



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 #158
Szalem, LLC, applicant
Parcel ID# 02633

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 to rezone a 0.6-acre lot from B-N (Neighborhood Business) to CU B-G (Conditional Use General Business) to permit vehicle and boat service and sales. Vehicle and boat service and sales are conditional uses in the Eastern Lincoln Development District, vehicle and boat sales are conditional uses in the B-G district, and vehicle and boat service are permitted uses in the B-G district. If this request is approved, the use of the property would be subject to the approved site plan and any conditions mutually approved by the county and the applicant.

SITE AREA AND DESCRIPTION

The 0.6-acre parcel is located at 3840 N. NC 16 Hwy., on the north side of N.C. 16 Business about 700 feet west of Campground Road, in Catawba Springs Township. This property is the former location of the Denver Fire Department and contains two buildings. It is adjoined by property zoned B-G, B-N and R-SF (Residential Single-Family). Land uses in this area include business, residential and institutional. The NC 16 Corridor Vision Plan identifies this area as the "Downtown" Denver community center, a service area for the neighborhoods in the surrounding area.

ADDITIONAL INFORMATION

Permitted uses

Under current zoning: retail sales, offices, personal services, restaurant, bank, etc.

Under requested zoning: vehicle and boat service and sales.

Adjoining zoning and uses

East: Zoned B-G, self-storage facility.

South (opposite side of N.C. 16 Business): Zoned B-N and B-G, residence and storage building/garage.

West: Zoned B-N, commercial building.

North: Zoned R-SF, church ballfield.

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 #158**
Applicant **Szalem, LLC**
Parcel ID# **02633**
Location **3840 N. NC 16 Hwy.**
Proposed amendment **Rezone from B-N to CU B-G to permit vehicle and boat sales and service**

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 NC 16 Corridor Vision Plan as the "Downtown" Denver community center, a service area for the neighborhoods in the surrounding area.**

This proposed amendment **is reasonable and in the public interest** in that: **This is an existing commercial property in a commercial area and is adjoined by property zoned B-G. The two existing buildings on the property are suited for vehicle and boat service. Because this is a conditional use rezoning, the use of the property will be subject to an approved site plan and conditions.**

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

Application # PCUR #158 Date November 5, 2012

Applicant Name Szalem, LLC

Applicant 147 Knoxview Lane, Mooresville, NC 28117

Property Location 3840 N. NC 16 Hwy. Proposed Zoning CU B-G

Proposed Conditional Use vehicle and boat service and 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 SZALEM LLC (DAVID JAROSZEWSKI, Member Manager)

Applicant Address 147 KNOXVIEW LANE MOORESVILLE, NC 28117

Applicant Phone Number (704) 975-5403

Property Owner Name DAVID JAROSZEWSKI

Property Owner Address 147 KNOXVIEW LN. MOORESVILLE, NC 28117

Property Owner Phone Number (704) 975-5403

PART II

Property Location 3840 N NC 16 HWY DENVER, NC 28037

Property ID (10 digits) 3695-55-4134 Property size 0.61 AC

Parcel # (5 digits) 02633 Deed Book(s) 2336 Page(s) 739

PART III

Existing Zoning District B-N Proposed Zoning District CUB-G

Briefly describe how the property is being used and any existing structures.
LAWN MOWER REPAIR
RETAIL SALES

Briefly explain the proposed use and/or structure which would require a rezoning.
AUTOMOTIVE and BOAT SERVICE
AUTOMOTIVE AND BOAT 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.
David Jaroszewski 9/20/12
Applicant's Signature Date

PCUR #158

Applicant's proposed conditions:

- 1) Vehicles or boats for sale shall be displayed only inside the front building or behind the rear building line of the front building.
- 2) All vehicles and boats awaiting repair shall be stored behind the rear building line of the front building.


DAVID JAROSZEWSKI

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

Application No. **PCUR #158**

Applicant **Szalem, LLC**

Applicant's Address **147 Knoxview Lane, Mooresville, NC 28117**

Property Location **3840 N. NC 16 Hwy.**

Proposed Zoning District **CU B-G**

Proposed Conditional Uses **vehicle and boat service and sales**

PROPOSED FINDINGS

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

No new facilities are proposed. The two existing buildings must pass a safety inspection by the county before a change of occupancy permit is approved. Automotive fluids will be properly collected for recycling or disposal in compliance with environmental regulations.

2. The use meets all required conditions and specifications.

Vehicle and boat service and sales are conditional uses in the Eastern Lincoln Development District, vehicle and boat sales are conditional uses in the B-G district, and vehicle and boat service are permitted uses in the B-G district. Because the vehicle display area does not front the road right-of-way, a buffer and fence is not required.

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 property in a commercial area. No vehicles or boats will be displayed for sale or parked awaiting repair in front of or beside the front building.

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 property is adjoined by property zoned B-G and is located in an existing commercial area. It is part of an area identified by the NC 16 Corridor Vision Plan as the "Downtown" Denver community center, a service area for the neighborhoods in the surrounding area.



Lincoln County, NC

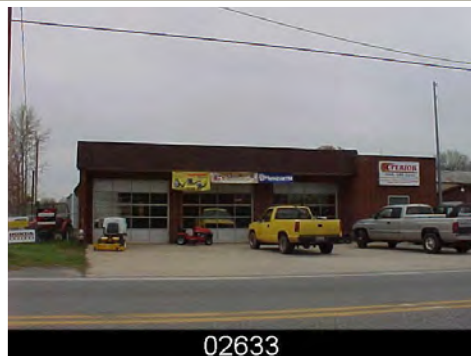
Office of the Tax Administrator, GIS Mapping Division
 Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD.
Date: 9/21/2012 Scale: 1 Inch = 100 Feet



Lincoln County GIS

PHOTOS

PARCEL INFORMATION FOR 3695-55-4134

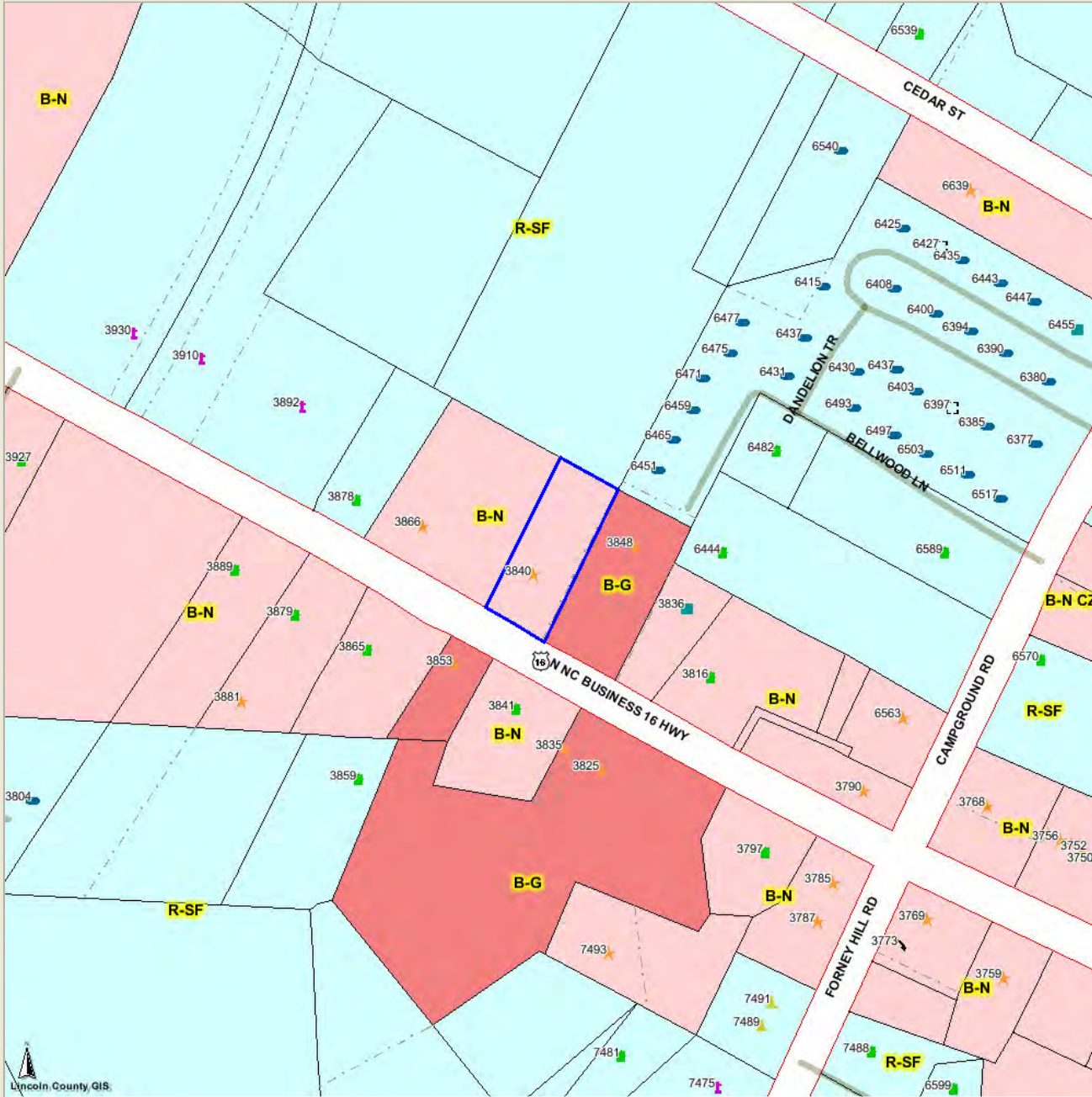


Parcel ID	02633	Owner	PEOPLES BANK	
Map	3695-11	Mailing	PO BOX 467	
Account	0232809	Address	NEWTON NC 28658	
Deed	2336-739	Recorded	8/22/2012	
Land Value	\$185,400	Total Value	\$371,744	Sale Price \$215,000
----- All values are for tax year 2012. -----				
Description	FIRE DEPT-SOLD		Deed Acres	0
Address	3840 N NC 16 HWY		Tax Acres	0.61
Township	CATAWBA SPRINGS	Tax/Fire District	DENVER / EL SEWER	
Main Improvement	SERVICE SHOP/OFFICE		Value	\$119,496
Main Sq Feet	4960	Stories	1	Year Built 1965
Zoning District	Calculated Acres	Voting Precinct	Calculated Acres	
B-N	0.62	DENVER (DN29)	0.36	
Watershed Class	WS-IVP	DENVER WEST (DW28)	0.26	
2000 Census County	37109	Sewer District	In the sewer District 0.62	
Flood	Zone Description	Tract	Block	
X	NO FLOOD HAZARD	071100	1003	0.62
		Panel	3710369500 0.62	

Scale: 1 Inch = 250 Feet

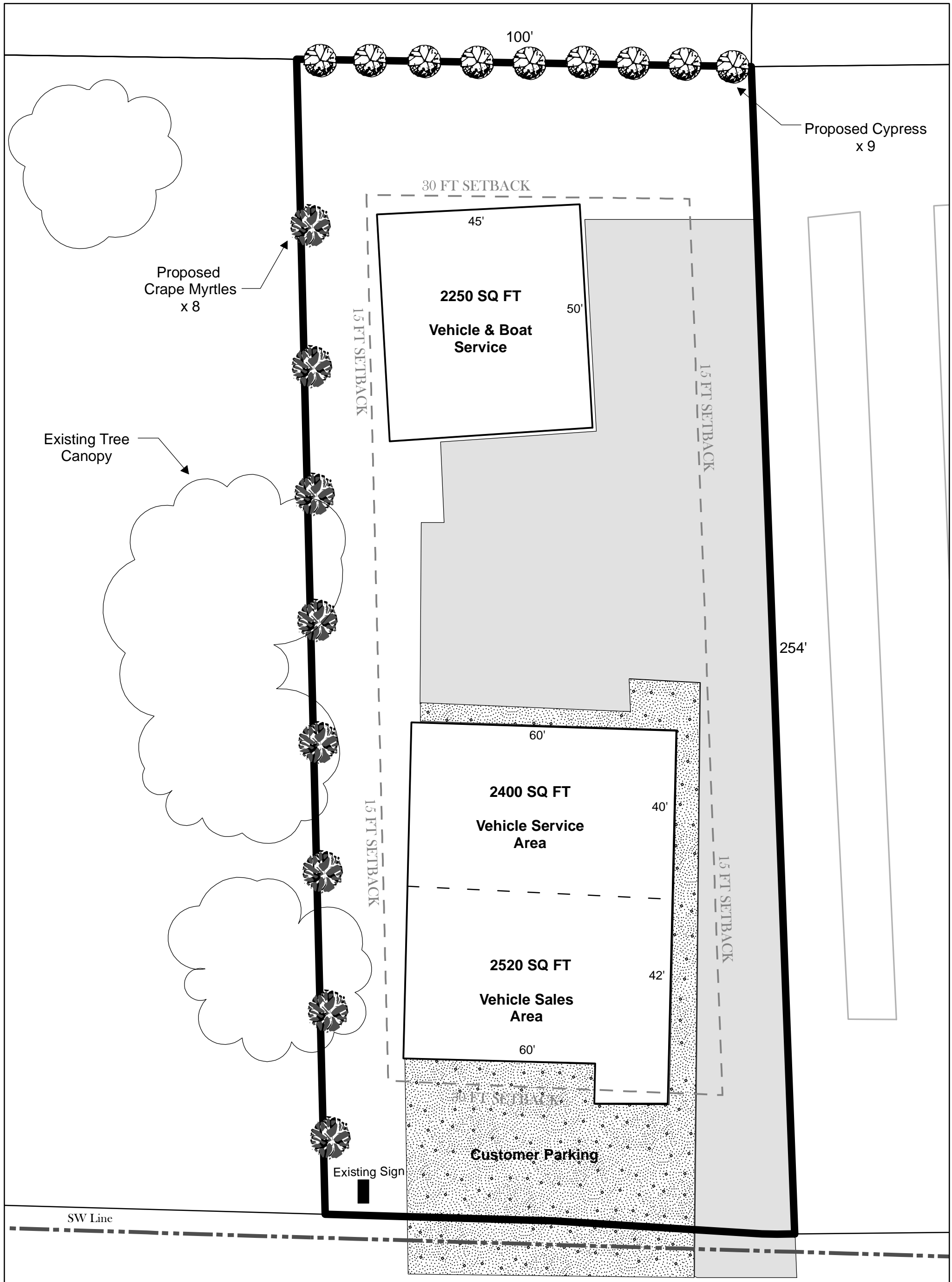
LINCOLN COUNTY GIS

Fri Sep 21 09:34:14 EDT 2012



Structures	Mobile Home Space UnAddressed Mobile Home Child Facility Home Site County Boundaries	Creeks Interior Lot Line Drainage Easement Utility Easement Right-of-Ways Roads Railroads Public Walkway Private Roads City Jurisdictions	Town of Maiden Zoning Districts ELDD B-G B-N I-G I-L P-MU PD-C PD-I PD-MU PD-R P-R (cont)	R-CR R-14 R-20 R-MF R-MR R-R R-S R-SF R-T C-B CBT G-B GMC N-B (cont)	O-I P-B R-10 R-15 R-25 R-8 RMF R-O O-R ROS B-C Lake Norman
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SITE PLAN
FOR
SZALEM, LLC

DATE: 10/11/12 LINCOLN COUNTY, NC

HWY 16 BUSINESS

NOTES:
 1) Vehicles or boats for sale shall be displayed only inside the front building or behind the rear building line of the front building.
 2) All vehicles and boats awaiting service shall be stored behind the rear building line of the front building.
 3) Existing sign on property will be removed.

