

## FRANKLIN COUNTY BOARD OF ADJUSTMENT

June 28, 2021

The Franklin County Board of Adjustment held its regular monthly meeting on Monday, June 28, 2021 in the Franklin County Administration Building, Commissioners Conference Room, 113 Market Street, Louisburg, North Carolina.

**Present:** Shane Brantley, Stuart May, James Roberson, Jason Napier, and Dustin Moore

**Staff:** Scott Hammerbacher, Jason Rogers, and Tracy Walthour

Shane Brantley called the meeting to order at 7:00 P.M.; and welcomed everyone in attendance.

Stuart May made a motion to approve the agenda and was seconded by James Roberson, the motion passed by a vote of 5-0.

Stuart May made a motion, seconded by James Roberson, to approve the minutes from the March 22, 2021 meeting, the motion passed by a vote of 5-0.

1. Conditional Use 21-CUP-01 requested by Glandon Forest Equity, LLC for a Grocery/Convenience Store on approximately 1.87 of 15.75 acres located at NC 96 Hwy and Pocomoke Rd (SR 1127) in the Franklinton Township, Franklin County PIN 1834-69-2313.

Jason Rogers stated that the applicant is petitioning the Board for a Conditional Use Permit for a Grocery/Convenience Store on approximately 1.87 of 15.75 acres at NC 96 Hwy and Pocomoke Rd (SR 1127) in the Franklinton Township. Within the petition, the applicant states that the proposed use will provide a need to an area that lacks general retail stores for the community. The site plan shows a 10,640 sq. ft retail building, 40 parking spaces, and a stormwater management area. The site plan also shows a proposed twenty (20') foot buffer around the perimeter of the site. The design provides entrances off NC 96 Hwy and Pocomoke Rd. for ingress and egress. A left turn lane frontage improvement will be provided at the entrance off NC 96 Hwy in accordance with the NCDOT driveway permit. The 2019 average daily traffic count for the section of NC 96 Hwy is approximately 4700 vehicles per day and 1,700 vehicles per day along this section of Pocomoke Rd. According to the Comprehensive Land Use Plan, the subject parcel and surrounding parcels are designated as Agricultural. Additionally, the subject parcel is located at the intersection of a major thoroughfare. If the Board grants approval of this request, the applicant will be required to meet all other applicable local and state requirements.

Brent Purdum- Triangle Site Design, PLLC- 4004 Barrett Dr #101, Raleigh, NC 27609

Brent Purdum stated that he was there on behalf of Gladon Forest Equity, LLC, the developer. We did the design working with Jason to provide the sketch to meet the UDO requirements. We are proposing for a Dollar General store, we have spoken to NCDOT and they have given us their requirements on the proposed driveways and road improvements along Highway 96. This is an area that the Dollar General has done a lot of research on and they feel there is a good need in the community for them to be here. We have looked at other Dollar Generals that are in the area and the closet one is around 4.8 miles. There are some competitors in the area that are also around 4 miles away. The Dollar General feels this is a good need for the area. If there are any questions, I will be glad to answer any of them that you may have. If there are any concerns from the public, I would like to be able to address those at the end, if possible.

Frank Monti-140 Consella Way, Franklinton, NC 27525

Mr. Monti stated that he respectfully requests the application for Conditional Use application be denied for the following reasons, the applicant has presented requested relief that does not bring the two developments directly across from Route 96 and/or Pocomoke Rd. and a third development that is a mere 1700 feet South of the applicant's property off 96. Withering Estates which is diagonally across the intersection from the proposed development, Cold Creek is directly across Pocomoke Rd and Stone Ridge is about 1700 feet South. All of these are large lots, single family, detached residential developments, none of these developments were granted access from the subdivided lots onto either road. I will refer you to "Note 12" of the final plan of Wither Estates which specifically prohibits such access. All these developments were required to have double frontage on any lots adjacent to those roads with access to those lots from newly constructed interior streets. Both Withering Estates and Stone Ridge were required to construct heavily landscaped high burns as visual buffers along Route 96, Cold Creek has a pre-existing wooded buffer along Pocomoke Rd, you cannot see through any of those buffers. I can name four other developments currently under construction within 4 miles that have major frontage on state collector roads, none of which were allowed access from subdivided lots onto those collector roads, these are Falls Creek, Addyson, Retreat at Green Haven, and Willowbend. In contrast the applicant proposes to subdivide 1.87 acres off a 15.75-acre parcel and construct direct access onto one or both the adjacent throughs. The applicant also proposes to present the face of a commercial establishment directly to one or both roads without the same visual buffering that was required of the three adjacent developments. I noticed on the plan that was presented there are street trees, they do not present a visual buffer and you will be able to see directly through those. The visual impact of a stand-alone Dollar Store substantial more objectionable than residential rear yards could ever be. Franklin County set the precedent of requiring visual buffering of the less objectionable residential use in this area and no direct vehicular access on to the adjacent collector roads with the conditions placed on the previously

referenced developments and now are setting a precedent by allowing this applicant to construct a more objectionable visual impact without buffering with at least equal to that which was previously imposed on vehicular access from a newly constructed interior street. As you are aware the proposed use is not permitted by right in the AR zoning district, it requires a Conditional Use permit to prevent the imposition of harm to surrounding property. I submit that the proposed use will impose harm to the surrounding property owners as follows, it is inconsistent with the character of the surrounding area, that being large lot residential and small agricultural uses, it would impose a visual impact on the adjacent roads that were specifically prohibited to the adjacent developments previously mentioned, it will substantially increase traffic with the associated increased noise at the approach and intersection, it will bring a potential of increased crime to the area because of a stand alone store that might be considered easy pickings for robbery. I refer you to an article in the Fayetteville Observer, published on June 16, 2021, which addresses crime related to Dollar Stores among other concerns, that article is titled "NC cities strive to halt new dollar stores in their backyards" by Brian Gordon. To paraphrase a couple of lines in that article "North Carolinians have galvanized to try and slow down these discount giants, propelling these movements are a variety of concerns including but not limited to concerns about crime, and the change of character these stores inevitably bring. The above impacts are likely to have a substantial negative effect on surrounding property values due to all the above concerns I submit, that this application must be denied, as it does not comply with the conditions imposed on the three adjacent residential developments previously mentioned or any of the other near by developments. At the very least the applicant must be subject to all those same conditions to be approved.

Shane Brantley asked if the County has any response regarding what Mr. Monti said regarding why the others are done the way they are versus this is done this way.

Scott Hammerbacher replied major subdivisions per our requirements and the NCDOT say they are to be internal served through other subdivision throughs.

Shane Brantley stated but that same rule does not apply to this particular use, is that correct.

Scott Hammerbacher replied it would not require a nonresidential use to construct a street to serve, they would seek DOT's approval to have driveway permit onto NC 96 and Pocomoke Rd, respectively.

James Roberson asked if the County requires burns to separate the subdivision from them.

Scott Hammerbacher replied we do not. We certainly encourage them, but it is not a requirement, typically we see a lot of builders when they have the topsoil over burden and they need a place to get rid of it and they put them in burns typically, is what we see.

James Roberson stated in my experience the developer does that to shield the neighborhood from the traffic, rather than shielding the street from seeing the houses.

Penny McGee- 421 Long Mill Rd. Franklinton, NC 27525

Ms. McGee stated thank you gentlemen, I live on Long Mill Rd. not too far down from where the proposed Dollar General will go. I do not prefer that it go there. This is a quasi-judicial hearing and I know there are some questions that must be answered and the first is, will the property or change materially endanger the public health, safety, or general welfare if it is located where proposed, and I say, yes. It will increase the traffic in an intersection in which we have had historical problems with bad accidents. At a minimum I would think that if something like this was going to come in, it should be a requirement that they have a stoplight and not a four way stop. To be as kind as possible to North Carolina citizens there are many, many people who do not understand how to use a four way stop. So, if you are going to put a store there and increase traffic to that degree, I think you should call everyone in and teach them how to use a four way stop. The second, it will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity. I cannot think of anybody who would not believe that it does adversely affect the use or any physical attribute adjoining property to have a Dollar General next door in a residential area, that is an oxymoron, Dollar General and residential. Then it says public necessity, the gentlemen who spoke on behalf of the Dollar General must have forgotten that Mays Store is right down the road less than a mile, and I stop there quite frequently to get gas and if I wanted to, I could get beer and Coke Cola as well, the same thing that they sell at Dollar General. There is no public necessity for a Dollar General at that intersection on that same HWY 96, 4 miles away is a Dollar General and then in the other direction, maybe 5 miles is ET's. This is a corporation that is going to come in and work against the small businessmen that runs Mays and ET's, and these people are community people who live here, not Dollar General, who doesn't live here. The next, the location and character of the use, if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Franklin County Land Use Plan. Well, the land use plan says agricultural, so that is not in conformity and it is not in character of the use of the adjoining properties. There is a car repair place and a place where you can get stuff to work on your cars, like a junk yard but there is a buffer between even that and where the store is going to be a forested property, that is not immediately next door to where this is going to be. I do find there is a big difference in the commercial property that's there for car repair and there is a specific need for car repair, if you have one you go do that and leave. But a commercial property that people come to all the time, all hours of the day and into the evening hours to buy stuff, there is a huge difference in the

amount of volume of cars that we are talking about in use of that property. For these reasons I ask you vote against it.

Ed Desimone-1511 NC 96, Franklinton, NC 27525

This is an extremely dangerous intersection, it is actual a mutual fatality intersection and the State finally did add the 4 way stop very recently, I do not think it's been more than a year maybe a little longer the way stop has been there. Adding a high traffic business here, this really absolutely either needs to be a stop light or this does not need to be located in this spot. My other concern in terms of the site plan is that right here there is a significant rise in the road and a curve, you position an entrance and an exit right here, you have people accelerating away from the traffic light into traffic that is going to be making ingress and egress from here, and here you are going to be coming over the crest of the hill on a 45-mph road, which believe me people are doing 60-65-mph at that road. The warnings for that stop sign don't even appear until you come over that crest, so you are going to have people come over this crest at a very high rate of speed coming around something of a blind curve, certainly not an optical situation and I will not lie and say it is a blinder, but it is non optical for sure. Then you will have people stopped in the middle of the road if they are making a turn in, I do understand there will be a turning lane here, but that is a little touchy for me, and you are going to have traffic coming from the other direction. I think that is a planning nightmare and I think we are looking at significant injuries if not something worse, and again I would like to reemphasize, at the very least if this is approved, we need to go to the State and have traffic light. It is just going to be an unbelievable dangerous to continue to have this as a 4 way stop sign. In terms of other things that are in the area, 4.4 miles on 96 a Dollar Store, 7.8 miles a Dollar Store in Creedmoor, and I am not sure of the exact distance because I just became aware of this but approximately 4 to 4 ½ miles a Dollar Store in Franklinton on the opposite side of Capital Blvd. Right down 96, 1.7 miles is Kelsey's Store which is a convenient store, 1.3 miles in this direction is an under construction convenient store that is going in, in front of Olde Liberty and guys, 2,875 feet from this intersection is another convenient store that hasn't been mentioned. So, I question the presentation that there is a need and on top of that I question placing a single commercial property, especially a high-density usage commercial property smack dab in the middle of a beautiful residential area that again was original mentioned, that none of this is visible from the road and now we are talking about putting a commercial use business in a high traffic area without any consideration for all the people who own homes in this area.

Duane Redic- 60 Cole Creek Way, Franklinton, NC 27525

I am a resident of the Cole Creek community, which about 14 to 16 residents and we have been there for 7 years. We came down here from Raleigh, we did not want to live in Raleigh, but we

wanted to live in a quieter part of town just outside of Raleigh, so we choose to buy a home there. Everyone in that community takes impeccable care of their properties and probably the average real estate value of homes in there is between 400-500k. We have talked about the traffic, we have talked about the issue of increase speeds, the safety issues, there is no doubt that putting a store at this location will drastically not only increase the issues that were espoused but will also reduce the values of our properties considerably. This is the area of Cold Creek, they talked about a natural buffer and that is fine in the summertime where most of the traffic cannot be seen but there is tremendous sound that is generated from this intersection and I think there is a blind turn there and not even a sign. The speed is 55-mph but by the time they make a left turn onto Pocomoke they are running 55-60mph by the time they hit our intersection. It has become a real safety issue by large but this buffer by the way, in the fall and winter the leaves fall so we are seeing most of that traffic run thru there and it is going to be multiplied many times. The primary concern I have aside from all the issues that were espoused previously, is the chaos that this is going to occur here as well as the fact that this not needed. I think that everyone is aware that Dollar Stores is the beginning of a much greater development, if this apart of a 15-acre development plot I honestly believe there are plans for the other 15 acres as well as the other properties, I think there was a parcel for sale further down 96 and someone said there was a contract on that as well. My concern is that this is just the beginning of a much larger development strategy for this part of the country, and I think if we allow this, that has major concerns that has been expressed tonight, I would like to know what the bigger picture and plan is for this whole area. Maybe within a ½ square mile wide because I think they are pocketing a major mall there or minor mall being developed and I would like to know what the plans are before we even consider putting something that is not needed that is going to be a liability to our area, let alone significant property value. Who is going to take responsibility for those lose of property value and I would like the board to consider that.

James Roberson asked are you a licensed real estate appraiser.

Duane Redic replied I am not.

James Roberson asked do you have an appraisal in hand, showing that the property values will drop.

Duane Redic replied well of course not.

James Roberson stated well that is what is required for the Board to consider that.

Duane Redic replied we are here in a meeting tonight to express our concerns.

James Roberson replied, and I understand that, but we cannot take into fact that property values may decrease without a qualified individual. There are real estate appraisers who can project this, but we are not allowed to accept that and with the absence of Mr. Lewer, who was a licensed real estate agent for many years as our chair, he was able to quote that chapter and verse of legal ramifications. But I just wanted to point that out, that that is something this Board can consider, we are not allowed too.

Duane Redic replied I am not asking you to consider it specially but any logical person or any person that is thinking logically in a nice development must have a concern.

Shane Brantley stated the Board sir, operates on what we call Findings and Facts. We can have our feelings about property rights and values, but it must be factual that we can discuss amongst the board and be able to decide upon those things.

Duan Redic stated I am also concerned about what the larger plan is.

Shane Brantley replied one thing that maybe able to help you with this is the Dollar General will have to have a septic system. Like your residential houses there is no sewer on 96 HWY and chances of sewer getting there are a long way off. So, for there to be a mall or something like that taking place, they would have to have a very extravagant septic system. Most people do not want to have to deal with that because it is a maintenance nightmare to have a system that large. I doubt that there will be something like that to go in there, now I cannot predict the future, but I can tell you from experience that generally would not be the case.

Duan Redic replied are you denying the information that was provided earlier that said were there is a Dollar General there is generally potential increase for crime.

Shane Brantley replied as you said potential. The Board must have a fact on it.

Duan Redic replied we are dealing with a potential world here and you are asking us to look into the future and gave you information that we all know logically makes sense, so I would suggest what's been offered today is logical. Even though we do not have the opportunity to present statical or do an analyst for you, but we would also like to know if there any intent on the part of the development of the additional 15 or so acres, that includes Dough Rog and or West of where this property is, is the Board aware of any other development.

Shane Brantley replied that is not the prerogative of the Board. We get out packet and evaluate on what is there. We do not know what future plans are going to be.

Jim Roberson stated that sounds more like a question for the owner or the developer.

Brent Purdum replied on behalf of the developer that is it, just that one piece. Dollar General's come in all the time and they will find that intersection that they want to be in, it could be a 2-acre piece of property or it could be a 300-acre piece of property, but Dollar General wants that little piece. That is why they have subdivided it out and typically also, if you are looking at more expansive development then you would have to provide cross access for future connections so that you have a driveway and then provide the cross access. These are all things that are not required because that is not the route that this developer is going.

Duan Redic asked the buffer in the fall we can see pretty much this area here, in the fall and winter what would you propose to be done that would prevent us from seeing this facility from our development.

Brent Purdum replied they are just going to meet what is required by the county and that is where those street trees come in for the Counties UDO requirement to be met, because it is a store, they are going to want people to see the store as they are coming down the road.

Robert Peterson- 60 Consella Way, Franklinton, NC 27525

Robert Peterson stated Mr. Purdum statement of them researching the safety of that intersection, I have lived on that intersection right out my backyard I can see the 4 way stop. I cannot tell how many accidents I have counted out there living there in 8 years. That stop sign has not changed anything, we still have accidents all the time out there. We have had problems when you talk about the crime, the only thing that this store is going to provide is, there are two dirt areas on that corner where we had, if you guys need the facts you can speak to the Franklin County Sheriffs Department, were they have had to come out because of break-ins. People are parking there and then coming into the neighborhood. What this store will provide is a nice lighted parking lot for those criminals to park in. One of the other things that he stated was the research on the community and the neighbors there, the need for it and the want for it, the community is here, and the community has stated they do not need it and they do not want it.

Jackie Pace-2211 Pocomoke Rd, Franklinton, NC 27525

Jackie Pace stated that my husband and I are the ones that are going to be the ones mostly impacted because we live across the street, right at the intersection, we are the only house that is right on the intersection. We are going to have to get up everyday and look at a Dollar General that is not what we really want. We do not want the 4-way stop, the traffic through there has gotten worse. They zoom through the 4-way stop, I try to mow grass and I am scared for my life out there sometimes. I do not want anything else bringing more traffic in, it is bad enough that people are selling off their land left and right and building all these subdivisions out there which is bringing in a tremendous amount of traffic. Now you are going to add commercial business to

it as well. There are at least 7 convenient stores in about proximately 5-mile radius. There is a Dollar General, a Dollar Tree and a Family Dollar within 5-miles of where they are proposing to put this. There is also within about another 5 to 6 miles a Family Dollar. I just do not see this being good for me, for my grandchildren to be able to play out in the yard. I cannot even let them play in the front yard now, imagine if you put a store there, I wouldn't even be able to get out of my driveway. I have two driveways and you do not even know how long I have to sit sometimes just to be able to get out of my driveways. I am against it and thank you for letting me state this.

Jane Delory-80 Cullen Ct, Franklinton, NC 27525

Jane Delory stated I have two points that I would like to make, the first being the feedback on something the gentleman brought up about property value. We are concerned about property values and no one can predict the future but we all can just log on really quick and see at what property values are selling for in our neighborhood and that is public record. It is right across the street in the building right there and we can go, and we can look at what our houses are selling for now. Since I moved into my home in the last 5 years my property values have increased, and it's been very exciting. I am a licensed realtor and I bought practically in this neighborhood to see my property values go up, I know what the impacts are. Point number two is that I also run a very popular food blog about local food. What Dollar General provides versus agricultural, you cannot compare, they only provide processed food, there is no need for that, that is unhealthy for our neighbors. There is nothing that they are going to sell in their stores that I couldn't go to Amazon and have delivered tomorrow. We have no need for the Dollar General.

Julie Ray- 65 Cole Creek Way, Franklinton, NC 27525

Julie Ray stated good evening everybody there was a lot of points that have already been hit on that I was going to touch on but the most important one for me is bringing a store and bringing more people into the community and traffic but there is a known registered sex offender at 2160 Pocomoke Rd. Do you really want to bring in people shopping when you have a known sex offender right there.

Rod Delory-80 Cullen Ct, Franklinton, NC 27525

Rod Delory stated thank you for your time. The first is are we allowed to ask a couple questions or is it just us talking about some of the points we want to make.

Shane Brantley replied you can ask your questions towards the Board and the gentlemen and if he choices to answer he can answer.

Rod Delory stated the process that we are going through right now, we are just some residents who heard about this and wanted to come down, you know the process and he probably does, is

this the final meeting on this. Is there going to be follow up because he said if we presented an appraisal you would be able to take that into fact, we did not know that we should be prepared for this, but we are just not use to this process.

Shane Brantley stated when it comes to the Board of Adjustments, we will vote on this conditional use permit, generally the County is already print things in front of us and if it meets the conditional usage the Board will generally approve this conditional use and they issue a permit based upon that. You can ask the County to make sure they understand those things of what that is. It was given 30 days' notice. Is that correct, how much notice was given on the hearing.

Scott Hammerbacher stated we must advertise in the local newspaper 10 business days in advance of this meeting, not more than 25 days. We must post the property and send notification to the adjacent property owners.

Boyd Sturges- Davis Sturges & Tomlinson, PLLC- 101 N Church St, Louisburg, NC 27549

Boyd Sturges stated Mr. Chairman to clarify the County Commissioners do not vote on this at all. This is a quasi-judicial board; they will vote up or down based on the facts and their determination as to whether that meets the appropriate guidelines.

Rod Delory stated well I guess that is my question, will a vote occur today.

Shane Brantley stated yes sir.

Boyd Sturges stated then a citizen's appeal will be to the Superior Court which will be the way it works.

Rod Delory stated to piggyback on what a lot of other people have said we do have a number of convenient stores and this will become a destination spot, which means it will bring in more traffic. We have talked about the number of gas stations all within a very small radius but the two places I didn't hear are there are two Food Lions within 5 miles of that location. So again, as far as need is concern, I personally do not see it and I think a lot of the residents would agree and I appreciate you hearing me out on this, thank you very much.

Duan Redic stated I do have one follow up to the developer itself, you guys are going to follow a process that sounds like an easy thing for you guys to do, difficult for us but from a developer's perspective if everybody approved everything that you wanted when will this project be competed based on your estimate.

Brent Purdum replied we still have a lot of other state permits to get, we must get stormwater and a lot of other county permits so we are probably looking at 90 days before we get all our permits and then we can get started after that, so about a year for completion time.

Jackie Pace asked is Dollar General buying that 1.8 acres and the other 15 acres along with it.

Brent Purdum replied no ma'am just the 1.87 acres.

Jackie Pace stated so whoever owns the other acres is keeping.

Brent Purdum replied yes ma'am.

Chris Slack- 90 Cole Creek Way, Franklinton, NC 27525

Chris Slack asked does this help. I am being sincere when I ask. Does this impact the decisions made, us doing this.

Shane Brantley stated it does or it can. I am not saying that it wouldn't. The issues are like saying what is it going to be safety wise, the Board votes on the conditional use part of it, as a whole. If it is not something outside of it, a lot of times the Board votes to approve most conditional uses. We cannot because we are not qualified to take in considerations of traffic counts, DOT issues, turning lanes, stoplights, I know it is a concern because it will be a concern for me. I live on a road that in the mornings it is very difficult to get out and the traffic is only going to get worse. They are predicting to have in my area between 20-30k people in the next ten years, so I have already considered t to move to a more rural area. Raleigh is growing into this direction and so is Zebulon and the rest of them. That will be a move that may have to be considered for even all of us but the Board itself doesn't have those because we do not have that information. DOT is required for the safety of the highway and the people that use it and they do take that into consideration. If they are going to approve this thing and they say it is going to happen they say if a turning lane will go in, it could be a circle, a stop sign, we do not know any of those things. So, our consideration doesn't go into those areas because it is not a finding of facts for us. I perfectly understand what everyone is saying here but there are other uses that can be done with this piece of property. It could be a daycare; it can be a lot of things. It can be that falls within the criteria, it can be a hog farm, it is in a residential area, it can be a lot of different things. Am I correct when I say this.

Scott Hammerbacher stated yes, it is agricultural.

Shane Brantley stated it can be a hog farm, you can put up a chicken house, there are a lot of different things there that may not even require I conditional use permit, they can just do it. I understand everyone coming and I appreciate everyone coming. I do, because you voice your

opinion, and you stand together. The Board only looks at the findings of fact, that is what we are supposed to do. I understand everyone's concern, I do.

Chris Slack replied I think the one thing that I kind of thought about is not so much the fact that their businesses coming in, you want businesses coming into Franklin County in general, it creates jobs, I get that. I think if you look at downtown being renovated but its much more a Mom and Pop, local push within that area. I have nothing against Dollar General in general, I just think from a location standpoint from a need standpoint, I think from the aspect of saying it is a need, that is a stretch there is more than enough resources around. I think that is really where the stumbling block for most of the homeowners is, it may not be residential that may not be the thing but having a Dollar General come in or any major corporation coming in and planting something there is counterproductive to the area.

Penny McGee asked because you must vote on the findings of fact so how do you all determine, even just number one, that the use will not materially endanger the public health. So, if you determine that it will not how are you doing that without someone speaking to the fact that it will not materially endanger the public health.

Shane Brantley replied in the answer that was given for that, Franklin County sets conditions of which they would approve a conditional use of which they go by. They submit those things as it is buffers, then it must go through DOT approval, they will have to approve whether the streets will be there or not, they also must go through stormwater, and those things are known entities that does affect the public health. The issue of whether they would be someone in the parking lot being a drug dealer that is not a finding of fact. It may true, I am not saying it is not, that is not something the Board can look at, but I can look at the DOT findings, the Franklin County requirements, the stormwater reports and say okay those things are not going to endanger the public health because there will be a certain number of regulations to them. But regarding the other issues, it is something we cannot do as a Board.

Frank Monti stated I just have a response for the multiple concerns about property values. I heard about this 6 days ago myself and I understand that there was a 2 week notice in the paper, that is not a lot of time. Would this Board consider tabling this application for 30 days to give the community time to come up with that evidence.

Shane Brantley replied that would be at the discrepancy of the board if they choose to do so. We will close the public hearing in a view minutes and then there will be no more public comment and the board discusses among themselves. We go over the checklist of the findings of facts in according to how they have answered and according to what would be a normal procedure. You

can appeal, there is an appeal process, and the counties lawyer can tell you what that means and that process.

Damien Stone-75 Cullen Ct, Franklinton, NC 27525

Damien Stone stated I received this letter just last week, less than 6 business days. We have had no time to get the facts and do the research. We do not know what the counties regulations are, we have not been provided what is required to get that special permit. So, we have no way to argue against that special permit because we do have the facts ourselves of what the county suggest is required to meet those demands. We would want to get that time to do our research and figure out the facts to bring to you. I know several neighbors who live across from me who still have not received this letter. Not everyone is on social media, not everyone gets the newspaper, and not everyone goes online. I feel most of us are very under prepared because we weren't notified.

Marilyn Smith-4168 Winchester Lane, Franklinton, NC 27525

Marilyn Smith asked what determines the need. What legally determines a need for the store. How does that come about or how is that arrived at.

Boyd Sturges stated using the capitalist model the need would be you have a person willing to put up money, to invest something. So, you will assume that they are using rational self interest would determine a need, they could be wrong and if they are wrong, they could spend a bunch of money.

Marilyn Smith stated so it is speculation, not based on facts.

Boyd Sturges replied it is based on what they consider to be facts and the board can accept that as a ground.

Marilyn Smith stated so they consider it to be facts but there is nothing to really support that it is facts. But we need to provide to facts that we haven't been given time.

Boyd Sturges replied no ma'am, the fact would be they are willing to put money up to invest in something and do something.

Shane Brantley replied Dollar General is no different than any other chain. They do demographics. They look at the houses, property values, traffic count and they say okay if we put a store here this store will be profitable. The people who shop there would say there is a need for that, they would say they love this store and there is a need to be here, everyone here may not feel that way. When we specify need one persons need may not be another person's need.

Marilyn Smith stated so within a 6-mile radius we have 5 Dollar stores, 2 Food Lions, other Mom and Pop convenient stores based on them establishing or saying there is a need for it in the community, in my opinion there is not a need for this so I would ask that it be denied.

Ashley Fibranz-Cade General Contractors-120 Weathers St, Youngsville, NC 27596

Ashley Fibranz stated we are a local contractor here in the county based out of Youngsville. We build Dollar Generals all over the state of North Carolina. Although, Dollar General is a large cooperation they work through developers, engineers, contractors, and suppliers that are local. The people they hire to work in their stores are local, the money that would be spent to build this Dollar General is coming right back to Franklin County, for once instead of all of us leaving here and spending it elsewhere. We use Jarco Supply, LLC out of Youngsville to provide material, Wooten and Sunrock in the area to provide our aggregate and our concrete, we use local electricians and plumbers and we put the buildings up ourselves using local employees. Again, when Dollar General comes in, they are using local people to create jobs for our community, they are generating sale tax that get poured right back into our community. I understand that we don't always want something commercial right beside us or around us, I get it, I was at a hearing not too long ago fighting something near my house. I completely understand your positions. But I did want to ease you and knowing that Dollar General is not this giant cooperation coming in trying to crush the local businesses. No one is going after ET's Quick Stop or Mays Store because guess what, Dollar General does not sell gas. We are all still going to buy our gas from them. We will all eat at the Grill for breakfast and lunch because we are local and that is what we do. When we shop on Amazon, we are not supporting local, we are supporting out of state people we are not helping the employees here. As a local contractor what it would mean to us to actually be in Franklin County for once instead of everywhere else in the state and to bring the sales tax here, not only for when Dollar General sells the product but for the building products that we are putting into the building.

Debra Fiebranz-62 Suitt Rd, Franklinton, NC 27525

Debra Fiebranz stated that she relocated from Massachusetts to Franklin County to get away from Dollar General on every corner. She spoke of not having a need for more Dollar Generals and how it would impact the community and the residents. She spoke of the sense of community and be able to walk out and talk with her neighbors.

Tom Gulley- 2005 Pocomoke Rd, Franklinton, NC 27525

Tom Gulley stated what is the purpose of the AR district in our county and if we stand behind our agricultural.

With no further questions or comments from the public, Shane Brantley closed the public hearing.

James Roberson made a motion to approve the Findings of Fact, seconded by Jason Napier. The motion was approved with a vote of 5-0.

James Roberson made a motion to approve the conditional use permit, seconded by Dustin Moore. The motion was approved with a vote of 5-0.

2. Conditional Use 21-CUP-01 requested by Brad Rhinehalt, The McAdams Company to allow for a Variance from Article 8. Table of Area, Height, and Yard Requirements (Multifamily Dwellings/Townhomes) minimum lot size of 8,000 square feet to 2,000 square feet for the first two dwelling units and a reduction of the 2,000 square feet to 1,800 square feet for each additional dwelling unit for the property located at Cedar Creek Rd and Lane Store Rd, PIN: 1864-76-3961.

Jason Rogers stated that the applicant is requesting a variance from Article 8. Table of Area, Height, and Yard Requirements (Multifamily Dwellings/Townhomes) to allow for a reduction of the 8,000 square feet minimum lot size to 2,000 square feet for the first two dwelling units and a reduction of the 2,000 square feet minimum to 1,800 square feet for each additional dwelling unit. The attached preliminary plans indicate that the proposed density will be 11.21 dwelling units per acre. The variance petition states that the property contains significant streams and wetlands areas that restrict the development envelope. In addition, the petition states that the variance will allow the dwelling units to feature uniform lot widths and depths, adequate driveway lengths, and open space amenities throughout the neighborhood.

Laura Holloman-The McAdams Company-2905 Meridian Parkway, Durham, NC 27713

Laura Holloman stated I am with The McAdams Company and we are here tonight for a variance request that deals with relief on a minimum lot size requirement. This is something that we do not see to often in terms of this having a minimum lot size standard in keeping with as staff explained the background to me as to why this requirement was in place more geared to a large condominiums or apartment buildings it makes sense. But it doesn't necessarily make sense when you have a townhome community that has single family attached product for sale, individual lots that you would have a big 8,000 square foot minimum lot size that you would see in a typical traditional single family detached lot size. Allowing this minimum lot size relief allows us to build and construct townhomes that have individual driveways that are long enough to

allow for cars off the sidewalk. These townhomes will have individual garages, both one car and two cars, so that it allows for the choice to park in the garage or if not, it will allow them to also park and have a space within the driveway and not be on the sidewalk. It will also allow for 20 feet in between units that will allow for adequate fire and maintenance access. This will be an HOA maintained community so all the open spaces, roofs, and exteriors will be maintained by the HOA. This will also have a mail kiosk station with off street parking and a dog park is proposed. This will also allow for other amenities. This will be apart of a grander community offset single family; this will have access to those open spaces as well. This will be a cohesive community.

Jeremy Dowd Medlin- Greenhawk Corporation-1330 Sunday Drive, Suite 105, Raleigh, NC 27607

Jeremy Medlin stated that they have owned the property for several years. We are a developer throughout the Triangle and Triade, in this instance what we are proposing to do is a blended townhome product with the one car, two car garage townhome units. It would be a farmhouse style elevations and product which I think will be complementary to the area and is also trendy right now but timeless. These units will more likely be around 1,800 square feet, they would be apart of a master association, it would be a sub-association master for Maple Ridge, and we would have amenities such as the dog park, that she mentioned for big and little dogs and have access to a play lawn, gazebo, swing sets, and playground equipment for children. With the adjacent high school, the use seems very appropriate with the density this is an instance where you can have children walk to school and I think I demographics will be very diverse and apply to a multiple fraction of society with all free to master down in some of the units so it will be more targeted to older people. It will also be very applying to younger families. It will be a very diverse buyer profile.

Dustin Moore asked what will the price point of these homes be.

Jeremy Medlin replied more than likely \$250k-\$300K.

Dustin Moore asked is that for this phase or all phases thereafter.

Jeremy Medlin replied it will be the townhome portion of this.

Dustin Moore asked what is the square footage of the smallest townhome there.

Jeremy Medlin replied it would probably be 1,500-square feet finished.

Robert "Bob" Schaaf-638 Lane Store Rd. Franklinton, NC 27525

Robert Schaaf stated I addressed the County Commissioners on November 7, 2020 about this property, I own the continuous 325 acres farm that shares a 1,300-foot boundary and I oppose

this variance. This is my property, and my property line goes across, this is the stream, the NC blue creek that separates my property from the proposed. My property does cross the creek over into this corner next to the proposed lift station and this retention pond. The gates that the retention pond drains from is basically within feet of my property. This is all wetlands granted, and I am happy to see that they can't and won't develop this. This periodically floods, last fall there was 10 acres of flood, every 5-7 years it will flood and in fact has taken out portions of Lane Store Rd. My objection to this is this is a lot of rooftops, driveways, sidewalks, streets, and paved areas, the only thing that isn't paved is the small dog park. This is a dome, low point here and high point here, all this water is going to be shed from these impervious surfaces and it is going to come down here to the flood plain which is continuous to me. Granted we share these wetlands, but it is only going to increase the problem that we have now with flooding. My objection is to the density that is being permitted on what is a hillside that from West to East all the water is going to come down. I hope that you will embed in your HOA if this does get approved the ban of discharging of firearms, high explosive, unlicensed motorcycles, dirt bikes, ATVs, UTVs that are going to look for a place to ride, and you know where they are going to ride, they will come to my property. I have had trouble with this, including drome's because I have livestock on the property and these vehicles terrorize our livestock. So please if you are going to build this embed in your HOA some restrictions on the behaviors that we already have out there that we are fighting out there and we do not want more of it. We have 325 acres and 11 miles of horseback riding trails. Please also consider all this water that will go onto my property. The reason this is an issue is because they have really packed this and squeezed every useable foot out of this for homes and I understand the need for homes, I am not opposed to that, but it is the density that I am opposed too. When you all leave, we are going to be left to deal with the consequences so please give it some thought.

Mr. Schaaf also spoke of his concerns with the traffic conditions and speed on Lane Store Rd.

With no questions or comments from the public, Shane Brantley closed the public hearing.

James Roberson made a motion to approve the Findings of Fact, seconded by Jason Napier. The motion was approved with a vote of 5-0.

James Roberson made a motion to approve the conditional use permit, seconded by Dustin Moore. The motion was approved with a vote of 5-0.

3. Conditional Use Permit 21-CUP-02 requested by Brad Rhinehalt, The McAdams Company to allow for Townhomes on approximately 7.58 of 43.02 acres off Cedar Creek Rd and Lane Store Rd in the Franklinton Township, Franklin County PIN 1864-76-3961.

Jason Rogers stated that the applicant is petitioning the Board for a Conditional Use permit for dwelling, multi-family (townhomes) on approximately 7.58 of 43.02 acres off Cedar Creek Rd and Lane Store Rd in the Franklinton Township. Within the petition, the applicant states the proposed townhomes will provide a needed alternative housing-type within the County, adjacent to Franklinton High School where both teachers and families with students can live. The site plan shows 86 proposed units, one (1) designated recreation area, 228 parking spaces, sidewalks, and a mail kiosk. The proposed density for this section of the development is six (6) dwelling units per acre. The site plan also shows a proposed fifteen (15') foot buffer around the perimeter of the site. The developer plans to utilize the existing vegetation where feasible and supplement vegetation per planting detail on the site plan where needed. A Traffic Impact Analysis was performed by Ramey Kemp & Associates. The analysis found that the traffic generated by the 86 proposed residential townhome units is anticipated to have adverse effects on the transportation network. The design shows the entrance off Cedar Creek Rd and Lane Store Rd for ingress and egress. According to the Comprehensive Land Use Plan, the subject parcel and surrounding parcels are designated as Suburban Residential. Suburban Residential is intended to be a broad land use category meant to foster a wide range of residential uses, including Mixed Residential. If the Board grants approval of this request, the applicant will be required to meet all other applicable local and state requirements.

With no questions or comments from the public, Shane Brantley closed the public hearing.

Stuart May made a motion to approve the Findings of Fact, seconded by Jason Napier. The motion was approved with a vote of 5-0.

James Roberson made a motion to approve the conditional use permit, seconded by Stuart May. The motion was approved with a vote of 5-0.

4. Other Business/Reports/Discussion

Stuart May made a motion to elect Shane Brantley as the new Chairman to The Board of Adjustment, seconded by Dustin Moore. The motion was approved with a vote of 5-0.

Shane Brantley made a motion to elect Stuart May as the new Vice-Chairman to The Board of Adjustment, seconded by Dustin Moore. The motion was approved with a vote of 5-0.

With there being no further business before the Board of Adjustment, Chairman Shane Brantley adjourned the meeting at 9:30 P.M.

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Chairman Shane Brantley  
Franklin County Board of Adjustment

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Tracy Walthour, Clerk  
Franklin County Board of Adjustment