



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 1236 Hwy 16 N Denver NC 28037
Property ID (10 digits) 4603-W-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 + internet
sweepstakes

\$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

Date

3/20/12

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



Lincoln County GIS

PHOTOS



84058

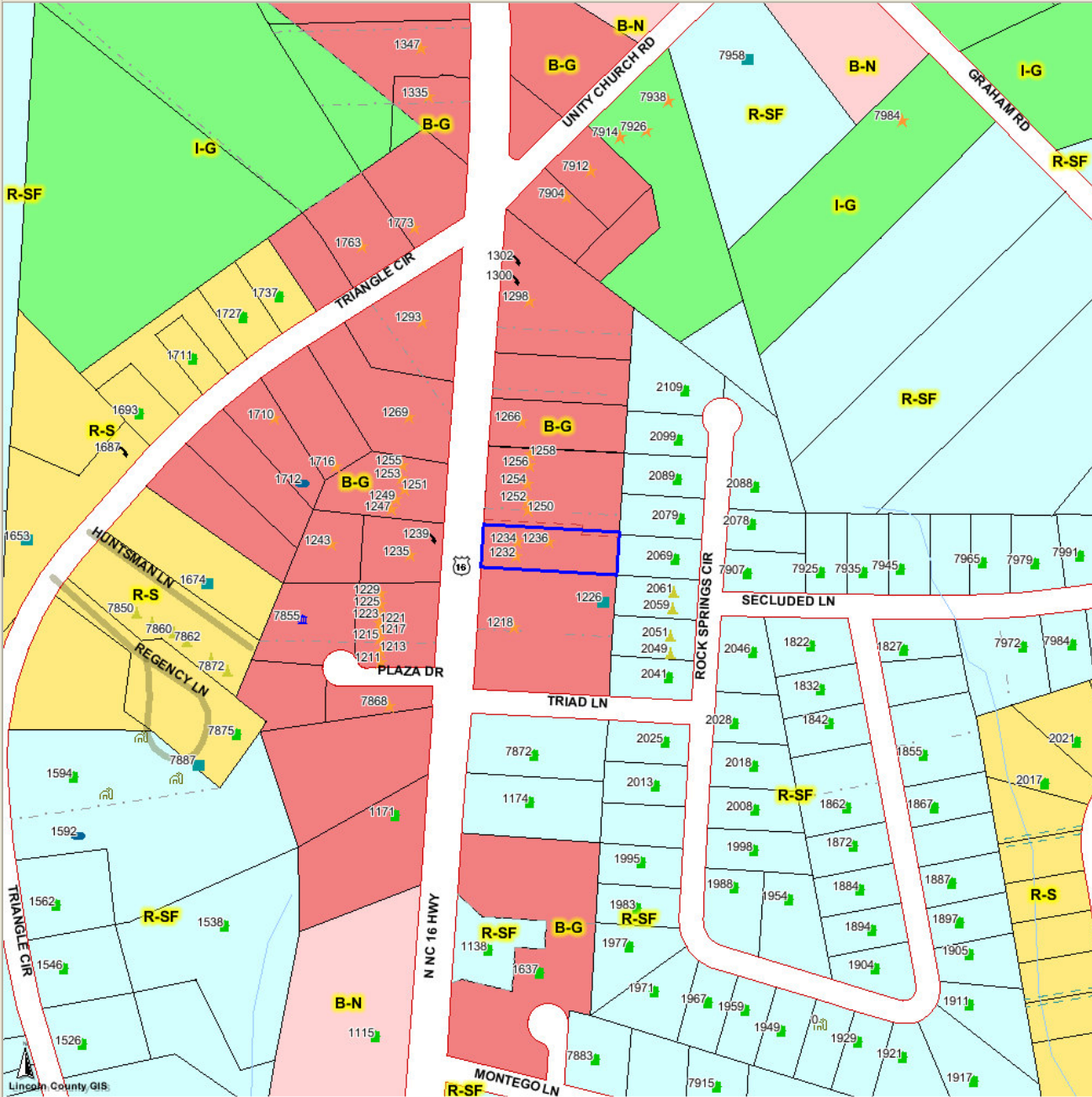
PARCEL INFORMATION FOR 4603-64-7239

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
----- All values are for tax year 2012. -----				
Subdivision	Lot PT 25 ROBERT NIXON EST	Plat	D-94	
Description	OFFICE PT25 RBT NIXON EST	Deed Acres	0.84	
Address	1232 36 N NC 16 HWY	Tax Acres	0.82	
Township	CATAWBA SPRINGS	Tax/Fire District	EAST LINCOLN / EL SEWER	
Main Improvement	OFFICE	Value	\$524,439	
Main Sq Feet	12600	Stories	1 Year Built	2000
Zoning District	B-G	Calculated Acres	Voting Precinct	Calculated Acres
		0.82	TRIANGLE EAST (LW31)	0.82
Watershed Class	WS-IVC	0.82	Sewer District	
			In the sewer District	0.82
2000 Census County	37109		Tract	Block
			071200	4002
Flood	Zone Description		Panel	
X	NO FLOOD HAZARD		3710460300	0.82

Scale: 1 Inch = 400 Feet

LINCOLN COUNTY GIS

Thu Mar 22 15:21:57 EDT 2012



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

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. Lincoln County, NC Office of the Tax Administrator, GIS Division