



LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT
302 NORTH ACADEMY STREET, SUITE A, LINCOLN TON, 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: February 14, 2014

Re: CZ #2014-2
Xiaopie Guo, applicant
Parcel ID# 02379

The following information is for use by the Lincoln County Board of Commissioners and the Planning Board at their joint meeting/public hearing on March 3, 2014.

Request

The applicant is requesting to amend a conditional zoning district to permit an 8,160-square-foot retail sales facility with upper-story offices. This property was rezoned from R-S (Residential Suburban) to CZ B-N (Conditional Zoning Neighborhood Business) in 2008 to permit a 4,900-square-foot retail/office building, but that plan has not been carried out. Because the new plan calls for an increase in floor area of greater than 10 percent, it can only be approved through a rezoning process. The property owner has authorized the rezoning application. A site plan and front elevation have been submitted as part of the application. If this request is approved, the use of the property would be subject to the approved plan and any conditions mutually approved by the county and the applicants.

Site Area & Description

This 0.69-acre parcel is located on the north side of N.C. 16 Business about 300 feet east of Burnwood Trail. It is adjoined by property zoned R-S, B-G (General Business), I-G (General Industrial) and B-N. Land uses in this area include residential, business and industrial. Public water is available at this location but not public sewer. This property is part of an area designated by the Lincoln County Land Use Plan as Residential Suburban.

Additional Information

Permitted uses

Under current zoning: retail sales, offices.

Under proposed zoning: retail sales, offices.

Adjoining zoning and uses

East: zoned R-S, duplex.

South (opposite side of N.C. 16 Business): zoned I-G and B-N, garden center and residence.

West: zoned B-G, undeveloped lot with billboard.

North: zoned R-S, duplex and single-family home.

Traffic

The average daily traffic count on N.C. 16 Business in this area is approximately 11,000 vehicles, according to 2012 figures.

Planning Staff's Recommendation

Staff recommends approval of the proposed amendment to the conditional zoning district. See proposed statement on following page for rationale.



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Zoning Amendment Staff's Proposed Statement of Consistency and Reasonableness

Case No. **CZ #2014-2**
Applicant **Xiaopei Guo**
Parcel ID# **02379**
Location **north side of N.C. 16 Business about 300 feet east of Burnwood Trail**
Proposed amendment **Rezone from CZ B-N to CZ B-N (amended plan)**

This proposed amendment **is not consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

The Lincoln County Land Use Plan designates the area on this side of N.C. 16 Business as residential.

This proposed amendment **is reasonable and in the public interest** in that:

This property is adjoined on one side by property zoned business and across the road by property zoned industrial and business. Other properties in this area are zoned business and industrial. Because this will remain a conditional zoning district, the use of the property will be limited to retail sales and offices and the property will be developed according to the site plan. The new plan calls for less parking and impervious area than the previous plan.



Conditional Zoning District 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 Xiaopei Guo (ebuilderdirect.com)
Applicant Address 4106 Burnwood Trail, Denver, NC 28037
Applicant Phone Number 704-340-5303
Property Owner Name Brian Mocilan (Just Nicholas LLC)
Property Owner Address 6698 Maple Spring Ct. Denver, NC 28037
Property Owner Phone Number 704-658-6553

PART II

Property Location Hwy 16 near Burnwood Trail
Property ID (10 digits) 3686815443 Property size 0.69 AC
Parcel # (5 digits) 02379 Deed Book(s) 2093 Page(s) 211

PART III

Existing Zoning District CZ B-N Proposed Zoning District CZ B-N

Briefly describe how the property is being used and any existing structures.
New construction. No existing structures
retail sales & office. retail sales of hardware &
Light fixture

List the proposed use or uses of the property.
retail sales & office with stock room for inventory
revised site plan attached

\$1,000 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 [Signature] Date 01/13/2014



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Community Involvement Meeting Report

CZ #2014-2

Xiaopei Guo, applicant

A community involvement meeting on this rezoning request was held on February 6, 2014, at Denver Fire Department. Hongtao Han, the applicant's husband and business partner, was present along with staff. Seven other citizens attended the meeting, including Planning Board member Brian Rabalais.

Hangtao Han said the proposed facility would include a sales area, stockroom and upper-story offices for a business that he and his wife currently operate in a building at the end of Burnwood Trail. Ebuilderdirect.com sells door locks, cabinet pulls, bathroom accessories and light fixtures. Mr. Han said relocating to the nearby site on Hwy. 16 would help the business draw more customers.

Bill Kuletz of Denver questioned whether the business would be successful at the proposed site. He said there are 35 empty retail locations along Hwy. 16. "If I were going to make this investment, I would go to Huntersville or Mooresville or Charlotte. This area is not growing as much as you think it is."

Mr. Han defended the plan to remain in Denver, explaining that he lives in Mooresville and is familiar with the area. "I'm a real estate broker myself."

He and his wife started the business out of their garage in 2006 and built the building on Burnwood Trail a couple of years later. They're not worried about competing against big box stores.

"We're not afraid of Lowe's or Home Depot. Our prices are half of theirs. We don't have the overhead they have."

Other citizens raised questions concerning the size of the building.

"What are you going to do with the water that runs off?" asked Bob Cook, who lives on Wrenn Drive. "There's already a water problem."

"I think it's an awfully small piece of property to put that big of a building on," said Steve Dellinger, who owns the duplex that's located next door to the site. "If your business does well, you've got no place to expand."

Doug Rink, who owns an adjoining commercial lot that contains only a billboard, attended the meeting but didn't speak.

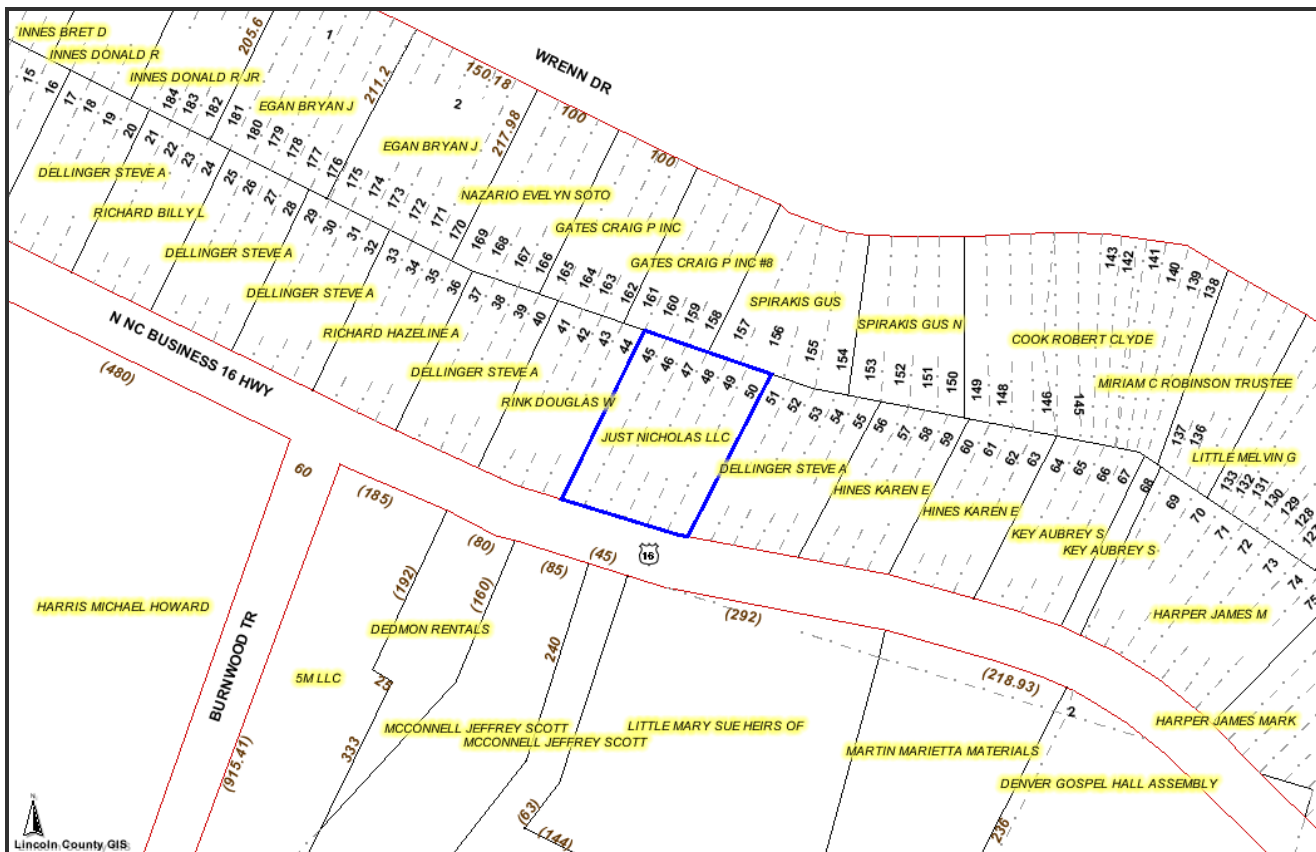
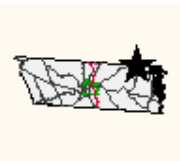
Brian Mocilan, whose company owns the proposed site, noted that the current zoning plan calls for significantly more parking and pavement than the new plan.

Zoning Administrator Randy Hawkins said it's likely that the proposed project would disturb 20,000 square feet or more and therefore require the approval of an erosion control plan, triggering watershed regulations that require engineered stormwater controls.



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: 1/22/2014 Scale: 1 Inch = 200 Feet



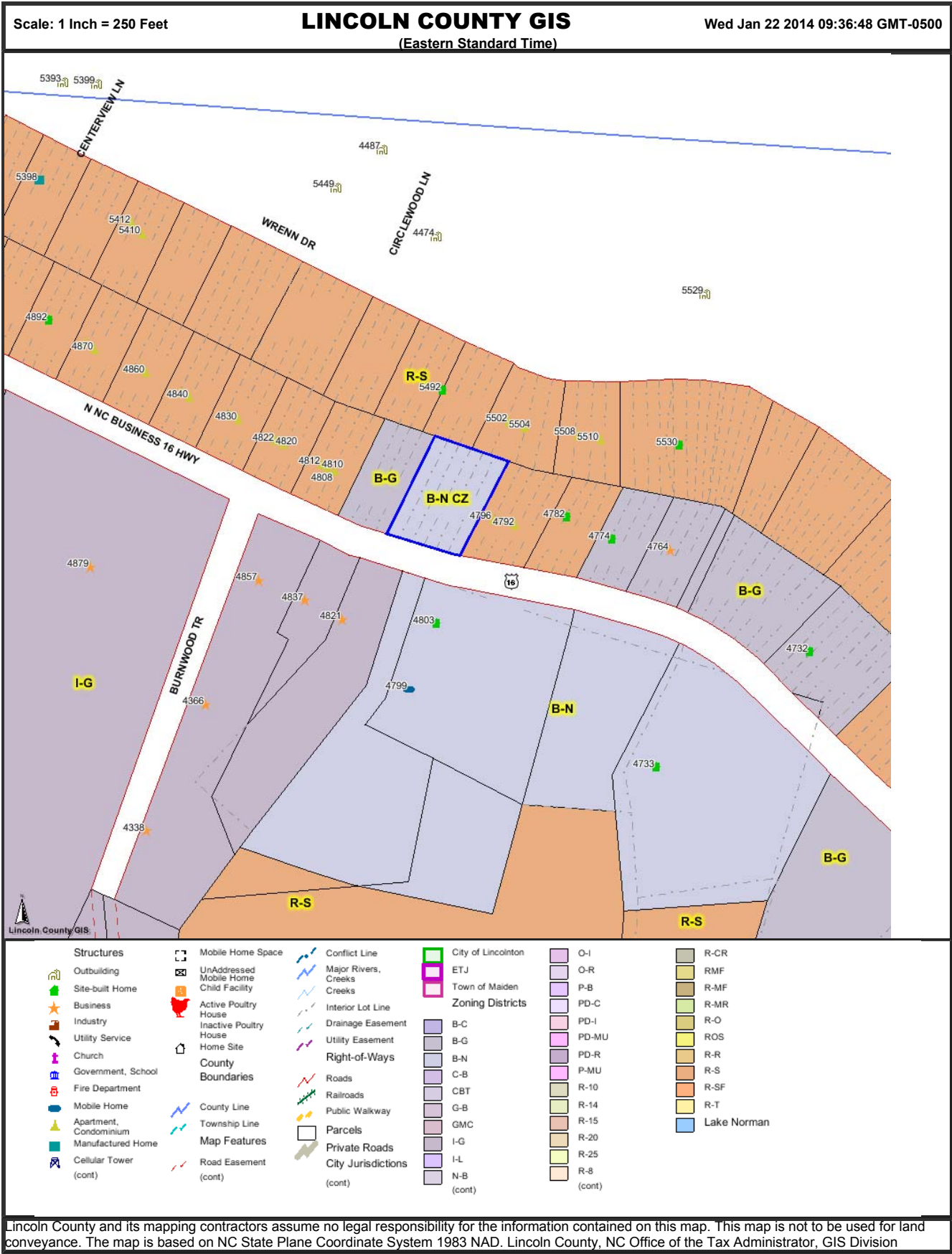
PHOTOS



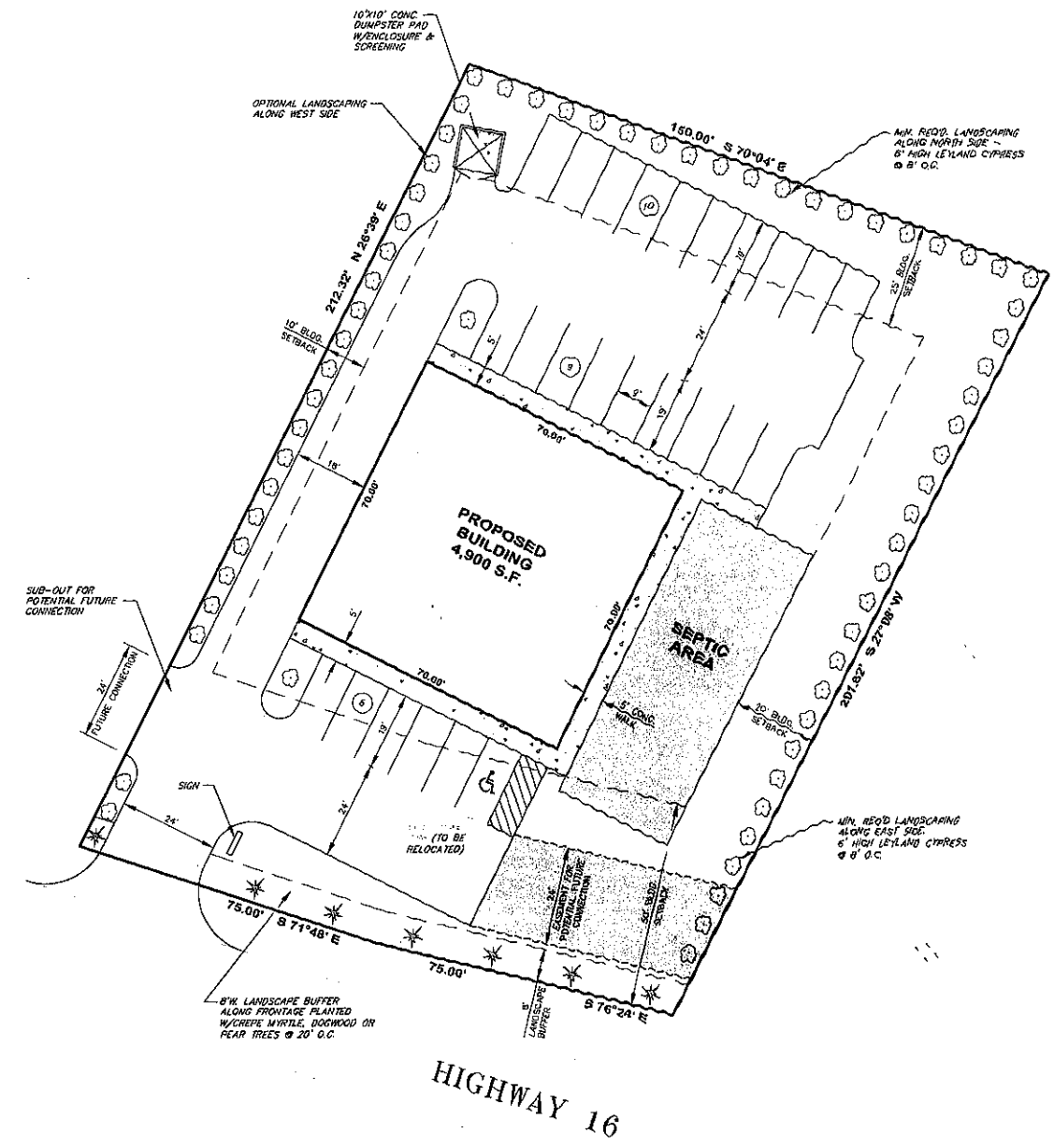
Photo Not Available

PARCEL INFORMATION FOR 3686-81-5443

Parcel ID	02379	Owner	JUST NICHOLAS LLC
Map	3686-04	Mailing	6698 MAPLE SPRING CT
Account	0217661	Address	DENVER NC 28037
Deed	2093-211	Recorded	2/10/2009
Land Value	\$119,528	Total Value	\$119,528
		Sale Price	0
		Previous Parcel	
----- All values are for tax year 2013. -----			
Subdivision	Lot 45-50 WRENNS EST	Plat	D-93
Description	WRENN LOTS 45-50A	Deed Acres	0
Address	N NC 16 HWY	Tax Acres	0.68
Township	CATAWBA SPRINGS	Tax/Fire District	DENVER
Improvement	No Improvements		
Zoning	Calculated	Voting Precinct	Calculated Acres
District	Acres	DENVER (DN29)	0.4
B-N CZ	0.69	DENVER WEST (DW28)	0.28
Watershed Class		Sewer District	
WS-IVP	0.69	Not in the sewer district	0.69
2000 Census County		Tract	Block
37109		071100	1005
37109		071100	1007
Flood	Zone Description	Panel	
X	NO FLOOD HAZARD	3710368600	0.69



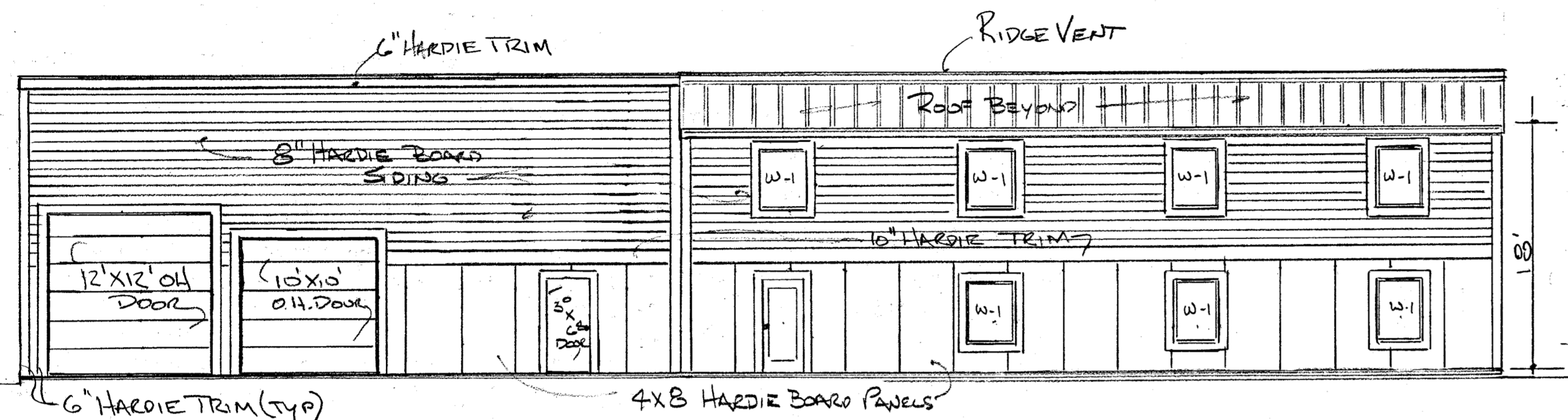
Zoning plan currently in effect (approved Aug. 18, 2008)



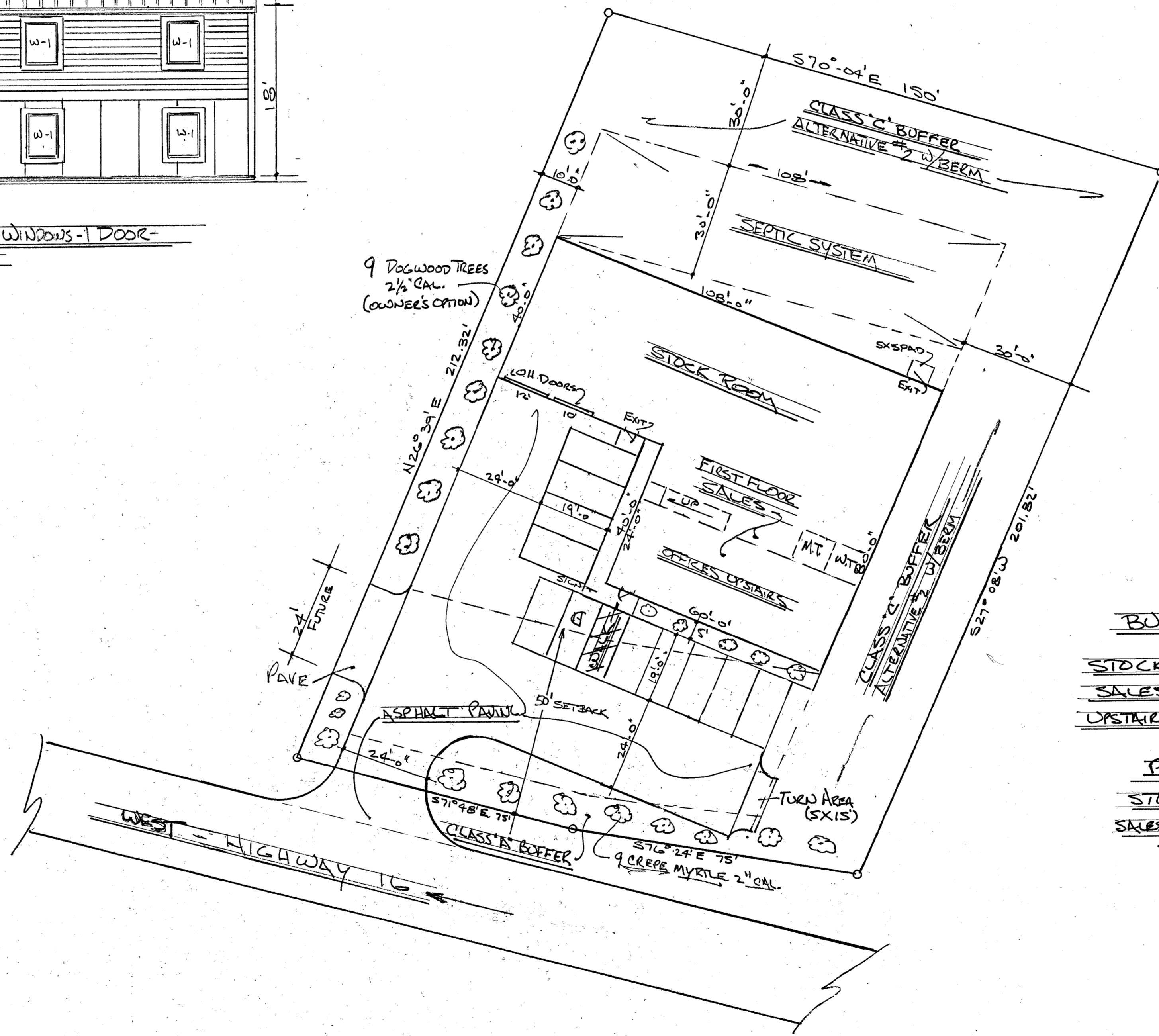
LEGAL DESCRIPTION	
All of Lots numbered 45, 46, 47, 48, 49 and 50 of Block "A", Wren's Estate Subdivision as shown on a plat thereof, which said plat is recorded in Book of Plats "O", Page 93, in the office of the Register of Deeds of Lincoln County, North Carolina.	
LAND USE DATA	
Parcel ID No.:	02379
PIN:	5006-41-54-43
Existing Zoning Classification:	R-S (Lincoln County)
Proposed Zoning Classification:	BN (Lincoln County)
Proposed Use:	4,900 S.F. Commercial
Proposed Setbacks - after Re-zoning approval:	
- Front	50' min.
- Side	10' min. (W. side)
	20' min. (E. side)
- Rear	25' min.
Parking Required (1 space/260 SF)	= 4,900/260 = 25 spaces
Parking Provided	= 25 spaces (incl. 1 handicapped accessible)
NOTES	
1. Boundary information and legal descriptions as indicated herein taken from available public records.	
2. Building setbacks as shown refer to the setbacks which will be required after re-zoning approval.	
3. Septic area as shown is based on the general arrangement of the sewage disposal system as depicted on the Improvement Permit No. 00-0000200 dated 4/16/08 issued by the Lincoln County Health Department and indicates areas reserved for the initial system and repair system. The depiction of the septic area as shown shall not be considered as a design of the sewage disposal system to serve the proposed improvements on the subject site and the environmental representative is advised, as stated in the aforementioned Improvement Permit, that a Health Department representative will need to revisit the site prior to the issuance of a permit authorizing the construction of the sewage disposal system.	
4. This layout shall be considered as schematic only and is subject to revisions based on final design considerations and/or review by governmental agencies having jurisdiction.	

HIGHWAY 16

	PREPARED FOR:	CONCEPTUAL SITE LAYOUT HIGHWAY 16 COMMERCIAL SITE LINCOLN COUNTY, NC	CROSSROADS ENGINEERING, INC. CONSULTING • PLANNING C-3089 114 COURT STREET STATESVILLE, NC 28677 PHONE: (704) 878-8878 FAX: (704) 878-8810	DESIGN BY: LG	DATE: 5/23/08	PROJECT NO.
				DRAWN BY: DA	SCALE: 1"=20'	08-10
				REVIEWED BY: LG	FILE: 0810	SHEET NO. 1 OF 1
NO.	DATE	REVISIONS	BY			



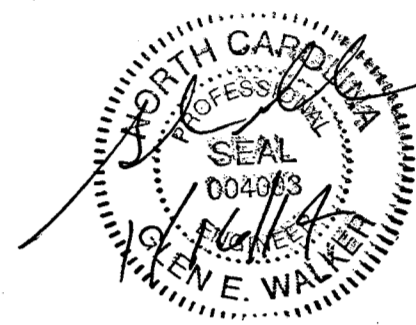
WEST ELEVATION (EAST ELEVATION SIM - NO WINDOWS - 1 DOOR)
SCALE 1/8" = 1'-0"



SITE PLAN - PLANNING ONLY - NOT FOR CONST
SCALE 1/8" = 1'-0"

BUILDING AREAS	
STOCK ROOM	= 5280 ^{sq}
SALES AREA	= 1440 ^{sq}
UPSTAIRS OFFICES	= 1440 ^{sq}

PARKING SPACES	
STOCK ROOM	= 1
SALES & OFFICE	= 9
TOTAL REQD	= 10



GLEN WALKER, P.E.

CIVIL ENGINEERING
STRUCTURAL ENGINEERING
SITE PLANNING
CONSTRUCTION CONSULTANT

323 25TH AVENUE NW
HICKORY, NORTH CAROLINA 28601
TEL: 828-381-4486 FAX: 828-327-3188

THIS DRAWING IS AN INSTRUMENT OF SERVICE AND IS TO BE USED FOR THIS SPECIFIC PROJECT ONLY. THE DRAWING SHALL NOT BE REPRODUCED IN WHOLE OR PART WITHOUT WRITTEN PERMISSION FROM GLEN WALKER, P.E.

HAN REACTY/HONGTAO HAN
RETAIL/OFFICE BUILDING
LOT 02379 HWY 16 NORTH
DENVER, NORTH CAROLINA

DRAWN BY: **GW** CHECKED BY:

DRAWING DATE:
1/15/14

REVISIONS:

SHEET NO.
1/2
OF