



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

Christine Poinsette, Planning Board Chair

From: Randy Hawkins, Zoning Administrator

Date: October 18, 2012

Re: PCUR #159

Damon Lusk, applicant

Parcel ID# 32374 and 33798

The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on November 5, 2012.

REQUEST

The applicant is requesting a parallel conditional use rezoning of 2.4 acres from CU I-G (Conditional Use General Industrial) and B-G (General Business) to CU I-G to permit building material sales. The request involves two lots, one of which was rezoned in May from B-G to CU I-G to permit an office/warehouse for building material sales. The applicant has since acquired an adjoining lot. Under the new rezoning request, the applicant is seeking approval of a revised plan with two main changes: an additional building for warehousing and different measures for stormwater control. Building material sales is a permitted use by right in the I-G district and a conditional use in the Eastern Lincoln Development District. 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 property is located on the north side of N.C. 16 Business 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 65% is proposed for this project. This would require engineered stormwater controls and a watershed conditional use permit. Stormwater plans have been submitted as part of a separate application for a watershed conditional use permit (WSCUP #14).

ADDITIONAL INFORMATION

Permitted uses

Under current zoning: Building material sales on the parcel zoned CU I-G; retail sales, offices, restaurant, bank, vehicle service, etc., on the parcel zoned B-G.
Under requested zoning: building material sales.

Adjoining zoning and uses

East: Zoned B-G, propane dealer.
South (opposite side of N.C. 16 Business): Zoned B-N and R-S, single-family home and retirement community.
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 #159**

Applicant **Damon Lusk**

Parcel ID# **32374 and 33798**

Location **east side of N.C. 16 Business between its intersections with Denver Industrial Park Road**

Proposed amendment **Rezone from CU I-G and 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 #159 Date November 5, 2012

Applicant Name Damon Lusk

Applicant 3400 Denver Dr., Denver, NC 28037

Property Location NC 16 Business (PID# 32374, 33798) Proposed Zoning CU I-G

Proposed Conditional Use 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 I

Applicant Name Damien Lusk

Applicant Address 7415 Pine Ridge Dr., Denver, NC 28037

Applicant Phone Number 704-578-3404

Property Owner Name Race City Steel

Property Owner Address 3400 Denver Dr., Denver, NC 28037

Property Owner Phone Number 704-489-2101

PART II

Property Location 4052 N NC HWY 16

Property ID (10 digits) 3695-36-7135&8086 Property size 1.36 + 1.11 (2.47) Acres

Parcel # (5 digits) 32374&33798 Deed Book(s) 2338 Page(s) 810-812

PART III

I-G CU +

Existing Zoning District B-G. Proposed Zoning District I-G CU

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

It is not being used currently. There is a brick house on the property that is vacant, approx 2,000 SF.

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

9/21/12

Date

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

Application No. **PCUR #159**

Applicant **Damon Lusk**

Property Location: **N.C. 16 Business**

Parcel ID# **32374 and 33798**

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 has been approved by NCDOT. The buildings will meet the state building code. The use will be limited to 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. Properties on both sides of this property and on the opposite side of the highway are zoned business. The plan includes landscaped buffers along both sides and along the highway. The properties to the rear of this property are zoned industrial and contain industrial uses.

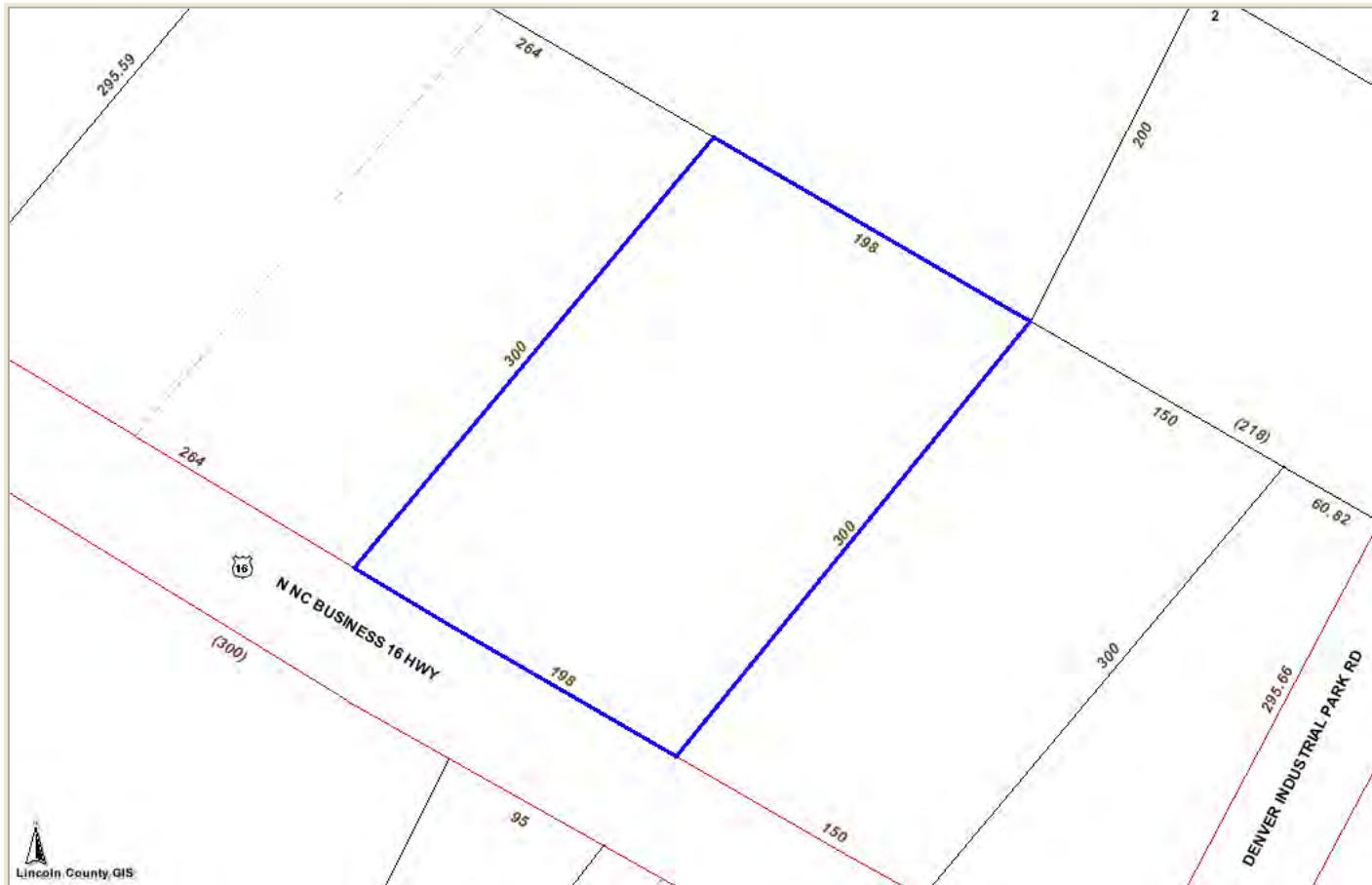
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.

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



Lincoln County, NC

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 Lincoln County and its mapping contractors assume no legal responsibility for
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 conveyance. The map is based on NC State Plane Coordinate System 1983 NAD.
 Date: 9/21/2012 Scale: 1 Inch = 100 Feet

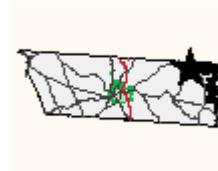


PHOTOS		PARCEL INFORMATION FOR 3695-36-7135					
		Parcel ID 32374 Owner RACE CITY STEEL INC Map 3695-10 Mailing Address 3400 DENVER DR Account 0226159 Address DENVER NC 28037 Deed 2338-812 Recorded 8/30/2012 Land Value \$217,000 Total Value \$217,000 <i>----- All values are for tax year 2012. -----</i>					
		Description SHELTON LD HWY 16	Tax/Fire District	Deed Acres	1.36		
		Address N NC 16 HWY		Tax Acres	1.34		
		Township CATAWBA SPRINGS		DENVER / EL SEWER			
		Improvement	No Improvements				
		Zoning	Calculated Acres	Voting Precinct	Calculated Acres		
		District	1.34	DENVER (DN29)	1.09		
		I-G CU		DENVER WEST (DW28)	0.25		
		Watershed Class		Sewer District			
		WS-IVP	1.34	In the sewer District			
		2000 Census County		Tract			
		37109		071100	1003		
		Flood	Zone Description	Block			
		X	NO FLOOD HAZARD	Panel			
				3710369500			

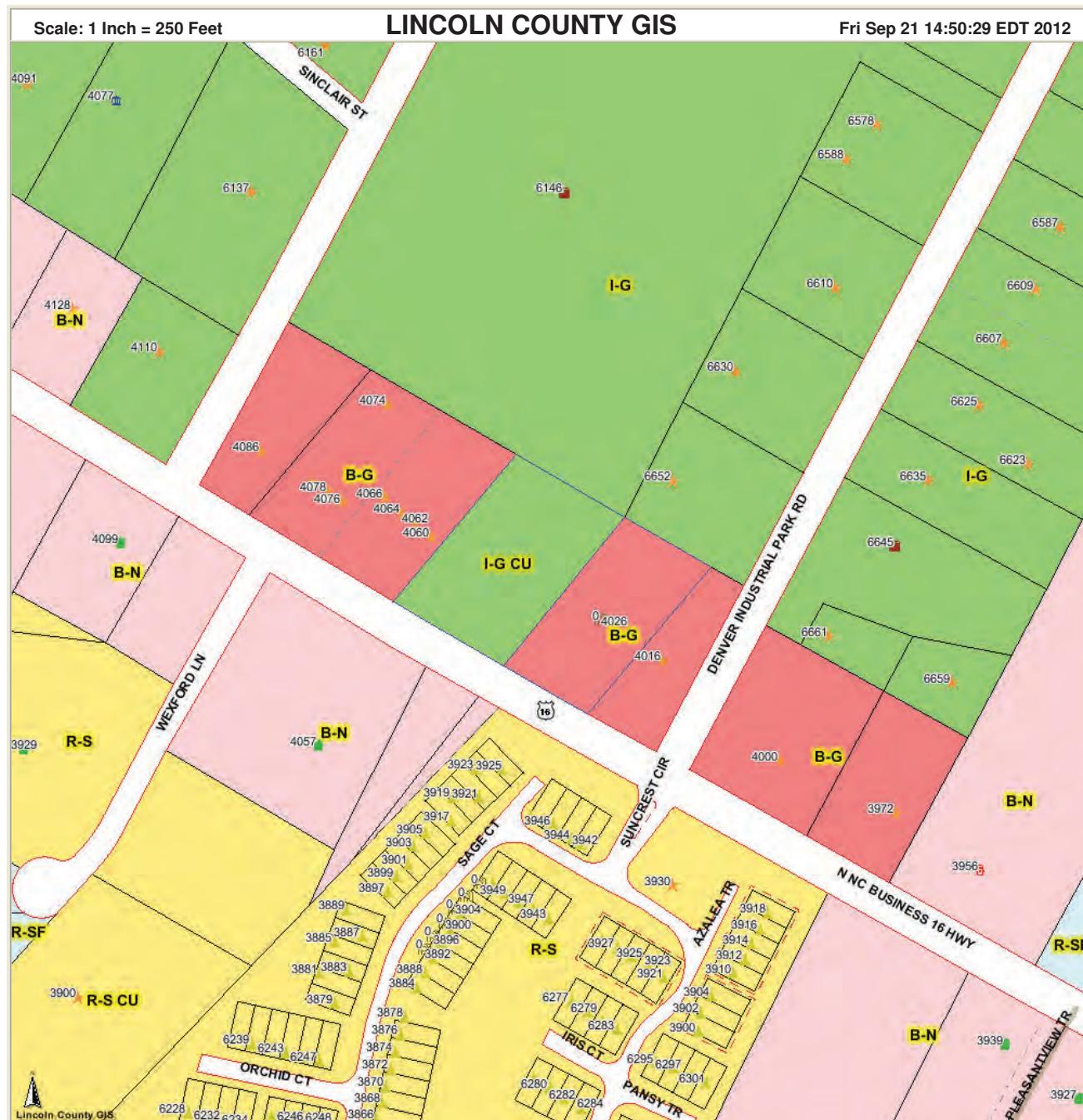


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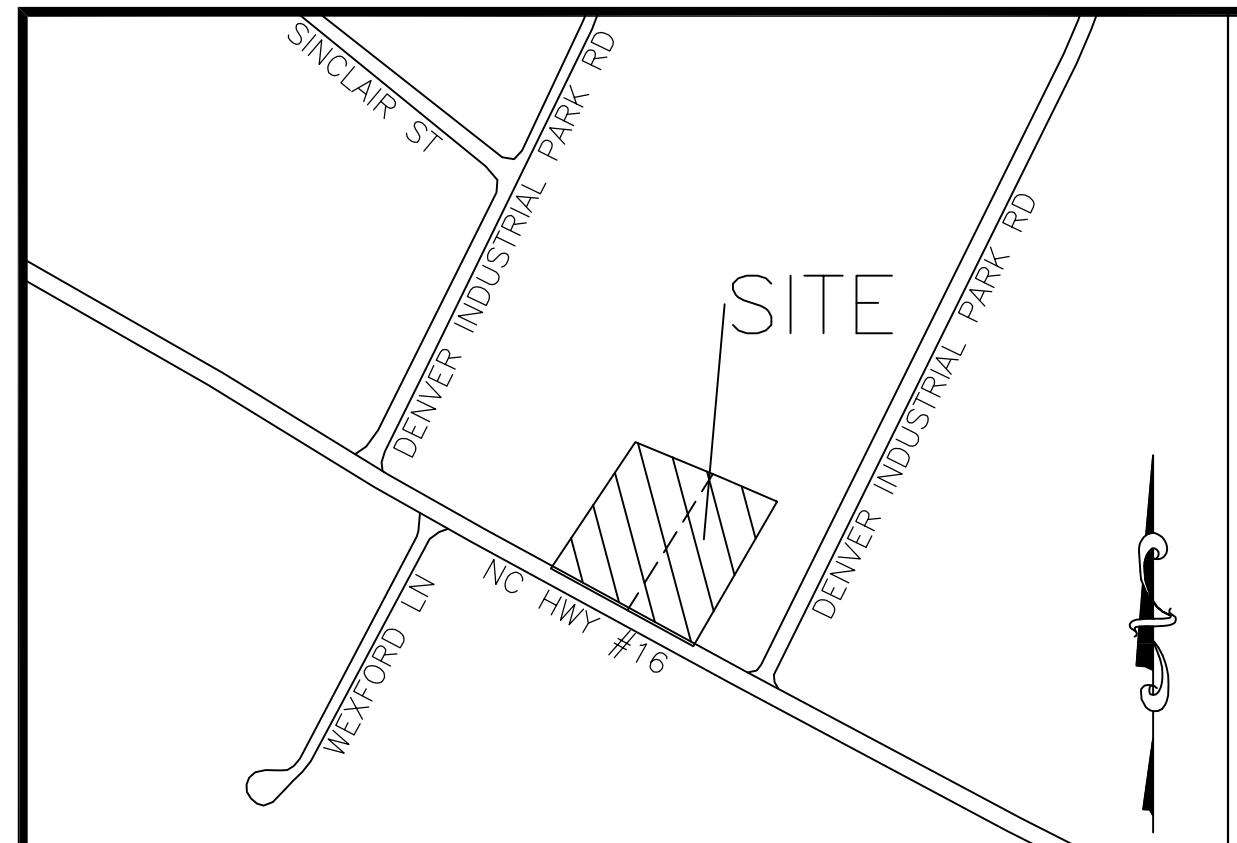


PHOTOS		PARCEL INFORMATION FOR 3695-36-8086					
		Parcel ID	33798	Owner	RACE CITY STEEL INC		
		Map	3695-10	Mailing	3400 DENVER DR		
		Account	0226159	Address	DENVER NC 28037		
		Deed	2338-810	Recorded	8/30/2012		
		Land Value	\$202,200	Total Value	\$314,404	Sale Price	\$165,000
----- All values are for tax year 2012. -----							
Description		MCALLISTER LD&HM H16				Deed Acres	1.11
Address		4026 N NC 16 HWY				Tax Acres	1.04
Township		CATAWBA SPRINGS		Tax/Fire District		DENVER / EL SEWER	
Main Improvement			OFFICE CONVERSION			Value	\$112,204
Main Sq Feet		2073	Stories	1	Year Built		
Zoning		Calculated		Voting Precinct		Calculated Acres	
District		Acres		DENVER (DN29)			0.83
B-G		1.04		DENVER WEST (DW28)			0.22
Watershed Class				Sewer District			
WS-IVP		1.04		In the sewer District			1.04
2000 Census County				Tract		Block	
37109				071100		1003	
Flood		Zone Description		Panel			
X		NO FLOOD HAZARD		3710369500			1.04



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

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SHEET INDEX:
 C1 SITE PLAN
 C2 GRADING PLAN
 C3 STORMWATER & DETAILS
 C4 EROSION CONTROL PLAN
 C5 EROSION CONTROL DETAILS
 C6 UTILITY PLAN
 C7 LANDSCAPE PLAN

VICINITY MAP

NTS

RE-ZONING INFORMATION:

1. PLAN PURPOSE: PROPOSED RE-ZONING LOT 2 FROM B-G TO CU I-G.
2. PROPOSED BUILDING USE: OFFICE/WAREHOUSE/PREFABRICATION
3. PROPOSED USE: BUILDING MATERIAL SALES
4. PROPOSED HEIGHT OF BUILDING = $\pm 25'-6"$
5. REQUIRED BUILDING SETBACKS: FRONT=50'; SIDES=20'; REAR=30';
6. OWNER: RACE CITY STEEL, INC. 3400 DENVER DRIVE, DENVER, NC 28037
7. APPLICANT: DAMON LUSK
8. LOT 2 CONSISTS OF ± 1.13 ACRES PER DEED. LOT 2 TO BE COMBINED WITH ADJOINING LOT 1 CONSISTS OF ± 1.36 ACRES. TOTAL AREA OF COMBINED LOTS 1 AND 2 TO BE ± 2.49 ACRES.
9. LOT 2 DOES NOT LIE WITHIN A FLOOD PLAIN. LOT IS ABOVE FEMA 100 YEAR FLOOD ELEVATION.
10. COUNTY WATER SUPPLY.
11. COUNTY SEWER SYSTEM.
12. EXISTING IMPERVIOUS AREA LOT 1 = 0%; LOT 2 = 12%; TOTAL PROPOSED IMPERVIOUS AREA FOR COMBINED LOTS = 65% (AS SHOWN); STORM WATER CONTROL TO BE DESIGNED FOR 70% COVERAGE.
13. PARKING: OFFICE 1/400 SF & 6 EMPLOYEES = 11 SPACES REQUIRED; 16 SPACES PROVIDED.
14. SKETCH PLAN HAS NOT BEEN PREPARED BY A REGISTERED SURVEYOR. SKETCH PLAN DIGITIZED FROM GIS INFORMATION AND AERIAL PHOTOS. SURVEY IS PENDING.

MICHAEL L. KEEVER

1889/412
ZONING B-G

1 STORY ALUMINUM

GENERAL CONCRETE NOTES:

1. THE CONCRETE WORK SHALL CONFORM TO THE REQUIREMENTS OF ACI 301 "SPECIFICATIONS FOR STRUCTURAL CONCRETE FOR BUILDINGS" LATEST EDITION.
2. ALL CONCRETE SHALL ATTAIN A 28 DAY COMPRESSIVE STRENGTH OF 3000 PSI UNLESS NOTED OTHERWISE.
3. SLUMP: 5" MAX. / 3" MIN.
4. CONCRETE PERMANENTLY EXPOSED TO WEATHER SHALL BE 4% TO 7% AIR ENTRAINED.
5. CONCRETE STEEL SHALL BE DEFORMED BARS CONFORMING TO ASTM A615, GRADE 60. SPLICES SHALL BE LAPPED A MINIMUM OF 24 BAR DIAMETERS.
6. SURFACE FINISHES SHALL BE IN ACCORDANCE WITH ACI 301-89 (BROOM FINISH FOR AREAS OUTSIDE BUILDING).
7. ALL EXPOSED EXTERNAL EDGES SHALL HAVE A 3/4" 45 DEGREE CHAMFER.
8. ALL PROPOSED ADMIXTURES, CURING COMPOUNDS, CONDITIONERS, AND HARDENERS SHALL BE REVIEWED BY THE ENGINEER PRIOR TO PLACEMENT.



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SITE PLAN

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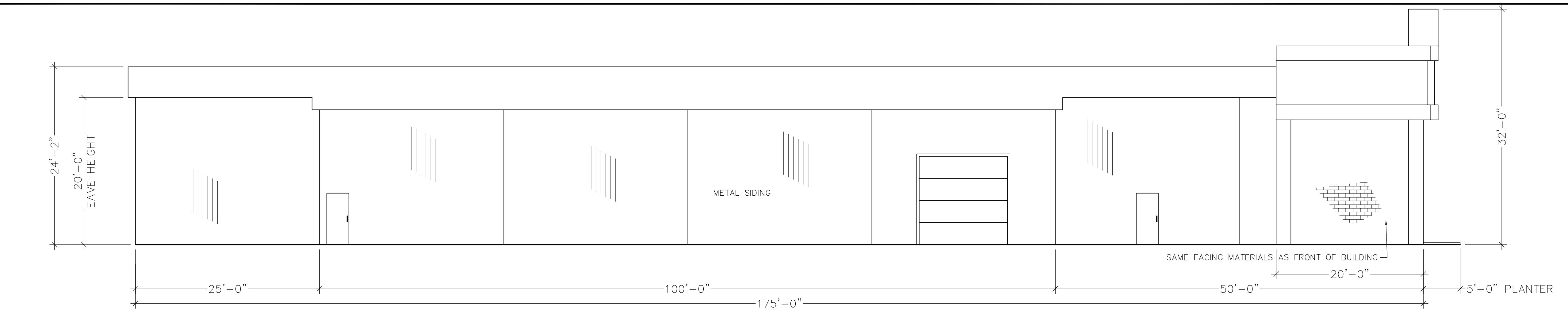
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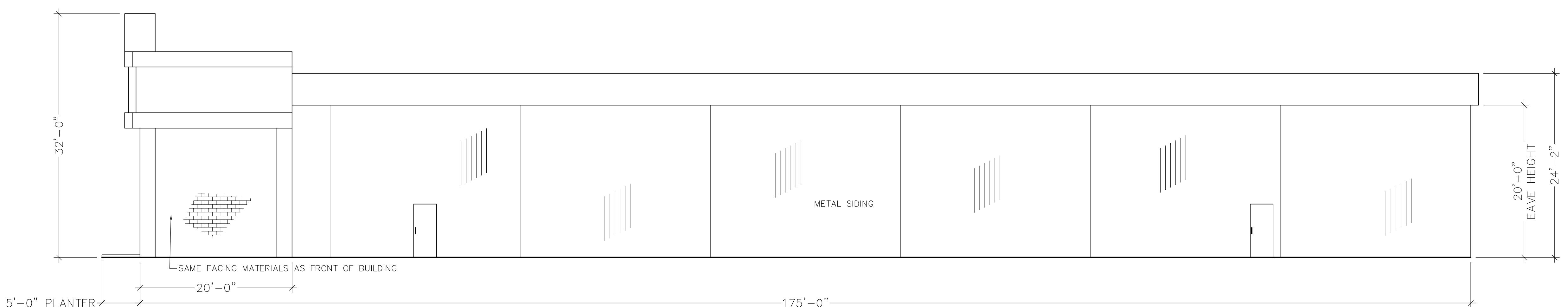
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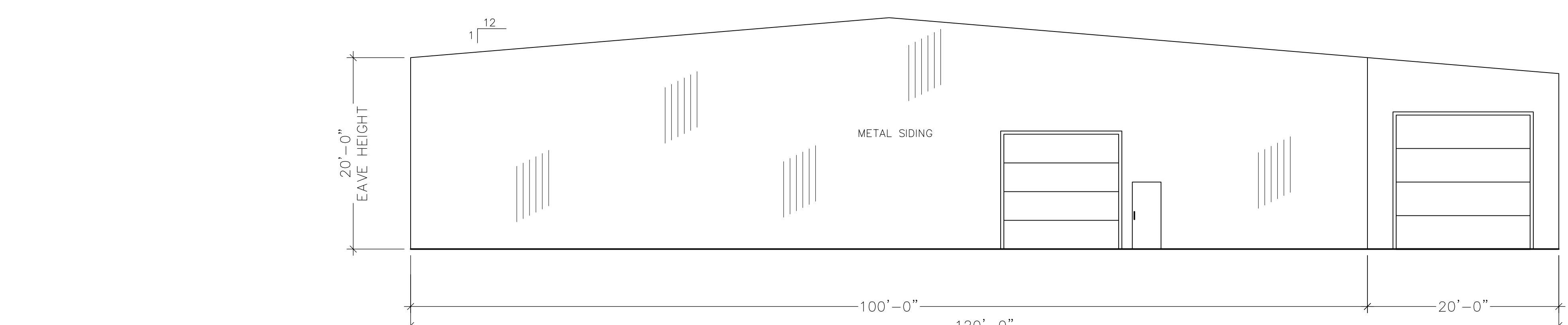
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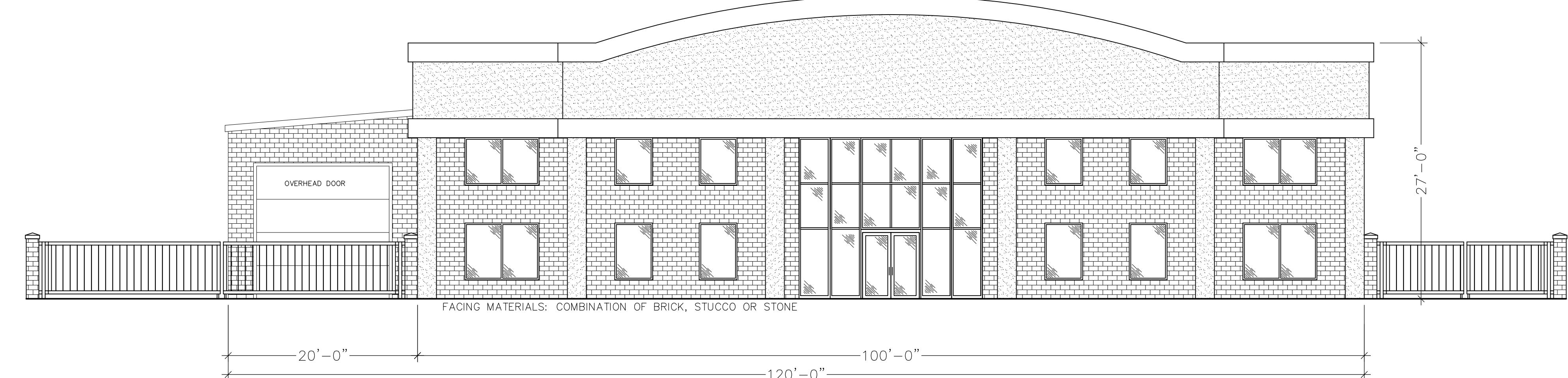
LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION



FRONT ELEVATION

SKETCH PLAN – NOT FOR RECORDING – NOT FOR CONSTRUCTION

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

PROPOSED RE-ZONING
FOR
4052 S NC HWY 16
LINCOLN COUNTY, NORTH CAROLINA

PLANS PREPARED BY: JEFFREY J. SWARTZ, PE, LEED AP, BAE
NC LICENSE NO. 033411
585 BART LANE 28881
TAYLORSVILLE, NC 28681
PHONE: (828) 221-2250
FAX: (831) 604-5011
jjspe@bellsouth.net

CLIENT/APPLICANT:
DAMON LUSK
LUSK CONSULTING INC.
DENVER, NC 28037
PHONE: (704) 489-2101
FAX: (704) 489-2169
dlus22@sohu.com

PROJECT MANAGER:
JEFFREY J. SWARTZ
DESIGN BY: JJS
DRAWN BY: JJS
CHECKED BY: JJS
REVISIONS

AE1.0

1 OF 2

PROJECT NO.: 2011-34

DATE: 09/26/2011

0 4' 8' 16'
SCALE: 1/8" = 1'-0"

REVISIONS

3 09/20/12 ADDED 10K SF BLDG ELEV
2 04/06/12 REVISED PLAN
1 03/21/12 REVISED PLAN

SHEET TITLE: SAMPLE 20,000 SF BUILDING ELEVATIONS

