

**Town of Siler City Board of Adjustment
July 9, 2012 Meeting Minutes**

The Siler City Board of Adjustment met on Monday, July 9, 2012 at 7:20 p.m. Harold Hart called the meeting to order. Mr. Hart asked for a motion to approve the minutes of May 14, 2012. *Motion made by JP Joyner, seconded by Patty Poe, followed by unanimous consent.*

MEMBERS PRESENT: Curtis Brown, Mary B. Harris, Harold Hart (Chair), Dacia Hayes, JP Joyner, Wallace Matthews (Vice Chair), Dan McMasters, and Patty Poe

ELECTED OFFICIALS PRESENT: Mayor Charles Johnson

STAFF PRESENT: Joel J. Brower (Town Manager), Jack Meadows (Planning Director), William C. Morgan (Town Attorney), and Dee Lee Thompkins (Administrative Support Specialist)

SPECIAL USE PERMIT – 205 CHATHAM SQUARE – INTERNET SWEEPSTAKES BUSINESS: Mr. Hart explained that all testimony given tonight must be sworn testimony. Jack Meadows and Kenneth W. Banks were sworn in.

Planning Director's Report: Jack Meadows reported that Kenneth W. Banks (KMB5, Inc.) requests a special use permit to operate an internet sweepstakes business. The subject property is located at 205 Chatham Square and is identified as tax parcel number 14313. The subject property is: 1) owned by Jennamax Realty Trust (Norwood, MA); 2) served by Town water and sewer; 3) located within the Corporate Limits; 4) surrounded by H-C and A-R zoning; 5) surrounded by the following land uses; retail, vacant, site built home, restaurant, hotel, and service use; and 6) located within Chatham Square Shopping Center and includes an existing building (69,741 square feet) that contains PTA Thrift Store and Dollar General

Mr. Meadows added that the proposed use will: 1) occupy 1,400 square feet (20' x 70'); 2) have 20-40 computers/terminals for sweepstakes; 3) accommodate 20-40 patrons at a time; 4) require 10 parking spaces; 5) have 1 employee per shift (3-5 total employees); 6) open at 7:00 am and close at 1:00 am (weekdays close at 12:00 am); and 7) sell snacks and drinks. East 11th Street has 18,000 average daily trips.

Mr. Meadows reported the Land Development Plan (LDP) recommends general commercial development for the subject property. The LDP states the following: 1) Encourage attractive commercial development in appropriate locations suitable for commercial purposes; 2) Improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas; and 3) Encourage the continued development of major shopping centers along major thoroughfares.

Staff Recommendation: Mr. Meadows stated that the application is complete. The proposal meets the development criteria of the Unified Development Ordinance (UDO). Based on the information received at this time, Staff recommends approval with the following conditions: 1) Record the special use permit with the Chatham County Register of Deeds; 2) Obtain license approval from the Town Board of Commissioners; 3) Obtain site plan, zoning permit, and sign permit; 4) Obtain electrical permit and schedule fire inspection; and 5) Install one (1) small tree in the center of the planter shown on the site plan.

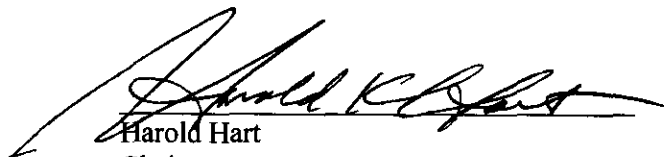
Board Action: Mr. Meadows stated that the board may approve, deny, or table request (worksheet attached).

Discussion: Mr. Banks reported that he would be the owner and operator of the facility. There will be one employee per shift with a total 3 to 5 employees. He added that their hours will be 7:00 am to 1:00 am weekends and weekdays they will close at 12:00 am. Mr. Banks stated that he would be running this facility with the upmost integrity. Board Member Patty Poe asked him to explain how the business operates. Mr. Banks explained they would first ask the customer to show his ID because you have to be 18 or older to play any of the machines. The customer pays for minutes, time spent, or per play. There also will be no alcohol allowed in the facility. With no further discussion, Mr. Hart directed the board to their worksheet to go through each finding.


Special Use Permit Worksheet:

1. The application is complete. *Motion made by Patty Poe, seconded by Mary Harris, followed by unanimous consent.*
2. The application complies with all applicable requirements of the UDO. *Motion made by Wallace Matthews, seconded by Mary Harris, followed by unanimous consent.*
3. The application is granted, subject to the following conditions:
 - a. The applicant shall complete the development strictly in accordance with plans submitted to and approved by the Board, a copy of which is filed in the City Hall
 - b. If any of the conditions affixed hereto or any part thereof shall be held invalid of void, then this permit shall be void and of no effect
 - c. Record the special use permit with the Chatham County Register of Deeds
 - d. Obtain license approval from the Town Board of Commissioners
 - e. Obtain site plan, zoning permit, and sign permit
 - f. Obtain electrical permit and schedule fire inspection
 - g. Install one (1) small tree in the center of the planter shown on the site plan. *Motion made by Dan McMasters, seconded by JP Joyner, followed by unanimous consent*

ADJOURNMENT: With no further business, Mr. Hart asked for a motion to adjourn. *Motion made by Mary Harris, seconded by JP Joyner, followed by unanimous consent.* Adjourned at 7:25 p.m.


Harold Hart
Chair

ATTEST:


Dee Lee Thompkins
Recording Secretary