



**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: 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)

3686 815 443

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

01/13/2014

Date



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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.



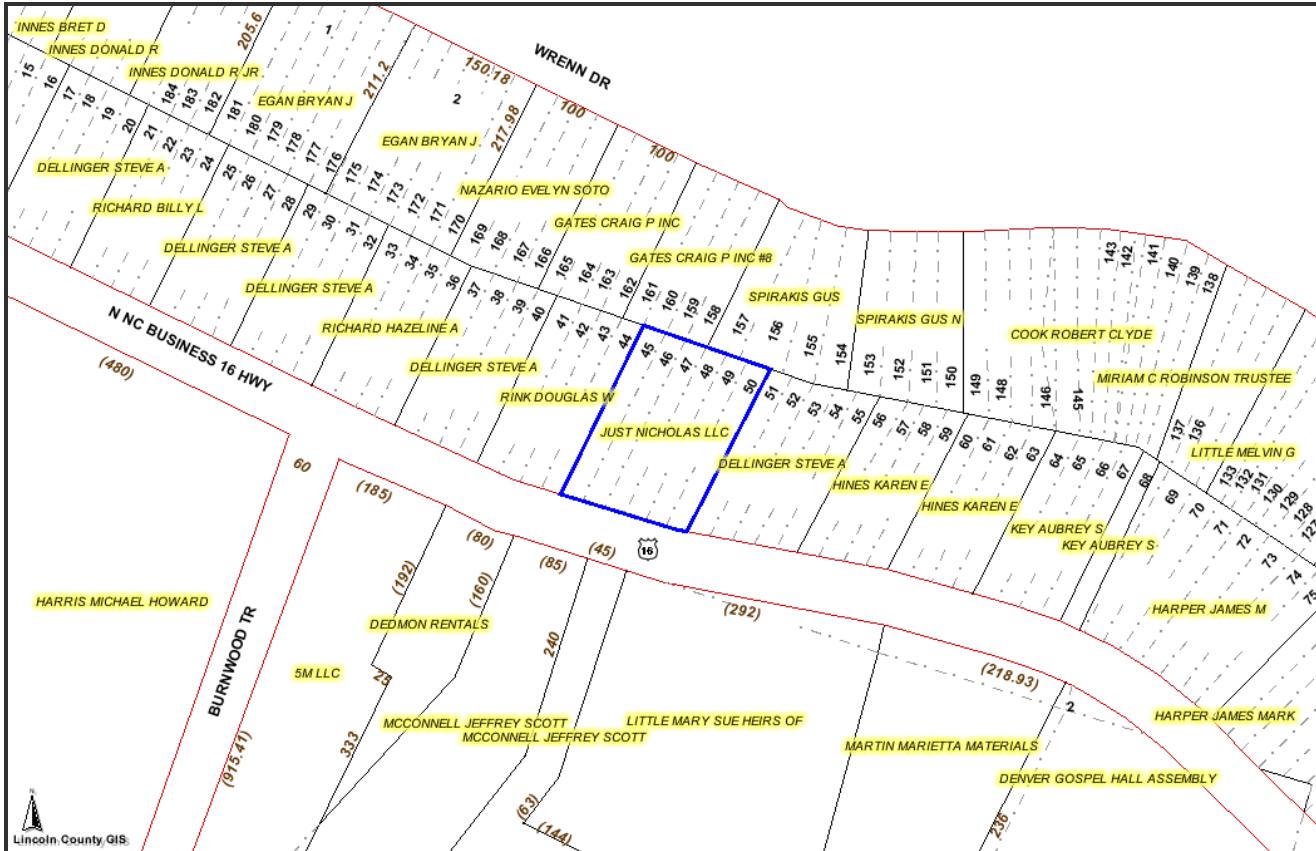
## Lincoln County, NC

### Office of the Tax Administrator, GIS Mapping Division

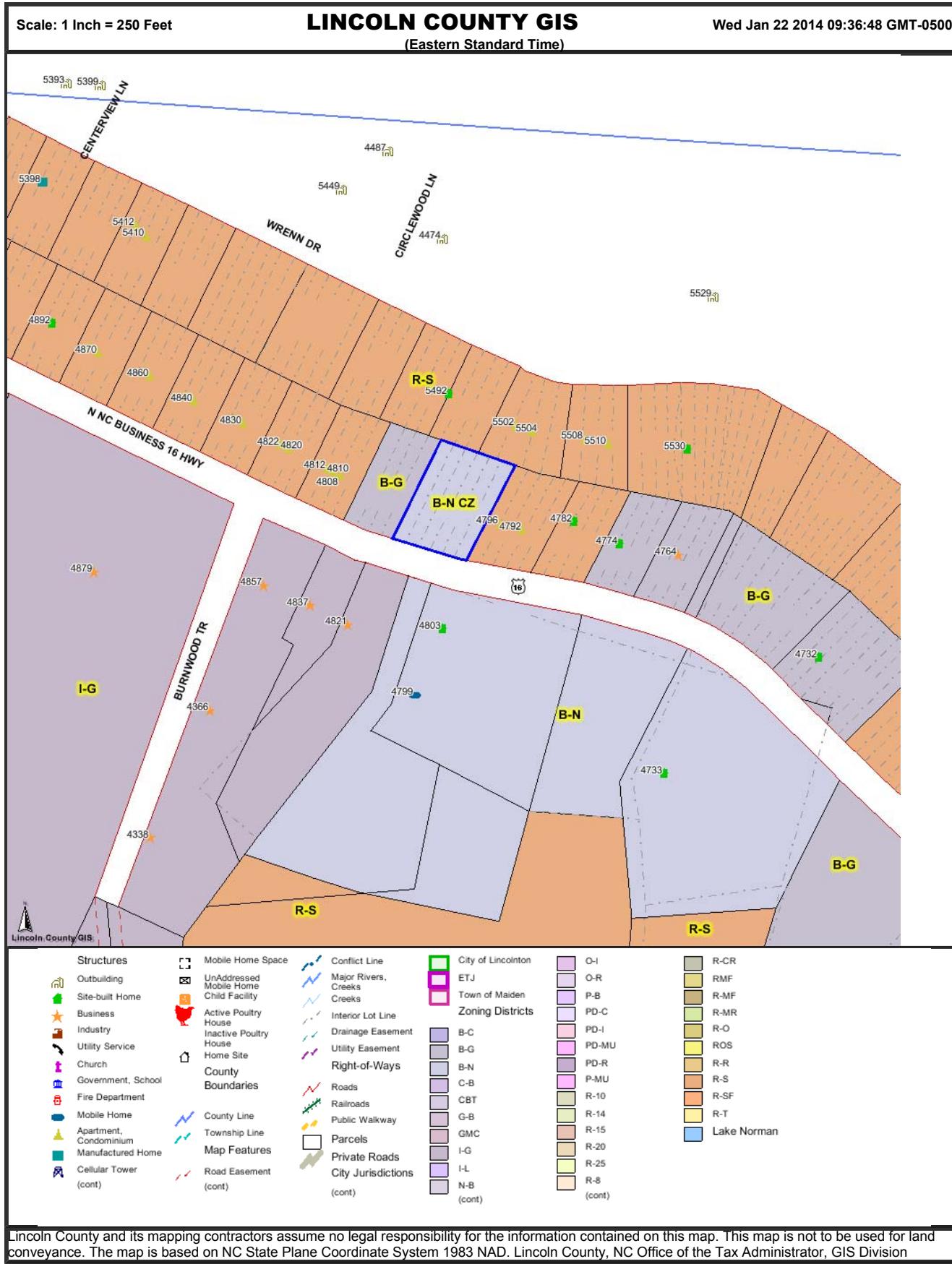
Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD.



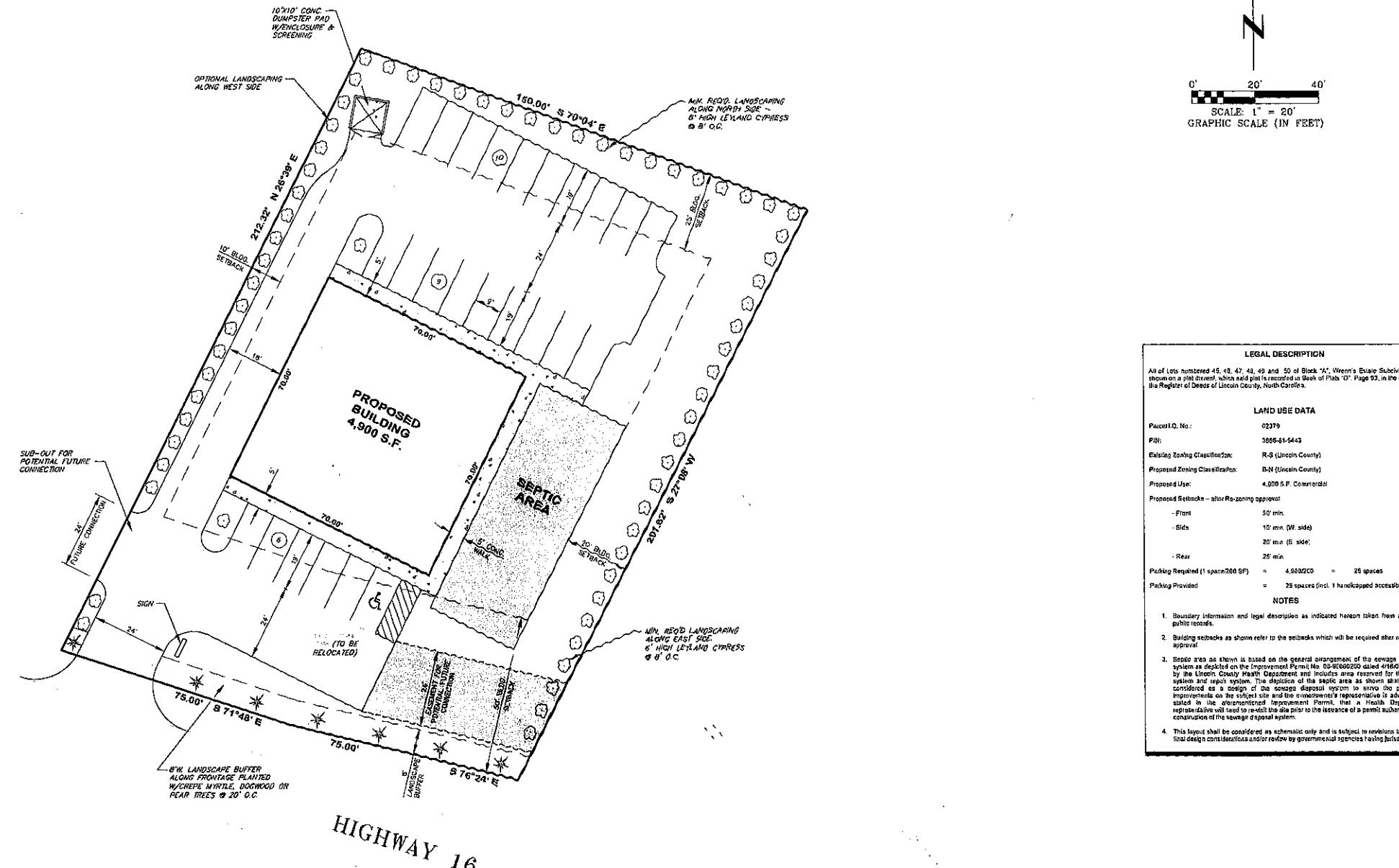
Date: 1/22/2014 Scale: 1 Inch = 200 Feet



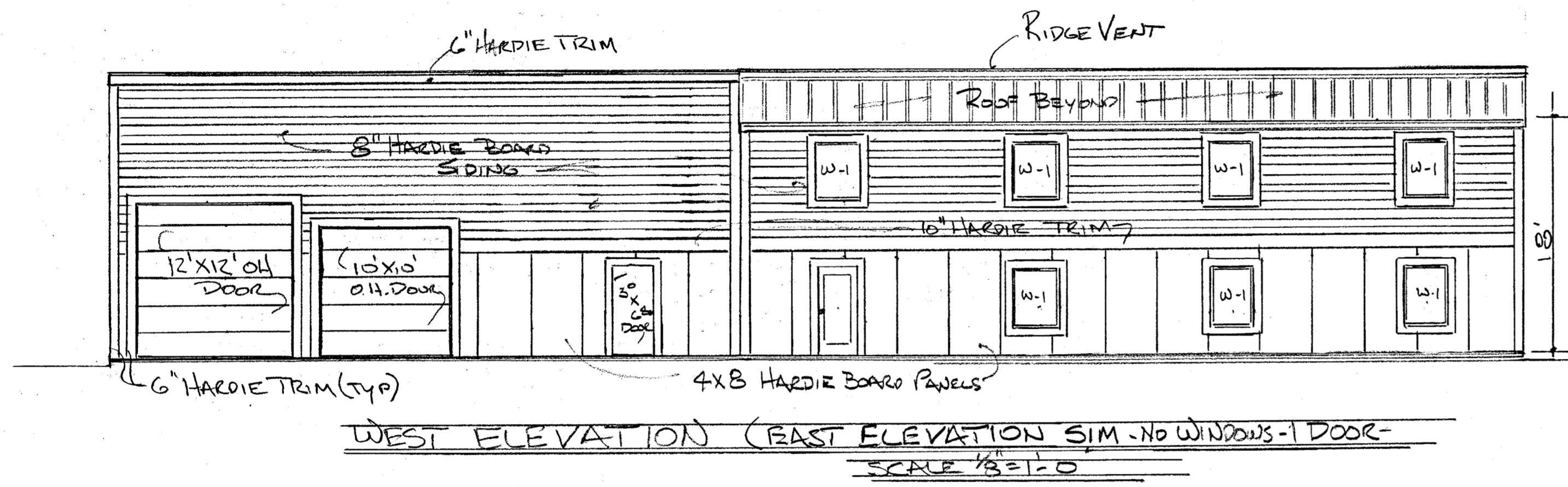
PHOTOS		PARCEL INFORMATION FOR 3686-81-5443					
Photo Not Available		Parcel ID	02379	Owner	JUST NICHOLAS LLC		
		Map	3686-04	Mailing Address	6698 MAPLE SPRING CT		
		Account	0217661	Recorded	DENVER NC 28037		
		Deed	2093-211	Total Value	2/10/2009	Sale Price	0
		Land Value	\$119,528		\$119,528	Previous Parcel	
----- All values are for tax year 2013. -----							
		Subdivision	Lot 45-50 WRENN'S EST			Plat	D-93
		Description	WRENN LOTS 45-50A			Deed Acres	0
		Address	N NC 16 HWY			Tax Acres	0.68
		Township	CATAWBA SPRINGS				DENVER
		Improvement					
		Zoning District		Calculated Acres		Calculated Acres	
		B-N CZ		0.69		0.4	
		Watershed Class				0.28	
		WS-IVP					
		2000 Census County					
		37109					
		37109					
		Flood		Tract		Block	
		X	Zone Description	071100		0.59	
			NO FLOOD HAZARD	071100		0.1	
					Panel		
					3710368600		0.69



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

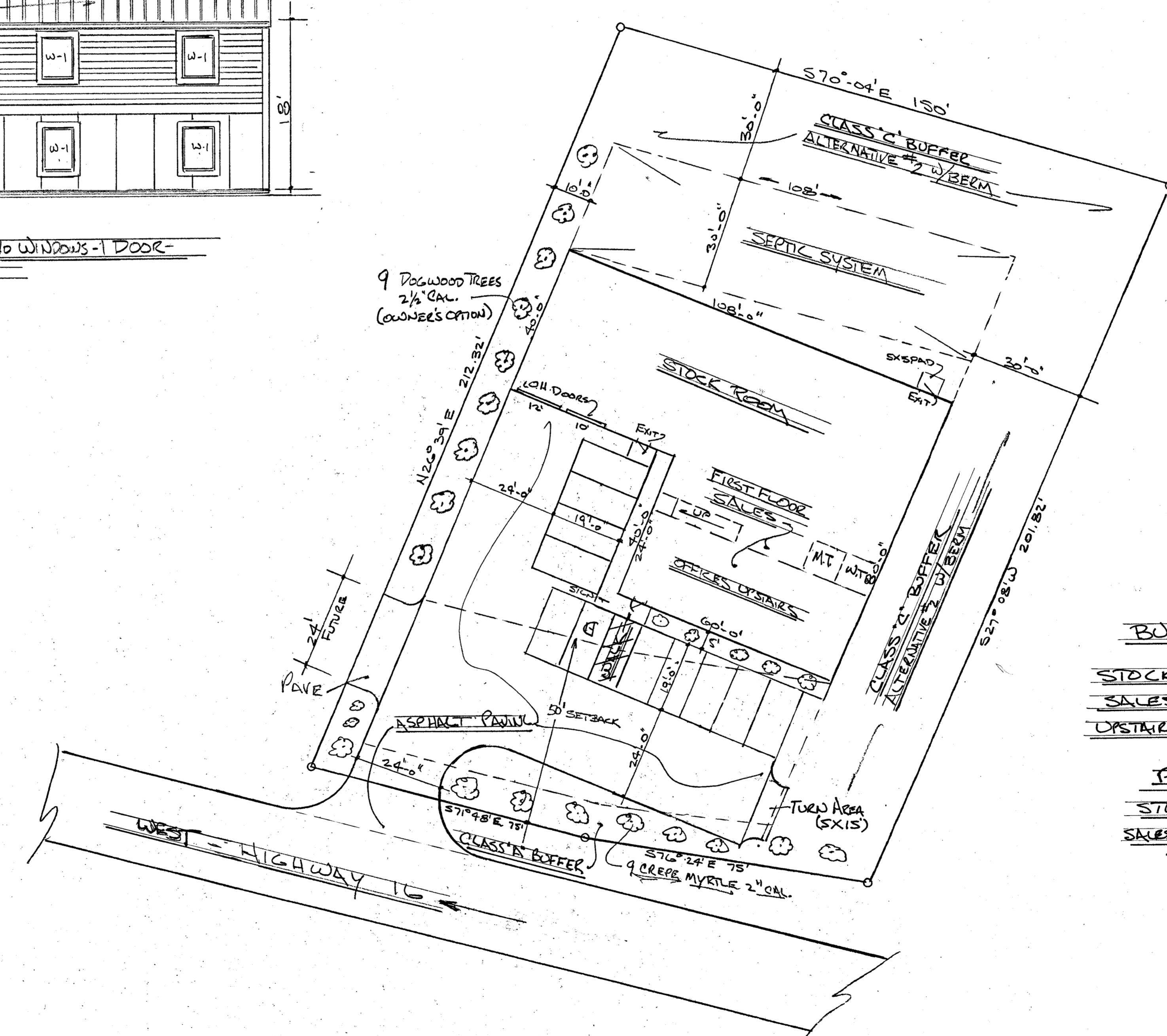


				PREPARED FOR:		CONCEPTUAL SITE LAYOUT		CROSSROADS ENGINEERING, INC.		DESIGN BY:	DATE:	PROJECT NO.
						HIGHWAY 16 COMMERCIAL SITE		CONSULTING • PLANNING	C-3089	LG	5/23/08	
						LINCOLN COUNTY, NC		114 COURT STREET		DA	SCALE:	
								STATESVILLE, NC 28677		1"	08-10	
NO.	DATE	REVISIONS	BY					PHONE: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



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

SCALE  $\frac{1}{3}'' = 1'-0''$



SITE PLAN - PLANNING ONLY - NOT FOR CONSTRUCTION

SCALE 1" = 20

## BUILDING AREAS

STOCK ROOM = \$2800  
SALES AREA = 14400  
UPSTAIRS OFFICES = 14400

## PARKING SPACES

$$\begin{array}{rcl} \text{STOCK ROOM} & = & 1 \\ \text{SALES OFFICE} & = & 9 \\ \hline \text{TOTAL RECD} & = & 10 \end{array}$$

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HAN REALTY/HONCTAO HAN  
RETAIL OFFICE BUILDING  
LOT 02379 Hwy 16 NORTH  
DEALER NORTH CAROLINA

DRAWN BY:	CHECKED BY:
<i>GW</i>	
DRAWING DATE:	
<i>1/15/14</i>	

REVISIONS:

1 OF 2

# CIVIL ENGINEERING STRUCTURAL ENGINEERING SITE PLANNING CONSTRUCTION CONSULTANT

32325TH AVENUE NW  
HICKORY, NORTH CAROLINA 28601  
TEL: 828-381-4486 FAX: 828-327-3188