. YES_____ NO_____

FACTUAL REASONS CITED: _____

In light of the findings of facts listed herein, the following action was taken by the Lincoln County Planning Board:

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

Application # CUP #309 Date April 2, 2012

Applicant Name Louis Amico and James Ryan

Applicant 8131 Bay Pointe Dr., Denver, NC 28037

Property Location 1269 N. NC 16 Hwy. Zoning District 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 _____ 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 Louis H. Amico, James Ryan

Applicant Address 8131 Bay Pointe Dr. Denver, NC 28037

Applicant Phone Number 704-560-6274

Property Owner Name Ryan Amico Management, LLC

Property Owner Address 8131 Bay Pointe Dr., Denver, NC 28037

Property Owner Phone Number 704-560-6274

PART II

Property Location 1269 N. Highway 16, Denver, NC 28037

Property ID (10 digits) 4603-64-3634 Property size 1.46 Acres

Parcel # (5 digits) 32037 Deed Book(s) 1959 Page(s) 754

PART III

Existing Zoning District ELDD B-G

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

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

\$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.

A handwritten signature in cursive script, appearing to read "Louis H. Amico".

2/14/2012

Applicant's Signature

Date

**APPLICANT'S PROPOSED FINDINGS OF FACT
FOR ALTERNATIVE MEANS OF COMPLIANCE
WITH ELDD STANDARDS**

Application No. **CUP #309**

Applicant **Louis Amico and James Ryan**

Applicant's Address **8131 Bay Pointe Dr., Denver, NC 28037**

Property Location **1269 N. Highway 16**

Zoning District **B-G**

Standard at issue **width of required road buffer for vehicle sales (5-foot buffer is proposed instead of 10-foot)**

PROPOSED FINDINGS

1. The proposed development attempts to meet the intent of the Eastern Lincoln Development District.

The vehicle sales area will be buffered from the road by a decorative fence, trees and shrubs per the requirements, plus a 30-foot-wide grass area (part of the 100-foot road right-of-way).

2. There are physical conditions, not only economic considerations, which prevent the proposed development from meeting the specific standards of the Eastern Lincoln Development District.

This is an existing development with a parking lot that extends up to the edge of the road right-of-way. Five feet of pavement will be removed to provide a buffer strip.

3. The proposed development will be designed to meet the standards of this section to the fullest extent possible.

All buffer requirements will be met with the exception of the width. Removing 10 feet of pavement would severely restrict parking in front of the existing building.

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

Application No. **CUP #309**

Applicant **Louis Amico and James Ryan**

Applicant's Address **8131 Bay Pointe Dr., Denver, NC 28037**

Property Location **1269 N. Highway 16**

Zoning District **B-G**

Proposed Conditional Use **vehicle sales**

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 commercial property. The proposed use will not generate significant traffic.

2. The use meets all required conditions and specifications.

Vehicle sales is a conditional use in the B-G district and in the Eastern Lincoln Development District. Subject to the approval of a five-foot-wide buffer area for the required fence and plantings and the approval of the use of sabal palms, the plans comply with the requirements of the Unified Development Ordinance.

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

Businesses are located on both sides of this property and on the opposite side of N.C. 16 Business. A vehicle sales area will not be located on the Triangle Circle side of the property.

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 that's identified by the NC 16 Corridor Vision Plan as a commercial node where development should be concentrated. A vehicle sales lot is located on the opposite side of N.C. 16 Business.

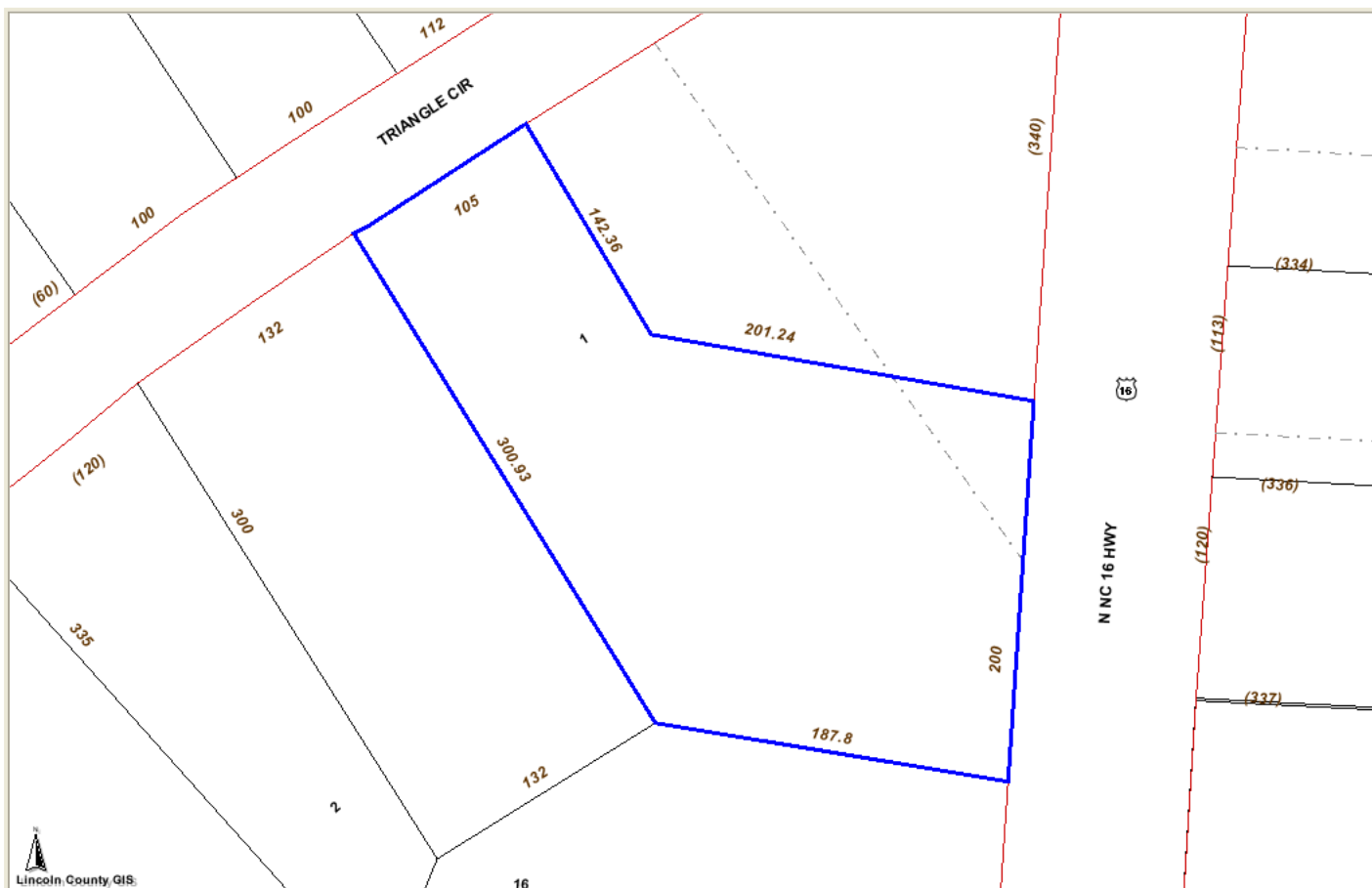


Lincoln County, NC

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: 2/20/2012 Scale: 1 Inch = 100 Feet



PHOTOS



PARCEL INFORMATION FOR 4603-64-3634

Parcel ID	32037	Owner	RYAN AMICO MANAGEMENT LLC	
Map	4603-04	Mailing	8131 BAY POINTE DR	
Account	0205724	Address	DENVER NC 28037	
Deed	1959-754	Recorded	8/23/2007	Sale Price \$620,000
Land Value	\$308,033	Total Value	\$695,627	Previous Parcel
----- All values are for tax year 2012. -----				
Subdivision	Lot PT 1 & 15 ROBT NIXON EST PROPERTY MAP 1			Plat D-94
Description	1815 ROBERT NIXON EST			Deed Acres 0
Address	1269 N NC 16 HWY			Tax Acres 1.46
Township	CATAWBA SPRINGS			Tax/Fire District EAST LINCOLN / EL SEWER
Main Improvement	OFFICE			Value \$380,000
Main Sq Feet	5700	Stories	1 Year Built	1986
Zoning	Calculated		Voting Precinct	Calculated Acres
District	Acres		TRIANGLE (TR30)	1.43
B-G	1.46		WESTPORT (WP32)	0.03
Watershed Class			Sewer District	
Not in a watershed	1.46		In the sewer District	1.46
2000 Census County			Tract	Block
37109			071100	2013
Flood	Zone Description	Panel		
X	NO FLOOD HAZARD	3710460300		1.46

