

Town of Indian Trail



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**PLANNING DEPARTMENT
BOARD OF ADJUSTMENT MINUTES
April 22, 2021
6:30 P.M.**

1. Call to Order

2. Roll Call

The following members of the governing body were present:

- Board Members: Jennifer Maher, Jharda Washington, Genie Lucas, Cynthia Wiley, Erin Cunningham and John Hemby
- Absent: Austin Yow
- Staff Members: Brandi C. Deese-Planning Director, Nick Aisthorpe-Planner and Laurie Gable-Board Secretary

3. Approval of Minutes -November 19, 2020

Motion to approve November 19, 2020, minutes were made by member Wiley and seconded by member Hemby. Vote was passed unanimously.

4. Special Use Permit: SUP 2021-0141 Indian Trail Daycare

Chair Lucas read the fairness issues to the seated board members and swore in the speakers and staff present for the case.

Chair Lucas questioned if any members of the board had any ex parte communication to disclose. Board Member Maher disclosed to the board that she visited the site.

Nick Aisthorpe, Planner presented the following information for the case:

Project Summary

The applicant proposes to construct a child daycare facility on two parcels totaling approximately 2.03 acres. The property is zoned Single-Family Low-Density (SF-1). The daycare facility development will have a building of

approximately 6,300 square feet, a parking lot, a playground, and a stormwater management facility. A Special Use Permit is required for child care center operations within the Single-Family Residential District (SF-1).

Site

Existing Conditions/Location: The property is two (2) vacant parcels located on S Indian Trail Road (Attachment #1 -Aerial). The parcels will combine to create a rectangular shaped property bounded by Union County Board of Education properties to the northwest and northeast, a single-family detached home to the southwest, and single-family detached homes to the southeast across S Indian Trail Road (Attachment #2 - Site Pictures).

Layout/Improvements (Attachment #3)

The development is as follows:

- Access from S Indian Trail Road
- Approximately 6,300 square foot building
- Parking lot with 40 spaces
- Outdoor Playground
- Stormwater management facility

Real Estate Appraisal Report (Attachment #5)

The Town requires a real estate appraisal (impact assessment) report to be submitted as part of the SUP submittal (UDO Section 360.010). The purpose is to determine whether there will be a substantial negative impact on neighboring property values as a result of the proposed use. The applicant has submitted such a report as part of his application prepared by Morrison Appraisal, Inc. The findings in the report state the site for child daycare facility will not negatively affect the values of the abutting or adjoining properties.

Plan Consistency

The Board must consider whether the proposed use is consistent with:

Land Use and Housing Goal #1 of the Comprehensive Plan:

- *Promote a mix of different types of land uses within each village and avoid potential land use conflicts between neighboring properties and surrounding municipalities.*

Quality of Life Goal #3 of the Comprehensive Plan:

- *Support education providers to ensure continued excellence in public and private instruction. Create partnerships with educational providers to incorporate town planning/civics into the local school curriculum.*

Downtown Revitalization Goal #2 of the Comprehensive Plan:

- *Support development of a unique architectural character within the downtown that is pedestrian oriented and incorporates local design elements. Beautify the downtown to create an attractive environment to live, visit, and invest in.*

Staff is of the opinion that the use of this property for a child daycare facility is in harmony with the Comprehensive Plan because it contributes to promoting different types of land uses within the Downtown Indian Trail Village, does not appear to cause conflicts between neighboring properties and surrounding municipalities,

supports education providers, supports development of a unique architectural character within the downtown that is pedestrian oriented, and provides a convenient daycare option for residents of Indian Trail.

Required Findings

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

1. Whether the application is complete.

Staff is of the opinion that the application for SUP 2021-0141 is complete.

2. The Board will consider whether the application complies with all the applicable requirements of this ordinance.

Staff is of the opinion that the application for SUP 2021-0141 complies with applicable requirements of the ordinance and meets the UDO provisions.

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 Chapter 360.030. Such a motion will propose specific findings, based upon the evidence submitted, justifying such a conclusion.

Pursuant to **UDO Chapter 360.030**, the Board of Adjustment must make the required considerations of public health, safety, and welfare. The Board of Adjustment's authority in the review of this SUP application is broad and the Board may deny or 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.**

Nick Aisthorpe, Planner disclosed to the board that the property owner to the southwest of the site called to obtain general information about the request.

Matthew Kirchner, Eagle Engineering (on behalf of the applicant), was present to answer questions.

Board Member Washington questioned the plan for traffic improvements.

Mr. Kirchner responded by explaining the towns requirements including requiring a right and left turn lane into the site.

Upon question by the board, Mr. Kirchner confirmed the structure is 6300 square feet.

A discussion ensued on the improvements made to the building including material selection.

Mr. Kirchner explained there would be a playground area.

Findings of Fact worksheets were passed to the board members.

Required Findings

April 22, 2021

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

Motion to approve SUP 2021-0141 Indian Trail Daycare was made by Board Member Hemby, seconded by Board Member Wiley, motion carried unanimously.

Board Member Washington felt as though this may take business away from the public elementary school's after school program. Ms. Deese explained that the school system was directly notified and had opportunity to voice concerns.

Board Member Wiley stated based on the population growth, she sees this as a benefit to the community.

5. Calendar for future meeting dates

Staff presented a listing of the future meeting dates.

Board Member Washington made a motion to approve, seconded by Board Member Maher, the motion carried unanimously.

Adjournment

Motion to adjourn was made by Member Yow and seconded by Member Cunningham. Vote to adjourn was passed unanimously.

Chairperson: Genie Lucas

Date: April 22, 2021

Secretary: Laurie Gable