



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: George Wood, county manager

From: Randy Hawkins, zoning administrator

Date: March 23, 2010

Re: CZ #2010-2
Brian Hines, applicant
Parcel ID# 32468 and 34111

The following information is for use by the Lincoln County Board of Commissioners and the Planning Board at their joint meeting/public hearing on April 5, 2010.

Request

The applicant is requesting the rezoning of 3.9 acres from R-SF (Residential Single-Family) to CZ B-G (Conditional Zoning General Business) to permit a 16,500-square-foot commercial complex. If this request is approved, the development of this property would be governed by the B-G district's regulations, the Unified Development Ordinance's general development standards, the approved site plan and building elevations, and any conditions mutually approved by the county and the applicant.

Site Area & Description

The property is located at 3318 and 3306 N. Hwy. 16, on the east side of Hwy. 16 just north of Denver Drive. It is adjoined by property zoned R-SF, B-N (Neighborhood Business) and I-G (General Industrial). Land uses in this area include residential, commercial and industrial. Public water and sewer are available at this location. The Lincoln County Land Use Plan classifies this property as part of the N.C. 16 Corridor and calls for a redevelopment plan that promotes the further mixing of land uses in a more orderly and planned manner, addressing issues such as architectural standards, landscaping, signage and access management. The NC 16 Corridor Vision Plan includes no specific recommendations for this area, but it recommends that commercial uses be concentrated in nodes.



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 Brian Hines

Applicant Address 9624 Bailey Road Suite 265, Cornelius, NC 28031

Applicant Phone Number 704-507-4877

Property Owner Name Hines Real Estate Group, LLC Joseph Huntley

Property Owner Address 15926 Desota Lane 917 Brief Road West
Huntersville, NC 28078 Indian Trail, NC 28079

Property Owner Phone Number 704-507-4877

PART II

Property Location 3306 & 3318 N. Hwy. 16, Denver, NC 28037

Property ID (10 digits) 4605022822 & 4605023746 Property size 2.4 Ac. + 1.7 Ac. = 4.1 Ac.

Parcel # (5 digits) 32468 Deed Book(s) 1955 Page(s) 107

Parcel # (5 digits) 34111 Deed Book(s) 2045 Page(s) 279

PART III

Existing Zoning District R-SF Proposed Zoning District CU B-G

Briefly describe how the property is being used and any existing structures. The property currently is being utilized as rental residential property. There are two homes and several small sheds on the property.

Briefly explain the proposed use and/or structure which would require a rezoning.
Commercial building(s) are proposed on the site with Dollar General as the anchor tenant. Additional retail space will be available, but no tenant has been identified at this time.

\$1,000 APPLICATION FEE* MUST BE RECEIVED BEFORE PROCESSING.

***SEE PLANNING DEPT. FOR PLANNED DEVELOPMENT FEES.**

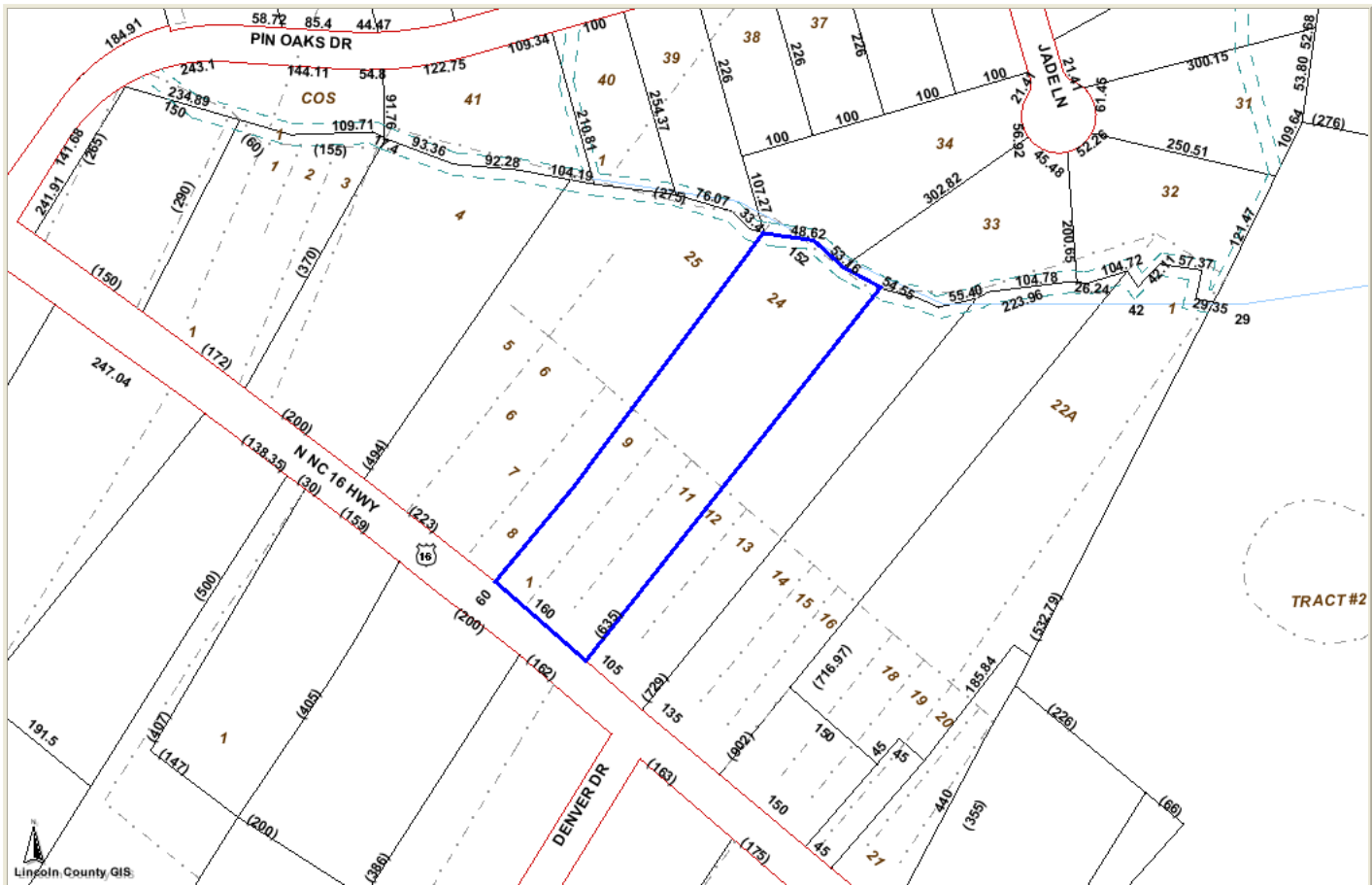
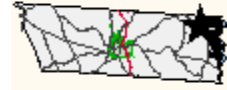
I hereby certify that all knowledge of the information provided for this application and attachments is true and correct to the best of my knowledge.

2-17-10
Applicant's Signature Date



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: 2/18/2010 Scale: 1 Inch = 250 Feet



PHOTOS



32468

PARCEL INFORMATION FOR 4605-02-2822

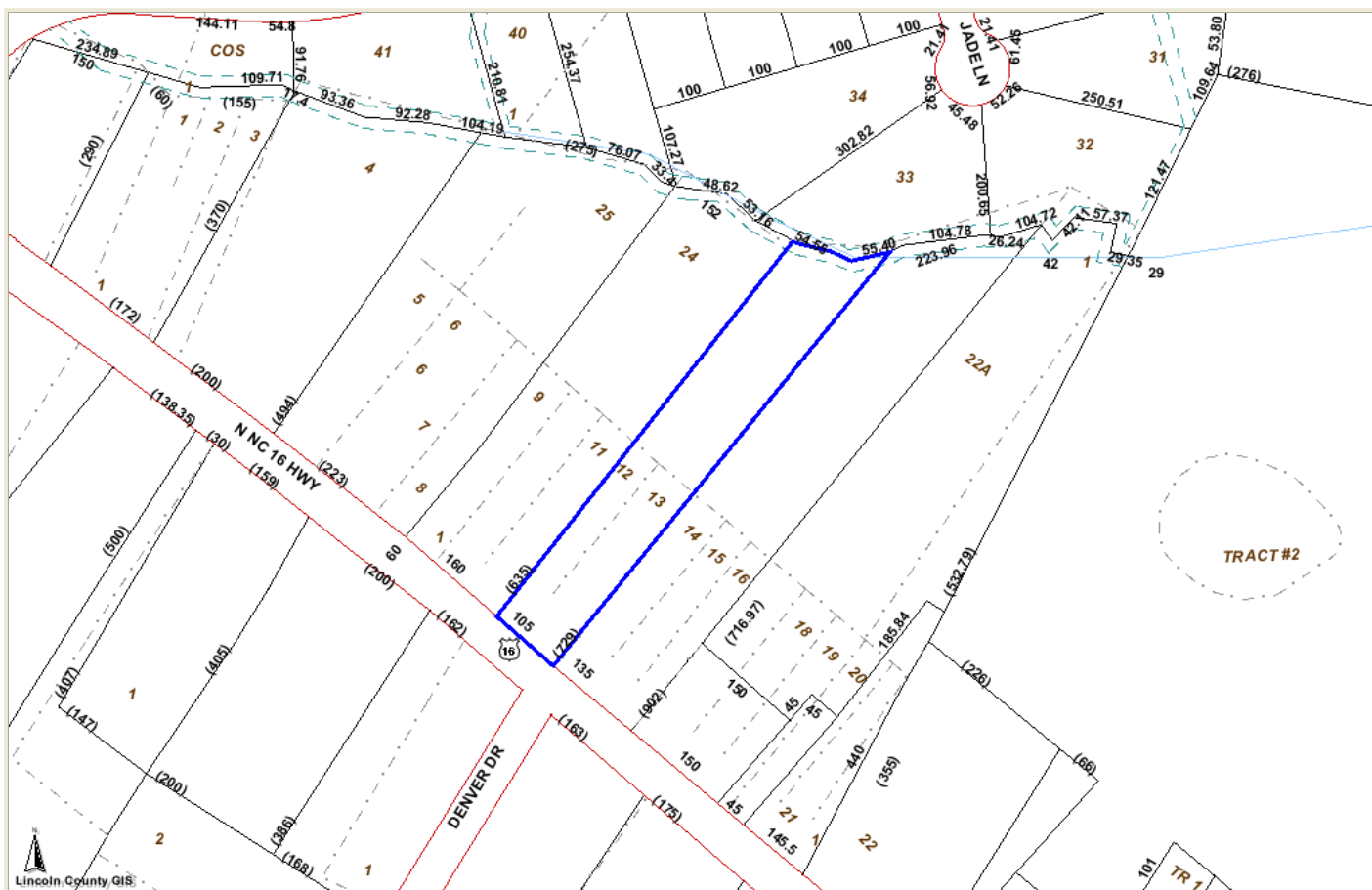
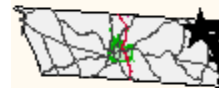
Parcel ID	32468	Owner	HUNTLEY JOSEPH LAMONT HUNTLEY DANA BELK
Map	4605-03	Mailing Address	917 BRIEF ROAD WEST INDIAN TRAIL NC 28079
Account	0205108	Deed	1955-107
Deed	1955-107	Recorded	8/8/2007
Land Value	\$54,570	Total Value	\$193,768
----- All values are for tax year 2010. -----			
Subdivision	Lot 9 10 11 & PT 24 FREEMAN HOWARD PROP		
Description	9 10 11 & PT24 F HOWARD		
Address	3318 N NC 16 HWY		
Township	CATAWBA SPRINGS		
Main Improvement	RANCH		
Main Sq Feet	1764	Stories	1 Year Built
Unfinished Basement	1764	Value	\$138,798
Zoning District	Calculated Acres	Voting Precinct	Calculated Acres
R-SF	2.31	DENVER (DN29)	2.31
Watershed Class	Calculated Acres	Sewer District	Calculated Acres
WS-IVC	2.31	In the sewer District	2.31
2000 Census County	Tract	Block	Calculated Acres
37109	071100	1029	2.31
Flood	Zone Description	Panel	Calculated Acres
X	NO FLOOD HAZARD	3695	0.02
X	NO FLOOD HAZARD	4605	2.29



Lincoln County, NC

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Date: 2/18/2010 Scale: 1 Inch = 250 Feet



PHOTOS



34111

PARCEL INFORMATION FOR 4605-02-3746

Parcel ID	34111	Owner	HINES REAL ESTATE GROUP LLC
Map	4605-03	Mailing Address	HINES L KEITH 15926 DESOTA LN HUNTERSVILLE NC 28078
Account	0212517	Deed	2045-279
Deed	2045-279	Recorded	6/17/2008
Land Value	\$46,557	Total Value	\$137,729
----- All values are for tax year 2010. -----			
Subdivision	Lot FREEMAN HOWARD PROP	Plat	A-151
Description	HOMESITE HWY 16	Deed Acres	1.7
Address	3306 N NC 16 HWY	Tax Acres	1.59
Township	CATAWBA SPRINGS	Tax/Fire District	DENVER / EL SEWER
Main Improvement	RANCH	Value	\$90,172
Main Sq Feet	1148	Stories	1 Year Built 1961
Unfinished Basement	1148		
Zoning District	Calculated Acres	Voting Precinct	Calculated Acres
R-SF	1.59	DENVER (DN29)	1.59
Watershed Class	1.59	Sewer District	1.59
WS-IVC		In the sewer District	
2000 Census County		Tract	Block
37109		071100	1029
Flood	Zone Description	Panel	
X	NO FLOOD HAZARD	4605	1.59



COUNTY OF LINCOLN, NORTH CAROLINA

302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092

PLANNING AND INSPECTIONS DEPARTMENT

704-736-8440 OFFICE

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Zoning Amendment

Statement of Consistency and Reasonableness

Adopted by the Lincoln County Planning Board on _____

Case No. **CZ #2010-2**

Applicant **Brian Hines**

Parcel ID# **32468 and 3411**

Location **east side of Hwy. 16 just north of Denver Drive**

Proposed amendment **Rezone from R-SF to CZ B-G to permit a 16,500-square-foot commercial complex**

This proposed amendment is

☐ consistent

☐ inconsistent

with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

This proposed amendment is

☐ reasonable and in the public interest

☐ not reasonable and not in the public interest

in that:

Community Involvement Meeting report

CZ #2010-2

Brian Hines, applicant

A community involvement meeting on this rezoning request was held on March 9, 2010, at Denver Baptist Church West Campus. Six citizens, four Planning Board members and one commissioner attended the meeting.

Citizens offered the following comments:

Why would you want to build another Dollar General? There's a Dollar General five miles away.

Business drops when a bypass goes through. Have you looked at all the vacant buildings on Hwy. 16?

No one has moved into the development at Grassy Creek Road. If you want to develop businesses in this area, you need to develop down at 16 and 73.

Why build multiple little buildings that do minimal business?

There's so much property on Hwy. 16. You're going to put your building at the back of a neighborhood.

You're destroying a residential area.... You're not going to have the traffic you think you're going to have ... This is the last residential area along Hwy. 16.

We're old Denver up this way. This is historic Denver. This end of Denver is actually dying... New Denver is moving to 16 and 73.

You've got a Mighty Dollar a half mile way.

When we're allowing these companies to come in with small box-type buildings, we're degrading the property around here.

You're overestimating the draw you're going to have.

To put up another building in an area that's got vacant buildings, you're just contributing to the problem.

I've never seen one of their stores yet that met the criteria for the area, except maybe in the mountain areas.

Would you be willing to put up \$100,000 as bond if you vacate the building in 10 years?

I've come out of Forest Hills at 3 p.m. and had to sit for 10 minutes to get out.... People are not going to utilize Dollar General because they're not going to be able to get out on the road.

We've got more empty buildings per square mile than anybody around.... This is bringing in more junk.

It's going to be a domino effect. This is the last residential area on this side of Denver. Let's keep it that way.

There are quite a few robberies at these things. Are you willing to pay for another cop?

It doesn't bother me if a dollar store comes in. I like shopping there.

Brian Hines, the applicant, offered these comments:

Dollar General has determined that this is an area where they can capture a lot of sales.

I'm a preferred developer for Dollar General.... They tell me where they want to have stores.

We did look (at other possible locations).... They feel like their biggest competitor is Walmart. They don't want to be within a mile and a half of Walmart.

The revenue significantly increases when they're a stand-alone store.

I'm making a \$1.5 million investment.... We will own (the building).... We're not just doing this and walking away.

We're trying to get an auto parts supplier (to locate in the proposed space beside Dollar General). It may be some time before that gets built.



Lincoln County Building & Land Development

Zoning Application Background and Staff Comments

Application #

CZ #2010-2

IDENTIFYING DATA

Parcel ID: 32468 and 34111

Location of property: east side of Hwy. 16 north of Denver Drive

Name of current property owners: (1) Joseph Huntley (2) Hines Real Estate Group

Address of current property owners: (1) 917 Brief Road West, Indian Trail, N.C. (2) 15926 Desota Lane, Huntersville, N.C.

Date of application: February 17, 2010

ZONING INFORMATION

Current zoning: R-SF (Residential Single-Family)

Current use: rental houses

Property size: 3.9 acres

Proposed zoning: CZ B-G (Conditional Zoning General Business)

Proposed use: 16,500-square-foot commercial complex including Dollar General store

Description of request: conditional rezoning

Comments: At staff's recommendation, applicant opted to apply for conditional rezoning rather than regular rezoning.

LAND USE PLAN CLASSIFICATION

This property is classified as part of the N.C. 16 Corridor, an area proposed for a redevelopment plan that promotes the further mixing of land uses while addressing issues such as architectural appearance, landscaping, signage and access management.

ENVIRONMENTAL

Soil type(s): Pacolet sandy clay loam (PeB2) at building site

Soil slopes: 2-8% (eroded)

Building site: well suited

Water supply watershed classification: WS-IV Critical Area

How much impervious ground coverage allowed: existing impervious area and 24 percent of remainder of property

Comments: Applicant has agreed to construct a meandering grass-lined swale with check dams as an additional water-quality measure

HYDROLOGIC CONDITIONS

Flood panel number: 4605

Zone: X (no flood hazard)

TRANSPORTATION

The proposed zoning request is located on or near what road(s): Hwy. 16 near Denver Drive

Is a Traffic Impact Analysis required for this request: no

What is the average daily traffic: 18,000 vehicles

ADDITIONAL INFORMATION

What are the adjoining land uses and zoning (N, E, S & W): north: business, zoned business; east: new subdivision, zoned residential; south: residence, zoned residential; west: tire store and boat dealership, zoned industrial and business.

List of potential uses under existing zoning: single-family homes

List of potential uses under proposed zoning: retail/office

What is the stated reason for requesting the rezoning: to permit a commercial complex with Dollar General as the anchor tenant

SIGNAGE

Maximum size of freestanding sign allowed per the Unified Development Ordinance: A monument sign 8 feet in height with a sign area of 53 square feet (based on the frontage of the property) or a pole sign 25 feet in height with a sign area of 33 square feet. (The applicant is proposing a monument sign.)

BUILDING DESIGN

Unified Development Ordinance requirements: The road façade must be constructed of brick, stucco, architectural concrete, hardiplank, similar siding or stone, or wood; and no less than 20 percent glass. Both sides must be constructed of the same facing materials as the front, because they're within 300 feet of a residential district or a public area. Because it's not within 300 feet of a residential district or public area, the rear of the building does not have to be constructed of the same facing materials. However, no more than 50 percent of the rear may be corrugated metal.

Have elevations been submitted: yes

Comments: The applicant is proposing to use split-face masonry (architectural concrete with a stone-like texture) on the front, sides and rear, with windows on both sides.

BUFFERS

Unified Development Ordinance requirements: Class C buffer abutting residential district and Class A road buffer along Hwy. 16

STAFF'S RECOMMENDATION AND COMMENTS

Staff recommends approval of the rezoning request for the following reasons:

This property is adjoined on two sides (the north and the west) by property zoned and used for businesses. Other properties in this area are zoned and used for commercial or industrial purposes. A boat dealership, a tire store and a used car lot are located across the road from this property.

This property is part of a relatively small residentially zoned area that is adjoined on three sides by properties zoned business and industrial, separating it from any other residential area on Hwy. 16. (The owners of the other residentially owned properties in this immediate area support the rezoning request.) The proposed building and parking lot would be more than 300 feet from the residentially zoned properties (undeveloped subdivision lots) at the rear of this property.

This property is located close to a signalized intersection. Hwy. 16 has a middle turning lane at this location.

This is a conditional rezoning, with the development of the property subject to the approved site plan and building elevations.

The proposed development will implement recommendations of the Land Use Plan for the NC 16 Corridor, including limiting the parking in front of the building, erecting a monument sign instead of a pole sign and providing connectivity to adjoining parcels. One of those connections would provide this development with access to the signalized intersection if the adjoining lot to the south is developed commercially.





DOLLAR GENERAL

RETAIL SHOPS

DOLLAR GENERAL STORE

DENVER, NORTH CAROLINA

LENOX LAND, LLC

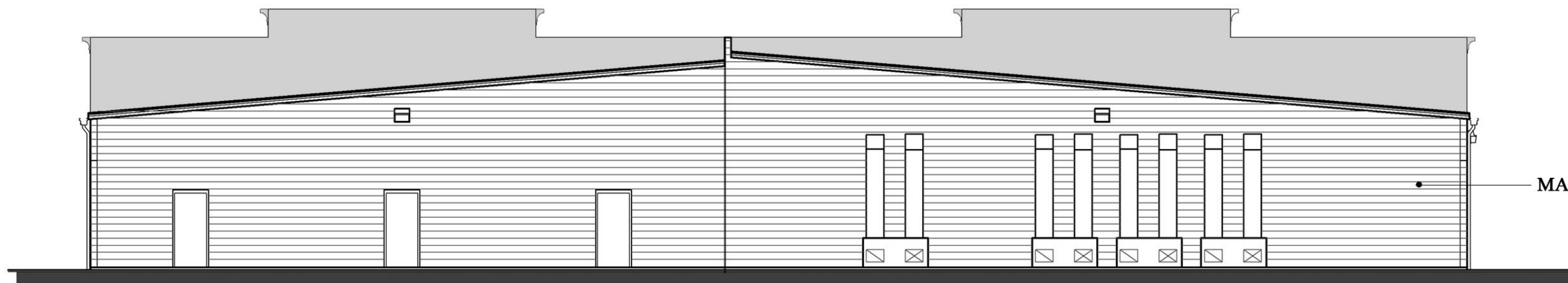
03.05.10



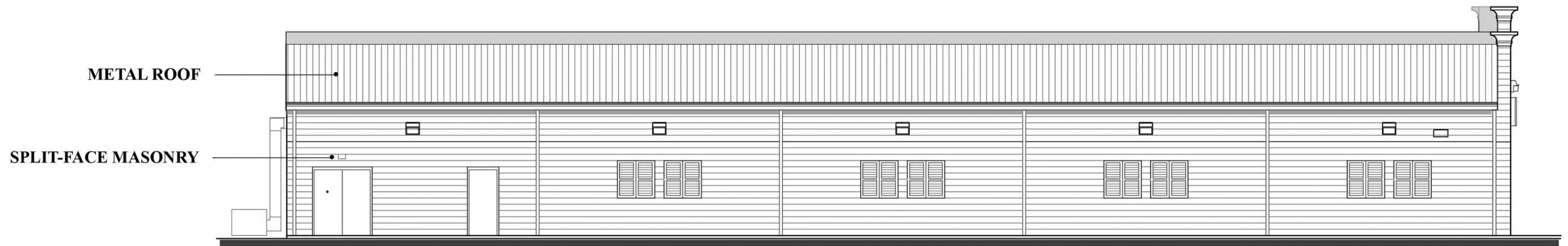
8510 McAlpine Park Drive
Suite 204
Charlotte, North Carolina
704/366-3639
704/364-9578 FAX
www.fortune-architects.com



SOUTH (RETAIL SHOPS-SIDE) ELEVATION



EAST (REAR) ELEVATION



NORTH (DOLLAR GENERAL-SIDE) ELEVATION

DOLLAR GENERAL STORE

DENVER, NORTH CAROLINA

LENOX LAND, LLC

03.12.10

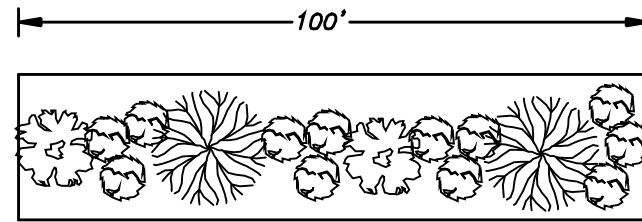


8510 McAlpine Park Drive
Suite 204
Charlotte, North Carolina
704/366-3639
704/364-9578 FAX
www.fortune-architects.com

LEGEND

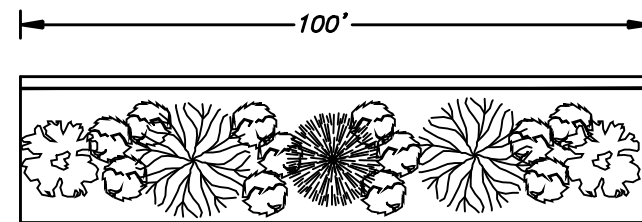
- SHRUB
AN ORNAMENTAL PLANT THAT IS AT LEAST ONE FOOT TALL ABOVE THE HIGHEST ROOT AT THE TIME OF PLANTING
- UNDERSTORY TREE:
A TREE WHICH, AT THE TIME OF PLANTING HAS A CALIPER OF AT LEAST ONE AND ONE-HALF INCHES AND A HEIGHT OF AT LEAST FOUR FEET.
- CANOPY TREE
A TREE WHICH, AT THE TIME OF PLANTING, HAS A CALIPER OF AT LEAST ONE AND ONE-HALF INCHES AND A HEIGHT OF AT LEAST SIX FEET.
- EVERGREEN TREE
A TREE WHICH, AT THE TIME OF PLANTING, HAS A CALIPER OF AT LEAST ONE AND ONE-HALF INCHES AND A HEIGHT OF AT LEAST FOUR FEET.

ALL PLANTS SHALL BE SELECTED FROM LINCOLN COUNTY'S RECOMMENDED PLANT LIST.



10' CLASS A BUFFER WITH 2 CANOPY TREES, 2 UNDERSTORY TREES, & 12 SHRUBS

CLASS A BUFFER DETAIL
N.T.S.



10' GRADE C BUFFER WITH 1 WALL, 1 EVERGREEN TREE, 1 CANOPY TREE, 3 UNDERSTORY TREES, AND 12 SHRUBS

CLASS C BUFFER DETAIL
N.T.S.

DEVELOPMENT NOTES:

- OWNER & DEVELOPER: HINES REAL ESTATE GROUP, LLC
15926 DESOTA LANE
HUNTERSVILLE, NC 28078
(704) 507-4877
 - SITE ADDRESS: 3306 & 3318 N. NC HWY. 16
DENVER, NC 28037
 - TAX PARCEL NO: 4605-02-2822 & 4605-02-3746
 - DEED BOOK 1955-107 & 2045-279
 - COUNTY: LINCOLN
 - TOWN: DENVER
 - TOTAL PARCEL ACREAGE: 2.4 AC. + 1.70 AC. = 4.1 AC.
 - TOTAL AREA OUTSIDE R/W: 165,585 S.F. (3.8 AC.)
 - WATERSHED: WS-IVC
 - EXISTING IMPERVIOUS ACREAGE: 12,204 SF
 - ALLOWABLE IMPERVIOUS ACREAGE (LOW DENSITY OPTION) (165,585 - 12,204) x 0.24 + 12,204 = 49,015 SF
 - IMPERVIOUS AREA: 47,849 SF (1.10 ACRES)
 - PERCENT IMPERVIOUS: <24%
- WATER QUALITY SHALL BE ADDRESSED BY UTILIZING THE LOW DENSITY OPTION. A MEANDERING GRASS-LINED SWALE WITH INTERMITTENT CHECK DAMS WILL BE USED TO PROVIDE ADDITIONAL LOW IMPACT DEVELOPMENT WATER QUALITY MEASURES.

JOSEPH AND DANA HUNTLEY
917 BRIEF ROAD WEST
INDIAN TRAIL, NC 28079

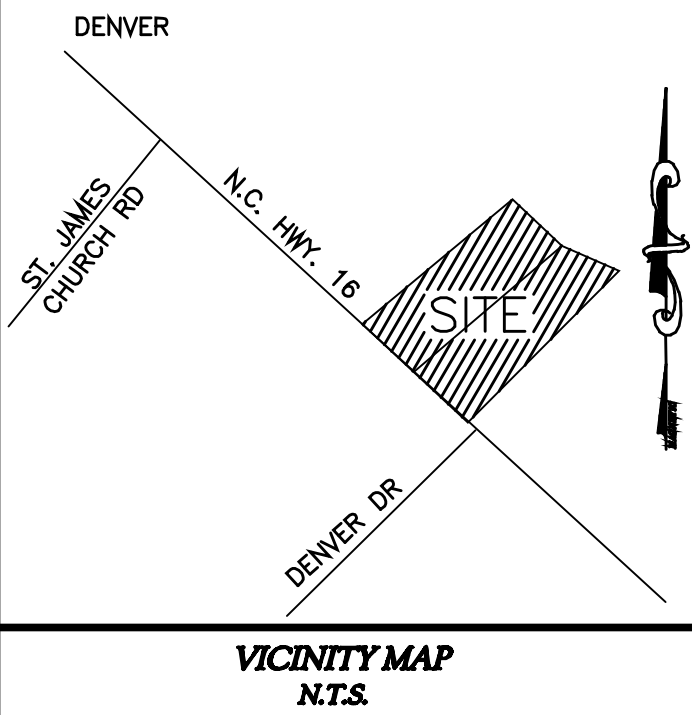
10. CURRENT ZONING: R-SF
PROPOSED ZONING: CU B-G

11. YARD REQUIREMENTS:
ROAD - 30'
SIDE - 15'
SIDE - 30' (ABUTTING RESIDENTIAL)
REAR - 30' (ABUTTING RESIDENTIAL)

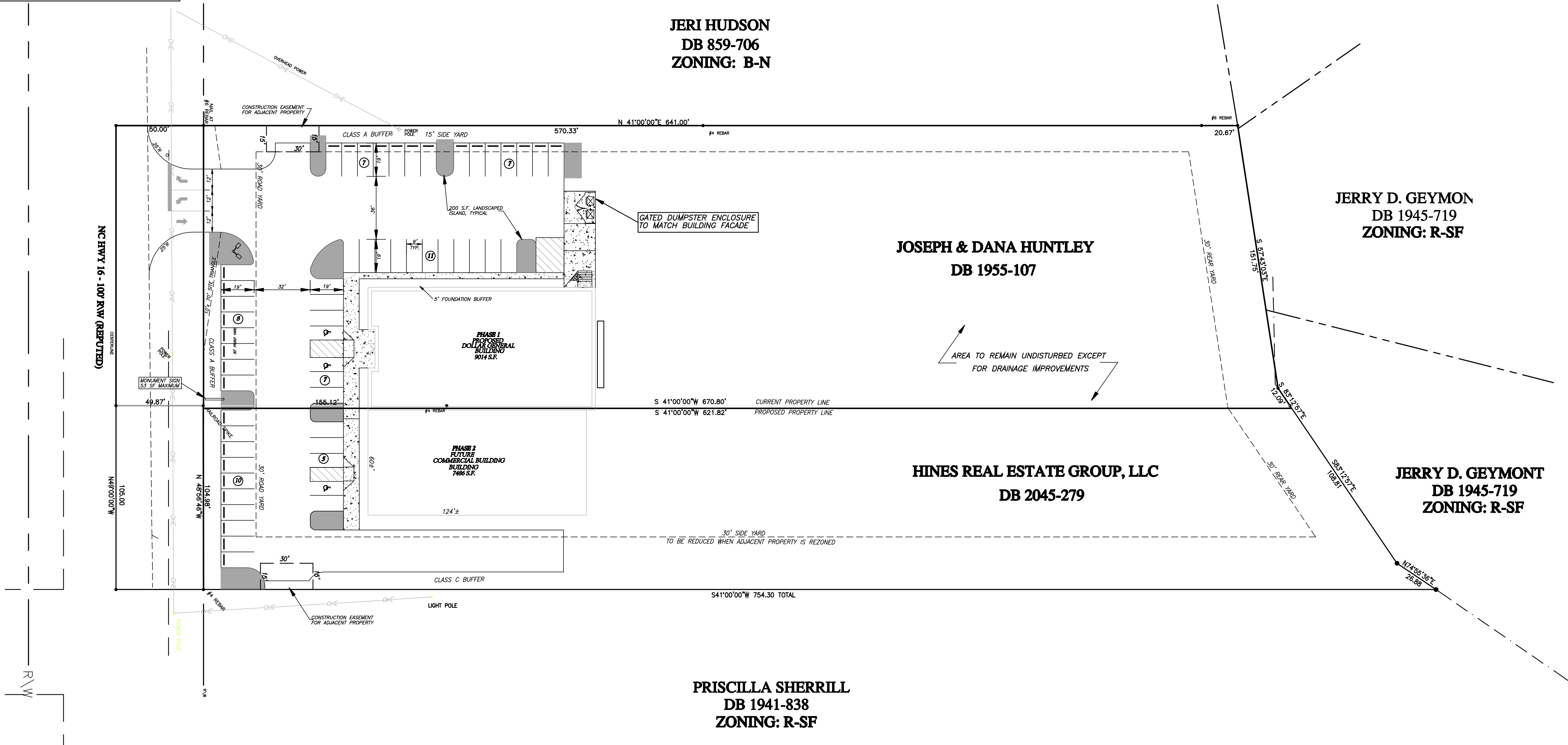
12. MAXIMUM BUILDING HEIGHT: 60'

13. PARKING REQUIRED: 16500 SF x 1/300 SF = 55 SPACES TOTAL
STANDARD PARKING PROVIDED = 52 SPACES
ACCESSIBLE PARKING PROVIDED = 3 SPACES (VAN ACCESSIBLE)
TOTAL PARKING PROVIDED: 55 SPACES

14. CROSS ACCESS EASEMENT AGREEMENT SHALL BE PROVIDED FOR ADJACENT PROPERTY OWNERS.

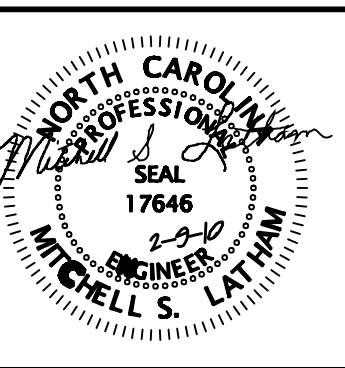


VICINITY MAP
N.T.S.



REV. NO.	REVISIONS	DATE

LWE
LATHAM-WALTERS ENGINEERING, INC.
400-A NORTHCROSS DRIVE
HUNTERSVILLE, NORTH CAROLINA 28008
(704) 507-4877 FAX (704) 507-4878



OWNERS:

HINES REAL ESTATE GROUP, LLC
15926 DESOTA LANE
HUNTERSVILLE, NC 28078

JOSEPH & DANA HUNTLEY
917 BRIEF ROAD WEST
INDIAN TRAIL, NC 28079

DOLLAR GENERAL
3306 & 3318 N. NC. HWY. 16 HWY. DENVER, NC

REZONING MAP

DATE: FEB. 2010
SCALE: 1" = 30'
DRAWN BY: MSL
CHECKED BY: MSL
PROJECT NO: 2009.05

SHEET
1