

Town of Siler City Board of Adjustment

The Siler City Board of Adjustment met on Monday, November 9, 2015 in the courtroom at City Hall.

MEMBERS PRESENT: Darrell Andrews, Curtis Brown, Steve Crofts, Dacia Hayes, Butch Hudson (Chair), and Linda Kolpack-Martindale

MEMBERS ABSENT: Albert Alston, Mary Harris and Ann C. Radliffe

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

MEETING CALLED TO ORDER: Hudson called the meeting to order at 7:00 pm. Crofts gave the invocation and Hudson led the Pledge of Allegiance.

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA: *Brown made a motion to approve the agenda, Andrews seconded, and unanimously approved.*

CONSENT AGENDA: *Andrews made a motion to approve the consent agenda including the minutes of October 12, 2015, Kolpack-Martindale seconded, and unanimously approved.*

NEW BUSINESS

a. Opening Statement: Hudson read the Opening Statement

Special Use Permit – 210 East 11th Street – Hany M Shreef – game room/arcade – Hudson requested a motion to declare the public hearing open. *Motion made by Kolpack-Martindale. Andrews seconded, followed by unanimous consent.* Hudson noted that we have six Board of Adjustment members present, therefore we have a quorum. Meadows read the legal notice of the case: Hany M. Shreef requests a special use permit at 210 E. 11th St. to operate a game room/arcade. The subject property is further identified as parcel # 14971. Hudson stated that the public was notified by ads in the Chatham News two weeks prior to the hearing, adjoining property owners received letters, and sign was posted. Hudson asked if there any exparte communication disclosures from Board members? Hudson asked if there any conflicts and do all Board members think they can rule fairly and impartially? Hudson stated if the Board of Adjustment is interrupted, disturbed, or disrupted, then the Board of Adjustment by majority vote can order the person to leave the room. Hudson stated all persons who have standing in the subject case and wish to testify please come to the front of the room. Hudson asked all persons to state their name and how they have standing in the subject case. Jack Meadows (Planning Director), Hany Shreef, Jennifer Scott came to the front of the room. Hudson asked them to raise their right hand and answer the following question. Do you solemnly swear or affirm that the testimony and information you are about to give is true and accurate to the best of knowledge. All responded with I do.

Meadows reported that the subject property is: 1) owned by Neerja Rai and Ranjana Devi; 2) zoned Highway-Commercial (H-C); 3) located inside the Corporate Limits; 4) located within Siler City fire district; 5) located within Duke Energy Progress electric service district; and 6) not located within a special flood hazard area. Meadows added that the subject tract: 1) 0.94 acre; 2) 1 property owner; 3) 1 tax parcel. The average size of surrounding tracts = 1.14 acres.

Meadows stated that the Land Development Plan recommends general commercial development for the subject property. The property is served by Town water and sewer. The nearest fire hydrant is located south of the subject property along N Third Ave. Property has ~220 feet of road frontage along E. 11th St (150' right-of-way) and 30 feet of frontage along N. 3rd Ave. (30' right-of-way). N. 3rd Ave. is a 2-lane road maintained by the Town with a speed limit of 35 mph. E. 11th St. is a 5-lane street maintained by the State with a speed limit of 45 mph. Average daily trip for E. 11th St. is 14,000 (2014). The Town's adopted Pedestrian Master Plan recommends a five (5) feet wide sidewalk along the south side of E. 11th St.

Meadows reported that an existing commercial building containing 11,085 square feet is located on the property. Hours of operation are Sunday – Thursday 10am-9pm and Friday - Saturday 10am-10pm. The total cost of construction and investment is estimated at \$150,000. The business will employ 8 persons.

Types of activities will include: 1) 20-25 video games; 2) 6-8 other activity games; 3) child and family friendly games such as pinball, Pac-man, Let's make a deal, video hunting, karate, racing, dance off, pick-a-prize, table hockey, skee ball, and hoop shoot; 4) those similar to a Chuck-E-Cheese or Planet Fun; and 5) no pool tables, gaming systems, lotteries, sweepstakes, or other outlawed/prohibited games will be onsite. Items for sale will include magic planet t-shirts, prizes for tickets won, candy, popcorn, ice cream, nachos, cold beverages (no alcohol), pizza slices, premade sandwiches.

Meadows stated type C screen will be installed along the north boundary adjoining the US 64. No landscaping is proposed along the other 3 property boundary lines. Garbage carts will be requested to collect garbage (no screen proposed). The parking lot and walkways will be lighted with high pressure sodium lights provided by Duke Energy Progress for patron safety and security.

Meadows reported that the facility is designed to accommodate when fully utilized 100 persons. Thirty three parking spaces are required (2 spaces will be handicap) for the proposed business. Thirty nine parking spaces are proposed including 2 handicap. The driveway aprons and vehicle accommodation areas are paved. Drive isle shall be a minimum of 24' in width. Sight distance will be maintained at all driveways.

Meadows stated that the application is complete. The proposal meets the development criteria of the Unified Development Ordinance. If the Board grants the application, then Staff recommends the following conditions:

1. Record the written decision with the Chatham County Register of Deeds;
2. Obtain NCDOT driveway permit; and
3. Prior to any work applicant must obtain site plan and zoning permit approval.

Andrews asked applicant what kind of plan he has of keeping things orderly. Scott stated that Mr. Shreef has already a good manger in place to manage the business. He wants the business to be like Chuck-E-Cheese or Planet Fun which is a child and family friendly business. Hudson asked Meadows why Shreef has to obtain a new NCDOT driveway permit. Meadows explained that anytime you change the use NCDOT requires a new driveway permit.

With no further discussion, Hudson requested a motion to declare the public hearing closed. *Motion was made by Brown, Andrews seconded, followed by unanimous consent.* Hudson directed the board to their worksheets.

Special Use Permit Worksheet:

1. The Application is complete. *Motion by Andrews seconded by Brown, followed by unanimous consent.*
2. The application complies with all applicable requirement of the Unified Development Ordinance. *Motion by Brown seconded by Hayes, 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 the 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 any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

Motion by Andrews seconded by Brown, followed by unanimous consent.

ADJOURNMENT: With no further business, *motion made by Kolpack-Martindale to adjourn at 7:30 p.m., Brown seconded, followed by unanimous consent.*


Butch Hudson
Chair

ATTEST:


Dee Lee Thompkins
Recording Secretary