Town of Indian Trail

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PLANNING AND DEVELOPMENT DEPARTMENT

BOARD OF ADJUSTMENT MINUTES
December 17, 2014
06:30 P.M.

Call to Order

Chair Takah called the meeting to order.

Roll Call

The following members of the governing body were present:

Board Members:	Daniel Takah, Shirley Howe, Robert Thurbon, Dr. Shamir Ally, and Patrick O'Connor.
Members Present but not Voting:	None.
Absent:	Tripp Melton, Tim Rogers, Christopher Chopelas, and Rox Burhans-Interim Planning Director.
Staff Members:	Kevin Icard- Sr. Planner, Pam Good-Board Secretary, and Aaron Lay- Town Attorney

Approval of Minutes - November 19th

Daniel Takah made a motion to approve Minutes - November 19th, motion seconded by Patrick O'Connor. Minutes approved by unanimous vote.

Public Hearings-

Chair Takah read the fairness issues to the board.

- *if they have any interest in the property or the application, or if they own property within a certain distance (e.g., 300 feet) of the property subject to the application;*
- *if they stand to gain or lose any financial benefit as a result of the outcome of the hearing;*
- *whether they can hear and consider the application in a fair and objective manner;*
- *if they have engaged in any ex parte communications with either proponents or opponents of the application, and, if so, they were to place on the record the substance of any such communications so that interested parties have the opportunity at the hearing to rebut the communications.*

Chair Takah proceeded to swear in the speakers.

Chair Takah made a motion to open the hearing for SUP2014-005 Goodyear Auto Service Center. Member Thurbon seconded the motion. Motion was unanimous to open the meeting.

Staff Icard presented the Goodyear case and stated a correction about the name of the application to Goodyear Auto Service Center. He stated it was important to note the property is located in Sun Valley Commons Phase III because existing phases had different requirements. If the Special Use Permit is approved, the applicant would have to go through a subdivision process which is an administrative process to subdivide the parcels.

Site improvements:
The site will include the 6,344 square foot building that is orientated towards Old Monroe Road with the bay doors being located towards the interior of the site. Staff has encouraged this design to lessen the visual impact of the automotive use facing the street and the adjacent residences and to reinforce the Village Center Overlay (O-VC) design concept. Since this property is located in the O-VC District there have been numerous streetscape improvements added to the plan. The O-VC was established to provide for the designation of areas within the Town where mixed-use centers (Sun Valley Commons) are required to meet a higher standard of architectural and site design. Design standards for this property include, but not limited to; • Parking located to the side and rear of the building, not in front • Perimeter landscaping to lessen the impact of the automotive use to adjacent properties • The building is placed closer to the road to help create a more urban streetscape. • Pedestrian zones located between the public sidewalk and building to create gathering areas.

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 SUP2014-005 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 2014-005 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 Section 360.030.** Such a motion will propose specific findings, based upon the evidence submitted, justifying such a conclusion.

The Findings of Fact are:
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.

Draft Conditions:
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. tires, 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; and
7. Applicant must obtain a privilege license from the Town of Indian Trail.

Staff Icard concluded his presentation.

Chair Takah asked Staff Icard to explain what signage would be allowed on the property.
Staff Icard replied that there will be no freestanding sign for this business but would be allowed the typical allotment of 10% of the façade for signage.

Member Thurbon asked about what interior signage is allowed for each side.
Staff Icard answered that the other sides are allowed the same 10% of each façade. It is a separate permitting process that is approved by staff.

Member Howe asked how many parking places are required. Staff Icard answered that there are 2 spaces per bay door plus 1 space per employee at the busiest shift.

Member Howe asked if it will be ADA accessible. Staff Icard yes it will be, and they have more than what is required.

Member Ally asked if Staff had any idea of taxes generated. Staff Icard answered that he didn't know but cautioned the board not to base the decision on taxes generated, but on usage.

Member Howe asked if they would offer state inspections. Staff Icard stated that he is unsure if that was the case but typically they will have inspections and there was plenty of parking to accommodate that.

Member Howe asked how long they store items in the dumpster and if tires are placed in the dumpster. Staff Icard asked Ms. Howe to hold the question for the developers to answer.

Member Thurbon asked how critical the ATM is to this Special Use Permit. Staff Icard answered that it was not a part of it.

Mr. John Ross of 2013A Van Buren Ave, Indian Trail with Eagle Engineering came forward to speak and introduced Mr. Henry Atkins with McNeal Properties and Mr. Moser with the Moser Group. The Goodyear Tire and Auto Service center is not deemed to diminish the value of the surrounding areas. No comments or issues were identified by outside agencies. The seven draft conditions are agreed upon by the applicant and development team and they will comply. The dumpster is only for refuse only; tires are handled in a special

way, stored inside the building, and disposed of in a legal manner. They would not be put in the dumpster. He elaborated on the ADA parking. They are providing 2 ADA spaces as there will be 31 parking spaces. Lastly, from a water quality environmental protection aspect, the site is part of the Sun Valley Commons. The water features that are already in place are designed to accommodate this project, also, as well as other future development.

Mr. Henry Atkins of 2405 Blossom St. Columbia, South Carolina stepped forward to speak.
Chair Takah clarified if the applicant and development team both are in agreement that the seven conditions acceptable. Mr. Atkins answered in the affirmative.

Mr. Michael Faulkenberry 519 Picketts Circle, Indian Trail stated that he felt it was an outstanding project. He stated a couple of concerns regarding the storage and disposal of antifreeze, oil, and transmission fluids. He also asked about the location of the building with the possible future widening of Old Monroe Rd. Mr. Faulkenberry stated that the vegetation buffer shouldn't have tall trees as it would impede the visibility. Mr. Faulkenberry also addressed overnight drop-off vehicles and the details that would entail as well as the night lighting.

Staff Icard addressed the superstreet questions. This has been discussed in detail with the engineering department as you don't want to place the building too close if there is a widening of the road. Staff worked with applicant to find middle ground for placement of building to still have the village center feel and still accounting for possible future road widening. As for the lighting, there is strict lighting plan that Staff follows, and explained that the light drops at the property line and Eagle Engineering is fully aware of the lighting plan.

Staff Icard also addressed the vehicle question about wreckers bringing cars in overnight. He pointed out in the power point the darker line for a box truck route and vehicle movement. He stated that no outside storage of fluids would be allowed.

John Ross of Eagle Engineering returned to address the issue of storage of fluids. He emphasized that it will be a corporate Goodyear store which have strict guidelines regarding ADA and environmental codes. All fluids will be stored in the building and above ground. Risk of migrating into the soil will be nonexistent. Spill prevention and control plan will be in place for all hazardous materials.

Member Howe asked if noise level or anything that would flow over into other surrounding businesses.
John Ross answered they didn't anticipate that it would. All repair work will be done inside the building. The buffer serves as a visual and audio block.

Mr. Dennis Moser of the Moser Group at 231 Post Office Road, Indian Trail stepped forward to speak. He had no comments.

Member Howe asked who will take care of maintenance of property. Mr. Moser stated they will take care of their property.

Chair Takah asked Mr. Faulkenberry's concerns were addressed. Mr. Faulkenberry answered that his concerns were all addressed.

The public portion of meeting was closed. Motion by Ally, seconded by Howe. Vote was unanimous in favor.

Findings of Fact.

1. **Whether the application is complete**

Motion for affirmative by Ally, seconded by Howe, vote was unanimous.

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

Motion in affirmative by Chair Takah, seconded by Ally, vote was unanimous.

If the board concludes that all requirements are met, it will issue the permit unless it adopts a motion to deny the application for one or more of the following reasons set forth in the UDO Section 360.030.

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

Motion by Member Howe that it does not endanger as she stated the material they collect does not endanger as there are no underground tanks and storage is done properly above ground. Seconded by O'Connor. Vote was unanimous.

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

Motion by Chair Takah that it does not injure because the appraisal by Carolina Appraisal Co. states that it would not injure, seconded by Howe. Vote was unanimous.

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

Member Ally made a motion that it is in harmony and will add value to the entire area. Seconded by Thurbon. Vote was unanimous.

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

Member Ally made a motion that it is in conformity and staff indicated that it is in conformity. Seconded by O'Connor. Vote was unanimous.

Based on the Findings of Fact that were made the SUP2014-005 Goodyear Tire Store and Auto Center application was approved subject to the seven conditions as set forth by Staff.

ther Business-

Staff Icard asked for a show of hands for the board appreciation on January 13th. Four members raised their hands that they planned to attend.

Staff Icard also pointed out that a copy of the updated Rules of Procedure were in front of each board member.

The next meeting will be January 22 at 6:30pm.

Adjournment

Meeting was adjourned at 7:40pm.

Chairman: Daniel Takah Jan 22 - 2015

Secretary: Pamela L Dood