

LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT

115 W. MAIN ST., LINCOLNTON, NORTH CAROLINA 28092
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE

To: Board of Commissioners
Planning Board

From: Randy Hawkins, Zoning Administrator

Date: May 14, 2021

Re: CZ #2021-4
Teramore Development, LLC, applicant
Parcel ID# 00103

The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on June 7, 2021.

Request

The applicant is requesting the rezoning of a 1.9-acre lot from B-N (Neighborhood Business) and R-S (Residential Suburban) to CZ B-G (Conditional Zoning General Business) to permit a 10,640-square-foot retail store.

Currently, 1.1 acres of the site is zoned B-N, and 0.8 acre is zoned R-S. The maximum floor area in the B-N district is 10,000 square foot, so the property needs to be rezoned to B-G to permit a larger store. The applicant has opted to apply for a rezoning to a conditional B-G district instead of a simple rezoning to B-G.

A site plan has been submitted as part of the rezoning application. Also included in this info packet are minutes from a virtual community involvement meeting that was held on May 5. In lieu of participating in the meeting, citizens were informed that they could provide comments by phone or email. Those comments are included with the minutes.

Because this is a proposed rezoning to a conditional zoning district, if the request is approved, the property could only be used for the specified use in accordance with the approved site plan.

Site Area & Description

The subject property is located on the southeast corner of the intersection N.C. 27 and Hallman Mill Road in North Brook Township. It is adjoined by property zoned B-N, R-S and R-R. Land uses in this area include business and residential. The subject property is located in the Indian Creek WS-II Protected Area watershed district. (In a separate application, the applicant is requesting a special use permit to exceed 12% impervious surface area as a special nonresidential intensity allocation.) This property is part of an

area designated by the Lincoln County Land Use Plan as Rural Crossroads, suitable for small-scale businesses that serve some of the daily needs of the surrounding population.

Additional Information

Permitted uses

Under current B-N zoning: retail sales, offices, personal services, etc., with a maximum floor area of 10,000 square feet.

Under proposed CZ B-G zoning: 10,640-square-foot retail store.

Adjoining zoning and uses

East: zoned B-N and R-S, commercial building and residence.

South: zoned R-S, undeveloped property.

West (opposite side of Hallman Mill Road): zoned B-N, duplex.

North (opposite side of N.C. 27: zoned R-R (Rural Residential) and B-N, residences and undeveloped lot.

Staff's Recommendation

Staff recommends approval of the rezoning request. See proposed statement on following page.



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Zoning Amendment Staff's Proposed Statement of Consistency and Reasonableness

Case No. **CZ #2021-4**
Applicants **Teramore Development, LLC**
Parcel ID# **00103**
Location **southeast corner of N.C. 27 and Hallman Mill road**
Proposed amendment **rezone from B-N and R-S to CZ B-G to permit a 10,640-square-foot retail store**

This proposed amendment **is consistent** with the Lincoln County Land Use Plan and other adopted plans in that:

This property is part of an area designated by the Land Use Plan as Rural Crossroads, suitable for small-scale businesses that serve some of the daily needs of the surrounding population.

This proposed amendment **is reasonable** in that:

This property is located on a main highway at an intersection. It is adjoined by properties zoned business. This is an existing business area.



Conditional Zoning District Application

Lincoln County Planning and Inspections Department
Zoning Administrator
115 W. Main St., Lincolnton, NC 28092
Phone: (704) 736-8440

PART I

Applicant Name Teramore Development LLC
Applicant Address 214 Klumac Rd. Suite 101 Salisbury NC
Applicant Phone Number 704 224 7364
Property Owner Name K & T Group LLC
Property Owner Address 2833 Nellie Beaver Rd. Mt. Pleasant, NC
Property Owner Phone Number 828.310.7773

PART II

Property Location W NC Hwy 27 & Hallman Mill Rd Vale, NC
Property ID (10 digits) - Property size 2.342 Acres
Parcel # (5 digits) 00103 Deed Book(s) 2992
2945 Page(s) 902
2119 384

PART III

Existing Zoning District BN, RS Proposed Zoning District C2 B-G

Briefly describe how the property is being used and any existing structures.

Partially vacant with existing building that
previously served as office space for painting
contractor.

List the proposed use or uses of the property.

We are proposing a new Dollar General

APPLICATION FEE (less than 2 acres \$400, 2-5 acres \$800, 5+ acre \$1,200)
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

4/6/21

COMMUNITY INVOLVEMENT MEETING MINUTES
FOR
TERAMORE DEVELOPMENT, LLC
[a North Carolina limited liability company]

DATE & TIME: May 5, 2021

LOCATION: James W. Warren Citizens Center, 115 W. Main St., Lincolnton, NC

PRESENT: ON BEHALF OF TERAMORE DEVELOPMENT, LLC:

- Laura Krantz (*Attorney*)
- Daniel Almazan (*Site Acquisition Specialist*)
- Justin Church (*Engineer*)
- Joseph A. Strickland (*Director of Operations*)

ON BEHALF OF LINCOLN COUNTY PLANNING STAFF:

- Randy Hawkins (*Zoning Administrator*)
- Andrew C. Bryant, ACIP (*Director*)

VIA ZOOM: Kearcie Parrish [6849 W NC 27 HWY, VALE, NC 28168]
Douglas Guenther [619 SOUTHSIDE CHURCH RD., LINCOLNTON, NC 28092]
Bradley/John PRESTWOOD [619 SOUTHSIDE CHURCH RD.,
LINCOLNTON, NC 28092]

SUBJECT: Requested Rezoning (CZ #2021-4) of approximately 1.9 acres
located at 6739 W. NC 27 Hwy, Vale, NC (the "Property")

COMMENCEMENT OF MEETING

Andrew Bryant began the meeting by confirming that audio was working for all participants, and reviewing technical instructions for participation on the Zoom Call. Mr. Bryant confirmed that the Planning Staff had received a few emails from community members with comments on the requested rezoning, but that all individuals who had submitted such comments were present on the call.

APPLICANT'S PRESENTATION

Laura Krantz, attorney for the Applicant, began the Applicant's presentation by briefly summarizing the Requested Rezoning from B-N (Neighborhood Business) and R-S (Residential Suburban) to CZ B-G (Conditional Zoning General Business), and introducing the speakers on behalf of the Applicant. Mr. Bryant displayed a PowerPoint presentation on the shared screen of the Zoom call during the Applicant's presentation, showing the site plan for the proposed Dollar General store and other illustrative photos of the store prototype.

Daniel Almazan, the Site Acquisition Specialist for the Applicant, then spoke about the background of the Applicant, a commercial developer who has been in business since 2007, and who is a preferred developer for Dollar General. Mr. Almazan explained the site selection process for Dollar General, and noted that Dollar General typically locates its stores such that customers are situated within a 2-3 minute drive radius from the store. Mr. Almazan stated that the location of the Property is good for the proposed store. Mr. Almazan noted that the proposed rezoning would be an asset to the local community, with an

estimated tax value of approximately \$1.3 million, and annual sales value of approximately \$1.2 million, which drives sales tax revenues for the County, and between 7 and 9 full and part time employees; additionally, all servicing to the store and the merchandise is also performed by local contractors and subcontractors. Mr. Almazan also discussed that the proposed store would be the new “DG Fresh” prototype, which provides a larger floor plan with a “grocery-store feel” with expanded options, including lots of fresh fruit and vegetables and other grocery options. Mr. Almazan then reviewed the site plan, with two entrances to the proposed store. Mr. Almazan noted that the existing building on the Property—a former commercial painting operation—will be removed, and the proposed store will improve the look of the Property, and that the proposed store will have a masonry façade, along with artisan panels on both sides of the store fronting the streets.

Justin Church, the Civil Engineer for the Applicant, then discussed the details of the site plan. Mr. Church stated that he has been the civil engineer for the past several years, and that Applicant has proven itself to be a good landlord. Mr. Church stated that his team has thoroughly reviewed the County Ordinance, and believes the proposed store and rezoning will fully comply with all requirements in the Ordinance, as well as auxiliary requirements, such as the NCDEQ. Mr. Church noted that Joe Strickland, Director of Operations for the Applicant, was also available to answer any questions.

QUESTIONS/COMMENTS FROM COMMUNITY MEMBERS

Mr. Bryant then opened the meeting up for questions from community members.

Kearcie Parrish asked whether her property would be rezoned, because the notice she received in the mail from Planning Staff appeared to show her Property as being part of the Requested Rezoning. Mr. Bryant clarified that her property was simply shown as being a property owner within the radius of the Property for which the Planning Staff mailed out notices of the Requested Rezoning.

Douglas Guenther commented that he read that there were only 500 Dollar General Stores in the country are currently the DG Fresh Prototype, and so Applicant was being “disingenuous” and he questioned the applicability of the \$1.2M in sales regarding its effect on the County. Mr. Guenther also stated his concerns about traffic, eventual need for added infrastructure in the future, and undercutting local mom and pop stores. Mr. Almazan responded that the DG Prototype is new in North Carolina, and the tax value of \$1.3M would be taxed at the annual County tax rate, which would return to the County, and that a portion of the sales tax would go to the County. Mr. Almazan also noted that the Applicant has done many traffic studies, and that Dollar General Stores do not typically generate much traffic, rather, they feed off of existing traffic (usually only a 3% to 5% impact on traffic, if any), and that NCDOT has reviewed the proposed store and has given preliminary approval. Mrs. Krantz also noted that the threshold under the County’s Ordinance was not triggered by the Requested Rezoning/proposed store, thus a traffic study was not required for the project, and this indicates that the County Ordinance does not predict that the Requested Rezoning/proposed store would result in any significant impact on traffic conditions.

Bradley Prestwood then spoke and read from the following email that Bradley had sent to the Planning Staff:

Randy Hawkins

From: Brad Prestwood <bradprestwood@icloud.com>
Sent: Tuesday, May 4, 2021 7:18 PM
To: rhawkins@lincolncounty.org
Subject: Parcel #00103 and the Dollar General

Dear Planning and Inspections Dept.,

While it is true that low-price discount stores like to cluster multiple stores in low income areas, having a Dollar General (located at ID Parcel 00103) at just 3.2 miles away from the other seems less like aiding working class families and more like infringement.

The residential area for which this pitch for a Dollar Store in Vale, NC, is placed awkwardly. It is a small parcel of land that is oddly shaped due to existing roads and structures. There are no sidewalks for pedestrian accessibility, there are no stoplight intersections--and requiring a stoplight there would only add to the traffic congestion. This, moreover, would cause many more accidents at an intersection that is dangerous already by the way the land's is laid out and is juxtaposed to the roadways. This area is frequented by people with farm equipment and implements. It could be very dangerous for drivers of any sort. We are a rural, tight-knit community, who want our children to grow up in a wholesome setting that will allow them to be pillars of the community--and this community does not want to be ransacked by corporate greed.

The pending Dollar General Store is similar to the "Mom n' Pop" owned grocery store almost directly across from it. Putting small-town workers out of work seems contradictory to anyone's purpose for the poor and for people who have businesses. Also, the area is beautiful with nature and farmland. A big box store like Dollar Store, would ruin the looks of the natural representation that West Lincoln County is known for and relishes.

Thank you
Bradley Prestwood

Bradley concluded that they do not want to deal with the "commercialism" of Dollar General.

Finally, Sheena Willis Names, the owner of the property (6762 NC 27 Hwy) directly across the street from the Property spoke, noting that she really likes Dollar Generals, and shops at them frequently, but that she doesn't want a Dollar General, or any retail store, across from her property. Sheena mentioned concerns over traffic, and noted that the Country Foods is

Mr. Guenther asked what the next step for the Requested Rezoning would be, to which Mr. Bryant responded during the closing of the meeting.

CLOSING OF MEETING

Andrew Bryant then closed the meeting by confirming that there were no further questions, and providing the information for the next hearing on the requested rezoning, which is scheduled for the Planning Board Meeting on Monday, June 7, 2021 at 6:30 PM at the Lincoln County Administration Building, 353 North Generals Boulevard, Lincolnton. Mr. Bryant noted that any changes would be noted in a mailing to the property owners, and directed the property owners to reach out to the Planning Staff if any questions should arise after the Community Involvement Meeting. Mr. Bryant noted that the next step after the Planning Board Meeting would be the Board of Commissioners Meeting on June 21, 2021, which would be the final vote. The meeting was then concluded.

Randy Hawkins

From: D Guenther <critter2818@yahoo.com>
Sent: Tuesday, May 4, 2021 6:51 PM
To: rhawkins@lincolncounty.org
Subject: Rezoning parcel id 00103 for retail store use

I am writing this to express my fear of approval of this rezoning. This will create so many negative impacts upon the local community. Any serious consideration of this would come to the same conclusion: the added traffic. This traffic will cause more congestion and a need for a stop light (which will be costly and detrimental to the flow of traffic), added police presence whether it is for shop lifting, car accidents, noise complaints about rowdy patrons, and just the required checks (the county police force is stretched thin as it is and the added tax revenue will not add another policeman). The added light pollution and traffic will lead to detrimental effects, and the bucolic lifestyle we have come to appreciate here will be disastrously changed. I moved from Lincolnton because it is growing so quickly and haphazardly, destroying the small town flavor that I so enjoyed. No positives will come from this to the county except a short term revenue boost which will be quickly spent on the police and traffic light installation.

Thank you,
Douglas K. Guenther

Randy Hawkins

From: Sheena <swnames@aol.com>
Sent: Wednesday, May 5, 2021 10:04 PM
To: rhawkins@lincolncounty.org
Subject: Vale Rezone

Randy,

Thank you so very much with helping me get phone connected to the Teramore Development Rezoning Request for commercial meeting this afternoon; I truly appreciate your help.

I do, however, want to complain about the fact that not everyone who will be affected by this received the letter of Notification of Rezoning. Also it took me 15 to find the Web page and then there was no directions for we locals to call in. And most of us around here don't use Computer Zoom! No need to.

This affects so many more than just those of us who live and own property *within* 660 feet of the subject property for Dollar General. I do not know why it was said that a traffic study was done, if true, or who paid for it that might benefit from it, but there is NO WAY the traffic will NOT be a HUGE problem with **(1)** North Brook 3 School Rd **(2)** Hwy 274 **(3)** Hulls Grove Church Rd **(4)** Hallman Mill Rd (normal traffic) all feeding into Hwy 27 within a 1100' area. Common sense says otherwise. Hwy 27 is Very Dangerous in this area anyway and traffic on the weekends in the summer is even heavier as this is main route to the mountains, especially the motorcycles, which can number 30-40 on both Sat & Sun.

We love our quiet and peace out here and don't want or need a retail store. I don't know if I will be able to attend the meeting on June 7th being a 73 yr old widow; one is just grateful for waking up the next morning. So, I would like to ask you to print this letter of objection to be read at the meeting if possible, please.

Again, thank you Randy and I am very grateful for all your help this afternoon.

Sheena Willis Names - 6762 W Hwy 27 - Vale - 704 276-2780

CZ #2021-4

Comments received by phone

Jim Hallman: I'm in favor of it. It will boost economic development and provide jobs.

Wanda Hallman: I think it's a great thing to do.

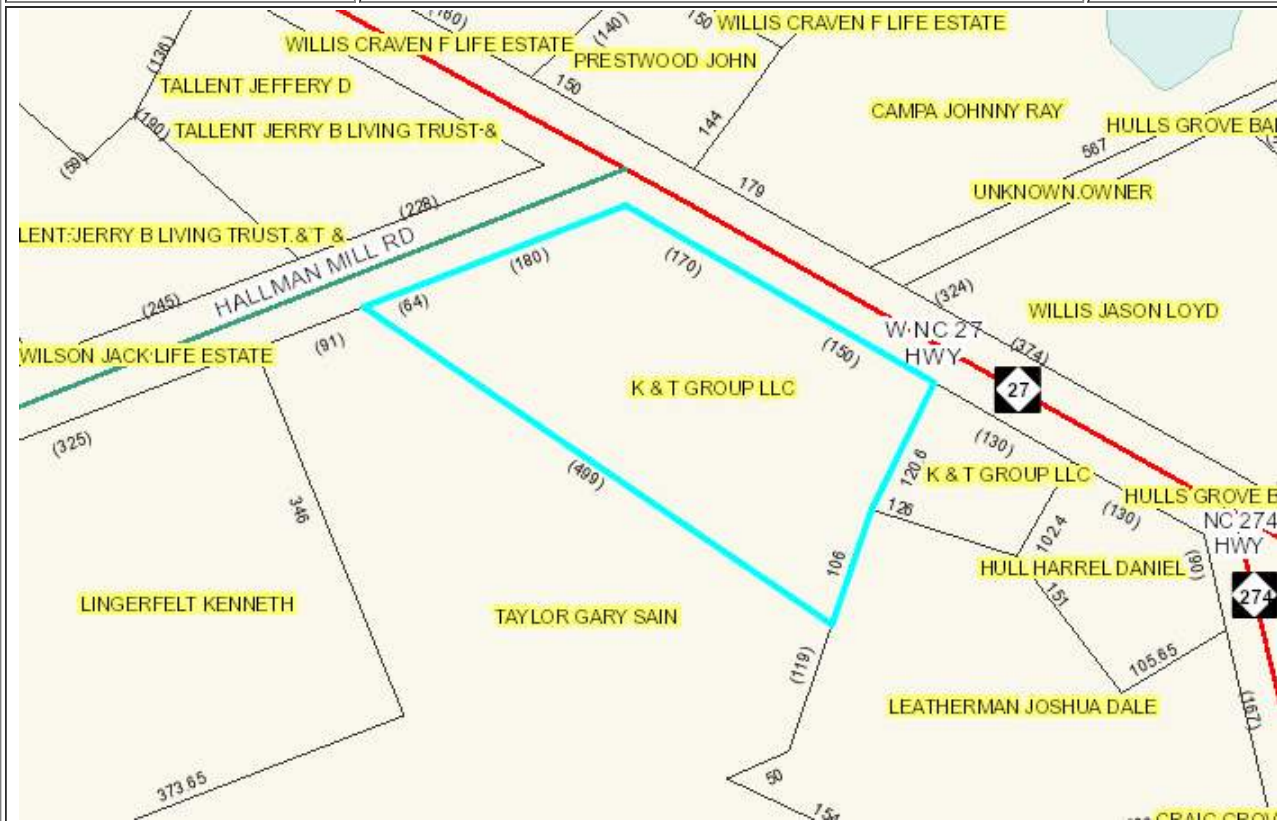
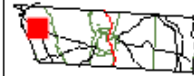
Sheena Willis Names: I don't want the traffic. I don't want the noise. I don't want the people. We live in the country. We've got a Dollar General just up the highway. We have one right over at Honey's. I don't like it. I don't want it.



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: 4/13/2021 Scale: 1 Inch = 150 Feet



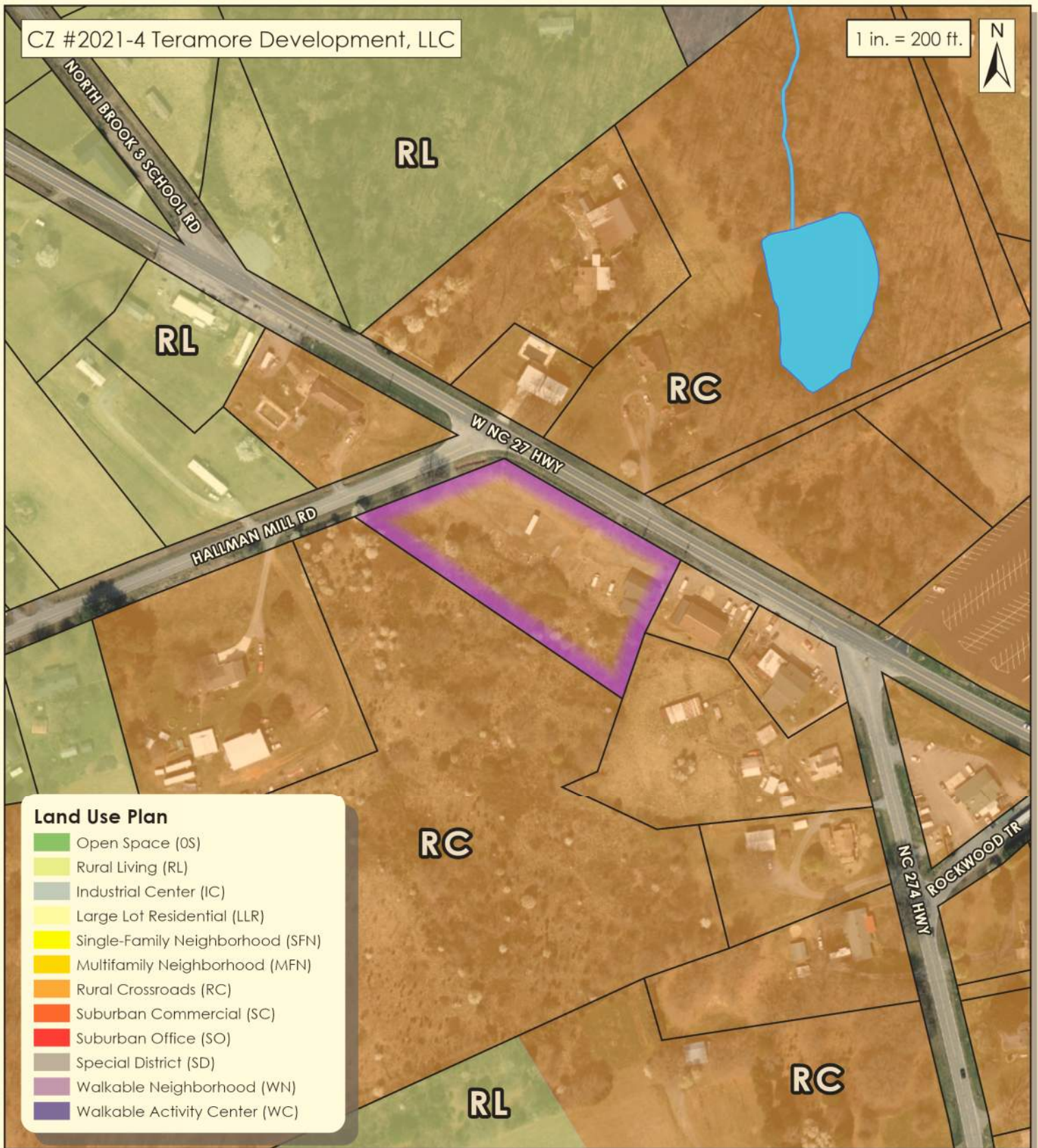
Parcel ID	00103	Owner	K & T GROUP LLC
Map	2664	Mailing	2833 NELLIE BEAVER ROAD
Account	0237198	Address	MT PLEASANT, NC 28124-7626
Deed	2992 902	Last Transaction Date	01/08/2021
Plat		Subdivision	
Land Value	\$25,227	Improvement Value	\$95,976
Previous Parcel		Total Value	\$121,203

-----All values for Tax Year 2020 -----

Description	PT TAYLOR LD & ADJ LOTS	Deed Acres	0
Address	6739 W NC 27 HWY	Tax Acres	1.916
Township	NORTH BROOK	Tax/Fire District	NORTH BROOK
Main Improvement	OFFICE	Value	\$95,976
Main Sq Feet	2336	Stories	1
		Year Built	1968
Zoning District	Calc Acres	Voting Precinct	Calc Acres
B-N	1.11	NB35	1.92
R-S	0.8		
Watershed	1.92	Sewer District	1.92
Census County	109	Tract	070500
		Block	3022
			1.92
Flood	Zone Description	Panel	
X	NO FLOOD HAZARD	3710266400	1.92

CZ #2021-4 Teramore Development, LLC

1 in. = 200 ft.



Land Use Plan

- Open Space (OS)
- Rural Living (RL)
- Industrial Center (IC)
- Large Lot Residential (LLR)
- Single-Family Neighborhood (SFN)
- Multifamily Neighborhood (MFN)
- Rural Crossroads (RC)
- Suburban Commercial (SC)
- Suburban Office (SO)
- Special District (SD)
- Walkable Neighborhood (WN)
- Walkable Activity Center (WC)



Lincoln County
Planning & Inspections
115 W. Main St
3rd Floor
Lincolnton, NC 28092

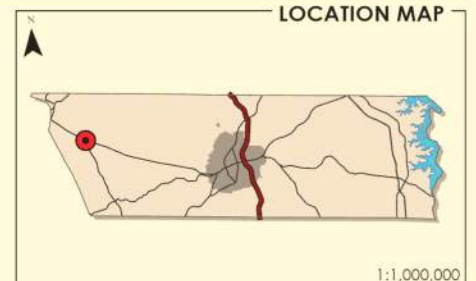
Parcel ID# 00103


 - Property Location(s)

See Attached Application for Parcel Information

Property Location(s) Outlined in Purple.

LOCATION MAP



 Property Location(s)

