Town of Indian Trail

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PLANNING AND DEVELOPMENT DEPARTMENT
BOARD OF ADJUSTMENT MINUTES
August 27, 2015
06:30 P.M.

Call to Order Acting Chair Chopelas called the meeting to order at 6:30pm.

Roll Call The following members of the governing body were present:

Board Members:	Chris Chopelas, Tim Rogers, Robert Thurban-Alternate, Shirley Howe, Tripp Melton
Members Present but not Voting:	Dr Shamir Ally, Patrick O'Connor
Absent:	Danny Takah, Keith Merritt-Town Attorney
Staff Members:	Rox Burhans-Planning Director, Kevin Icard-Senior Planner,

Approval of Minutes – June 25, 2015
Member Rogers made a motion to approve as written. Member Melton seconded the motion.
The vote to approve was unanimous.

Swearing in of new appointments- Chris Chopelas and Tripp Melton were sworn in as re-appointments to their seats. Patrick O'Connor was sworn in as a re-appointment to his seat as an Alternate member.

Electing of Officers- Member Howe made a motion to re-appoint Danny Takah as Chair. Member Melton seconded the motion. The vote was unanimous in favor.
Member Melton made a motion to re-appoint Chris Chopelas as Vice-Chair. Member Howe seconded the motion. The vote was unanimous in favor.

a) SUP2015-003 Matt Construction Storage Yard 5423 Orr Rd, Matt Ilik, owner of Matt Construction is requesting a Special Use Permit at 5423 Orr Rd (Parcel # 07-069-128) for a storage yard for construction equipment.

Opening of the Public Hearing- Motion to open made by Member Rogers, seconded by Member Howe. Vote in favor was unanimous.

Acting Chair Chopelas read the fairness statement for the public record and proceeded to swear in persons who had signed up to speak as well as presenting Staff.

Staff Kevin Icard presented the report by giving an overview and analysis of the proposed site with existing conditions as well as the proposed site improvements. He presented street views and an aerial view of the property site for the board.

Outside Agency Comments
Based on preliminary discussions with NCDOT; they may require some minor repairs and/or an asphalt overlay of Orr Road. The final improvements will be determined by NCDOT during the review of the driveway permit for the project. Attached is a copy of an email sent to representatives with NCDOT and Town staff discussing the necessary improvements to Orr Road.

Plan Consistency
The subject property is located within the Sun Valley Village Plan of the Comprehensive Plan. This village is the largest village in Indian Trail. The majority of development in the Sun Valley Village is focused around the intersection of Wesley Chapel and Old Monroe Road. This property is located on the periphery of the village and is classified as Mixed-Use. Since this location is not immediately off of a major thoroughfare, which should be reserved for a more intense retail type use, a storage facility is appropriate at this location. The adjacent property, opposite the single family use, is currently operating as a contractor's office and storage yard. The value of the property will increase due to the change of use, the property will be reassessed based on an industrial classification verses a residential use. The redevelopment of the site will enhance the property and will be a vast improvement for the adjacent single family property. 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 goal:

- **Economic Development Goal 2.3.7:** *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.*

- **Land Use & Housing Goal 2.3.3:** *Emphasize high quality design to ensure attractive land development and redevelopment.*

The Town's Comprehensive Plan shows that land as being designated as mixed-use which supports the use of a construction storage yard at this location.

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 SUP2015-005 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 2015-005 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**

Required Findings
Under UDO Section 360.030, the Board of Adjustment must make these required considerations of public health, safety, and welfare.

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.**

Staff Icard read the following Draft Conditions into the record:

1. The owner will develop the property in accordance of the standards set forth in the UDO, including but not limited to; paving, curb and gutter, landscaping, street and sidewalk improvements and any potential stormwater requirements; and
2. A solid panel fence shall be provided along the side of the property that is adjacent to the single family residence; and
3. A lighting plan meeting town guidelines shall be submitted for review and approval if the applicant decides to have his property lit. Any lights will be full-cut fixtures with zero foot-candle at the property line and no taller than twelve feet (12') in height; and
4. No fabrication or other outdoor activities may take place on the subject property that generate excessive noise that would be a disturbance to surrounding properties; and
5. Storage of materials that pose an environmental hazard such as; soil, fertilizer, or other loose unprotected material shall be fully contained to prevent leaching or run-off and shall not be permitted without prior approval from the Town, Fire Marshal and/or Building Code Enforcement; and
6. No shipping containers or tractor trailers may be used for storage onsite.

Board Questions-

- Member Melton asked if the projected site will basically be a parking lot. Staff Icard answered yes; the employees will park their personal vehicles and take the equipment and work trucks to the working site from there. At the end of the day, the process will be reversed.
- Member Melton also asked if the entire property was going to surrounded by fencing. Staff Icard answered yes to this as well. Member Melton asked if the fence will have mesh. Staff Icard answered that if the applicant chooses to add mesh, he will still need landscaping screening.
- Member Rogers asked about the purpose of the asphalt. Staff Icard answered that it is a requirement for parking spaces, asphalt or concrete. Members Rogers further asked about the size of parking space required was determined. Staff Icard answered that the applicant chose the number of parking spaces to meet his needs.
  Member Howe asked if the site will have the ability to be locked. Staff Icard answered yes. Member Howe clarified that there was no lighting there. Staff Icard answered that there was none at this time; that's why #3 condition was added.
- Member Rogers asked if there is a drainage plan for any kind of leak of the vehicles. Staff Icard answered that if there was a major leak, environmental health would determine what needed to be done.
- Member Chopelas asked if the Town had any requirements for lighting. Staff Icard clarified that if the applicant does decide to add lighting, they must use the lower lights. Member Chopelas asked about trash and debris that might be brought back from job sites, are there requirements for a possible dumpster. Staff Icard spoke about normal commercial sites versus this site.
- Member Thurbon asked for further clarification regarding debris for this site according to the Town's UDO. Staff Icard explained that there is no specific threshold for amounts but that this is not a work site but parking and storage area. Member Thurbon asked if a 25 foot buffer can substantiate the amount of trees that would be planted on a 50 foot buffer. Staff Icard answered that it will be detailed once the site plan is reviewed.

The applicant, Matt Ilik of 1429 Rama Rd. Charlotte, NC stepped to the podium to speak. He detailed that he has four employees that will park their personal vehicles, pick up the work trucks to drive to job sites, and return at the end of each work day. If there is trash, he has a small dump trailer that he will empty during his work time before returning to the project site at the end of the day.

Member Rogers asked what kind of business Mr. Ilik had. Mr. Ilik replied that he remodels structures. Mr. Ilik also stated that he leaves smaller equipment and unemptied trash at the job site each day.

Member Howe asked the applicant if he had any plans for adding lighting. Mr. Ilik answered that he did not; there is nothing valuable to steal.

Member Chopelas asked about office work done. The applicant answered that his wife did it from home.
Member Thurbon asked how many times will the gate be unlocked during the day. Mr. Ilik answered that all the employees would enter and exit at the same time.
Member Melton asked the applicant if he'd agreed to the draft conditions. Mr. Ilik stated that he had done so.

Charles Parker, 1001 Bora Bora, Tega Cay, South Carolina stepped to the podium to address the board. He asked where the curb and gutter was going to be located. Staff Icard is only conceptual at this time. Mr. Parker further questioned about where the gutter is, the drainage ditch will need to change. Staff Icard mentioned that he is aware there are drainage issues there and they would need to be addressed.

Dennis Gay, 4705 Pioneer Ln, Indian Trail, NC stepped to the podium to speak in support of the applicant. He presented 8 pictures to the board which were passed to each and presented as evidence with the Board Secretary's meeting notes. Mr. Gay spoke of the applicant's plans for the site will improve the area.

Member Chopelas made a motion to close the public portion of the hearing, seconded by Member Rogers. Public portion of meeting was closed.

The Findings of Facts worksheets were passed out to the board members to fill out.

Acting Chair Chopelas asked the board to begin with the following questions:

1. **Whether the application is complete.**
   Member Melton made a motion that it was complete; seconded by Member Rogers. The vote in favor was unanimous.
2. **Whether the application complies with all of the applicable requirements of this ordinance.**
   Member Thurbon made a motion that the application did comply; seconded by Member Howe. The vote in favor was unanimous.

Then the board filled the worksheets to answer the following necessary questions:

1. **Not materially endanger the public health or safefty;**
   The owner will be removing the existing buildings from the site and cleaning up any and all existing overgrown vegetation that is considered a nuisance.
   A motion was made by Member Howe that it did not because of the above stated reason. Seconded by Member Melton. The vote in favor was unanimous

2. **Not substantially injure the value of adjoining or abutting property**
   The proposed use will not injure the value of adjoining or abutting properties as stated in the July 27, 2015 impact analysis produced by Heritage Realty of Monroe, Inc.

A motion was made by Member Melton that it did not injure the value because of the above reason. Seconded by Member Rogers. The vote in favor was unanimous.

3. **Be in harmony with the area in which it is to be located;**
The subject site is located within the Sun Valley Village of the Comprehensive Plan and based on the evidence presented by staff and the applicant. Also the Town of Indian Trail's Tree Advisory Board made the recommendation to reduce the required 50-ft. buffer to 25-ft. by providing the same amount of plantings typically required in the 50-ft. buffer and provide a privacy fence along the side of the property adjacent to the single family residence at 5421 Orr Road.
A motion was made by Member Rogers that it was in harmony because of the above stated reasons. Seconded by Member Thurbon. The vote in favor was unanimous.

4. **Be in general conformity with the Town of Indian Trail Comprehensive Plan or other adopted plans.**
It will be in general conformity based on the analysis within the Town staff report and based on conformity with the following Comprehensive Plan goals:
Land Use and Housing Goal 2.3.3: *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 2.3.7: *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.*
Because of the above reasons, Member Melton made a motion that SUP2015-005 would be in general conformity. Seconded by Member Howe. The vote in favor was unanimous.

Motion to approve SUP2015-005 with draft conditions recommended by Staff made by Member Rogers, seconded by Member Howe. Vote to approve was unanimous.

Other Business- none

Adjournment
Motion to Adjourn made by Member Howe, seconded by Member Thurbon. Vote was unanimous.
Meeting adjourned at 7:40pm.

Chairman: Daniel Tokeah Oct 29-2015

Secretary: Pamela L Howe