

Perquimans County Planning Board

MINUTES

Tuesday, Dec 11, 2018

The Perquimans County Planning Board held its regular monthly meeting on Tuesday, Dec 11, 2018 at 7:00 PM in the Commissioner Meeting Room of the Courthouse Annex Building.

MEMBERS PRESENT: A.J. Moore, Chair
Lewis Smith, Vice Chair
A.O. Roberts
Brenda Lassiter
John Skinner

MEMBERS ABSENT: none

OTHERS PRESENT: Rhonda Money, Planner/GIS
Hackney High, County Attorney
Applicant (George Venters) & many interested residents

Planning Board Chair, A.J. Moore, called the meeting to order at 7:05 pm and opened with prayer by Mr. Lewis Smith.

Agenda Item I, Approval of Agenda: Mr. Roberts made a motion, seconded by Mr. Smith, to approve the agenda as presented. The motion passed unanimously.

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Agenda Item II, Consent Agenda/Approval of Draft Minutes of Previous Planning Board Meetings: Attached draft of October 9, 2018 Regular Meeting minutes.

Ms. Lassiter made a motion, seconded by Mr. Skinner, to approve minutes of the Regular Meeting of October 9, 2018. The motion passed unanimously.

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Agenda Item III, Business Item A: Consideration of Rezoning Request No. REZ-18-02, requested by Glandon Forest Equity, LLC to rezone a 2.53 acre portion of Tax Parcel No. 2-0082-0014A from RA (Rural Agricultural District) to CR (Rural Commercial District). Planner Money said rezonings are legislative and explained the difference between public meetings and hearings and informed the audience that anyone had a right to speak. Then she explained that to avoid a split zoning of a single parcel any approval of rezoning a portion of a parcel would need to be contingent upon the recordation of an abbreviated plat. Ms. Money presented a slideshow of the parcel as it currently looks, what the proposed structure and its signage would look like and listed all administratively permissible uses in

a CR zone. During the slideshow it was noted that some of the uses permitted administratively in a CR, such as bank and professional offices, were already planned to go in the general vicinity when the area was approved as a Planned Unit Development (PUD). Private sewer and county water are available. Planner Money interprets Article XX Signs in the zoning ordinance to limit the total allowable square footage of sign space to 70 square feet for the proposed building. The applicant may ask for a variance on that or try to prove a different interpretation. More than enough parking spaces are on the proposed site plan. The proposed building is 9,100 sq feet. Vegetation/landscaping will be required if the zoning is approved and the structure comes into fruition. Planner Money also read the summary sentence of a letter from the Albemarle Plantation Property Owners Association that stated, "We as the governing body have no objection to this rezoning request." Multiple times it was pointed out that the full range of land uses must be considered when rezoning, not just the retail store use.

- George Venters, 3825 Barrett Drive, Raleigh, NC-- the applicant & developer with Vanguard Property Group (VPG), a development company based in Raleigh, talked through a packet he presented to the Board members and audience. VPG has built a lot of Dollar Generals in Northeastern NC, Midway, Powells Point....they are finishing one in Moyock right now. He showed the proposed site plan. The proposed lot will not impede on the gravel drive that goes back to the boat trailer storage area. Parking lot has 35 parking spaces. Building is 70' by 130' which is 9,100 square feet. All dumpsters will go in a masonry enclosure with metal gates. Applicant is planning to connect to Albemarle Utility Company force main for sewer; applicant is in conversations with the utility company. County water is available across Holiday Island Road so applicant would bore under the road to tap that. A storm water pond will be maintained per State guidelines on the side of the building. No storm water goes off site. Applicant described the picture of the proposed structure, which includes a standing seam metal awning with corbels, hardie plank siding, painted fiber cement panels and shutters. VPG had conversations with members of Perquimans Development, LLC and the Albemarle Plantation Property Owners Association (APPOA). Light pollution was a big concern. No internal illumination of signs will be used; the signs will be lit by gooseneck lights above the letters. Letters will remain yellow however because of company branding. No yellow light will shine out into the road. Background of the parking lot sign will be hardie plank to match the building. Applicant will probably go with a beige color rather than white.
- Ms. Lassiter asked if the design was guaranteed or could it revert back to the standard Dollar General façade. Mr. Venters said the 'proposed elevation' store-front in his handout is the same one in his lease, as are the proposed signs and have been approved by Dollar General, so the design will not change.
- Mr. Venters – Sometimes we are asked, "What is the tenant's dedication to an area". We do not choose the sites for Dollar General. Every year they send us a list of areas that they have researched where they want a store to be. They have a research department and headquarters in Tennessee. We literally get a list with latitude and longitude coordinates

and population and density growth projections. Our job is to figure out how to make it work with the community.

- Ms. Lassiter --- asked Planner Money about the procedure to rezone only 2.53 acres of the 21.74 acre parcel. Ms. Money explained how the Board would need to include in its motion that an abbreviated plat would need to be recorded to initiate the rezoning.
- Mr. Skinner asked Mr. Venters how he would rate his confidence level that Dollar General would actually be built.
- Mr. Venters said it is on their list to build this year. They have signed a lease. As long as there is nothing else on their list of due diligence that precludes them from building, such as it's contaminated or they can't get permits, then his confidence level is 'extremely' high.
- Mr. Smith questioned Planner Money about the sign issue she had mentioned earlier. Ms. Money explained that the chart in the County Zoning Ordinance only allows 70 square feet total cumulative of all signs on the property. The sum of Dollar General's 2 signs is almost 100 square feet. Only one sign would fit. Staff will have to research different interpretations or requesting a variance.
- Mr. Venters – When I initially read that sign ordinance I'll admit I saw the 2 charts and thought of how typically a municipality has 2 charts, one for free-standing signs, the other for signs on the building itself. After talking with Rhonda I'll have to go back and re-study it. One thing these national retail tenants are sticklers on is their signage. They conceded to not do a pylon and just do a small monument sign, so we'll probably come back and ask for a variance to get a little bit more square footage.
- Ms. Lassiter asked Planner Money about vegetation. She responded that our ordinance talks about vegetation but she had not read that part in relation to this case yet. Mr. Venters said he did not think they had done a landscape plan yet but it would be in any package that came to the County to review.

Five audience members made comments expressing their views of the situation:

- Robert Muir – He is Vice President of Albemarle Plantation Property Owner Association. The developer came to us in advance and asked what our feeling would be on such a store. We had a panel of approximately 20-28 residents give feedback on what might work for that area. APPOA's main concerns were the appearance of the building, lighting and the signs. I am pleased to say that I think they addressed all the issues that we had. One other issue

would be the lighting of the parking lot. We want the light to shine down into the parking lot, not out into the street or neighborhood. The Board does support it.

- Ms. Lassiter questioned that only 20-28 residents were representing close to 480+ families/residents that live in the Plantation. Mr. Muir said the panel is a group of leaders in the community, they head up committees, etc. When we have an issue we want to bounce off the community we bring the panel together and say “what do you think?”.
- Arlene Tesmer – Lives at the corner closest to the proposed rezoning. She pointed out where she lived on one of the slides on screen. Bought property in 2006. 494 residents that live there. About 300 residents in Holiday Island so total of only about 800 people to patronize the store. Dollar General would create traffic and noise and lights that would destroy a peaceful, residential area. Albemarle Plantation berm only stops view. She has lived one mile from commercial area before; she knows how it is. Ms. Tesmer hopes the store closes at 7pm. Many of the residents don’t go 6 miles down the road to the other Dollar General, they just get what they need at Food Lion. She asked other residents in the neighborhood “Who would shop there?”. “Are we really milk and eggs...?” Residents are all older and watching their health so they need fresh products, not frozen. In August the APPOA Board sent residents a letter about the meeting summarizing the points. The members that attended that meeting asked if Dollar General would put it after the main entrance. Residents elected them, so they have to go with what the APPOA Board has to say, but if the Board had asked all the residents they would have heard a lot more “no”. How will it stay in business with only 800 people as potential consistent customers? She submitted her letter and map as an Exhibit to go with the minutes.
- Robert “Bob” Escherman – representing his own landscaping firm, (he lives in Alb. Plan.). Some of his questions were already answered. Lighting shining down was an important issue to avoid glare. The Planning Board has said the applicant will need to have a landscape plan and it will look a little bit better than what is shown here (he had a copy of the developer’s handout).? He asked George Ventors, “You have existing vegetation behind the building. Will that be cleared?” Mr. Venters said he will not disturb any area he does not need for the project. “I’ll take that as a no, because if they clear that the boatyard will look pretty crappy from the road.” What number of customers does Dollar General need to serve to be a viable store? Mr. Venters answered that Dollar General has a research department in Tennessee that studies spending patterns and they can tell where customers live, but they do not give him the exact numbers.
- Jim Blackman -- He’s been in Albemarle Plantation since 2001. “We like progress and we like taxes for the County and we like job creation.” He has been a real estate developer 46 years in 8 or 9 states. He’s developed about 10 Dollar Generals before; they are like AutoZone in the way they do their research. Dollar General has already done enough research to support the store. He would like to see it go to the County Commissioners with the signage issues already resolved. He doesn’t think the store will go out of business. He likes the store look

and the signs. Dollar General is going to insist on the signage most likely. He wants the County to give it a sign variance before it goes to the Commissioners so it's a package deal where they know they can proceed with development quickly. He's read where some Dollar Generals have gone up to 20% fresh produce now. The other thing, as far as location... you do not want the store any further toward Holiday Island because if Plantation residents drive to the front entrance without passing the store, they will not stop in. "It's a good location. It's a good concept and I support it."

- George Venters (applicant) – He is willing to meet with the Tesmers and any other homeowners in that vicinity to resolve the issues. Perhaps more landscaping on the berm would fix it. There's always a way to make something better.
- Mr. Lewis Smith –Will there be security cameras on the outside of the building? She (Ms. Tesmer) made a comment about parking during off hours. Just having an open parking lot there could encourage parking during off hours.
- Mr. Venters – They have some security cameras but I don't know if they are outside the building.
- Ms. Lassiter – What about driveways? Mr Venters said it will be one 2-way driveway.
- Ms. Lassiter – Is there a turn lane there now? Several people in the room said "no".
- Mr. Venters – Part of our process for permitting is that we have to send our plans to NC DOT so they will tell us if that road is at capacity or if we need to build a turn lane.
- Ms. Lassiter – If you do need to build a turn lane does that still make the project feasible?
- Mr. Venters --- Yes, we've built miles and miles of turn lanes in NC. These stores typically don't trigger a Traffic Impact Analysis in DOT's eyes but when DOT reviews our plans they will go back and do an analysis of how many wrecks have been there, what is the capacity of the road, etc. as part of the permitting process.
- A.O. Roberts – asked Planner Money to go back to a certain picture in the slideshow that shows existing vegetation
- Mr. Venters – If views through to the boat trailer parking are an issue, there are ways we can screen that.

- Terry Tesmer -- His concern is not about ‘their’ store; he is concerned about any store. He’s concerned about people parking and walking somewhere they should not. Security cameras only catch people AFTER the fact.
- Mr. Smith asked if Mathews Road was gated. The Tesmers explained the gate presence. You can’t drive through if locked, but you can easily walk through.
- John Skinner – reading section in Zoning Ordinance, concerned about other uses in CR zone. He asked Planner Money to flip back to some specific slides listing uses in a CR zone. He asked Hackney “What is the difference between CR(CUD) and CR Districts?”.
- Hackney High(County Attorney) – They are parallel but separate districts. CR(CUD) gives the Boards more control over the specific use.
- Mr. Skinner to Rhonda –If we wanted to make this a CR(CUD) what would need to happen? Would they need to re-apply? Would we change the motion to make it a Conditional Use District?
- Planner Money --- My question to Attorney High is, “Can we use CR(CUD) for this particular case? If it is permitted out-right in the Table of Uses, can we change it to a Conditional Use?”
- Attorney High – That’s a good point. What I’m looking at here is Dave Owen’s book on land use in NC. If it’s already allowable then it’s already allowable. Attorney High suggests it may create more legal problems if we tried to change it to CR(CUD). The developer does appear to have done his due diligence and there are other controls, like the sign ordinance. It is safer to go with straight rezoning and work closely with the developer.
- Ms. Lassiter – She doesn’t have a problem with it because a chicken house or hog farm could go there with no input from any Boards and that would cause worse conditions than this store.

Mr. Roberts made a motion, seconded by Ms. Lassiter, to find proposed rezoning REZ-18-02 to be consistent and in harmony with the county comprehensive Land Use Plan existing development pattern because it is in accordance with the plans of our County and meets all the County guidelines. Motion passed unanimously.

Mr. Smith made a motion, seconded by Mr. Skinner, to recommend to the Board of County Commissioners, approval of Rezoning No. REZ-18-02, to rezone a 2.53 acre portion of Tax Parcel

No. 2-0082-0014A, from RA (Rural Agriculture District) to CR (Rural Commercial District) contingent upon:

1) the recording of the proposed parcel's metes and bounds and the recording of an abbreviated subdivision plat that mimics the exhibit map for Glandon Forest Equity by Jason Mizelle, PLS dated November 30, 2018 stored in Planning Office file REZ-18-02,

2) the applicant meets with the residents on the other side of the berm to form a resolution of the store issues

3) Dollar General will have outside security cameras for the parking lot and a camera pointed to the boat trailer parking in back

adopting Policy Guidelines from Zoning Ordinance Section 1302 to support the motion. Motion passed unanimously.

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Agenda Item IV, Other Items A: Status Report on Previous Planning Board Recommendations: CUP-18-04, requested by Mildred Henry to re-establish a convenience store at 172 Bethel Fishing Center Road (SR 1356). Planner Money informed the Board that CUP-18-04 was approved at the November 5, 2018 Board of County Commissioner meeting.

Agenda Item IV, Other Items B: Chair's signature on approved minutes.

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Meeting adjourned at 8:18 p.m.

Minutes approved this _____ day of _____, 2019.

Chairperson

Recorder

- Attachments:
- A) Sign In Sheet
 - B) Handouts by the Applicant
 - C) Letter from Tesmers
 - D) Letter from Albemarle Plantation Property Owner Association Board of Directors