



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

To: Board of Commissioners
Planning Board

From: Randy Hawkins, Zoning Administrator

Date: July 12, 2013

Re: CUP #324
James Satiro, applicant
Parcel ID# 72780

The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on August 5, 2013.

REQUEST

The applicant is requesting a conditional use permit to sell vehicles in the B-G (General Business) district and Eastern Lincoln Development District (ELDD). An existing building and parking area would be utilized as part of the proposal (see site plan). Under the Unified Development Ordinance, vehicle sales is a conditional use in the B-G district and in the ELDD.

SITE AREA AND DESCRIPTION

The 1.0-acre parcel is located at 1763 Triangle Circle, on the north side of the northern end of Triangle Circle about 250 feet west of N.C. 16 Business. It is adjoined by property zoned B-G and I-G (General Industrial). Land uses in this area include business and residential. 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: zoned B-G, vacant lot.
- South (opposite side of Triangle Circle): zoned B-G, financial institution.
- West: zoned B-G, undeveloped lot.
- North: zoned I-G, largely undeveloped tract with telecommunications tower.

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

The applicant is proposing to provide a 5-foot-wide landscaping strip as an alternative means of compliance. 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 findings form).



County Of Lincoln, North Carolina

Planning Board

Applicant **James Satiro**

Application # **CUP #324**

Property Location **1763 Triangle Circle**

Zoning District **B-G**

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

ALTERNATIVE MEANS OF COMPLIANCE

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:



County Of Lincoln, North Carolina

Planning Board

Applicant **James Satiro**

Application No. **CUP #324**

Property Location **1763 Triangle Circle**

Zoning District **B-G**

Proposed Conditional Use **vehicle sales**

CONDITONAL USE PERMIT

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 REASONS CITED: _____

2. The use meets all required conditions and specifications. YES _____ NO _____

FACTUAL REASONS 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 REASONS 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 REASONS 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, 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 JAMES SATIRO
Applicant Address 4120 BURNWOOD TRAIL DENVER, NC 28037
Applicant Phone Number 704 483-1909
Property Owner Name David Lee Kinney
Property Owner Address 2758 Lakeshore Rd. South.
Property Owner Phone Number 704-483-0788

PART II

Property Location 1763 Triangle Circle
Property ID (10 digits) 4603-65-2058 Property size 1 Acre
Parcel # (5 digits) 72720 Deed Book(s) 1122 Page(s) 585

PART III

Existing Zoning District B-G

Briefly describe how the property is being used and any existing structures.
12x24 BUILDING CURRENTLY BEING USED AS ICE CREAM SHOP.

Briefly explain the proposed use and/or structure which would require a Conditional Use Permit.
AUTOMOBILE SALES AND 12x24 OFFICE BUILDING.

\$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 [Signature] Date 5/30/13

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

Application No. CUP #324

Applicant James Satiro

Property Location 1763 Triangle Circle

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.

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 lot with a limited area suitable for vehicle display. The property slopes significantly starting less than 80 feet from the edge of the road right-of-way. A right-of-way to the property to the rear along the side of this lot and a billboard also limit the parking area. Providing a 10-foot buffer would further restrict parking.

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.

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

Application No. CUP #324

Applicant James Satiro

Applicant's Address 4120 Burnwood Trail, Denver, NC 28037

Property Location 1763 Triangle Circle

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, 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.

This property is adjoined on all sides by properties zoned business or industrial.

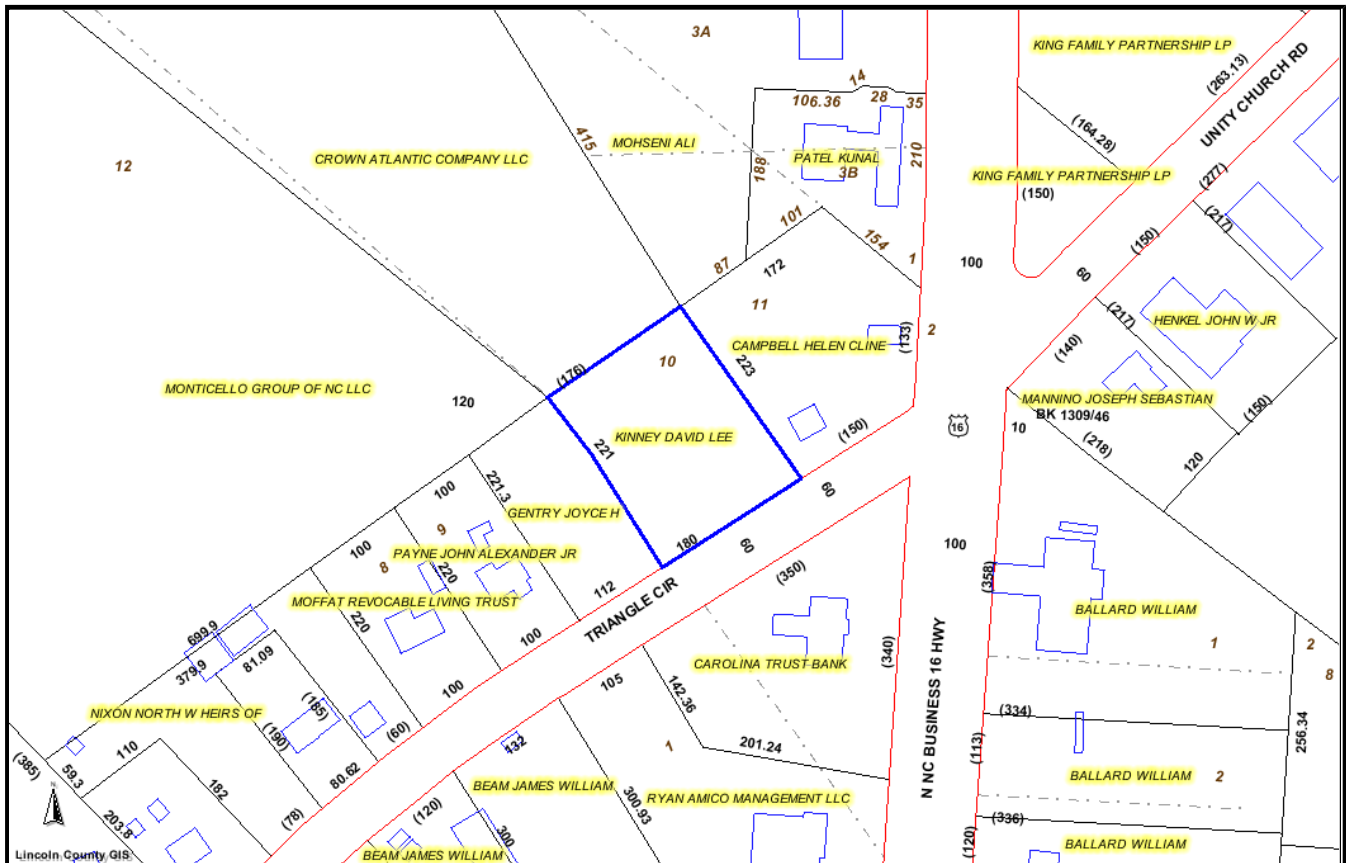
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.

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. Other vehicles sales lots are located in this 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: 7/5/2013 Scale: 1 Inch = 200 Feet



PHOTOS

PARCEL INFORMATION FOR 4603-65-2058

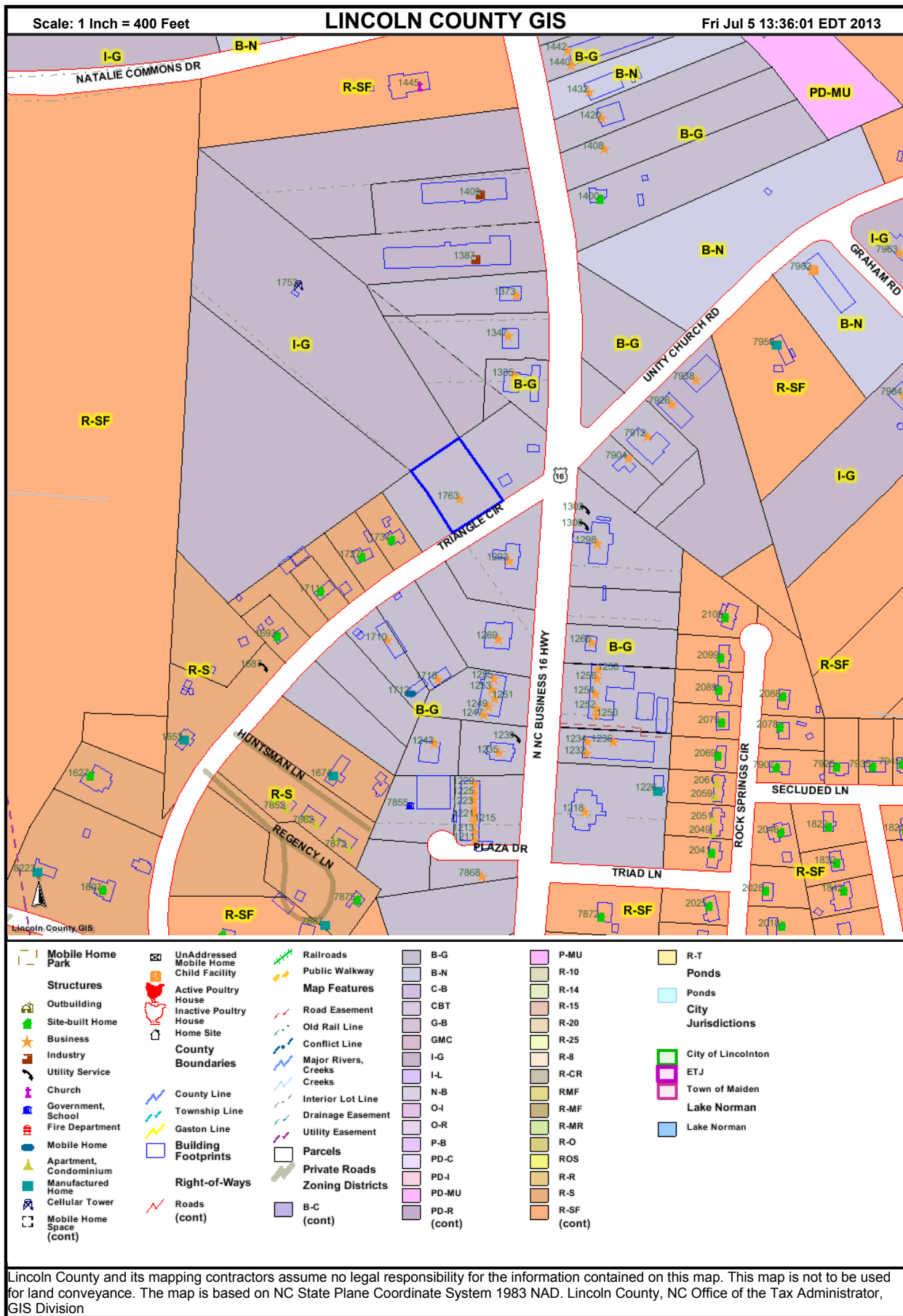


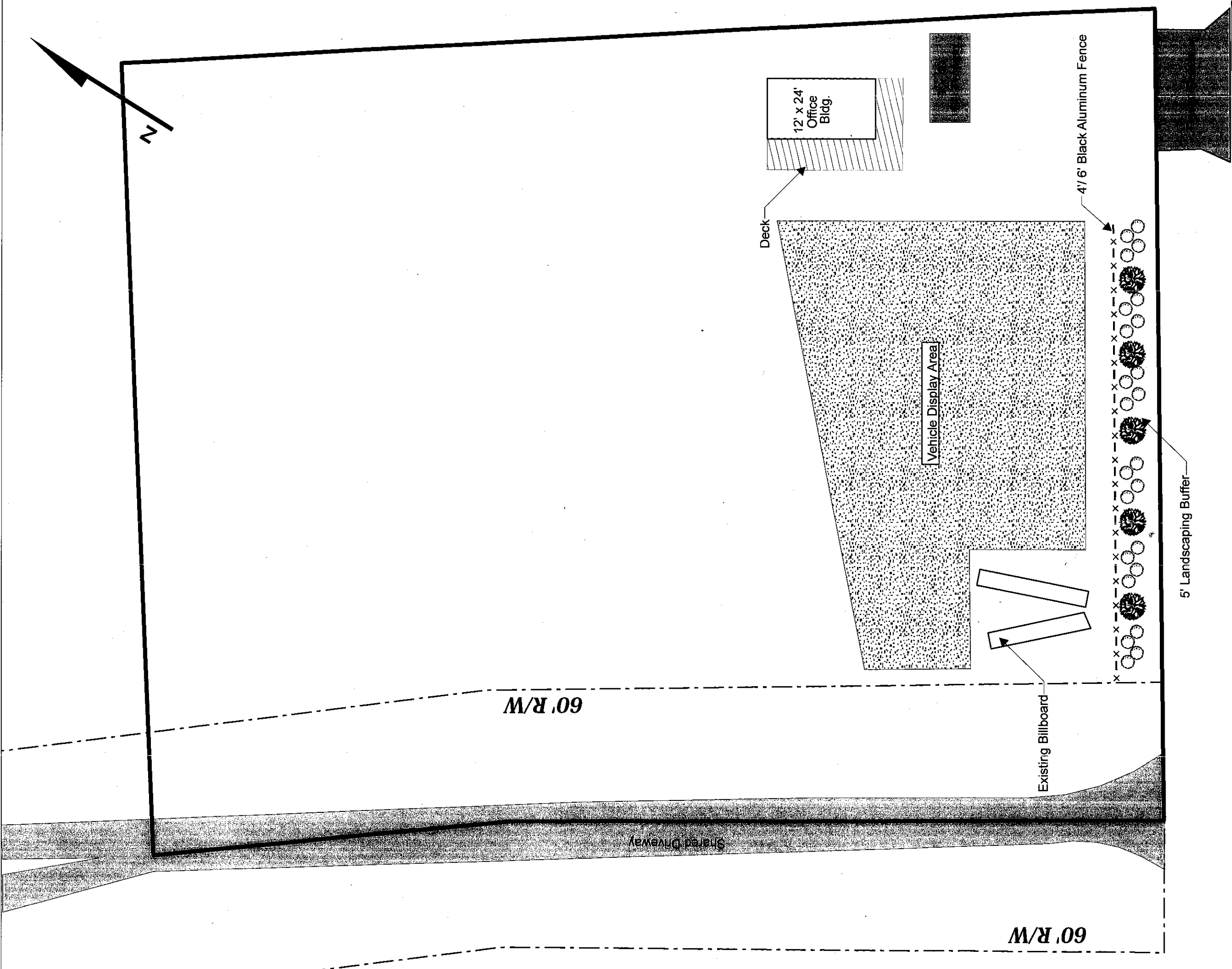
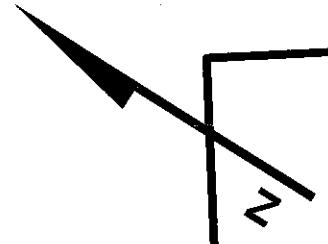
72780



72780

Parcel ID	72780	Owner	KINNEY DAVID LEE KINNEY JAN A	
Map Account	4603-02 48498	Mailing Address	2758 LAKESHORE RD S DENVER NC 28037	
Deed	1122-585	Recorded	7/1/1999	Sale Price \$70,000
Land Value	\$108,083	Total Value	\$110,196	Previous Parcel 30338
----- All values are for tax year 2013. -----				
Description	#10 ROBERT NIXON EST			Deed Acres 0
Address	1763 TRIANGLE CIR			Tax Acres 0.91
Township	CATAWBA SPRINGS	Tax/Fire District	EAST LINCOLN / EL SEWER	
Main Improvement	YUMMY STOP 12 X 12	Value	\$2,113	
Main Sq Feet	144	Stories	0	Year Built 2000
Zoning District	B-G	Calculated Acres	0.92	
Watershed Class	Not in a watershed	Calculated Acres	0.92	
2000 Census County	37109	Sewer District	In the sewer District 0.92	
	37109	Tract	071100	Block 2013 0.38
Flood	X	Zone Description	071100	2014 0.54
		Panel	3710460300 0.92	
		NO FLOOD HAZARD		





**Triangle Circle
100' R/W**

Date: 7/3/13

Lincoln County, NC

**CUP #324
Site Plan**

1 inch = 20 feet

