

Town of Indian Trail



P.O. Box 2430

Indian Trail, North Carolina 28079

Telephone 704-821-5401

Fax 704-821-9045

PLANNING AND DEVELOPMENT DEPARTMENT

BOARD OF ADJUSTMENT MINUTES

March 24, 2016

06:30 P.M.

Call to Order

Roll Call

The following members of the governing body were present:

Board Members: Daniel Takah, Tripp Melton, Shirley Howe, Christopher Chopelas, and Patrick O'Connor.

Members Present but not Keith Merritt- Town Attorney.

Voting:

Absent: Robert Thurbon.

Staff Members: Kevin Icard-Senior Planner, and Pam Good-Board Secretary

Approval of Minutes - February 25, 2016

Motion by Member Chopelas to approve the minutes as written. Seconded by Member O'Connor. The vote to approve was unanimous.

Public Hearing-

a) SUP2016-001 Valvoline Instant Oil Change: The owners for Lot 3 in Sun Valley Commons are requesting a SUP for a Valvoline auto repair store. The building consists of 3-bays and approximately 2,010 Square feet.

Chair Takah read the fairness issues into the record for the board members. No one had any conflicts of interest. Persons signed up to speak were sworn in by Chair Takah.

Motion to open the hearing was made by Member O'Connor, seconded by Member Howe, vote was unanimous.

Senior Planner Kevin Icard presented the case. He began his presentation with a site analysis of existing conditions as well as site improvements. The appraisal report stated that the operation of a Valvoline Instant Oil Change is not deemed to have any detrimental effect not diminution in value to the surrounding area.

Outside Agencies

There were not comments or issues identified by outside agencies.

Plan Consistency

The subject property is located within the Sun Valley Village Plan of the Comprehensive Plan. This Village is the largest of all of the villages in Indian Trail. With an approximate population of 10,000 people the Sun Valley Commons shopping area is a sub-regional shopping destination. This area provides numerous essential services to the residences of Indian Trail. Based on analysis of this use, Staff is of the opinion that the proposed use is in harmony with the surrounding area based on the following goals:

- **Land Use and Housing Goal No. 1:** *Promote a mix of different types of land uses within each village and avoid potential land use conflicts between neighboring properties and surrounding municipalities.*
- **Economic Development Goal No. 2:** *Create a more balanced tax base by promoting the development of office parks, businesses, retail centers and industrial parks. Promote a diverse local economy that will support varied employment opportunities.*

Most Indian Trail households own one or more motor vehicles. Locating a motor vehicle repair use at this location provides a professional service that could be used by residents in the southwestern area of Indian Trail that will not have to drive to establishments in distant locations or outside of Indian Trail to meet their automotive repair needs. This business will create new jobs for the area and the property's assessed value will be increased with the improvements of the site.

Under **UDO Section 360.080**, the Board of Adjustment, when considering whether to approve an application for a special use permit, shall review and evaluate the following:

1. **Whether the application is complete.**
 - a. Staff is of the opinion that the application for SUP2016-001 is complete.
2. **The Board will consider whether the application complies with all of the applicable requirements of this ordinance.**
 - a. As per the stated conditions of this special use permit, staff is of the opinion that SUP 2016-001 is in compliance with the requirements set forth by the Unified Development Ordinance (UDO).
3. **If the Board of Adjustment concludes that all such requirements are met, it will issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth in UDO Section 360.030.** Such a motion will propose specific findings, based upon the evidence submitted, justifying such a conclusion.

Staff Icard verified application is complete and met all applicable requirements.

Staff Icard read the following into the record:

Under **UDO Section 360.030**, the Board of Adjustment must make these required considerations of public health, safety, and welfare. The Board of Adjustment's authority in the review of this special use permit application is broad and the Board may approve with conditions if it concludes, based upon the information submitted at the hearing, that the proposed development will:

1. **Not materially endanger the public health or safety; and**
2. **Not substantially injure the value of adjoining or abutting property; and**
3. **Be in harmony with the area in which it is to be located; and**
4. **Be in general conformity with the Town of Indian Trail Comprehensive Plan and other adopted plans.**

If one of these findings cannot be made, then the Board must move to deny the special use permit request, stating for the record why the Board has decided to do so.

Recommendation

Staff Icard read the following draft conditions into the record:

If the Board is of the opinion that the above required findings can be made to approve the project, staff recommends the site be subject to the following conditions, along with the Board's approval of the special use permit:

1. The overall conceptual site orientation of the bay doors away from the right of way and building elevations provided with this SUP shall be consistent with the Village Center requirements; and
2. The outdoor storage of automobile parts and other materials is prohibited; and
3. The outdoor overnight parking of customer vehicles is prohibited; and
4. The outdoor servicing of vehicles or display of merchandise (i.e. fluids, etc.) is prohibited; and
5. The use of air compressors or similar loud noise making equipment shall be located within the interior of the building; and
6. The hours of operation will be limited to no later than 8:00 PM on any night of the week.

Town attorney Keith Merritt asked why the application name is different than name on the power point. Tracy Helms, of 8000 Tower Point Dr Charlotte, NC works for Maxco Construction which is owned by Quality Automotive Services. Mr. Merritt instructed the application be changed to Quality Automotive Services (change from the written application) so the permit will be issued to the correct entity.

Member Howe brought a question about the possibility of a substantial amount of noise. Staff Icard stated that a draft condition was that bay doors are perpendicular to the main road and that equipment doesn't encroach outside the building. Further discussion ensued regarding a whether a customer typically stays inside the vehicle while being serviced. Staff Icard clarified the hours of operation. He then spoke about outside lighting requirements on the applicant's property. Member Howe asked about the landscaping maintenance and who takes care of it. The applicant will answer that question. Member Howe spoke about the letter from Mr. Helms wrote that reads long term plans are to build another building/office on the lot. She asked if the applicant would need to return for another Special Use Permit. Staff Icard replied with examples of situations that would and wouldn't need one.

Member Melton asked what is being done with the used oil. Staff Icard answered that no internal tanks are underground. All tanks are regularly pumped out. Building code enforcement regulates that aspect. A question was asked about the parking requirement. Staff Icard explained that the applicant exceeded the parking requirements as well as providing for handicap parking.

Member Chopelas asked about the screen for the dumpster. Staff Icard verified that it was consistent with the materials required.

Member O'Connor asked what other repairs would be provided at this site. Applicant will answer that question.

Tracy Helms stepped to the podium to answer questions.

Spoke to questions:

Noise- regarding airguns, do have that but will not do much tires, but will do inspections, all about general maintenance and doesn't generate much noise.

Hours of Operation- not usually doing much until about 8am. Hours are market driven.

Oil and cleanliness- no drainage or plumbing. Room has transfer system. Once/week or two week, oil will be taken away.

Outside maintenance- applicant is not sure but stated that they are required to maintain on other properties so it will likely be their responsibility.

Member Melton asked if the applicant would have to pay Moser Group some fee or covenant. Mr. Helms answered that he was unsure.

Jeff McCluskey, at 2110 Ben Craig Dr. Ste 400, Charlotte, NC stated that storm water management is being handled. Chair Takah expressed his concern regarding the safety and containment if there is a significant oil spill and if there is a protection plan for significant spills. Mr. McCloskey answered that he believes corporate

has policies, but not individual stores.

Regarding customer waiting, they are providing a place for the customers to have the ability to sit on the premises while their car is being serviced.

Member O'Connor asked the applicant if they will be offering radiator flushing and have a way to dispose of it. The applicant answered that there will be a tank below for antifreeze.

Chair Takah closed the public portion of meeting.

Time was given to the board to fill out their Finding of Facts for case **SUP2016-001**.

Whether the applications is complete; and

Motion that it was complete by Member Howe with the understanding that the permit will be issued to Quality Automotive, motion seconded by Member Chopelas. Vote in favor was unanimous.

Whether the application complies with all the applicable requirements of this ordinance; and

Motion that the application did comply with what was presented, especially with layout and design by Member Chopelas, seconded by Member O'Connor. Vote to approve was unanimous.

1. Not materially endanger the public health or safety; and

Motion that it did not endanger because of the information provided by the application regarding use of fluids, lubricants and the cleanup standards was made by Member Chopelas, seconded by Member Howe. Vote to approve was unanimous.

2. Not substantially injure the value of adjoining or abutting property; and

Motion that it does not injure the property value of abutting properties made by Member Melton based the appraisal documentation. Seconded by Member Chopelas. Vote to approve was unanimous.

3. Be in harmony with the area in which it is to be located; and

Motion that it was in harmony by Member Chopelas based on the design and other types of business in the area. Seconded by Member O'Connor. Vote to approve was unanimous.

4. Be in general conformity with the Town of Indian Trail Comprehensive Plan and other adopted plans.

Member Melton made a motion that it was in conformity based on staff information and the maps provided. Seconded by Member Howe. Vote to approve was unanimous.

Mr. Helms was asked if he agreed to comply with the draft conditions from staff. He stated in the affirmative. Motion to approve **SUP2016-001** with staff recommendations made by Chair Takah, seconded by Member Chopelas. Vote to approve was unanimous.

Other Business- none.

Adjournment

Motion to adjourn by Member Chopelas, seconded by Member Melton. Vote was unanimous.

Meeting was adjourned at 7:35pm.

Chairman: Daniel Takah

Date: May 19 - 2016

Secretary: Ramiah L. Hood