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MINUTES

JUNE 12, 2018

7:00PM

BOARD OF ADJUSTMENT

YOUNGSVILLE COMMUNITY HOUSE

Chairman Fonzie Flowers called the meeting of the Town of Youngsville Board of Adjustment to order at 7:00 pm. Chairman Flowers initiated a roll call. In attendance were Chairman Fonzie Flowers, Planning / Zoning Administrators Andrew Thomas, Jr. and Bob Clark, Members Terry Hedlund, Larry Wiggins, Graham Stallings, and Catherine Redd, Interim Town Administrator Roe O'Donnell, Town Attorney Edward Bartholomew, and Town Clerk Emily Hurd. Member Joseph Johnson was not in attendance.

The first item on the agenda was to approve the minutes from the May 3, 2018 Board of Adjustment Meeting.

MOTION: TO APPROVE THE MINUTES FROM THE MAY 3, 2018 BOARD OF ADJUSTMENT MEETING

The motion was made by Member Redd and was seconded by Member Stallings. The motion passed unanimously.

The next item on the Agenda was Old Business. There was no Old Business.

The next item on the Agenda was New Business.

Attorney Bartholomew outlined the evidentiary and conduct guidelines for Board of Adjustment Hearings. He explained when the Board of Commissioners sit as the Board of Adjustments, they are sitting as a panel of judges to consider if the application / plans meet the requirements for approval of the Variance or Special / Conditional Use Permits. Attorney Bartholomew explained this was not a legislative or policy decision wherein the Board acts as a political body, hearing every voice who as an opinion, and making the final decision based on the general notions of political or policy rightness.

Attorney Bartholomew explained at the Hearing, the Board of Adjustments judges the applicants' request and whether it meets the factors required for approval. He stated the members of the Board of Adjustment that sit as judges should not have any conflicts which may prevent a fair hearing. Attorney Bartholomew explained the Board of Adjustments could hear relevant testimony and base its decision on competent material and substantial evidence. This means the evidence must be presented based on actual knowledge of facts or opinions by experts. Hearsay evidence is generally not allowed as it is evidence based on something said outside of the Hearing and the speaker in the Hearing is saying it as if it were true. If the Board of

Adjustment hears evidence that may not meet these requirements, then they must make sure that they disregard that evidence. For example, any witness can testify about their land's value as they are an owner. An expert may also be allowed to testify about land values and offer expert opinions as well. However, an opinion that the applicant's project may have a negative impact on property values may not be allowed without information / facts to prove the decrease in values, as it is no longer competent testimony. Attorney Bartholomew also gave an example of allowable testimony. He explained a witness, if they know for a fact to be true, or they are an expert on the subject, may be allowed. Examples given were the applicant, or their agent, Town Staff with personal knowledge of the application or issues related to the application, adjoining neighbors to the property in question. Witnesses who are not adjoining neighbors, should not be allowed to testify, unless that witness can show the project could affect their property and not just that they are opposed or supportive of the application. All witnesses must be sworn in, identify themselves and how they are a party to the matter being addressed by the Board of Adjustments. Attorney Bartholomew explained this meant the witness must be an actual neighbor of the property or adjacent to the property in such a manner that it would affect the witness's property / business.

As in any trial, the party seeking relief can be cross examined by any other party. After the applicant, or his agent, testifies, other parties in support of the applicant can then testify and be cross examined as well. Staff will then present their report regarding the application and can also be cross examined. Parties opposed to the application can then testify and then be cross examined. The Board of Adjustment can cross examine or ask questions of any witnesses while they are giving testimony or being cross examined. Once all evidence is in and the Board of Adjustment begins to deliberate, the Board of Adjustment, in its discretion, may ask questions of any witness as part of their deliberations, as long as it is deemed completely necessary. Witnesses can be cross examined based only on these new questions.

A quorum is 3/5ths of the Board of Adjustments for Special / Conditional Use applications and 4/5ths for Variance applications. Approval is also based on a 3/5ths vote in favor for Special / Conditional Use applications and 4/5ths for a Variance application.

Attorney Bartholomew stated that it would be his decision if someone has the proper standing to testify.

The first item under New Business was a Request for Variance from David Williams, of DRCW Investments, LLC, for property located at 207 S Nassau Street.

Town Clerk Hurd swore in those wishing to testify; David Williams, Andrew Thomas, Jr., Bob Clark, and Roe O'Donnell.

Thomas gave a preliminary statement to describe the case before the Board. He read from the Staff Findings. The completed Request for Variance application was received on May 1, 2018 requesting variances associated with a proposed single-family dwelling at 207 S Nassau Street. Requested variances included 1) lot width variance of 47.82 feet from the required 100-foot lot width and 2) lot area variance of 4,097 square feet from the required 15,000 square foot minimum. The property is owned by Antonio Deshawn Williams and the applicant has an offer

to purchase the property. The property consists of a single, rectangular shaped 0.25 acre vacant lot. The preliminary site plan illustrates a building footprint that would exceed the minimum required setbacks. The subject property is within the Residential Single Family (RS) zoning district where single-family dwellings are a permitted use.

Thomas noted there was an unrecorded survey and map prepared by Phil R Inscoc, Registered Surveyor, dated March 21, 1959. That map laid out the lots on S Nassau Street. Some lots have been recombined but there are several vacant tracts that are not owned by the same adjoining property owners. This lot is under separate ownership from the adjoining properties.

Thomas explained Section 208.3.1 of the Zoning Ordinance allows the administrative granting of a 20% reduction in the required standards, however, circumstances beyond the 20% require a Variance from the Board of Adjustments. He noted the Zoning Ordinance was adopted in September 1993 and became effective on October 1, 1993.

Thomas stated there was a photo in the Staff Findings that shows surrounding properties and noted there was another property, with a house, on S Nassau Street that was smaller than this property. He explained there was a layout of the proposed home on the back of the application.

Member Wiggins wanted to clarify if the variance was for the width of the lot and Thomas explained it was for both the lot width and lot area. Member Wiggins asked if all of the setback would be met and Thomas stated yes.

Chairman Flowers polled the Board as to any conflicts of interest or bias. The Board answered no, unanimously, to not having a fixed opinion prior to hearing the matter that is not susceptible to change. Chairman Flowers asked the Board if there had been any undisclosed ex parte communications and the Board answered no, unanimously. The Board answered no, unanimously, to having a close familial, business, or other associational relationship with an affected person or entity; or a financial interest in the outcome of the matter.

Chairman Flowers opened the floor for the applicant to present evidence for his application. David Williams explained he wished to build a single family home this lot.

Member Redd asked if he owned the adjoining lot and Mr. Williams stated he has spoken with the owner but they have yet to reach an agreement.

Chairman Flowers opened the floor to ask questions of the applicant. He asked that anyone speaking identify themselves and their relationship to the property. There were no comments from the public.

Chairman Flowers opened the floor to any persons in support of the application that would like to present evidence. There were no comments.

Chairman Flowers noted Thomas had presented the Staff Findings during his preliminary statement and asked if there was any further information.

MOTION: TO ACCEPT STAFF FINDINGS AS EXHIBIT DRCW #1

The motion was made by Member Redd and was seconded by Member Hedlund. The motion passed unanimously.

MOTION: TO ACCEPT THE APPLICATION PACKET FOR REQUEST FOR VARIANCE FROM DAVID WILLIAMS OF DRCW INVESTMENTS, LLC FOR 207 S NASSAU STREET AS EXHIBIT DRCW #2

The motion was made by Member Redd and was seconded by Member Hedlund. The motion passed unanimously.

MOTION: TO ACCEPT TESTIMONY BY DAVID WILLIAMS AS EXHIBIT DRCW #3

The motion was made by Member Hedlund and was seconded by Member Stallings. The motion passed unanimously.

Chairman Flowers opened the floor for questions of the Staff. There were no questions.

Chairman Flowers opened the floor to any persons opposed to granting the application that would like to present any evidence. There were no comments.

Chairman Flowers opened the floor for rebuttals to opposing testimony. There were no comments.

Chairman Flowers asked if there was any more discussion or questions. Chairman Flowers asked if there were any requested conditions and Clark stated there were no conditions requested by either Staff or the Planning Board. Clark did note the applicant would have to comply with the required setbacks.

MOTION: TO CLOSE THE COLLECTION OF EVIDENCE PORTION OF THE HEARING.

The motion was made by Member Stallings and was seconded by Member Redd. It passed unanimously.

Chairman Flowers opened up the deliberation section of the Hearing for the Board. As there were no proposed Conditions or discussion, Attorney Bartholomew moved on to the Findings of Facts Worksheet.

Attorney Bartholomew read the Findings of Facts.

707.3.2.1 There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size, or topography, that are not applicable to other lands or

structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of the ordinance unrealistic. 4 ayes / 0 nays

707.3.2.2 Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located. 4 ayes / 0 nays

707.3.2.3 A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located. 4 ayes / 0 nays

707.3.2.4 The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare. 4 ayes / 0 nays

707.3.2.5 The special circumstances are not the result of the actions of the applicant. 4 ayes / 0 nays

707.3.2.6 The variance requested in the minimum variance that will make possible the legal use of the land, building, or structure. 4 ayes / 0 nays

707.3.2.7 The variance is not a request to permit a use which is not a permitted or conditional use in the district involved. 4 ayes / 0 nays

Attorney Bartholomew stated the Request for Variance for David Williams of DRCW Investments, LLC has been approved with no conditions.

The second item under New Business was a Revised Special Use Permit by Timberlake Preserve Subdivision located on S Cross Street, NC Highway 96, and Tom Williams Road.

Town Clerk Hurd swore in those wishing to testify; Tom Spaulding, Andrew Thomas, Jr., Bob Clark, and Roe O'Donnell.

Thomas gave a preliminary statement to describe the case before the Board. He gave a brief summary of the Staff Findings. In 2015, the developer, Wynn Homes, presented the layout of the community to the Planning Board, who then gave a Favorable Recommendation to the Board of Adjustment. The Board of Adjustment then approved the request on November 5, 2015. The plan was further revised and approved by the Board of Adjustment on August 4, 2016.

Thomas noted there were delays primarily due to utility issues that have now been resolved with the completion of the pump station upgrades in the fall, along with a different manner in allocating water services. He explained there have been some changes in the design, including the main entrance and the removal of the alleys. Thomas noted the main entrance no longer has a median, the proposed alleys have been removed, an additional street stub has been added to the adjoining vacant property. There were also adjustments in the common area. As these design changes were significant, it required another revision to their Special Use Permit.

Thomas stated the original plan was approved for 178 lots but has been reduced to 176 in a traditional neighborhood style development (PUD), including open space and recreation amenities, streets and sidewalks. He explained the 176 lots will be developed in five phases to align with the Franklin County Public Utility (FCPU) allocations.

Thomas explained the applicant went through the pre-application conferences with the Planning and Zoning Administrators on several occasions regarding these amendments. The proposed amendments were reviewed by NCDOT, Town Engineer, and Planning Staff. Thomas noted that FCPU has corresponded with the applicant regarding issues related to the sewer allocation and the review comments are in the Staff Findings.

Thomas stated the property is located in an agricultural / forestry use. Zoning is RS and the PUD is a permitted use with issuance of a Special Use Permit. Thomas stated the surrounding land uses and zoning were: north – frontage along Tom Williams Road which includes single family (RS) and Commercial (C) to the northeast; south – Residential Agricultural (RA) and Mobile Home Residential (RMH); east – frontage along NC Highway 96, RA, and Industrial (Franklin Industrial Park) Mixed Use (MU); and west – frontage along S Cross Street, CSX Railroad, and MU.

Thomas noted the Youngsville Fire Department was in agreement with the site development as proposed. He explained the applicant and NCDOT have resolved the listed issues. Thomas stated the Town Engineer had primarily technical corrections to the plans that have been resolved. He stated FCPU also had primarily technical corrections that have been resolved.

Thomas noted the property at the southeast corner is within, or partially within, a WS II Watershed. The drainage is being designed so the water will flow away from the watershed. The minimum lot size for cluster lots is 6,000 square feet and all lots exceed this requirement. Also recommended is the installation of an 8 foot minimum side path, with crosswalks, at the two street accesses, along S Cross Street frontage, as proposed in the Youngsville Pedestrian and Bicycle Master Plan and to link internal sidewalks and/or share the bike paths to the side path. All of the previous recommendations have been done. The Planning Staff was initially concerned with the drainage plan but correspondence between their engineer and the Town's consulting engineer has satisfactorily addressed the issue. There are two street stubs that are being provided to the vacant parcels to the east.

Thomas stated the Planning Board met on May 15, 2018 to consider the revised layout based on the review agencies' comments. Following its review and discussion with the applicant, the Planning Board voted unanimously to recommend approval of the Revised Special Use Permit for the Timberlake Preserve Preliminary Plat, formerly known as the Preddy Property, subject to technical corrections as recommended by the Technical Review Committee and Staff.

Member Stallings noted Staff Findings referred to Exhibit A and Thomas clarified those were the full set of plans. Member Stallings asked when the phases would be complete and Thomas stated more information would be presented by the applicant. Member Stallings expressed concerns about the phasing and Thomas reassured him the applicant would have better answers.

Member Wiggins asked for more clarification on the change of the entrance and Thomas explained the median created limited access, so they were taking out the median to make it a regular street. Member Wiggins asked if it would be difficult for traffic now and Thomas stated it would have no effect and that NCDOT has approved the plans. Thomas explained the original plans only had the median because the alley homes would allow for driveway access and parking from behind the homes. Without the alleys, they had to remove the median to allow access to the homes from the main road. Member Wiggins asked if there would be cross walks and Thomas stated yes. Thomas noted the adjustments to the roadways would be on Mr. Spaulding's map. Clark noted all streets would have sidewalks internally.

Chairman Flowers polled the Board as to any conflicts of interest or bias. The Board answered no, unanimously, to not having a fixed opinion prior to hearing the matter that is not susceptible to change. Attorney Bartholomew asked the Board if there had been any undisclosed ex parte communications and the Board answered no, unanimously. The Board answered no, unanimously, to having a close familial, business, or other associational relationship with an affected person or entity; or a financial interest in the outcome of the matter.

Chairman Flowers opened the floor for the applicant to present evidence for his application. Tom Spaulding, of Spaulding and Norris, explained he represented both the owner of the property (the Preddy Family) and the developer (Wynn Homes). He produced a color coded map to help explain the revisions based on the removal of the alley homes. Mr. Spaulding stated they would now place traditional homes in place of the alley homes. The median would have impacted driveway access so it had to be removed. He explained the smaller lots have been taken out and they have tried to recapture some of the lost homes by adding streets and reconfiguring the lots. Mr. Spaulding noted the recreation center and pool was at the end of the main road, though he did note there was now a smaller open space associated with the recreation area.

Mr. Spaulding stated they are still offering the same products. Larger homes will be located on the outer ring of the subdivision (pink), ranch style homes near the recreation center (blue), and regular, more traditional homes will fill the middle (blue).

Mr. Spaulding explained Staff had asked that they extend the trail further than previously planned and they have agreed. He stated Staff also asked for an increased surface density to an asphalt trail and they have agreed. Mr. Spaulding explained they wished to install the trail in phases that will coincide with the phases as allowed by FCPU, which will only allocate fifty lots per calendar year. He noted the second phase will start in approximately eighteen months and will not be allowed until all permits have been filed and most of the homes are in the process of being built. Mr. Spaulding stated they would start the first phase as soon as possible, hopefully they can have the plans approved within the next three months. He noted that Phase 2 probably won't start until 2020 and will include another fifty lots. Due to the allocation phasing, it will take years to complete the subdivision.

Mr. Spaulding noted there will be turn lanes on S Cross Street. He noted there would be 38% open space, including the buffer between the subdivision and Tom Williams Road and NC

Highway 96. Clark asked if there would be additional access and Mr. Spaulding stated they added access to property located on NC Highway 96.

Member Stallings asked what the average square footage was for lots and Mr. Spaulding stated the average lot were between 6,000 to 8,000 square feet, with lots as large as 10,000 to 12,000 square feet. Mr. Spaulding noted the lots in the blue areas on the map were the smaller lots and the pink area had larger lots. Member Stallings asked how large the homes would be and Mr. Spaulding stated the age-targeted homes near the recreation center would be approximately 1,200 to 1,500 square foot ranch style homes, in the middle section would be approximately 1,800 to 2,200 square foot homes, and the larger homes would be approximately 2,200 to 3,300 square foot in the outer ring.

Member Redd asked if there would be sidewalks and cross walks and Mr. Spaulding explained there would be sidewalks throughout the subdivision and cross walks at the intersections for internal pedestrian movement. Clark noted the retention pond would be across S Cross Street.

Member Stallings asked if residents would have to drive uptown as there would not be any sidewalks installed outside of their subdivision and Mr. Spaulding explained they were installing their portion of the walking trail along the subdivision property. The remaining portion of the walking trail is included in the Master Pedestrian Plan. Clark explained there was no funding at this time so developers were doing their part by installing sidewalks along their development. He noted the Town would have to include the installation of the remaining sidewalks in their Capital Improvements Plan and install them over time. Member Wiggins asked if it would be the full length of the subdivision and Clark stated yes, it would be a 10' wide walkway including a bridge over the creek.

Chairman Flowers opened the floor to ask questions of the applicant. He asked that anyone speaking identify themselves and their relationship to the property. There were no questions from the public.

Chairman Flowers opened the floor to any persons in support of the application that would like to present evidence. There were no comments from the public.

Chairman Flowers noted Thomas had presented the Staff Findings during his preliminary statement. He asked if there was anything else that Staff would like to add and Clark explained that the application stands as presented. Clark noted the walking path would be installed during Phase 2, which made sense. He stated that it could be added as a "friendly" condition to be installed during Phase 2. Chairman Flowers wanted to clarify that the walking trail would eventually tie in with the Town's Master Plan, along with tying into Wake Forest and Clark stated that it would eventually tie into Gilcrest Farm Road and further down.

**MOTION: TO ACCEPT STAFF FINDINGS AS EXHIBIT TIMBERLAKE
PRESERVE #1**

The motion was made by Member Redd and was seconded by Member Stallings. The motion passed unanimously.

MOTION: TO ACCEPT THE APPLICATION PACKET, TO INCLUDE PLANS, FOR THE REVISED SPECIAL USE PERMIT FROM TOM SPAULDING, OF SPAULDING AND NORRIS, FOR THE TIMBERLAKE PRESERVE SUBDIVISION AS EXHIBIT TIMBERLAKE PRESERVE #2

The motion was made by Member Hedlund and was seconded by Member Redd. The motion passed unanimously.

MOTION: TO ACCEPT TESTIMONY BY TOM SPAULDING AS EXHIBIT TIMBERLAKE PRESERVE #3

The motion was made by Member Hedlund and was seconded by Member Stallings. The motion passed unanimously.

MOTION: TO ACCEPT THE PHASING MAP PRESENTED BY TOM SPAULDING AS EXHIBIT TIMBERLAKE PRESERVE #4

The motion was made by Member Redd and was seconded by Member Stallings. The motion passed unanimously.

MOTION: TO ACCEPT PICTURES OF THE PROPOSED STYLES OF HOMES IN THE TIMBERLAKE PRESERVE SUBDIVISION, AS PRESENTED BY TOM SPAULDING, AS EXHIBIT TIMBERLAKE PRESERVE #5

The motion was made by Member Redd and was seconded by Member Stallings. The motion passed unanimously.

Chairman Flowers opened the floor for questions of the Staff. There were no comments.

Chairman Flowers opened the floor to any persons opposed to granting the application that would like to present any evidence. There were no comments.

Chairman Flowers opened the floor for rebuttals to opposing testimony. There were no comments.

Chairman Flowers gave a brief summary of the case. He asked Staff if there were any conditions and Clark stated no, that he just wanted to make sure the record showed that the walking path installation would be tied to the completion of Phase 2. When asked, Attorney Bartholomew stated a condition should be added to state the walking path will be completed by the end of Phase 2, as suggested by Clark. There was a brief discussion on how many phases were proposed and why.

Chairman Flowers asked if there was any more discussion or questions and the Board stated that there were not.

MOTION: TO CLOSE THE COLLECTION OF EVIDENCE PORTION OF THE HEARING.

The motion was made by Member Wiggins and was seconded by Member Hedlund. It passed unanimously.

Chairman Flowers opened up the deliberation section of the Hearing for the Board.

710.2 Any additional negotiated conditions. Attorney Bartholomew explained the current proposed condition was the walking path shall be completed in phases and the completion of the walking path shall occur upon the completion of Phase 2 of the construction of the project as a whole. Chairman Flowers wanted to verify with Mr. Spaulding that the developers would be fine having the walking path completed by the end of Phase 2 and Mr. Spaulding agreed they were fine with that requirement.

CONDITION: THE WALKING PATH SHALL BE COMPLETED IN PHASES AND THE COMPLETION OF THE WALKING PATH SHALL OCCUR UPON THE COMPLETION OF PHASE 2 OF THE CONSTRUCTION OF THE PROJECT AS A WHOLE

Clark wanted to clarify that it would coincide with the completion of the improvements of Phase 2, which includes streets and sidewalks, instead of the completion of the last house. Attorney Bartholomew stated we could add an addendum to the proposed condition to include that it would be contingent upon the approval phase of Phase 2 improvements.

AMENDED CONDITION: THE WALKING PATH SHALL BE COMPLETED IN PHASES AND THE COMPLETION OF THE WALKING PATH SHALL OCCUR UPON THE COMPLETION OF THE PUBLIC IMPROVEMENTS PHASE OF THE SECOND PHASE OF CONSTRUCTION OF THE PROJECT AS A WHOLE

4 ayes / 0 nays

Attorney Bartholomew explained the Board would vote on each Finding of Fact. If the answer is yes/true then we can proceed to the next Finding. If the answer is no/false, then the Board can add additional conditions after the first round of voting, if acceptable to the applicant, and revote to see if the answer changes to yes/true.

Attorney Bartholomew read through the Findings of Fact.

1. 710.1.1 The proposed use will comply with all of the dimensional and other standards which this ordinance applies to all users? 4 ayes / 0 nays
2. 710.1.2 Access roads or entrance and exit drives are or will be suitable in size and properly located to ensure automotive and pedestrian friendly safety and convenience, traffic flow, and control and access in case of fire or other emergency. 4 ayes / 0 nays

3. 710.1.3 Off-street parking, loading, refuse, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic glare, odor, and other impacts on adjoining properties in the general neighborhood. 4 ayes / 0 nays
4. 710.1.4 Utilities, schools, fire, police and other public and private facilities and service will be adequate to handle the proposed use. 4 ayes / 0 nays
5. 710.1.5 The location and arrangement of the use of the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts. 4 ayes / 0 nays
6. 710.1.6 The type, size and intensity of the proposed use, including such consideration as hours of operation and number of people who are likely to utilize or be attracted to use, will not have significant adverse impact on adjoining properties or the neighborhood. 4 ayes / 0 nays

Attorney Bartholomew stated the Revised Special Use Permit for Timberlake Preserve had passed with one condition.

The third item under New Business was a Special Use Permit Application from Brandon Schenck for the Yacht Club located at 118 E Main Street.

Town Clerk Hurd swore in those wishing to testify; Brandon Schenck, Stephanie Schenck, Andrew Thomas, Jr., Bob Clark, and Roe O'Donnell.

Thomas gave a preliminary statement to describe the case before the Board. He gave a brief summary of the Staff Findings. Thomas noted there was an error on the date of the Board of Adjustment on the Staff Findings. He corrected the date and initialed the correction.

Thomas stated the applicant proposes to open a craft beer sales establishment, the Yacht Club, at 118 E Main Street. He noted 80% of sales will be on premise. The other 20% is proposed to be retail of gifts, apparel and carry out craft beer. The applicant intends to locate within a recently renovated building behind Charron's Deli and Scoops on Main.

Thomas explained the surrounding Land Use and Zoning was all Main Street Business District (MSBD) and Residential Single Family (RS), with restaurants, parking lots, and businesses. Thomas noted the residential lots have applied to be rezoned to MSBD and will be heard at the June Board of Commissioners Meeting.

Thomas explained Brandon Schenck, for the Yacht Club, is the applicant. He noted a craft beer sales establishment, with 80% of sales being on premise and 20% retail, including apparel, gifts and carry out craft beer, is allowed in the MSBD with a Special Use Permit. The application was filed on April 23, 2018 and the Planning Board met on May 15, 2018. Again, there was a

correction on the date that Thomas initialed after correcting. The property in question, 118 E Main Street, is owned by Pacific Development 1, LLC.

Member Wiggins asked how large the building was and it was noted that the application had it listed as 1,700 square feet on .42 acres.

Chairman Flowers polled the Board as to any conflicts of interest or bias. The Board answered no, unanimously, to not having a fixed opinion prior to hearing the matter that is not susceptible to change. Attorney Bartholomew asked the Board if there had been any undisclosed ex parte communications and the Board answered no, unanimously. The Board answered no, unanimously, to having a close familial, business, or other associational relationship with an affected person or entity; or a financial interest in the outcome of the matter.

Chairman Flowers opened the floor for the applicant to present evidence for his application. Brandon Schenck stated he and his wife Stephanie were opening a craft beer establishment and that most of the information had already been presented. Thomas asked what the hours of operation would be and Mr. Schenck stated they would open from noon to midnight, Wednesdays through Sundays and would be closed on Mondays and Tuesdays. Mr. Schenck explained there would be a tap room with local breweries, most of them you would only be able to get in Youngsville. He explained they would be working with four or five reputable craft breweries. Mr. Schenck stated their events would be kept to a minimum and noted the local brews would make them a destination point that will attract people from outside of Youngsville.

Member Redd asked if they would only serve draft beer and Mr. Schenck stated it would mostly be draft, with minimal cans and bottles as they want to be environmentally conscience. He noted there would also be minimal wine served as well.

Member Hedlund asked about carry out and Stephanie Schenck explained they would have re-usable 64oz glass bottles. Mr. Schenck explained they would also have other sizes as well, along with 32oz cans. He stated they wanted to have the re-usable bottles to be environmentally friendly.

Member Redd asked about signage and Mr. Schenck explained they would use semi-local metal and wood craftsmen to hammer out a metal sign, as well as some of the furniture. The sign would not be lit internally but would hang in front of a light. Mrs. Schenck stated it would be on the front stoop. Member Redd asked if there would be signage on Main Street and Mrs. Schenck stated they had no plans at this time. Mrs. Schenck explained they would mostly have signage in the alleyway but nothing too big. Mr. Schenck stated there would also be a flag pole in the back that would have the American flag and also nautical flags.

Member Wiggins asked if the customers would be contained in the building and Mr. Schenck explained they would share the courtyard within the fenced area with Charron's Deli and Scoops on Main.

Chairman Flowers wanted to clarify the Yacht Club would be open from noon to midnight five days a week, including Sundays, and Mr. Schenck confirmed they would.

Chairman Flowers asked if they would have live entertainment and Mr. Schenck stated there was nothing in the works at this time. Mr. Schenck explained he has spoken with people and noted people are coming to them that want to do something. He stated they wanted to collaborate with Charron's Deli and Scoops on Main. Mr. Schenck stated adults could enjoy a beer and dinner and the kids could get an ice cream with their subs. He explained they would be following other tap rooms and would be family friendly. Mr. Schenck noted they believed in responsible drinking.

Member Wiggins noted they were located on the edge of a residential neighborhood and noted outside festivities could become a problem. Mr. Schenck stated they have discussed this in depth already and do not want to have too many outside events. Most of what they plan can be done without noise. He stated there would be music inside and daytime events on occasion, such as charity drives and pop-up markets.

Chairman Flowers asked why they chose "Yacht Club" as there was not a large body of water in Youngsville. Mrs. Schenck stated her husband has deep roots in boating. Mr. Schenck explained his family was from Long Island and he was from a long line of sailors. He stated he wished to incorporate that history into the décor.

Clark asked for more clarity on the wine and beer permit and the size of the building as it concerns the capacity / occupancy. Mrs. Schenck stated they can hold sixty seven inside and Mr. Schenck explained that number was calculated with the square footage from furniture and the bar taken out. Clark clarified the building was 1,700 square feet and part of the second floor has been taken out to create a high ceiling. He asked if the second floor would be used and Mr. Schenck stated the second floor would be used for storage. Clark asked about the outside lighting and Mr. Schenck stated there was lighting already in place and they would not be adding additional lighting other than decorative rope lighting. Mr. Schenck stated it would be the same for inside but they would use dimmers. Clark noted per Ordinance, they would not be allowed to have flashing signs. Member Redd asked if there would be neon signs and they stated no.

Chairman Flowers opened the floor to ask questions of the applicant. He asked that anyone speaking identify themselves and their relationship to the property. There were no questions.

Chairman Flowers opened the floor to any persons in support of the application that would like to present evidence. There were no comments.

Chairman Flowers noted Thomas had presented the Staff Findings during his preliminary statement.

MOTION: TO ACCEPT STAFF FINDINGS AS EXHIBIT YACHT CLUB #1

The motion was made by Member Stallings and was seconded by Member Redd. The motion passed unanimously.

MOTION: TO ACCEPT THE APPLICATION PACKET, WITH ATTACHMENTS, FOR SPECIAL USE PERMIT FROM BRANDON SCHENCK FOR THE YACHT CLUB AT 118 E MAIN STREET AS EXHIBIT YACHT CLUB #2

The motion was made by Member Hedlund and was seconded by Member Wiggins. The motion passed unanimously.

MOTION: TO ACCEPT TESTIMONY BY THE APPLICANTS FOR THE YACHT CLUB AS EXHIBIT YACHT CLUB #3

The motion was made by Member Stallings and was seconded by Member Redd. The motion passed unanimously.

Chairman Flowers opened the floor to any persons opposed to granting the application that would like to present any evidence. There were no comments.

Chairman Flowers opened the floor for rebuttals to opposing testimony. There were no comments.

Chairman Flowers asked the Board if they wished to add conditions. Attorney Bartholomew asked if lighting should be considered. O'Donnell asked if there was a Lighting Plan and Mr. Schenck clarified there was a street light style fixture on the side of the building that fully lights the area, including the gravel pathway, at night and the entry way has lights on posts.

Chairman Flowers asked if there was any more discussion or questions and the Board stated that there were not.

MOTION: TO ACCEPT SUPPLEMENTAL TESTIMONY BY APPLICANT AS EXHIBIT YACHT CLUB #4

The motion was made by Member Stallings and was seconded by Member Wiggins. The motion passed unanimously.

MOTION: TO CLOSE THE COLLECTION OF EVIDENCE PORTION OF THE HEARING.

The motion was made by Member Redd and was seconded by Member Stallings. It passed unanimously.

Chairman Flowers opened up the deliberation section of the Hearing for the Board.

710.2 Any additional negotiated conditions. There were no additional conditions requested.

Attorney Bartholomew explained the Board would vote on each Finding of Fact. If the answer is yes/true then we can proceed to the next Finding. If the answer is no/false, then the Board can

add additional conditions after the first round of voting, if acceptable to the applicant, and revote to see if the answer changes to yes/true.

Attorney Bartholomew read through the Findings of Fact.

1. 710.1.1 The proposed use will comply with all of the dimensional and other standards which this ordinance applies to all users? 4 ayes / 0 nays
2. 710.1.2 Access roads or entrance and exit drives are or will be suitable in size and properly located to ensure automotive and pedestrian friendly safety and convenience, traffic flow, and control and access in case of fire or other emergency. 4 ayes / 0 nays
3. 710.1.3 Off-street parking, loading, refuse, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic glare, odor, and other impacts on adjoining properties in the general neighborhood. 4 ayes / 0 nays
4. 710.1.4 Utilities, schools, fire, police and other public and private facilities and service will be adequate to handle the proposed use. 4 ayes / 0 nays
5. 710.1.5 The location and arrangement of the use of the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts. 4 ayes / 0 nays
6. 710.1.6 The type, size and intensity of the proposed use, including such consideration as hours of operation and number of people who are likely to utilize or be attracted to use, will not have significant adverse impact on adjoining properties or the neighborhood. 4 ayes / 0 nays

Attorney Bartholomew stated the Special Use Permit for the Yacht Club had passed with no conditions.

The next item on the agenda was Reports and Other Business. Attorney Bartholomew stated the Orders from previous Board of Adjustment Meetings were in the process of being finished and would be ready for pickup soon.

The meeting adjourned at 8:37 pm.