

AGENDA
CLAYTON PLANNING BOARD MEETING
AUGUST 25, 2014
6:00 PM
TOWN COUNCIL CHAMBERS
111 E. SECOND STREET
For Information: (919) 553-5002

- I. **CALL TO ORDER**
- II. **ADJUSTMENTS TO THE AGENDA**
- III. **APPROVAL OF MINUTES FROM THE JUNE 23, 2014 MEETING. (JULY 28, 2014 MEETING MINUTES WILL BE APPROVED AT THE SEPTEMBER MEETING)**
- IV. **REPORTS AND COMMENTS**
- V. **OLD BUSINESS**
- VI. **NEW BUSINESS**
 - A. SP 2014-81 Leesh Management Office at 108 Butternut Lane
Major Site Plan approval for a new office at 108 Butternut Lane.
- VII. **INFORMAL DISCUSSION AND PUBLIC COMMENT**
- VIII. **ADJOURN**



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

*Planning Board
August 25, 2014*

STAFF REPORT

Application Number: SP 2014-81 (Major Site Plan)
Project Name: Leesh Management – 108 Butternut Lane – Office

NC PIN / Tag #: 165801-16-9869 / 05G02039U
Town Limits/ETJ: Town Limits
Overlay: Thoroughfare Overlay District
Applicant: Leesh Management (Scott & Laura Lee)
Owners: Leesh Management LLC

Neighborhood Meeting: Held July 29, 2014
Public Noticing: Property posted August 14, 2014

PROJECT LOCATION: The project is located at 108 Butternut Lane, approximately 0.5 mile east of Amelia Church Road off of NC 42 Hwy W.

REQUEST: The applicant is requesting site plan approval for a 3,223 square foot contractor's office building.

SITE DATA:

Acreage: 0.31 acres
Present Zoning: Office-Institutional (O-I)
Existing Use: Vacant

DEVELOPMENT DATA:

Proposed Uses: Contractor's Office
Buildings: One building, 3,223 square feet
Number of Stories: One and a half story (max height of 35 feet)
Impervious Surface: 6,336 square feet (46.3% of site) (max 75% permitted)
Required Parking: 15 spaces (1 space per 200 square feet for a Contractor's Office)
No bicycle parking required for a contractor's office

Proposed Parking: 15 spaces, including 1 handicap accessible space
Fire Protection: Town of Clayton Fire Department.
Access/Streets: Access will be provided off of Butternut Lane.
Water/Sewer Provider: Town of Clayton
Electric Provider: Duke Energy

ADJACENT ZONING AND LAND USES:

North: Zoning: Office & Institutional (O-I)
Existing Use: Vacant

South: Zoning: Residential-10 (R-10)
Existing Use: Single Family Residential

East: Zoning: Office & Institutional (O-I)
Existing Use: Neighborhood Music Academy

West: Zoning: Office & Institutional (O-I)
Existing Use: Office

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting site plan approval for a 3,223 square foot, 1.5 story contractor’s office building on a vacant site. The site is part of the “Walnut Creek” subdivision, approved in 1998. The site fronts on both Butternut Lane and on NC Hwy 42 W, but like the other businesses along Butternut, is oriented so the site is accessed from Butternut Lane.

Consistency with the Strategic Growth Plan

The proposed development is consistent with the Strategic Growth Plan.

Consistency with the Unified Development Code

The proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC).

Landscaping and Buffering

The site plan meets all applicable elements of the UDC landscaping requirements. Because the site is adjacent to NC 42 Hwy W, it is subject to the Thoroughfare Overlay District standards, which include increased landscaping requirements and a requirement that 50% of those landscaping materials be evergreen. Landscaping at the entrance to the site has been designed to avoid conflict with the safe sight triangles.

Landscaping will be utilized to buffer the HVAC unit on the east side of the building.

Recreation and Open Space

N/A.

Environmental

The site is not within the 100 year flood plain and does not include any resource conservation areas. No environmental impacts are anticipated.

Signs

Any signage will be required to receive proper permits and meet standards within the Unified Development Code.

Site Design

The site includes 15 parking spaces to the front of the site, and the building located closer to NC 42 Hwy W. This design is consistent with the site design of properties to the east and west. The parking area is situated roughly the same distance from the property line as the parking areas to the east and west, creating a 9.5 foot grassed area between each site’s parking lots.

Cross-access to sites to the east and west was not a feasible option at this time, though it was considered as part of the site design.

The site is within the Thoroughfare Overlay District, which requires a 20 foot street yard along NC 42 Hwy W.

Access/Streets

Access is off of Butternut Lane. The driveway has been positioned to be equidistance from adjacent driveways to the east and west.

Multi-Modal Access

No sidewalk is required along Butternut Lane – within this subdivision sidewalk was included only on one side of the street and is in place across the street. A concrete walk leads to the front door, and a sidewalk wraps around the building to provide access to the rear door (required by building code).

Architecture

The proposed building is brick with architectural features on the side (front) of the building facing Butternut Lane.

Waivers/Deviations/Variances from Code Requirements

None.

CONSIDERATIONS

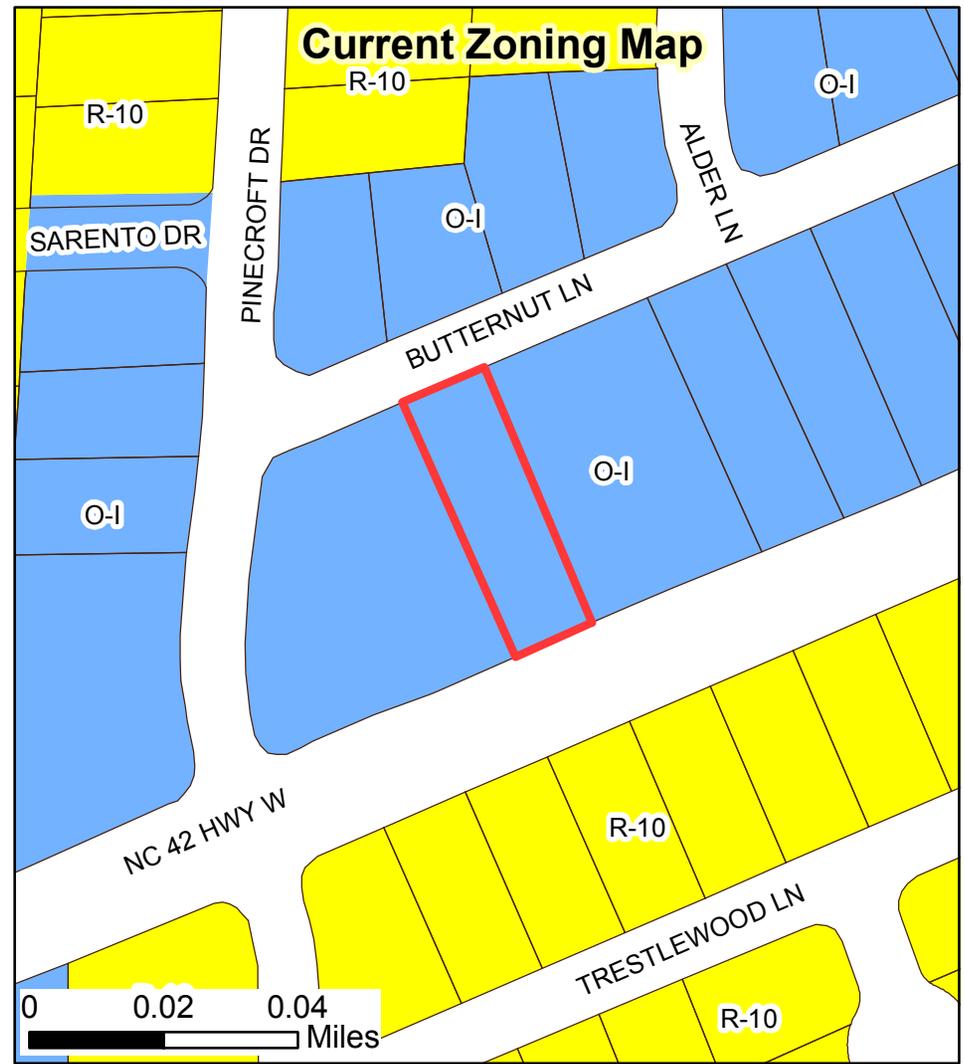
- The Planning Board approves major site plans.

RECOMMENDATION:

Staff is recommending approval of the site plan with the following conditions:

1. The development of the site is limited to the site design and uses approved by the Planning Board. Modifications to the approved site plan shall require review and approval in accordance with Section 155.707 of the Unified Development Code.
2. Following Board approvals, three copies of the Final Site Plan, Landscape Plan and Architectural Elevations meeting the requirements of the Conditions of Approval shall be submitted to Planning Department for final approval.
3. All roof mounted and ground mechanic equipment must be completely screened from view.
4. A Zoning Compliance Permit shall be required prior to issuance of any building permits.
5. A wastewater allocation request shall be submitted and approved, and utility fees shall be paid to the Town, prior to issuance of any building permits.
6. Utility construction plans shall be approved by the Public Works Department prior to issuance of building permits.
7. All signage shall require a sign permit from the Planning Department and shall meet standards of the Unified Development Code.
8. A site/landscape inspection by the Planning Department shall be required prior to issuance of a certificate of occupancy. All site improvements shall be installed prior to the site inspection.

ATTACHMENTS: 1) Map, 2) Application, 3) Neighborhood Meeting Materials, 4) Site Plan



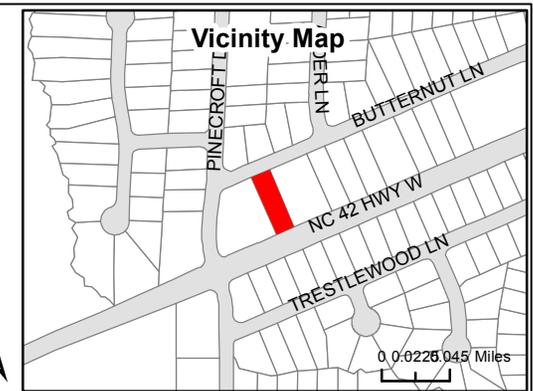
Leesh Management / 108 Butternut Lane - Major Site Plan

Applicant: Leesh Management (Laura & Scott Lee)
 Property Owners: Leesh Management LLC
 Parcel ID Number: 165801-16-9869
 Tag #: 05G02039U
 Address: 108 Butternut Lane, Clayton
 File #: SP 2014-81

Produced by: TOC Planning

Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.

8/11/14



PROPERTY OWNER INFORMATION

Application
 Name: LGESH MANAGEMENT LLC
 Mailing Address: 100 BUTTERNUT LANE CLAYTON NC 27520
 Phone Number: 919-553-2085 Fax: 919-553-8574
 Email Address: LAURA@SCOTTLIEHOMES.COM
Laura + Scott Lee

APPLICANT INFORMATION

X
 Applicant: TRUE LINE SURVEYING
 Mailing Address: 205 W MAIN ST CLAYTON NC 27520
 Phone Number: 919 359 0427 Fax: 919 359 0428
 Contact Person: CURK LANE
 Email Address: CURK@TRUELINESURVEYING.COM

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Major Site Plan application.

To be completed by the applicant:			To be completed by staff:		
	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>5/16/14</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
2. I have referenced the <i>Plan Requirements Checklist</i> and used this as a guide	<input checked="" type="checkbox"/>				
3. Site Plan Review Fee (\$500 + \$5/acre)	<input checked="" type="checkbox"/>				
4. Completed application (9 copies)	<input checked="" type="checkbox"/>				
5. Owner's Consent Form (9 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
6. Plan sets meeting the requirements listed in the <i>Plan Requirements Checklist</i> (9 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
7. Adjacent property owners list (9 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
8. Wastewater allocation request OR verification of wastewater allocation (9 copies)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
9. Signed and sealed traffic impact analysis (2 copies)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
10. Neighborhood meeting notice letter (9 copies) <i>See sample letter and meeting requirements</i>	May be provided at time of submittal if meeting date is known – otherwise must be submitted by email or mail on date the letter is mailed out.				
11. Neighborhood meeting summary form (9 copies)	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				

EXPLANATION OF PROJECT

Please provide detailed information concerning all requests. Attach additional sheets if necessary.

Approval for Office Building Construction

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Planning Board of the Town of Clayton to approve the subject Major Site Plan. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Clayton, North Carolina, and will not be returned.

P. SCOTT LEE
Print Name


Signature of Applicant

7-1-14
Date



100 Butternut Lane - Post Office Box 748 (27528) Clayton, NC 27520 ~ Telephone (919) 553-2085 Fax (919) 553-8574

Date: July 1, 2014

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application filed with the Town of Clayton for a land use proposal involving property adjacent to, or in close proximity to, property shown in your ownership by Johnston County tax records. Per Town of Clayton regulations, a neighborhood meeting will be held to provide information to area residents about the nature of the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments:

Meeting Date: July 29, 2014

Location: 100 Butternut Lane, Clayton, NC 27520

Time: 6:30 PM

Type of Application: Major Site Plan Application for Construction of General Office

General Description: Building new general office space

If you have any questions prior to or after this meeting, you may contact us at 919-553-2085.

Sincerely,

Percy Scott Lee
Leesh Management, LLC

Cc: Clayton Planning Dept.

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: July 15, 2014

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached):

Printed Name: Curk T. Lane

Signature: _____



Date of Meeting: July 29, 2014

Time of Meeting: 6:30 pm

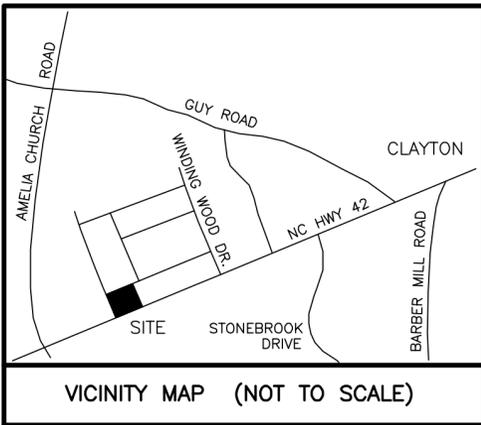
Location of Meeting: 100 Butternut Lane, Clayton, N.C.

Scott Lee Homes' current office

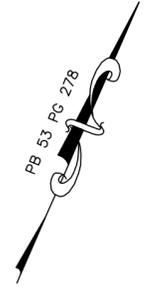
Meeting Summary/Minutes: *provide a summary of the discussion held at the meeting, including issues raised and any changes made by the applicant as a result of the meeting.*

Jan Morgavan and Christine Rogers were the only adjacent property owners present at meeting. They were presented with an overview of the proposed site plan and had no concerns, questions or statements. Their only comments came in the form of comments about the entire development not having similar signage and landscaping.

Please write clearly (or submit a typed summary), and use additional sheets if necessary.



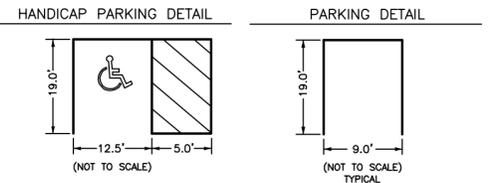
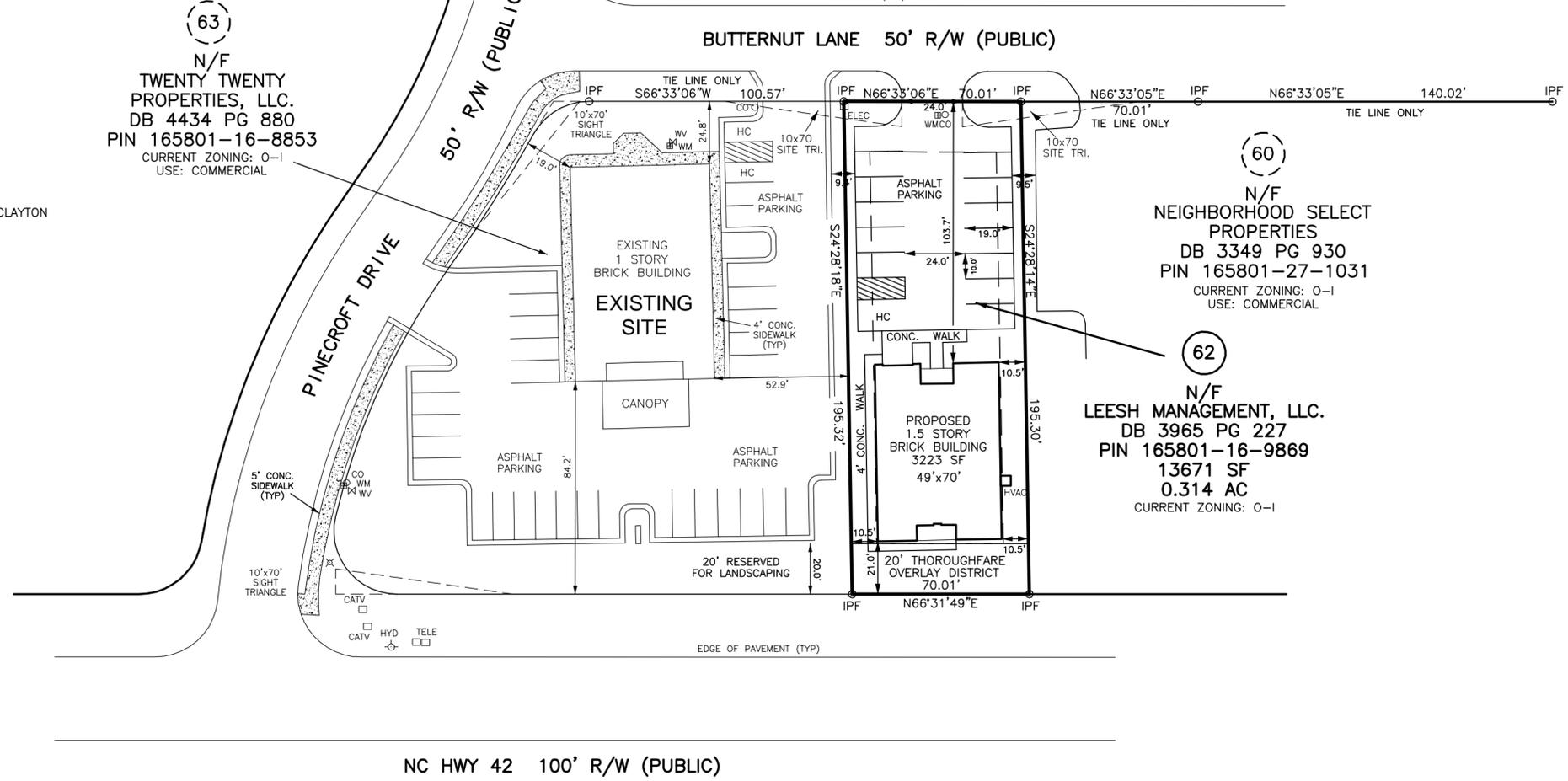
MINIMUM BUILDING SETBACKS
ZONING: O-1
FRONT.....20 FEET
SIDE.....10 FEET
REAR.....20 FEET



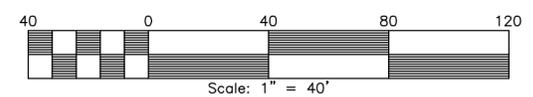
NOTES:

- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
- 2) AREAS COMPUTED BY COORDINATE METHOD.
- 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- 4) NO. 5 REBAR IRON STAKES WITH CAPS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
- 5) ZONING: O-1
- 6) TAX PARCEL NO. 05G02039U
- 7) POWER SUPPLIED BY DUKE PROGRESS
- 8) SITE IS LOCATED WITHIN PLANNING JURISDICTION OF THE TOWN OF CLAYTON
- 9) SITE TO BE SERVED BY INDIVIDUAL CONTAINER
- 10) LOCK BOX WILL BE LOCATED AT ELECTRICAL PANEL
- 11) BUILDING HEIGHT SHALL NOT EXCEED 35 FEET
BUILDING EXTERIOR MATERIAL: BRICK
- 12) EXTERIOR LIGHTING WILL BE DECORATIVE
- 13) CURRENT OWNER OF TRACT: LEESH MANAGEMENT, LLC.
100 BUTTERNUT LANE
CLAYTON, N.C. 27520
- 14) SITE IS CURRENTLY SERVED BY PUBLIC WATER SEWER
- 15) THERE IS CURRENTLY NO DUMPSTER LOCATION ON SITE
- 16) SITE LOCATED IN TOWN OF CLAYTON TOWN LIMITS
- 17) EXISTING USE - VACANT
- 18) PROPOSED USE - CONTRACTORS OFFICE
- 19) SUBJECT TO THOROUGHFARE OVERLAY DISTRICT

SITE DATA	
AREA IN SITE	13671 SF 0.314 AC
AREA IN PROPOSED BUILDING	3223 SF 23.6%
VEHICULAR USE AREA	5746 SF
LANDSCAPED AREA	2734 SF 20.0% OF SITE
IMPERVIOUS AREA	6336 SF 46.3% OF SITE
MAXIMUM IMPERVIOUS AREA PERMITTED	75.0% OF SITE
PARKING REQUIRED 1 SPACE PER 200 SF OFFICE SPACE 3223 / 200 = 15 PARKING SPACES REQUIRED	
PARKING SPACES REQUIRED	15
PARKING SPACES PROVIDED	14
HANDICAP SPACES PROVIDED	1
TOTAL PARKING SPACES PROVIDED	15



HANDICAP SIGN
NOT TO SCALE



OWNER: LEESH MANAGEMENT, LLC.
100 BUTTERNUT LANE
CLAYTON, N.C. 27520

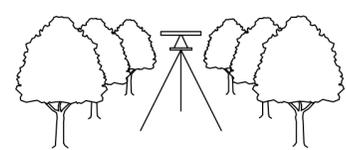
LEGEND

- IPF IRON PIPE FOUND
- IPS IRON PIPE SET
- CMF CONCRETE MONUMENT FOUND
- PKNF PARKER-KALON NAIL FOUND
- PKNKS PARKER-KALON NAIL SET
- RRS RAILROAD SPIKE
- CC CONTROL CORNER
- CP COMPUTED POINT
- P/P POWER POLE
- OPW OVERHEAD POWER LINE
- R/W RIGHT OF WAY
- S.F. SQUARE FEET
- AC ACRE
- DB DEED BOOK
- PB PLAT BOOK
- BOM BOOK OF MAPS
- PG PAGE
- LF LINEAR FEET
- 15S LOT HAS OFFSITE SEWER
- 15SL OFFSITE SEWER LOT
- 15R RECOMBINATION LOT
- [T00] STREET ADDRESS
- LINES NOT SURVEYED

SITE PLAN FOR
LEESH MANAGEMENT, LLC.
CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
JUNE 19, 2014

SURVEYED BY:	ADAM
DRAWN BY:	MIKE
CHECKED BY:	CURK
DRAWING NAME:	SITEPLAN.DWG
SURVEY DATE:	5-15-14
JOB NO.	164.400

TRUE LINE SURVEYING, P.C.



205 WEST MAIN STREET
CLAYTON, N.C. 27520
TELEPHONE: (919) 359-0427
FAX: (919) 359-0428
www.truelinesurveying.com



TALMAGE "MARK" HALL, ASLA
 100 DOVE CT
 CLAYTON, NC 27520
 919.810.8408
 talmagemark@gmail.com

LEESH Management, LLC
 Office for LEESH Management, LLC
 108 Butternut Lane
 Clayton, North Carolina, 27520



FOR REVIEW ONLY
 NOT FOR
 CONSTRUCTION

PROJECT:	SLH-1401	DATE:	JUNE 2014
ISSUE:	SITE PLAN APPROVAL		07.01.2014
REVISIONS:	TRC-1ST REVIEW		07.25.2014
DRAWN BY:	TMH		
CHECKED BY:	TMH		
CONTENT:	LANDSCAPE PLAN		

T.O.C. PROJECT NO: SP 2014-81

Plant List

NOTE: THE PLANT MATERIAL SHOWN BELOW HAS BEEN SELECTED FOR ITS DROUGHT TOLERANCE AS NO IRRIGATION SYSTEM IS PLANNED FOR THIS PROJECT.

NOTE: DOES NOT INCLUDE MONUMENT SIGN PLANT MATERIAL

ALIAS	QTY.	BOTANICAL NAME	COMMON NAME	GALPER	HEIGHT	SPREAD	ROOT	REMARKS
CANOPY TREES (CANOPY TREES #7)								
ARO	2	ACER RUBRUM 'OCTOBER GLORY'	OCTOBER GLORY RED MAPLE	2.5'	10-12'	-	B & B	STREET TREE-CLASS 'A' BUFFER
AS	2	ACER BURSERIANUM	THURGOOD MAPLE	2.5'	10-12'	-	B & B	PARKING LOT TREE
OS	3	QUERCUS SHUMARDII	SHUMARD OAK	2.5'	10-12'	-	B & B	THOROUGHFARE OVERLAY CLASS 'A' BUFFER
UNDERSTORY TREES (UNDERSTORY TREES #8)								
CCF	3	CERIS CANADENSIS 'FOREST PANSY'	FOREST PANSY REDBUD	-	4' MIN.	-	CONT'NAB	CLASS 'A' BUFFER
LF	2	LAGERSTROEMIA INDICA 'TUSKEGEE'	TUSKEGEE GRAPE MYRTLE	-	4' MIN.	-	CONT'NAB	CLASS 'A' BUFFER
SHRUBS (TOTAL SHRUBS #34, INCLUDES SHRUBS USED FOR SCREENING AND BUFFER)								
AXG	8	ABELIA X GRANDIFLORA	ABELIA	-	12' MIN.	-	1 GAL.	CLASS 'A' BUFFER
ICB	7	ILEX CORNUTA 'BURFORD'	BURFORD HOLLY	-	12' MIN.	-	3 GAL.	THOROUGHFARE OVERLAY
ICSN	7	ILEX CORNUTA 'BURFORD NANA'	DWARF BURFORD HOLLY - PRUNED TO HEDGE FORM	-	8" MIN.	-	3 GAL.	FOR HVAC SCREENING
ICN	12	ILEX CORNUTA 'NEEDLEPOINT'	'NEEDLEPOINT' HOLLY - PRUNED TO HEDGE FORM	-	8" MIN.	-	3 GAL.	FOR PARKING SCREENING

LAWN AREAS SEEDED WITH TARTAN BLUE TALL FESCUE (NOTE: OWNER MAY SUBSTITUTE BERBERIS, CENTAUREA OR ZOYSIA SOCS AS DESIRED)

1. ALL PLANTS AND INSTALLATION SHALL BE IN ACCORDANCE WITH TOWN OF CLAYTON RULES, REGULATIONS AND REQUIREMENTS AND, AT THE LEAST, MEET THE TOWN'S MINIMUM REQUIREMENTS FOR CODE COMPLIANCE.
2. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR VERIFYING PLANT QUANTITIES AND IS TO NOTIFY THE CONTRACTOR ASAP OF ANY DISCREPANCIES BETWEEN THE PLANT LIST AND THE PLAN THAT REQUIRE CLEARANCES FOR ACCESS.
3. THE LANDSCAPE CONTRACTOR SHALL ADJUST ANY SCREEN PLANTING AS NEEDED TO MAINTAIN REQUIRED CLEARANCES AROUND TRANSFORMERS, GENERATORS AND OTHER UTILITIES.
4. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR PROVIDING A DESIGN/BUILD IRRIGATION PLAN FOR THIS PROJECT TO THE OWNER FOR REVIEW AND ACCEPTANCE. REFER TO SHEET LS200 FOR IRRIGATION DIRECTIVES.

NOTE: ILEX CORNUTA 'NEEDLEPOINT' IS NOT ON THE TOWN OF CLAYTON'S LIST OF APPROVED PLANT MATERIAL BUT IS A LOCALLY AND REGULARLY USED PLANT FOR HEDGES AND SCREENING

Landscape Data

LANDSCAPE REQUIREMENTS
 TOTAL AREA OF LOT: 15,678 SQ.FT.
 20% OF LOT AREA: 3,136 SQ.FT.
 PLANTINGS REQUIRED: 3 CANOPY TREES, 8 UNDERSTORY TREES, 6 SHRUBS

PLANTINGS PROVIDED: 7 CANOPY TREES, 8 UNDERSTORY TREES, 34 SHRUBS

STREET TREE PLANTINGS PROVIDED: (2) AT 48" O.C. ALONG N.C. HWY 42 AND BUTTERNUT LANE
BUFFER TYPE FOR NC HWY 42: REQUIRED PLANTINGS PER 100 LIN FT OF BUFFER: (1) CANOPY TREE [1 TOTAL] / 1 PROVIDED, (2) UNDERSTORY TREE [2 TOTAL] / 2 PROVIDED, (3) SHRUBS [8 TOTAL] / 8 PROVIDED

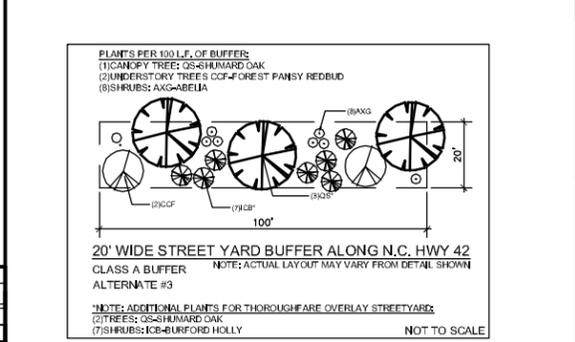
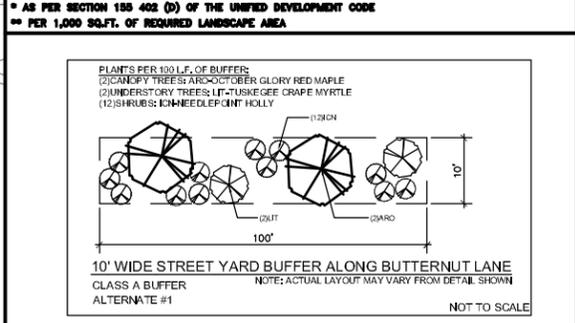
BUFFER TYPE FOR BUTTERNUT LANE: 10' STREET YARD BUFFER - CLASS "A" - ALTERNATE #1
 REQUIRED PLANTINGS PER 100 LIN FT OF BUFFER: (2) CANOPY TREES [2 TOTAL] / 2 PROVIDED, (2) UNDERSTORY TREE [2 TOTAL] / 2 PROVIDED, (12) SHRUBS [12 TOTAL] / 12 PROVIDED

THOROUGHFARE OVERLAY DISTRICT STREET YARD ALONG NC HWY 42: REQUIRED PLANTINGS FOR 1400 SQ FT OF STREET YARD: (1) TREE PER 1000 SQ FT = 2 TREES [2 TOTAL] / 2 PROVIDED, (3) SHRUB PER 1000 SQ FT = 7 [7 TOTAL] / 7 PROVIDED

LANDSCAPE CALCULATION*

TOTAL AREA OF LOT	15,678 SQ.FT.	PLANT TYPE	REQUIRED**	PROPOSED
20% OF LOT AREA:	3,136 SQ.FT.	CANOPY TREE	3	7
REQUIRED LANDSCAPE AREA:	3,000 SQ.FT.	UNDERSTORY TREE	3	8
PROPOSED LANDSCAPE AREA:	3,000 SQ.FT.	SHRUBS	6	34

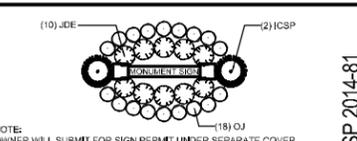
* AS PER SECTION 155 402 (D) OF THE UNIFIED DEVELOPMENT CODE
 ** PER 1,000 SQ.FT. OF REQUIRED LANDSCAPE AREA



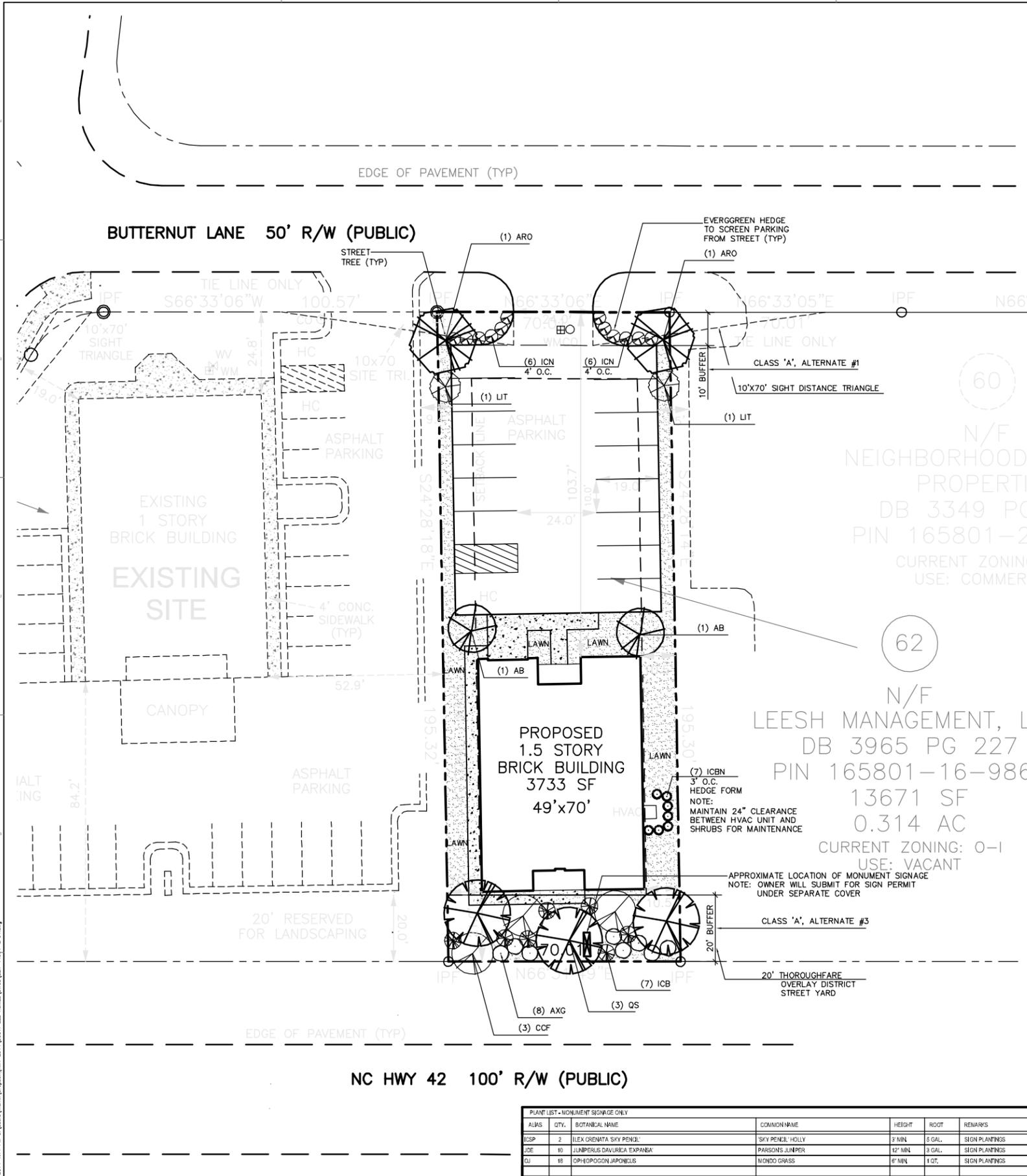
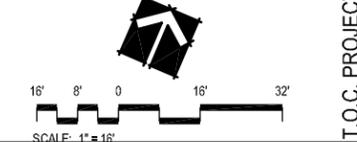
Landscape Notes

- GENERAL LANDSCAPE NOTES**
1. ALL PLANT MATERIALS AND PLANTING BEDS SHALL BE LOCATED BY SCALED DIMENSIONS FROM BUILDINGS, CURBS, PAVEMENTS, ETC. LOCATION OF ALL PLANTS SHALL BE REVIEWED IN THE FIELD BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. THE CONTRACTOR SHALL PROVIDE 48 HOURS NOTICE FOR REVIEW.
 2. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION OR PLANTING AND SHALL BE RESPONSIBLE FOR THEIR REPAIR OR PAY FOR ALL DAMAGES MADE TO UNDERGROUND UTILITIES.
 3. THE LANDSCAPE CONTRACTOR SHALL VERIFY ALL PLANT QUANTITIES.
 4. THE LANDSCAPE ARCHITECT SHALL BE NOTIFIED IN WRITING OF ANY PROPOSED PLANT SUBSTITUTIONS BY THE LANDSCAPE CONTRACTOR. NO SUBSTITUTIONS SHALL BE MADE UNDER ANY CIRCUMSTANCES WITHOUT PRIOR APPROVAL BY THE LANDSCAPE ARCHITECT.
 5. ALL DISTURBED AREAS NOT IDENTIFIED TO EITHER BE SEEDED OR SODED SHALL BE MULCHED IN ACCORDANCE WITH THE SPECIFICATIONS.
 6. A PRE-EMERGENT HERBICIDE SHALL BE APPLIED TO ALL PLANTING BEDS IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
 7. ALL PLANTING BEDS, SAUCERS, AND AREAS DESIGNATED TO BE MULCHED SHALL BE MULCHED WITH A MINIMUM OF 3/4 INCHES OF TRIPLE SHREDED HARDWOOD MULCH.
 8. PLANTING BEDS AND SAUCERS SHALL BE EDGED TO PROVIDE A 2" TO 3" DEEP "Y" CUT ALONG ITS BORDER WITH SODED OR SEEDED AREAS.
 9. ALL SAUCERS SHALL BE SOAKED WITH WATER AND MULCHED IMMEDIATELY FOLLOWING PLANTING.
 10. GUYING SHALL BE REMOVED AFTER ONE FULL GROWING SEASON.
 11. THE LANDSCAPE CONTRACTOR SHALL INSTALL ALL LANDSCAPING IN ACCORDANCE WITH THE DETAILS AND SPECIFICATIONS SHOWN AND INTEGRATED ON THIS SHEET UNLESS ALTERNATIVE METHODS OR PRACTICES ARE REVIEWED AND ACCEPTED BY THE LANDSCAPE ARCHITECT.
 12. AT INSTALLATION AND CONTINUOUSLY DURING THE MAINTENANCE CONTRACT, ALL PROPOSED SHRUBS THAT ARE SQUARE IN SHAPE AND ARRANGED IN ROWS SHOULD BE PRUNED INTO BOWED AND CLIPPED HEDGEROWS.
 13. ALL LANDSCAPED AREAS SHALL BE MAINTAINED IN AN ATTRACTIVE AND HEALTHY CONDITION. DEAD OR DISEASED PLANTINGS SHALL BE REMOVED AND REPLACED IN A TIMELY FASHION.
 14. ALL HVAC AND MECHANICAL EQUIPMENT WILL BE SCREENED WITH LANDSCAPING OR DECORATIVE FENCING.

Monument Sign - Landscaping



LANDSCAPE PLAN



PLANT LIST - MONUMENT SIGNAGE ONLY

ALIAS	QTY.	BOTANICAL NAME	COMMON NAME	HEIGHT	ROOT	REMARKS
ICSP	2	ILEX ORNATA 'SKY PENCIL'	SKY PENCIL HOLLY	3' MIN.	3 GAL.	SIGN PLANTING
JDE	10	JUNIPERUS DAURICA 'EXPANSA'	PARSONS JUNPER	12' MIN.	3 GAL.	SIGN PLANTING
DI	10	DIPLOPOGON JAPONENSIS	MONDO GRASS	6' MIN.	1 QT.	SIGN PLANTING

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LANDSCAPE WORK SPECIFICATIONS

SCOPE OF WORK: FURNISH ALL LABOR, MATERIALS, AND EQUIPMENT REQUIRED OR INDICATED BY THE DRAWINGS AND SPECIFICATIONS TO COMPLETE THE WORK OF THIS SECTION INCLUDING INSTALLATION OF TREES, SHRUBS, GROUND COVERS, PERENNIALS, SOIL, SEEDING, MULCH AND APPLICANCES.

JOB CONDITIONS: ATTENTION SHALL BE DIRECTED TO THE LOCATION OF ACTIVE UTILITIES WITHIN THE LIMITS OF WORK. BEFORE COMMENCING ANY WORK REQUIRED BY THE CONTRACT, THE CONTRACTOR SHALL LOCATE ALL UTILITIES, SUBSURFACE DRAINAGE, AND UNDERGROUND CONSTRUCTION SO THAT PROPER PRECAUTION MAY BE TAKEN TO AVOID OR MINIMIZE ANY DAMAGE TO SUCH UTILITIES. IMPROVEMENTS, THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR MAKING AT HIS OWN EXPENSE ALL REPAIRS TO DAMAGED UTILITIES RESULTING FROM THE WORK COVERED BY THE CONTRACT.

MATERIALS AND WORK: THE SELECTION OF ALL MATERIALS AND THE EXECUTION OF ALL WORK REQUIRED UNDER THE CONTRACT SHALL BE SUBJECT TO APPROVAL BY THE OWNER OR HIS AGENT. THE OWNER SHALL HAVE THE RIGHT TO REJECT ANY AND ALL MATERIALS AND ANY AND ALL WORK WHICH IN HIS OPINION DOES NOT MEET THE REQUIREMENTS OF THE CONTRACT DOCUMENTS AT ANY STAGE OF THE OPERATIONS. ALL REJECTED MATERIALS SHALL BE REMOVED FROM THE SITE BY THE CONTRACTOR.

PLANT MATERIALS: ALL MATERIALS SHALL BE NURSERY GROWN, FRESHLY DUG IF FIELD GROWN, NATURALLY SHAPED, AND WELL-BRANCHED FULL FOLKED WHEN IN LEAF WITH HEALTHY, WELL-DEVELOPED ROOT SYSTEMS. TREES MUST BE SELF-SUPPORTING, WITH STRAIGHT TRUNKS AND LEADERS IN FACT. ALL PLANTS FURNISHED SHALL BE FREE OF ANY INSECT INFESTATIONS OR OTHER EGGS, AND SHALL HAVE BEEN GROWN UNDER CLIMATIC CONDITIONS SIMILAR TO THOSE OF THE PROJECT LOCALITY. ALL PLANTS SHALL BE TRUE TO SPECIES AND VARIETY.

PLANT SIZES: SPECIFIED SIZES INDICATE MINIMUM ALLOWABLE SIZES AT PLANTING. WHERE CONTAINER SIZE IS INDICATED FOR A SINGLE SPECIES, BOTH REQUIREMENTS MUST BE MET.

PLANT HANDLING & STORAGE: PLANTS AND THEIR ROOT SYSTEMS SHALL BE PROPERLY PROTECTED FROM DRYING OUT AT ALL TIMES. PLANT MATERIALS SHALL BE WATERED PRIOR TO TRANSPORT AND KEPT MOIST PRIOR TO PLANTING. PLANTS THAT CANNOT BE PLANTED IMMEDIATELY UPON DELIVERY SHALL BE KEPT IN THE SHADE AND WELL-WATERED. PLANTS SHALL NOT REMAIN UNPLANTED FOR LONGER THAN THREE DAYS AFTER DELIVERY.

BALLED & BURLAPPED PLANTS SHALL BE LIFTED FROM THE BOTTOM ONLY, NOT BY STEMS OR TRUNKS.

CARE SHALL BE TAKEN WHEN REMOVING THE CONTAINER FROM CONTAINER-GROWN PLANTS SO AS NOT TO INJURE THE PLANT'S ROOTS.

SUBSTITUTIONS: IF PROOF IS SUBMITTED THAT ANY PLANT SPECIFIED IS NOT AVAILABLE, A WRITTEN PROPOSAL FOR USE OF A SIMILAR SIZED AND TYPE OF PLANT AND CORRESPONDING COST ADJUSTMENT WILL BE CONSIDERED. ALL SUBSTITUTIONS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.

BACKFILL MATERIAL: NATIVE SOIL SHALL NOT BE USED FOR BACKFILL BUT IS ACCEPTABLE FOR CONSTRUCTION OF REQUIRED SAUCERS AROUND PLANTS. THE REMAINDER OF UNSODDED NATIVE SOIL SHALL BE HAULED AWAY FROM THE SITE. BACKFILL MATERIAL SHALL BE A BLENDED SOIL MATERIAL AND SHALL BE CONSIST OF 40% COMPOST, 30% SAND, AND 20% CLAY. THE COMPOST SHALL BE A TURF COMPOST BEARING THE U.S. COUNCIL SEAL OF ASSURANCE. THE SAND SHALL BE OBTAINED FROM A SAND QUARRY AND FREE OF ALL VISIBLE WEED SEED. OTHER CONDITIONS OF THE BACKFILL SHALL BE AS FOLLOWS:

MAXIMUM SOLUBLE SALT:	350 PPM
RELATIVE DENSITY:	2% - 30% LOOSE
RELATIVE PERMEABILITY:	2.5-10 IN/HR
PLASTIC INDEX:	4-6
PH RANGE:	6.0-6.8

BACKFILL MATERIAL SHALL BE TESTED AND TEST RESULTS SHALL BE FURNISHED TO THE LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO USE.

PLANT FERTILIZERS: SHALL BE A COMPLETE FERTILIZER OF WHICH 50% OF THE NITROGEN IS DERIVED FROM NATURAL ORGANIC SOURCES OR URADFORM. IT SHALL CONTAIN BY PERCENTAGE THE FOLLOWING: 16% NITROGEN, 10% PHOSPHORIC ACID, AND 10% POTASH. IT SHALL BE DELIVERED IN UNDEPENDED, LABELED CONTAINERS AND STORED IN A WEATHERPROOF PLACE.

WATER: SHALL BE FURNISHED BY THE OWNER.

PLANT MATERIAL INSTALLATION: MATERIALS SHALL ONLY BE PLANTED DURING PERIODS OF SUITABLE WEATHER CONDITIONS.

THE OWNER SHALL BE NOTIFIED OF SUBSURFACE CONDITIONS THAT WOULD PROVE DETRIMENTAL TO PLANT SURVIVAL OR GROWTH ALTERNATE LOCATIONS FOR MATERIAL SHALL BE DETERMINED BY THE CONTRACTOR AND LANDSCAPE ARCHITECT.

ALL TREES AND SHRUBS SHALL BE PLANTED IN INDIVIDUAL HOLES, THE SIDES AND BOTTOM OF HOLES SHALL BE SCAFFERD PRIOR TO PLANTING. BACKFILL WITH THE SOIL MIXTURE SPECIFIED ON THE DRAWINGS. BACKFILLS SHALL BE ACCOMPLISHED IN LIFTS TO ENSURE ELIMINATION OF ALL AIR POCKETS. ALL PLANTS SHALL BE POSITIONED TO PLACE MOST ATTRACTIVE SIDE VIEW AND IN A PLUMB POSITION.

INSTALL 6 FT. DIAMETER SAUCERS MADE OF SOIL AROUND LARGE TREES AND 4 FT. DIAMETER SAUCERS AROUND SMALL TREES.

IMMEDIATELY FOLLOWING PLANTING, PLANTS SHALL BE MULCHED, WHERE PLANTS ARE PLANTED IN GROUPS, THE AREA ABOUT THE PLANT AS WELL AS THE AREA BETWEEN PLANTS SHALL BE COVERED WITH MULCH. PLANTS SHALL BE THOROUGHLY WATERED FOLLOWING MULCHING.

STAKE ALL TREES IN ACCORDANCE WITH THE DRAWINGS.

PRUNING SHALL BE LIMITED TO THE REMOVAL OF UNLINED BRANCHES AND TWIGS. USE CLEAN AND SHARP PRUNING TOOLS.

SIDEWALKS AND PAVEMENTS SHALL BE KEPT CLEAN DURING PROGRESS OF INSTALLATION WORK.

PLANTING BEHIND SEGMENTAL RETAINING WALLS: CONTRACTOR SHALL EXERCISE EXTREME CARE IN THE INSTALLATION OF PROPOSED TREES AND SHRUBS BEHIND SEGMENTAL RETAINING WALLS. CONTRACTOR SHALL PROCEED WITH CAUTION WHEN EXCAVATING SO AS NOT TO REMOVE ANY SECTION OF THE GEOTEXTILE FABRIC THAT IS TYPICALLY LOCATED 18 TO 24 INCHES BELOW FINISHED GRADE. PENETRATION OF THE GEOTEXTILE IS PERMITTED TO PLANT INDIVIDUAL TREES OR LARGE SHRUBS AS NECESSARY; HOWEVER, EXCAVATION OF THE PLANTING HOLE AND REPARATION OF THE GEOTEXTILE FABRIC SHALL BE ACCOMPLISHED USING AN AUGER OR BY HAND CUTTING THE FABRIC FOLLOWING EXCAVATION BY A BACKHOE WITH A SMOOTH-EDGE BUCKET.

MAINTENANCE OF PLANT MATERIALS: PLANT MATERIALS SHALL BE MAINTAINED FOLLOWING PLANTING AND UNTIL FINAL ACCEPTANCE IS GRANTED BY THE OWNER. MAINTENANCE SHALL CONSIST OF WATERING, WEEDING, PRUNING, MULCHING, ADJUSTMENT OF GUYING, RESTORATION OF PLANT POSITION OR SAUCERS, AND SPRAYING IF NECESSARY. FINAL ACCEPTANCE FOR SEGMENTS OF THE CONTRACT WORK MAY BE GRANTED BY THE OWNER.

THE CONTRACTOR SHALL PROTECT PLANTED AREAS WITH STRIKES AND FLAGGING TO LIMIT DAMAGE.

SIDEWALKS AND PAVEMENTS SHALL BE KEPT CLEAN WHEN MAINTENANCE OPERATIONS ARE IN PROGRESS.

ALL INSTALLED MATERIALS SHALL BE IN ACCEPTABLE CONDITION WHEN CONTRACTOR APPLIES FOR PAYMENT.

INSPECTION AND ACCEPTANCE OF WORK: UPON 48 HOURS ADVANCE NOTICE, THE LANDSCAPE ARCHITECT SHALL INSPECT ALL WORK FOR ACCEPTANCE. THE CONTRACTOR'S RESPONSIBILITY FOR MAINTENANCE SHALL TERMINATE AT THE DATE OF ACCEPTANCE OF EACH SEGMENT OF WORK. UPON THE DATE OF ACCEPTANCE, THE GUARANTEE PERIOD SHALL COMMENCE.

GUARANTEE: THE CONTRACTOR SHALL GUARANTEE TO PROVIDE TO THE OWNER THRIVING PLANT MATERIALS TO INCLUDE TREES, SHRUBS, AND GROUND COVERS FOR A PERIOD OF ONE YEAR FOLLOWING FINAL ACCEPTANCE. ADDITIONALLY, THE CONTRACTOR SHALL GUARANTEE TO THE OWNER THRIVING PERENNIALS, ANNUALS, WELL-ESTABLISHED SEEDING AREAS, AND WELL-ROOTED SODDED AREAS FOR A PERIOD OF 90 DAYS FOLLOWING FINAL ACCEPTANCE. THE GUARANTEE IS SUBJECT TO THE FOLLOWING CONDITIONS:

THE OWNER IS RESPONSIBLE FOR PROPER WATERING OF PLANT MATERIALS, SEEDING AREAS, AND SODDED AREAS FOLLOWING FINAL ACCEPTANCE. THE CONTRACTOR SHALL PROVIDE TO THE OWNER WRITTEN INSTRUCTIONS SPECIFYING THE RATES AND EXTENT OF WATERING REQUIRED. THE CONTRACTOR SHALL MAKE MONTHLY INSPECTIONS FOR A PERIOD OF (1) YEAR AT NO EXTRA COST TO THE OWNER, TO DETERMINE WHAT CHANGES SHOULD BE SUBMITTED TO THE OWNER IN WRITING.

DAMAGE CAUSED TO PLANT MATERIALS FROM ACTS OF NATURE, VANDALISM, EROSION, OR MALICIOUS ACTS WILL VOID THE GUARANTEE FOR AN EFFECTED MATERIALS.

DAMAGE TO PLANT MATERIALS CAUSED BY DISEASE INCLUDING BROWN PATCH IN TURF GRASSES EXCLUDE ANY EFFECTED MATERIALS FROM THE GUARANTEE.

PLANT MATERIAL REPLACEMENT: THE CONTRACTOR SHALL REPLACE WITHOUT COST TO THE OWNER, AND AS SOON AS WEATHER CONDITIONS PERMIT, ALL PLANTS NOT IN THRIVING CONDITION AS DETERMINED BY THE OWNER DURING AND AT THE END OF THE GUARANTEE PERIOD. THE GUARANTEE OF ALL REPLACED PLANTS SHALL EXTEND FOR AN ADDITIONAL 90 DAYS FROM THE DATE OF REPLACEMENT.

TURF MATERIALS: MATERIALS REQUIRED FOR SEEDING AND SODDING SHALL CONFORM TO THE FOLLOWING:

FERTILIZER: SHALL BE A TURF-GRADE, HIGH PHOSPHORUS FERTILIZER IN WHICH 1/2 TO 3/4 OF THE NITROGEN IS SLOWLY AVAILABLE. IT SHALL CONTAIN BY PERCENTAGE THE FOLLOWING: 16% NITROGEN, 10% PHOSPHORIC ACID, AND 10% POTASH. IT SHALL BE DELIVERED IN UNDEPENDED, LABELED CONTAINERS AND STORED IN A WEATHERPROOF PLACE.

LIME: SHALL BE NATURAL DOLOMITIC LIME STONE CONTAINING NOT LESS THAN 85% OF TOTAL CARBONATES WITH A MINIMUM OF 30% MAGNESIUM CARBONATE IN A PELLETTIZED FORM.

ANTHEROSIN MULCH: SHALL BE CLEAN, SEED-FREE, SALT HAY OR THRESHED STRAW OF WHEAT, RYE, OATS, OR BARLEY.

GRASS SEED: SHALL BE FRESH, CLEAN, NEW-CROP SEED COMPLYING WITH TOLERANCE FOR PURITY AND GERMINATION ESTABLISHED BY OFFICIAL SEED ANALYSIS OF NORTH AMERICA. PROVIDE TYPE OR MIXTURE COMPOSED OF SPECIES AS SPECIFIED ON THE CONSTRUCTION DRAWINGS.

SOD: SHALL BE FRESHLY CUT, DROUGHT-RESISTANT, SOIL FREE OF COLLECTIBLE DEBRIS, LEAF OR GRASSY WEEDS. PROVIDE TYPE AS SPECIFIED BELOW.

PREPARATION OF TURF AREAS: PRIOR TO SEEDING OR SOD INSTALLATION, VERIFY THAT ALL TRENCHING AND OTHER LAND DISTURBING ACTIVITIES HAVE BEEN COMPLETED.

ALL DISTURBED AREAS SHALL BE DRESSED TO TYPICAL SECTIONS AND GRADES SHOWN ON THE CONSTRUCTION DRAWINGS. REMOVE FROM THE SITE ALL TEMPORARY SEEDING OR STABILIZATION MEASURES.

ALL AREAS TO RECEIVE SEED OR SOD SHALL BE PREPARED ACCORDING TO THE FOLLOWING PROCEDURE:

REMOVE ANY UNDESIRABLE VEGETATION OR DEBRIS.

APPLY LIMESTONE ACCORDING TO SOIL TEST RECOMMENDATION OR AT A RATE OF 4000 LBS. PER ACRE.

RIP THE AREA TO A MINIMUM DEPTH OF 4 TO 6 INCHES.

REMOVE ALL LOOSE ROCKS, ROOTS, AND OTHER DEBRIS AND PLUVEZIZE THE TOP 2 INCHES OF LOOSENED SOIL TO PROVIDE A SMOOTH AND UNIFORM SURFACE.

APPLY TURF-GRADE FERTILIZER IN A MANNER THAT ENSURES UNIFORM DISTRIBUTION. FERTILIZER SHALL BE APPLIED AT A RATE THAT PROVIDES 1 LBS. OF PHOSPHORUS PER 1000 S.F. USE 1/2 IN. MIX WITH SOIL AND SMOOTH SURFACE.

SODDING: APPLY DROUGHT-RESISTANT, TURF-TYPE FESCUE SOD (E.G. "REBEL II", "BONANZA", "CONFEDERATE", ETC.) IN THE FOLLOWING MANNER:

SOD SHALL BE PLACED ON A SMOOTH, EVEN SURFACE CONFORMING TO FINISH GRADE REQUIREMENTS. FINISH GRADE SHALL BE 1/2 INCH BELOW SURFACES OF ADJACENT SIDEWALKS AND CURBS. SOIL SHALL BE WATERED BEFORE SOD IS LAIN. ALL SOD SHALL BE CUT BY AN APPROVED MECHANICAL SOD CUTTER. UNDER NO CIRCUMSTANCES SHALL ANY SODDING WORK BE DONE UNLESS WEATHER AND SOIL CONDITIONS ARE SUITABLE.

HANDLING OF SOD SHALL BE DONE IN A MANNER TO PREVENT TEARING, BREAKING, DRYING, OR OTHER DAMAGE.

SOD SHALL BE INSTALLED ON-SITE IN NOT MORE THAN 72 HOURS AFTER CUTTING. IF THE SOD IS NOT INSTALLED WITHIN 48 HOURS AFTER CUTTING, IT SHALL BE UNLAPPED OR UNROLLED, PLACED IN SHADE, AND KEPT MOIST UNTIL INSTALLATION.

LAY SOD PARALLEL TO THE DIRECTION OF THE SLOPE AND IN A MANNER WHICH WILL PERMIT JOINTS TO ALTERNATE.

FIT SOD PIECES TOGETHER TIGHTLY SO THAT NO JOINT IS VISIBLE, AND TAMP SOD FIRMLY AND EVENLY BY HAND.

AFTER SODDING IS COMPLETE AND APPROVED BY LANDSCAPE ARCHITECT, SODDED AREAS SHALL BE ROLLED WITH A 200 LB. ROLLER.

WATER SODDED AREAS IMMEDIATELY AFTER FINAL ROLLING WITH A FINE SPRAY TO A DEPTH OF 4 INCHES. KEEP ALL SODDED AREAS CONTINUOUSLY MOIST THEREAFTER UNTIL 30 CALENDAR DAYS FOLLOWING INSTALLATION. USE FINE SPRAY NOZZLES ONLY.

INSPECT AND MAINTAIN SODDED AREAS AND MAKE NECESSARY REPAIRS DURING THE SPECIFIED GUARANTEE PERIOD. IF 60% OR MORE OF SODDED AREAS FAIL TO BECOME ESTABLISHED, THE CONTRACTOR, AT NO ADDITIONAL EXPENSE TO THE OWNER, WILL REPEAT THE ENTIRE PROCESS WITH NEW SOD MATERIALS.

SEEDING: APPLY TURF-TYPE SEED MIXTURE (E.G., "CONFEDERATE" FESCUE MIXTURE, "TRAILBLAZER", ETC.) AT A RATE OF 4 LBS. PER 1000 S.F. VENTURIY 5/16" ALL FESCUE IS UNACCEPTABLE.

CULTIVATE SEEDED AREAS AND APPLY ANTEROSIN MULCH AT A RATE OF 2 TONS PER ACRE.

INSPECT AND MAINTAIN SEEDED AREAS AND MAKE NECESSARY REPAIRS DURING THE SPECIFIED GUARANTEE PERIOD. IF 60% OR MORE OF SEEDED AREAS FAIL TO BECOME ESTABLISHED, THE CONTRACTOR, AT NO ADDITIONAL EXPENSE TO THE OWNER, WILL REPEAT THE ENTIRE PROCESS FOR ESTABLISHMENT OF A SUITABLE TURF GRASS.

GENERAL LANDSCAPE NOTES

1. ALL PLANT MATERIALS AND PLANTING BEDS SHALL BE LOCATED BY SCALED DIMENSIONS FROM BUILDINGS, CURBS, PAVEMENTS, ETC. LOCATION OF ALL PLANTS SHALL BE REVIEWED IN THE FIELD BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. THE CONTRACTOR SHALL PROVIDE 48 HOURS NOTICE FOR REVIEW.

2. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION OR PLANTING AND SHALL BE RESPONSIBLE FOR THEIR REPAIR OR PAY FOR ALL DAMAGES MADE TO UNDERGROUND UTILITIES.

3. THE LANDSCAPE CONTRACTOR SHALL VERIFY ALL PLANT QUANTITIES.

4. THE LANDSCAPE ARCHITECT SHALL BE NOTIFIED IN WRITING OF ANY PROPOSED PLANT SUBSTITUTIONS BY THE LANDSCAPE CONTRACTOR. NO SUBSTITUTIONS SHALL BE MADE UNDER ANY CIRCUMSTANCES WITHOUT PRIOR APPROVAL BY THE LANDSCAPE ARCHITECT.

5. ALL DISTURBED AREAS NOT IDENTIFIED TO EITHER BE SEEDED OR SODDED SHALL BE MULCHED IN ACCORDANCE WITH THE SPECIFICATIONS.

6. A PRE-EMERGENT HERBICIDE SHALL BE APPLIED TO ALL PLANTING BEDS IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

7. ALL PLANTING BEDS, SAUCERS, AND AREAS DESIGNATED TO BE MULCHED SHALL BE MULCHED WITH A MINIMUM OF 3-4 INCHES OF TRIPLE SHREDED HARDWOOD MULCH.

8. PLANTING BEDS AND SAUCERS SHALL BE EDGED TO PROVIDE A 2" TO 3" DEEP "Y" CUT ALONG ITS BORDER WITH SODDED OR SEEDED AREAS.

9. ALL SAUCERS SHALL BE SOAKED WITH WATER AND MULCHED IMMEDIATELY FOLLOWING PLANTING.

10. GUYING SHALL BE REMOVED AFTER ONE FULL GROWING SEASON.

11. THE LANDSCAPE CONTRACTOR SHALL INSTALL ALL LANDSCAPING IN ACCORDANCE WITH THE DETAILS AND SPECIFICATIONS SHOWN AND ENLARGED ON THIS SHEET UNLESS ALTERNATIVE METHODS OR PRACTICES ARE REVIEWED AND ACCEPTED BY THE LANDSCAPE ARCHITECT.

12. AT INSTALLATION AND CONTINUOUSLY DURING THE MAINTENANCE CONTRACT, ALL PROPOSED SHRUBS THAT ARE SQUARE IN SHAPE AND ARRANGED IN ROWS SHOULD BE PRUNED INTO BOWED AND CLIPPED HEDGEROWS.

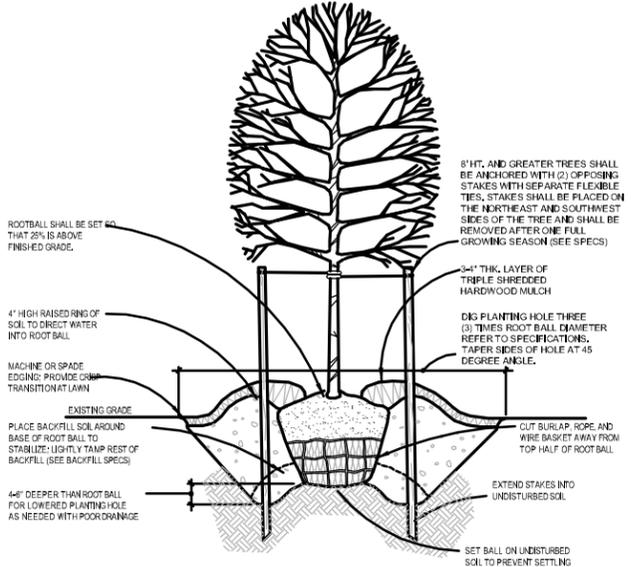
13. ALL LANDSCAPED AREAS SHALL BE MAINTAINED IN AN ATTRACTIVE AND HEALTHY CONDITION. DEAD OR DISEASED PLANTINGS SHALL BE REMOVED AND REPLACED IN A TIMELY FASHION.

14. ALL HVAC AND MECHANICAL EQUIPMENT WILL BE SCREENED WITH LANDSCAPING OR DECORATIVE FENCING.

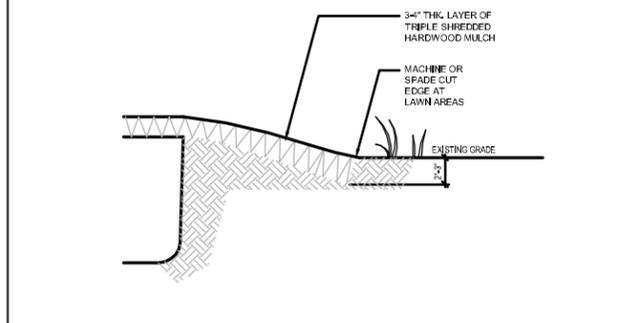
**LANDSCAPE NOTES
SCALE: NTS 5**

NOTES

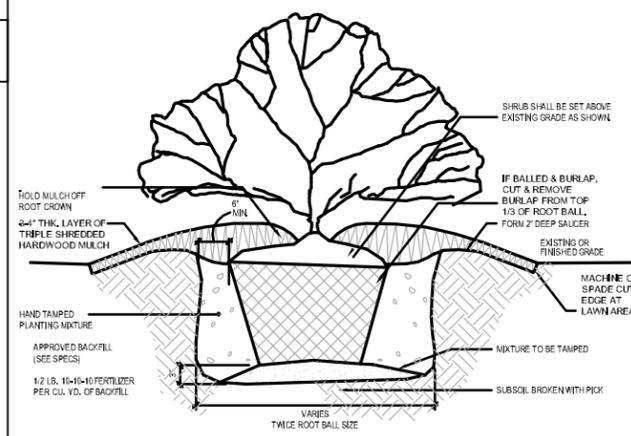
1. THE PLANTING PROCESS IS SIMILAR FOR DECIDUOUS AND EVERGREEN TREES.
2. FOR SINGLE STEM TREES, DO NOT SUPPLY TREES WITH MULTIPLE LEADERS, ONLY PROVIDE TREES WITH A SINGLE LEADER. DO NOT PRUNE TREES AT PLANTING EXCEPT FOR SPECIFIC STRUCTURAL CORRECTIONS AND TO INSURE COMPLIANCE WITH SIGHT DISTANCE STANDARDS.
3. MARK THE NORTH SIDE OF THE TREE AT THE NURSERY AND LOCATE TO THE NORTH IN THE FIELD.
4. WHERE SEVERAL TREES WILL BE PLANTED CLOSE TOGETHER SUCH THAT THEY WILL LIKELY SHARE ROOT SPACE, TILL IN SOIL AMENDMENTS TO A DEPTH OF 4" TO 6" OVER THE ENTIRE BED AREA.
5. FOR CONTAINER-GROWN TREES, SET THE ROOTS OUT OF THE OUTER LAYER OF POTTING SOIL, THEN CUT OR PULL APART ANY ROOTS CIRCULING THE PERIMETER OF THE CONTAINER.
6. THOROUGHLY SOAK THE TREE ROOT BALL AND ADJACENT PREPARED SOIL SEVERAL TIMES DURING THE FIRST MONTH AFTER PLANTING AND REGULARLY THROUGHOUT THE FOLLOWING TWO SUMMERS.
7. IF PLANTING HOLES ARE DUG WITH A LARGE AUGER, BREAKING DOWN THE SIDES WITH A SHOVEL TO ELIMINATE GLAZING AND CREATE THE SLOPING SIDE PROFILE SHOWN ON THE DETAIL.



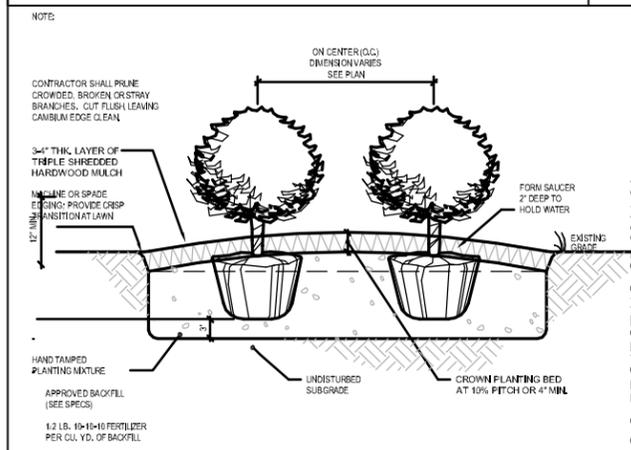
***FOR BOTH CANOPY OR UNDERSTORY TREES
SCALE: NTS 4**



**BED EDGING
SCALE: NTS 1**



***FOR BOTH CONTAINER OR B&B SHRUBS
*TYPICAL SHRUB INSTALLATION
SCALE: NTS 2**



**MASSING PLANT INSTALLATION
SCALE: NTS 3**

**LANDSCAPE WORK SPECIFICATIONS
SCALE: NTS 6**

T.O.C. PROJECT NO: SP 2014-81



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FOR REVIEW ONLY
NOT FOR
CONSTRUCTION

	DATE
PROJECT:	SLH-1401 JUNE 2014
ISSUE:	SITE PLAN APPROVAL 07.01.2014
REVISIONS:	TRC-1ST REVIEW 07.25.2014
DRAWN BY:	TMH
CHECKED BY:	TMH
CONTENT:	LANDSCAPE DETAILS AND SPECIFICATIONS

LP2.01

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REVISIONS	

AN OFFICE BUILDING FOR
SCOTT LEE HOMES
 CLAYTON NORTH CAROLINA

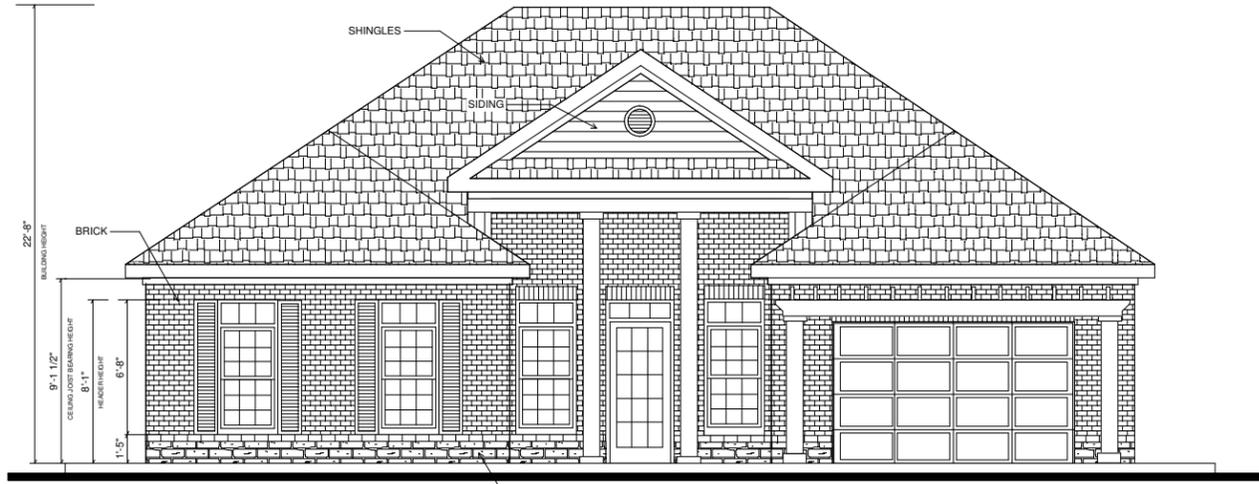
TONY L. JOHNSON
 ARCHITECT
 2008 ELIZABETH COURT, CLAYTON, NORTH CAROLINA
 919-550-7717



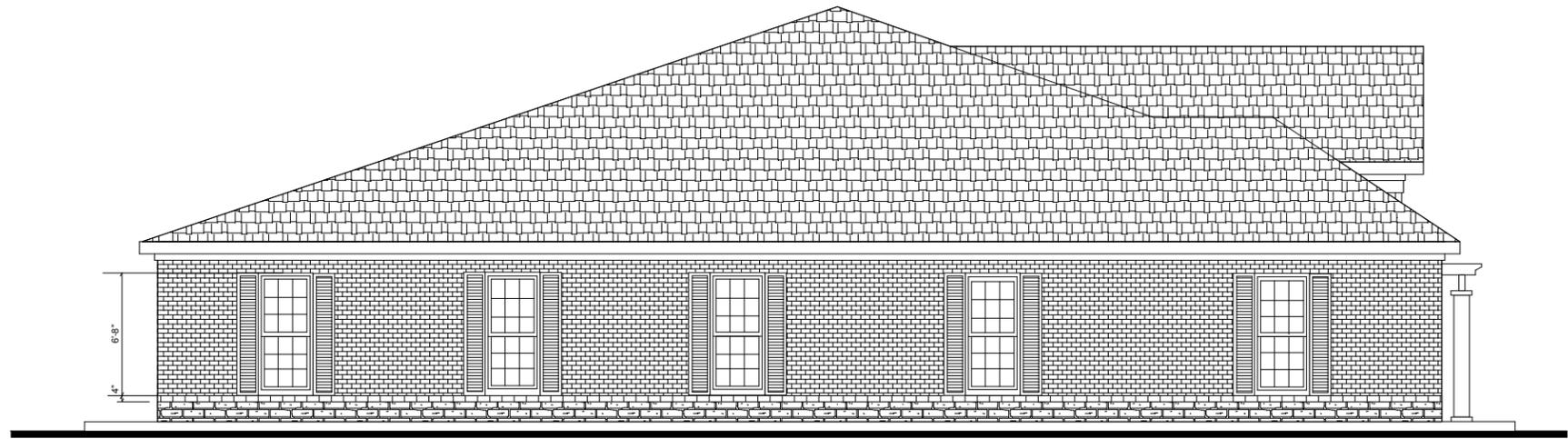
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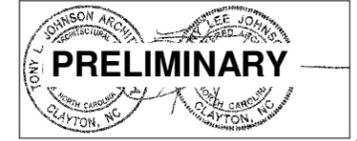
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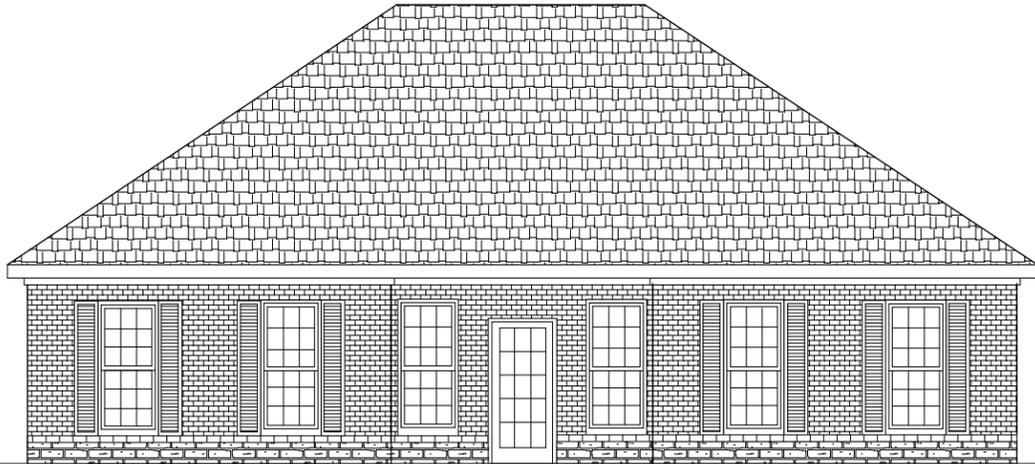


WEST ELEVATION 1/4"=1'-0"

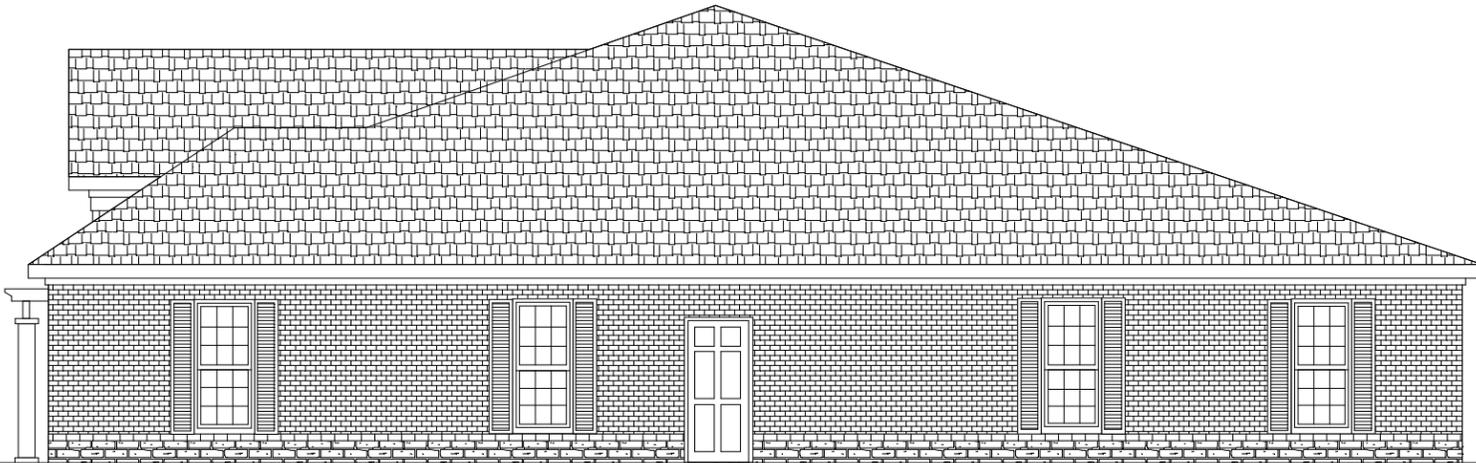


NORTH ELEVATION 1/4"=1'-0"





WEST (HWY 42) ELEVATION 1/4"=1'-0"

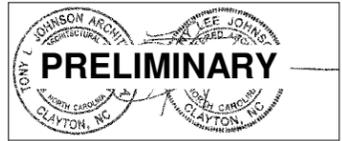


SOUTH ELEVATION 1/4"=1'-0"

REVISIONS	

AN OFFICE BUILDING FOR
SCOTT LEE HOMES
 CLAYTON NORTH CAROLINA

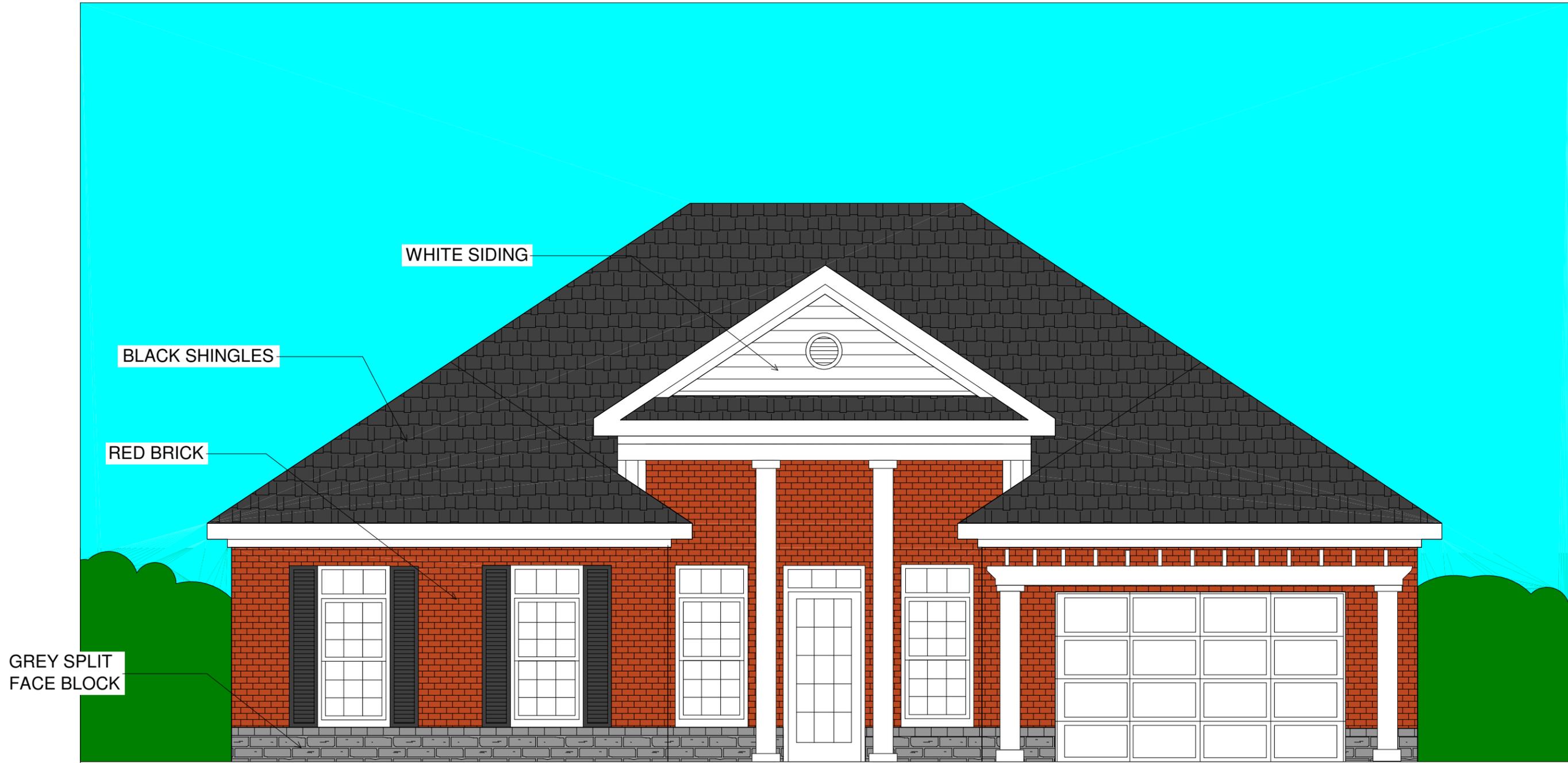
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 919-550-7717



DATE **7-25-2014**

SHEET

A-2



WHITE SIDING

BLACK SHINGLES

RED BRICK

GREY SPLIT
FACE BLOCK

WEST ELEVATION 1/4"=1'-0"

TOWN OF CLAYTON, NORTH CAROLINA

TRANSCRIPT OF THE PROCEEDINGS
PLANNING BOARD
JUNE 23, 2014, SESSION

Worley Reporting
P.O. Box 91447
Raleigh, NC 27675
919-870-8070

1 CHAIRMAN PRICE: -- the Zoning Board and
2 I'll call the Board -- Planning Board to order and
3 ask for the attendance if I can [inaudible].

4 MS. LANZOLLA: Bucky Coats?

5 BOARD MEMBER COATS: Here.

6 MS. LANZOLLA: Dana Pounds?

7 BOARD MEMBER POUNDS: Present.

8 MS. LANZOLLA: Frank Price?

9 CHAIRMAN PRICE: Here.

10 MS. LANZOLLA: David Teem? Sarah Brooks?

11 BOARD MEMBER BROOKS: Here.

12 MS. LANZOLLA: Ronald Johnson?

13 BOARD MEMBER JOHNSON: Here.

14 MS. LANZOLLA: Jim Lee?

15 BOARD MEMBER LEE: Here.

16 MS. LANZOLLA: Marty Bizzell?

17 BOARD MEMBER BIZZELL: Here.

18 MS. LANZOLLA: Bob Ahlert?

19 BOARD MEMBER AHLERT: Here.

20 MS. LANZOLLA: Jean Sandaire?

21 BOARD MEMBER SANDAIRE: Here.

22 MS. LANZOLLA: James Lipscomb? Mr.

23 Satterfield?

24 COUNCILMAN SATTERFIELD: Present.

25 CHAIRMAN PRICE: We have a quorum. All

1 members present will be voting members tonight,
2 and, Ms. Beddingfield, are there any adjustments to
3 the Agenda?

4 MS. BEDDINGFIELD: No adjustments.

5 CHAIRMAN PRICE: Approval of the minutes
6 of April the 28th and May 27th, 2014. I believe
7 one correction has already been voted out online.
8 Are there others?

9 BOARD MEMBER AHLERT: Motion to approve
10 both agendas [inaudible].

11 BOARD MEMBER JOHNSON: I second.

12 CHAIRMAN PRICE: Motion to approve by Mr.
13 Ahlert, second by Mr. Johnson. Is there any
14 further discussion? Hearing none, all in favor let
15 it known by saying aye.

16 (Voice vote.)

17 CHAIRMAN PRICE: Opposed, like sign.
18 Both sets of minutes of the 28th and -- April and
19 May, are approved as presented with the one
20 correction that had been previously addressed.
21 Reports and comments?

22 MS. BEDDINGFIELD: No reports.

23 CHAIRMAN PRICE: Old business.

24 MS. BEDDINGFIELD: No old business.

25 CHAIRMAN PRICE: No old business. So

1 that brings us down to new business, Item A. Item
2 A, SUP 2014-14, Sheetz special use permit. Special
3 use permit to allow a restaurant, convenience
4 store, gas sales, outdoor dining and outdoor
5 display at the southeast corner of the intersection
6 of US 70 Business Highway West and Rose Street.

7 You'll all remember, you've seen this
8 previously. It has been somewhat modified, and
9 it's on the agenda again tonight and in prelude to
10 taking up Items A and B, let me advise the Planning
11 Board that I have been so advised that we still
12 recommend approval to the Town Council of the
13 special use permit.

14 The site plan, which is Item B, is a part
15 of that special use permit, but it is still purview
16 or still the direction of the Planning Board to
17 approve the site plan. Now, having said that, I'm
18 sure if there are objections at the Town Council
19 when they consider the special use permit, the site
20 plan will be remitted to the Planning Board for
21 your affirmed consideration, adjustment or
22 whatever. But that's a little bit different from
23 what -- what we've previously been -- the
24 assumptions we've previously been going under. So,
25 since I was made aware of it I wanted the Planning

1 Board to be made aware of it, and we'll -- we'll
2 continue under that premise until we're advised and
3 it no longer does. So, we'll take up Item A, which
4 is the special use permit which will require a
5 recommendation for or against to the Town Council
6 for their consideration and approval. Ms.
7 Beddingfield?

8 MS. BEDDINGFIELD: Thank you. I'm Emily
9 Beddingfield with the Town Planning Department, and
10 thank you, Mr. Price, for that wonderful
11 explanation. Everything you said was exactly
12 correct.

13 Just a quick note on why you are seeing
14 this special use permit again. A couple of
15 reasons; one, we stepped back and looked at our
16 code and realized that every time a special use
17 permit comes through the process, it must be
18 accompanied by a site plan, and that site plan
19 might be a major plan which comes to the Planning
20 Board, or it might be a minor site plan, which is
21 reviewed at the staff level, but there does need to
22 be a site plan, and they do need to run
23 concurrently.

24 So, the first reason is that they didn't
25 run concurrently before. We've had the special use

1 permit first and we were expecting the site plan
2 later, so this puts us in compliance with what the
3 code requires.

4 The second part of it is that we actually
5 have a couple of changes to the conditions in that
6 special use permit that have come about as a direct
7 result of conversations about the site plan. So,
8 another reason to bring it before you all tonight.

9 So, the uses, as Mr. Price noted, are a
10 restaurant, convenience store, gas sales, outdoor
11 dining and outdoor display. Those are all the uses
12 that, per our code, would be considered associated
13 with this Sheetz store that is proposed at this
14 site and is proposed as part of that site plan
15 we've been discussing.

16 The Applicant is Sheetz Incorporated, and
17 you may remember as well that the property was
18 rezoned from Residential 8 to B-3S which is the
19 Highway Business Special Use District. And, of
20 course, anytime we have a special use district, we
21 require a special use permit for any development on
22 the site, which is why we're now seeing this
23 special use permit coming through, and that was
24 approved on April 7th of this year.

25 The property consists of seven separate

1 properties for a total of 2.46 acres bounded by
2 Rose Street, the 70 and it's also the intersection
3 of NC-42 East. And I won't repeat the uses, but on
4 the map here you can see that B-3 special use
5 district zoning that [inaudible] surrounded by the
6 residential.

7 Of course, the proposed use is a Sheetz.
8 We have the major site plan that's been
9 concurrently submitted and I would like to note
10 that the approval of that site plan, although it
11 will -- it will be decided up tonight, if approved,
12 will be subject to the approval of that special use
13 permit by the Town Council. If the special use
14 permit were denied, the site plan would be rendered
15 null and void effectively.

16 Surrounding uses are residential and
17 then, of course, US 70 Business, and it's also the
18 future intersection of our southern connector,
19 which is a large thoroughfare that will one day
20 connect 42 East to 42 West and Rose Street is a
21 part of that connection. It must meet all
22 standards of the underlying zoning district which
23 is Highway Business. No environmental impacts are
24 anticipated. It's not in the flood zone. There's
25 no wetlands, and access is off of US 70 Business

1 and Rose Street. A traffic impact analysis was
2 completed and was reviewed by NCDOT which did
3 concur with all of the recommendations in that
4 traffic impact analysis. And that -- that TIA sort
5 of relates to both the special use permit and the
6 site plan, so I'll talk a little bit about it in
7 both cases.

8 So I just wanted to make a note of the
9 southern connector. You can kind of see the red
10 arrow on there which points to the Sheetz site with
11 the dashed black line that makes a little half
12 circle there between 42 East and 42 West is the
13 southern connector that I mentioned.

14 And to talk a little bit about the
15 traffic impact analysis now, this TIA considered
16 the use of the site before the exact site plan came
17 through, so it is relevant to this special use
18 permit of all the uses that were described. The
19 recommended improvements include, of course, the
20 dedication of that right-of-way for the southern
21 connector that I just showed you, an exclusive
22 right-turn lane on the eastbound approach of US 70
23 for deceleration. That would be a minimum of 150
24 feet. An exclusive left turn on the northbound on
25 Rose Street, another minimum of 150 feet. An

1 exclusive right turn on the northbound approach of
2 Rose Street with a minimum of 100 foot. Exclusive
3 right-turn lane on the eastbound approach of US 70
4 at site entrance number one, and you can see that
5 -- it's proposed right in here. And you'll see
6 that in more detail on the site plan as well. And
7 that is a right in, right out, only. So, from that
8 site drive one, there are not allowed to be any
9 left turns onto US 70. And then we'll have the
10 exclusive left-turn on the southbound approach of
11 Rose Street at site entrance number two [inaudible]
12 which is right here. So, just the second entrance
13 into the site.

14 And then we have this future entrance
15 which we'll talk about tonight, and that will have
16 a minimum of two lanes heading both ways on Tulip
17 Street with no improvements to Tulip Street other
18 than maybe a painting [inaudible] required at this
19 point.

20 So, again, anything that's developed here
21 must meet all dimensional standards and UDC
22 standards associated with the Highway Business
23 Zoning District.

24 To address compatibility of the
25 surrounding lane uses, of course, commercial use

1 surrounded by residential, that's going to be the
2 Town's primary concern, is compatibility. There's
3 a few things that are already required by code;
4 site lighting cannot spill over onto adjacent
5 properties, there are limitations to site
6 lighting -- to signage lighting within 50 feet of a
7 residential zoned district, and there is a Class C
8 buffer, which is our most intensive buffer, which
9 is always required between a highway business use
10 such as this one and the residential parcel.

11 Some additional conditions that you will
12 have seen in your conditions in the staff report
13 include a six-foot vinyl opaque fence within that
14 Class C buffer to provide an enhanced visual buffer
15 for that residential lot. The plantings, we've
16 asked to be at least 75 percent evergreen to ensure
17 there's visual buffering in the winter months.
18 There -- the -- one of our conditions addresses
19 access onto Tulip Street. So that was a prominent
20 concern from all of the neighbors at the
21 neighborhood meeting that was held, and it was a
22 concern of staff from one of our boards. So,
23 Sheetz has removed that access onto Tulip Street
24 for the time being until all properties to the east
25 and the south are zoned nonresidential, or -- and I

1 didn't note it here, but it's on the condition, or
2 that southern thoroughfare is actually built, which
3 is likely going to accompany some more commercial
4 development, right?

5 So -- and there are six properties that
6 will need to be rezoned. So that really once --
7 it's basically once that area sort of turns
8 commercial, then that's an appropriate time for us
9 to have that exit from the site onto Tulip Street,
10 which was, of course, a primarily residential
11 slow-speed street.

12 The third item is that future cross --
13 cross access to property to the east shall be
14 provided. Now, we always like to look for
15 cross-access opportunities, and this is one where
16 we feel like a parcel fronting on 70 will likely
17 one day in the future become a commercial site, and
18 basically saying with a special use permit that
19 that needs to be identified and needs to be pointed
20 out in the site plan [inaudible], so we'll talk
21 about that a bit more in the site plan.

22 The proposed development is generally
23 consistent with the Strategic Growth Plan
24 Objectives 2.1, 2.2 and 4.1. It's also consistent
25 with the proposed land use map. The proposed use

1 is consistent with the UDC if the special use
2 permit is approved. The Applicant has addressed
3 the findings of fact which were accepted as a part
4 of the complete application and a part of the
5 record. A neighborhood meeting was held June 9th
6 of this year and the materials from that meeting
7 were included in your packets.

8 So just throwing up the map here showing
9 the consistency with the proposed land use map, we
10 went over this a little bit with the rezoning. You
11 can see, basically, every property along Highway 70
12 is zoned commercial. So aside from it already
13 being zoned commercial, the proposed land use map
14 supports the commercial use in that area at that
15 intersection.

16 So just a reiteration of the process, the
17 Planning Board for the special use permit makes a
18 recommendation. It moves on to Town Council. That
19 meeting will be held July 7th 2014 and a decision
20 will be made at the meeting barring any [inaudible]
21 of that nature.

22 So, I do want to go over the conditions
23 of approval because one of them did change from
24 what -- I think what was in your packet. So,
25 condition one lists out the uses associated with

1 the Sheetz that I mentioned. Condition number two
2 talks about access onto Tulip Street and it lists
3 out the two conditions in which that access may be
4 constructed. One is the construction of the
5 southern connector from US Highway Business West to
6 Little Creek Church Road, and that construction
7 must be complete before that access could be built.
8 The second way that it might be built is that all
9 of the adjacent parcels to the east and south,
10 south meaning immediately across Tulip Street,
11 which is a total of six properties; lists out the
12 pin numbers for clarity, are rezoned to a
13 nonresidential use.

14 Number three hasn't changed. It talks
15 about the perimeter buffer along the east, that
16 Class C buffer for white -- six-foot white vinyl
17 fence and the 75 percent evergreen plantings. And
18 number four has changed a little bit, the wording
19 has changed and I'll read it. "A cross-access
20 easement shall be provided by Sheetz to allow
21 ingress and egress to and from the adjacent parcel
22 immediately to the east and fronting Highway 70,"
23 and it gives the pin number, "consistent with the
24 approved site plan." So, the access needs to be
25 shown on the site plan. "Exercisable when that

1 adjacent parcel is rezoned, developed and receives
2 a certificate of occupancy for nonresidential use
3 in a form approved by the Town Attorney." So, that
4 site needs to be built and it needs to have its
5 certificate of occupancy before that cross access
6 can be executed.

7 "The easement document will be recorded
8 in the Johnston County Register of Deeds prior to
9 the issuance of a certificate of occupancy for the
10 Sheetz facility." So, what that means is,
11 basically, Sheetz is going to be, as part of that
12 site plan, showing that cross access, and also
13 recording sort of a one-sided deed or one-sided
14 cross-access agreement in that nobody else is
15 signing it, it's just Sheetz saying yes, we are
16 going to allow cross access to whatever
17 developments will be in the future. And that
18 grants assurance to the Town and to the future
19 developers of that site that they would have that
20 access point.

21 The staff is recommending that if the
22 Planning Board -- [inaudible] the Planning Board
23 reaches positive conclusions on the required
24 findings of fact, that the special use permit be
25 subject to the recommended conditions of approval.

1 And, again, the Planning Board is making a
2 recommendation to the Town Council. And I'm happy
3 to answer any questions, and our Applicant is here,
4 about the existing plans.

5 CHAIRMAN PRICE: Before we hear from the
6 Applicant, are there questions of staff relevant to
7 the special use permit and the Planning Board's
8 action approving or denying prior to the approval
9 of the Town Council?

10 BOARD MEMBER POUNDS: Emily, I just want
11 to ask about the lighting. It says it won't spill
12 over to the other property. Now, I know this white
13 vinyl fence is going on the east side of the
14 property, and those houses are pretty close to --
15 what, I mean, are the lights just not --
16 [inaudible] those lights shining this way, but you
17 still get it -- you know, you can get light, so
18 where are we going to -- because I know we've
19 addressed that with other properties you would
20 [inaudible] up the residential. This one's going
21 to be pretty visible. It's a pretty big site. I
22 would think there would be significant lighting and
23 those houses are really close to this particular
24 white vinyl fence [inaudible] reflect some of it.
25 I'm just curious, what [inaudible] spillover?

1 MS. BEDDINGFIELD: That's a great
2 question, and I might let the Applicant speak to
3 the vinyl fence since that gets a little bit more
4 technical than I know. Whenever we have a site
5 plan we have what's called a lighting plan that's
6 put together by [Inaudible] Energy or in this case
7 they used Cree, who's the LED manufacturer, which
8 they show all the lights on the site and then they
9 show the foot-candles, and the foot-candles where
10 they fall. And we take a look at that and make
11 sure that when you hit that property line, the
12 foot-candles that are red -- they had a foot-candle
13 meter in there I guess, is zero.

14 So although you can, of course, see the
15 lights, and there's going to be an impact visually,
16 the idea is that they're shielded such that they
17 come down and they're not going to be shining into
18 somebody else's property. And so that's all done
19 via design of the lighting structure --

20 BOARD MEMBER POUNDS: [Inaudible] of the
21 properties changing the amount of lumens that came
22 down in a short period of time at night. I know
23 that we had a lot of discussion about that just for
24 that, so I don't know if this was part of that
25 consideration or if this going to burn the same

1 brightness where they are [inaudible].

2 MS. BEDDINGFIELD: It would be 24 hours a
3 day is my understanding, unless the Applicant has
4 information I'm unaware of. The only thing that
5 would be different is there is a -- an illuminated
6 sign on the side of the canopy that faces the
7 residential side over there on the east. That sign
8 cannot be illuminated between 12:00 and 6:00, so
9 that -- that light would be turned off, but our
10 code doesn't speak to the lighting [inaudible].

11 CHAIRMAN PRICE: The shield in the
12 box-light fixtures usually do a very good job of
13 putting the light where it's needed and supposed to
14 go and restricting it from the adjoining
15 properties.

16 FEMALE SPEAKER: [Inaudible].

17 CHAIRMAN PRICE: Yes.

18 FEMALE SPEAKER: [Inaudible].

19 CHAIRMAN PRICE: The parking lots, the
20 lights that light up the whole site. And, of
21 course, they are necessary for security and safety.
22 Are there other questions of the staff?

23 BOARD MEMBER BIZZELL: Emily, just a
24 point of clarification. On the addition to about
25 [inaudible] of construction of the southern

1 [inaudible] Business 70 to Little Creek Church
2 Road, that was the entire -- the entire street
3 section from those two points?

4 MS. BEDDINGFIELD: It would be.

5 BOARD MEMBER BIZZELL: The entire
6 section.

7 MS. BEDDINGFIELD: Uh-huh.

8 BOARD MEMBER BIZZELL: All right.

9 CHAIRMAN PRICE: And that's really
10 necessary because Rose Street doesn't go anywhere
11 now, except back to sort of that subdivision, but
12 Little Creek Church Road is the next cross street,
13 so once we get it there, then traffic would be
14 expected to use that new section and have a point
15 of -- an additional point of ingress and egress to
16 this commercial development. One question I would
17 have -- I know a public hearing was held on this,
18 Town Council prior [inaudible] as to rezoning, but
19 now when they -- will there be one on the special
20 use, or is it just for their consideration?

21 MS. BEDDINGFIELD: It will be a public
22 hearing on July 7th.

23 CHAIRMAN PRICE: Prior -- prior to the --
24 to their action on the special use permit?

25 MS. BEDDINGFIELD: Well it's already sort

1 of gone to a what -- a Town Council workshop when
2 it came through the first time.

3 CHAIRMAN PRICE: Right.

4 MS. BEDDINGFIELD: So, knowing that, it's
5 sort of expedited to an extent --

6 CHAIRMAN PRICE: Sure.

7 MS. BEDDINGFIELD: -- to the July 7th
8 public hearing for a decision.

9 CHAIRMAN PRICE: We've sort of held it up
10 enough, so let's go on and get it to an approval.

11 MS. BEDDINGFIELD: It's hitting all the
12 right meetings, just in a little different order
13 than what we're used to.

14 CHAIRMAN PRICE: Yeah, so we'll get all
15 the right meetings lined up. Are there other
16 questions of staff? All right. We'll call on the
17 Applicant.

18 MR. STYERS: Thank you very much, Mr.
19 Chairman, and members of the Planning Board. My
20 name is Gray Styers. I am zoning counsel for
21 Sheetz, and my address is 1101 Haynes Street in
22 Raleigh. You may remember that I was here earlier
23 when we had this proceeding before, and I'm going
24 to try to keep it real brief and not repeat
25 everything that I said last time, but I want to

1 make sure that the record properly reflects all the
2 things it needs to reflect for you to be able to
3 make a recommendation to the City Council this
4 evening.

5 As explained before, you've already
6 approved this once, but you -- but there's -- I
7 think, one significant difference that's reflected
8 two different ways. The difference is, is that we
9 have decided not to build the connect -- each
10 driveway to Tulip Street at this time and we have
11 therefore agreed and worked with staff to work that
12 condition so it will be built when necessary, but
13 not at this time. And you may remember that, when
14 I was here before, I had a lot of people here
15 behind me who didn't like the fact that we were
16 moving forward, and their objection was their
17 concern about the impact on the houses on Tulip
18 Street if that driveway was being built.

19 To the extent -- immediately -- now,
20 having taken it away, that's part of our plan which
21 you'll see in the site plan, I'm glad to report we
22 don't have those folks here tonight. We had a
23 community meeting, as Ms. Beddingfield explained,
24 on June 9th. We had some folks that were
25 supportive and our landowner selling to us there.

1 We had some folks with some questions. We told
2 them that tonight would be the Planning Board and
3 they could come tonight if they had any further
4 concerns. But we believe that we've addressed
5 those concerns such that there's not any opposition
6 tonight, which is a good position for me to be in.
7 I much prefer to be without opposition when I have
8 to convince you to make a recommendation when there
9 is opposition.

10 Let me say that I do have tonight and you
11 may hear from them later, a site planner, Mr. Jamie
12 Gerhart from Sheetz, and Mr. Tom Anastasi with
13 engineering from Sheetz. If you have questions
14 about the traffic impact report analysis that was
15 done that Ms. Beddingfield went through in detail,
16 we have Mr. Jonathan Reinke -- Joshua Reinke --
17 excuse me, Josh Reinke from Ramey Kemp &
18 Associates, and we also have our site plan
19 engineer, a civil engineer, Mr. Dwight Vernelson
20 here tonight from Rivers & Associates. They're all
21 here to answer your questions.

22 Let me address -- I do want -- since you
23 asked the question on lighting, I do want to go
24 ahead and hit that right off. The good news is
25 that we are designing this not with incandescent or

1 fluorescent lighting, but rather with down-focused
2 LED lighting, and we did that analysis of that --
3 Ms. Beddingfield talked about -- about what would
4 the lighting be at the property line, the number of
5 foot-candles, if your LED focus is down. Here is
6 that analysis. I'll be happy to pass this around
7 or you can take my word for it, that the measures
8 at the property lines are 0.0. So, the analysis
9 was done and it was confirming that there would not
10 be spillover light.

11 Now, you may -- you may wonder then, I --
12 I'm not an engineer, I don't know what that means.
13 I'm a visual kind of person. So, basically what --
14 what we're talking about is the downcast lighting
15 such as this. This is an actual Sheetz station, an
16 actual picture with that type of LED lighting under
17 the canopy, and this is what it ends up with. So
18 that gives you some -- some visual -- we could
19 either do it numbers or we could do it in pictures,
20 but I hope that it addresses that concern.

21 The -- you obviously have the four
22 criteria that you have to conclude that we meet,
23 and we know there's a criteria that we will not
24 materially endanger the public health and safety,
25 that it meets all required specifications and

1 conforms to the standards and practices of zoned
2 land-use planning, that the application will not
3 substantially injure the value of adjoining or
4 abutting properties, and at the public hearing we
5 will have an appraiser who's done an analysis to
6 confirm that. The application will not adversely
7 affect the adopted plans and policies of the Town.
8 That's reflected by your land use plan and your
9 transportation plan that we're consistent with, as
10 found by the Town Council two months ago in
11 actually approving the rezoning. So, having met
12 those four criteria and, glad to say, we have
13 negotiated and agreed on every single one of the
14 conditions. We have no disagreement with staff on
15 those conditions. If it looks like that condition
16 four was worded by a bunch of attorneys, Ms. Walsh
17 [phonetic] and I will plead guilty as charged, but
18 it seemed to make sense, it works with us to have
19 that legal document on file and we are glad -- any
20 of us are glad to answer questions and since you've
21 heard from us before, I would ask that you consider
22 our application, the staff report and the
23 information that I present here today in support of
24 this application, and respectfully ask that you
25 vote to recommend approval to the Town Council, and

1 we're happy to answer any questions that you may
2 have.

3 We've got issues that we want to talk you
4 about when we get to the site plan, but we'll
5 take -- take them in turn and we'll talk about --
6 and -- and we're -- we're good to go, I think, with
7 staff and the neighbors, on the special use permit.

8 CHAIRMAN PRICE: Well, first of all, I
9 would like to say thank you very much for taking
10 into account the opposition on the Tulip Street,
11 and I think that this should be a very amenable
12 compromise from both the residents standpoint and
13 to -- hopefully from Sheetz. Are there other
14 questions for the Applicant? Yes, Mr. Grannis?

15 MAYOR PRO-TEM GRANNIS: With respect to
16 the four findings of the fact, I have a question
17 pertaining to the first one, which is that the
18 application will not materially endanger the public
19 health and safety if located where proposed and
20 ultimately developed in according -- according to
21 the plans as submitted. One thing that I noticed
22 in the answer is the omission from any discussion
23 or verbiage pertaining to underground storage tanks
24 or the possible increase potential for fire hazard,
25 and I was wondering if you'd like to address that.

1 MR. STYERS: Absolutely. And I may ask
2 either Mr. Gerhart or someone else to help me here
3 since this is a technical question here, but the
4 technology, the requirements for underground
5 storage tanks have greatly improved over the last
6 10 years, over the last 20 years, over the last 40
7 years. You know, a lot of [inaudible] corner,
8 general store is located in lots of areas in
9 Johnston County and elsewhere and it's pretty much
10 just an unlined steel tank that ultimately creates
11 real serious problems that can take a long time to
12 clean up.

13 Now, these are very highly regulated with
14 very specific standards that the industry follows
15 that the North Carolina Department of Environment
16 and Natural Resources sets those standards. They
17 have to be lined, they have to be monitored, they
18 have to be inspected on installation -- certain
19 requirements. The installers have to be licensed
20 and certified and so, as a result, you know, today,
21 you know, the risks of underground storage tanks
22 is -- is miniscule compared to what it used to be
23 and -- and as technology improves, the standards of
24 what's being installed at this site will be greatly
25 better than what was installed five years ago which

1 has greatly improved five years before that.

2 So, you know, as a risk management
3 perspective, you know, we will be satisfying, and
4 I'll say it on the record; we will be satisfying
5 every single state and industry and local
6 requirement regarding underground storage tanks,
7 how they're installed, how they're maintained, how
8 they're monitored, to ensure that there is not a
9 leakage or any kind of contamination on this site.
10 And Sheetz has an extraordinarily strong
11 environmental record of their sites that have been
12 built recently, really not creating any problems
13 whatsoever.

14 With regards to fire suppression, that's
15 also an area that's also been greatly approved over
16 the years. When you pull into Sheetz, one of the
17 first things you'll see is emergency -- a
18 [inaudible] emergency shut-off buttons that are up
19 there. There's also emergency shut-offs inside the
20 store as well and, you know, fuel at any location,
21 at any -- whether it's to fill up the [inaudible]
22 in my garage or to fill up the car at a gas
23 station, it's flammable, and there have to be
24 measures taken. And one of the -- one of the
25 things that should bring us to security when you

1 have a company like Sheetz which have hundreds of
2 these stores throughout these United States, is
3 that they have -- they have internal
4 risk-management policies and have generations of
5 experience. And you heard us talk last time about
6 the multiple generations of brothers that own --
7 that run the store. They have seen how to improve
8 those safety measures to ensure that you don't have
9 a problem and, if you do have a problem and someone
10 is careless, there is a way to address it quickly
11 and it's done on a corporate basis that has a lot
12 of care and thought that goes into it.

13 Would you like to add anything to that,
14 Jamie, because I've left out -- because you know
15 better than I. I could talk in generalities. I'll
16 see if Jamie has any specifics you'd like to
17 [inaudible].

18 MR. GERHART: Thank you. Jamie Gerhart,
19 Sheetz Incorporated. Business address is 5700 6th
20 Avenue, Altoona, Pennsylvania. Most times in
21 the -- in the six states we operate, we can say we
22 exceed the state standards. But, fortunately for
23 North Carolina, North Carolina has the highest
24 underground storage tank standards of the six
25 states we operate in. So we proudly meet those

1 standards. We do that across all of our states.
2 Like I said, other; Virginia, Pennsylvania, et
3 cetera, we actually do more. With North Carolina
4 we meet the standard.

5 And the reason we meet those standards is
6 because North Carolina already requires
7 double-walled tanks, double-walled piping system.
8 They're -- they're somewhat ahead of the game with
9 that regard. What we do exceed is in our store
10 support monitoring. Our stores are open 24 hours a
11 day, our store-support team monitors -- if you can
12 look up here, because it is -- over 1,800 tanks are
13 in the ground, that's 5,000 [inaudible] across the
14 company. We get about 15 alarms a day. They're so
15 sensitive that there's also -- they're set up
16 almost to -- to alarm as a negative -- I'm sorry,
17 as a false positive than it is an actual test. Of
18 these, none have been from an active controlling
19 facility leak. So, that's how sensitive they are.
20 We respect those. We have an internal mandate that
21 to get to the bottom of those, they don't -- they
22 do not turn out to be an active leak, if -- if
23 [inaudible].

24 The other -- the other nuance, which is
25 somewhat [inaudible], there's been no major spills,

1 incidents or accidents on Sheetz sites since we've
2 operated in North Carolina. So, that's almost a
3 decade of 60-some stores that -- that's due to the
4 training and CLI folks, the people that deliver our
5 gas, and we're proud of that. And if there's more
6 specifics about shut-off valves and double-walled
7 piping, I can go into it, but that would be our
8 response to that.

9 CHAIRMAN PRICE: Thank you, sir. With
10 the leak detection and all what's now mandated, it
11 is a wonderful vast improvement over what it used
12 to be.

13 MR. STYERS: Okay. So, when I started
14 out my career 25 years ago, I actually did a fair
15 amount of work on the underground storage tank
16 remediation. I'm glad I didn't attend to my --
17 rely upon that for my entire career, because now
18 there's not much work for lawyers to do in that,
19 because problems have been addressed. There's
20 still clean-up going on, there's still [inaudible]
21 but we've minimized the issues of the old tanks
22 [inaudible] the issues have been addressed. But
23 that's a good point; at our public hearing, because
24 we do have showing on the record for public
25 hearing, [inaudible] add a little detail in our

1 presentation. Thanks for bringing that up.

2 CHAIRMAN PRICE: Any further questions of
3 the Applicant? Thank you very much.

4 MR. STYERS: Thank you very much.

5 CHAIRMAN PRICE: All right. Is there
6 anyone in the audience that would like to comment
7 on this application or this proposal? If so, if
8 you'd come forward and state your name and make
9 your comment, we'll hear it at this time. All
10 right. Let the record show that there were none.
11 All right. You've heard the staff report, you've
12 heard the presentation by the Applicant for the
13 special use permit on the corner of US Highway
14 Business and Rose Street for a Sheetz facility.

15 BOARD MEMBER BROOKS: I make a motion
16 that we recommend approval to the Town Council for
17 the special use of this [inaudible].

18 CHAIRMAN PRICE: Motion by Ms. Brooks.
19 Second by Ms. Pounds. Is there any discussion?
20 Hearing none, all in favor let it known by saying
21 aye.

22 (Voice vote.)

23 CHAIRMAN PRICE: Opposed, like sign.
24 It's unanimous. Now, that'll take us to the
25 related item, which is Item B, SB 2014-58, Sheetz

1 Site Plan. Major site plan to allow a Sheetz
2 restaurant, including gas sales, convenience store
3 and outdoor dining and outdoor display at the
4 southeast corner of the intersection of US 70
5 Business West and Rose Street. Ms. Beddingfield?

6 MS. BEDDINGFIELD: Thank you; Emily
7 Beddingfield with the Town of Clayton Planning
8 Department. This is the major site plan to allow a
9 new Sheetz facility. This is the site plan that is
10 associated with the special use permit 2014-14 that
11 you all just voted a recommendation on. A reminder
12 that the property was rezoned to Highway Business
13 Special Use District, so commercial uses with a
14 special use permit are a permitted use on the site.

15 I'll breeze over this since this is the
16 same information from our special use permit. It's
17 a 2.46-acre property, seven total properties making
18 up the site of the proposed Sheetz and, again, the
19 uses which were listed in that special use permit
20 are restaurant, convenience store, gas sales,
21 outdoor seating and outdoor display which would be
22 things like an ice -- ice box or a red box and
23 things like that.

24 Of course, the existing use on the site
25 is residential. The proposed use, reflecting the

1 rezoning, is commercial. Proposed is one building
2 which would be 6,558 square feet, of that 5,170
3 square feet is retail or convenience store, and
4 1,388 square feet is the restaurant component, and
5 there would be one gas canopy up towards the US 70
6 side of the site which you'll see on the site plan.

7 This site plan is subject to approval of
8 the special use permit 2014-14. If approved this
9 evening, it effectively won't go into effect until
10 that special use permit is approved, if it's
11 approved, by the Town Council.

12 Surrounding uses are residential, similar
13 lots to the ones that are being removed and
14 replaced by a Sheetz. Compatibility issues with
15 those surrounding lots are primarily issued by the
16 special use permit and further addressed by the
17 site plan. No environmental impacts are
18 anticipated as a result of the site plan. As we
19 just discussed, concerns such as underground
20 storage tanks and spillage would all be addressed
21 via proper permitting of the State [inaudible].

22 This site is located within our
23 thoroughfare overlay district. Within that
24 district, a 20-foot street yard is required. No
25 parking lots, no buildings, nothing can go in that

1 street yard, essentially, except for a
2 perpendicular driveway. That is provided on the
3 site plan via a 20-foot Class A buffer which is the
4 type of buffer required along the street there. 46
5 parking spaces are required and 46 are provided, as
6 well as one bicycle rack, which meets the
7 requirement of our bicycle parking in our code.

8 Sidewalks are provided on all streets; US
9 70, Rose Street and Tulip Street, with crosswalks
10 where they crossover driveways, and sidewalk
11 connections from that sidewalk onto the site and
12 then pavement markings indicating both to
13 pedestrians and drivers where pedestrians will be,
14 potentially, crossing the road to enhance safety.

15 Signage as proposed was shown in the site
16 plan elevations and will be reviewed concurrently
17 via a site plan -- or via a sign permit by staff
18 and, of course, it will be required to meet all
19 code requirements. One of those requirements
20 limits the size of the monument sign, and that's a
21 requirement of our thoroughfare overlay district.
22 So, you'll see that that monument sign that sits at
23 the front is a maximum of six feet in height and
24 the sign face can only be 24 square feet.

25 The site lighting via the lighting plan

1 that we received with the site plan application,
2 there will be zero spillover onto adjacent
3 properties. And the architecture on the site is
4 quite similar -- almost exactly like the Sheetz
5 that was done up at the Amelia Church site, and
6 when you look at the elevation, you'll see the
7 similarities. One thing that is different is the
8 proposed canopy for this site is different. Where
9 the other one, it -- it sort of comes up and then
10 what I'll describe almost as a pitch to a degree,
11 this one doesn't. It has a curved front and does
12 not have a pitch. It just has a parapet wall that
13 goes straight up.

14 So, on your screen you'll see a view of
15 the Class C buffer which is adjacent to the
16 residential properties to the east. Of course,
17 this shows that, near maturity -- the trees are
18 pretty large in this depiction, but it does show
19 the type of screening that we can expect to see
20 there. The plantings are on either side of that
21 fence, which provides some benefit to those
22 neighbors. They're not just staring at a big wide
23 white fence, it's broken up by vegetation, just
24 like it is on the Sheetz side, which is -- which is
25 an asset to this, of course.

1 Staff did request that the existing trees
2 on site be considered for preservation. Our code
3 requires that within the required landscape
4 buffers, if at all possible, to keep any existing
5 trees that are on the site. We would have loved to
6 have seen that because there are pine trees in that
7 neighborhood which would soften and [inaudible] out
8 some of the visual impact. However, we had a long
9 conversation with the Applicant, and they explained
10 that, due to the topography of the site, which is a
11 bit more drastic than you would actually expect;
12 sloping down towards Tulip Street, so much of the
13 site needs to be graded that, if trees were even
14 kept, the soil would be taken down around them or
15 pushed up around them, and their chances of
16 survival would be next to none. So, unfortunately,
17 that was not an opportunity of the site, but I did
18 want to point out that it was considered.

19 On your screens now, we have a depiction
20 of the site plan as submitted and as recommended
21 for approval by the TRC. In yellow, it just sort
22 of highlights the building location. You can see
23 the traffic improvements here. We've got the turn
24 lane here off of 70 which swings in, in there.
25 We've got three lanes of traffic on Rose Street

1 leading up to the signalized intersection, giving a
2 whole lane for people going left, another whole
3 lane for people heading right -- straight, and
4 another one for people heading right.

5 It is expected that the majority of
6 traffic out of the site will exit via this
7 intersection, this signalized intersection, so then
8 that storage will be -- will be needed. There's
9 also a turn lane, a left-turn lane, turning into
10 the Sheetz here on 70, which will help to keep
11 traffic from backing up onto 70 as well as that
12 deceleration lane of course.

13 CHAIRMAN PRICE: Tulip Street -- oh, I
14 mean Rose Street, excuse me.

15 MS. BEDDINGFIELD: Yes, backing up on
16 Rose Street --

17 CHAIRMAN PRICE: Yes.

18 MS. BEDDINGFIELD: -- towards US.

19 CHAIRMAN PRICE: Towards US.

20 MS. BEDDINGFIELD: Thank you, yes. And
21 then we have a deceleration lane, a second one on
22 70, that leads into the second drive entrance.

23 I also want to point out the future
24 driveway that we've been discussing here. This is
25 the driveway that was on the original site plan,

1 but through discussions with staff and in response
2 to the comments from neighbors at the neighborhood
3 meetings, Sheetz has agreed to take out that exit
4 onto Tulip Street for the time being in order to
5 render Tulip Street a safer street for kids and --
6 and the residents who live there.

7 There is a storm water pond located in
8 the southwest portion of the site, and of course
9 we've got our gas canopies -- gas canopy up front
10 here, and there are six stations including
11 [inaudible].

12 So, here we see the elevations, and you
13 can see they are very, very similar to the ones at
14 the Amelia Church site. The sign might be a little
15 bit smaller, the monument sign, as I mentioned, and
16 the window signage is a little bit different. Our
17 code no longer -- understand that at the last site
18 plan approval, there was a discussion about the
19 window signage with the pictures of the food on it,
20 and those graphics were considered a mural and
21 they're sort of permitted in a little bit different
22 route than we are doing this time. Now they are
23 considered a sign, and so those areas of the sign
24 that include the pictures of food count towards the
25 signs, overall signage, and they are able to

1 include those graphics as part of their signage and
2 still meet all of their sign requirements and
3 allowance for the site.

4 And this is a graphic of the proposed
5 canopy. You can see it's sort of that parapet wall
6 with almost a molding type. I'm sure there's an
7 architectural term for it, around the top, very --
8 very similar to the other Sheetz location in town
9 with the stone base. We've got the bronze pillars
10 to match the store and then we've got the curved
11 bollards which help deter some of the signage.

12 And again, that -- that canopy is
13 rounded. We can see it -- we can see it on the
14 site plan here. It's got sort of that rounded
15 front, so it's a little bit different than the
16 rectangular one that we have at our existing site.

17 I won't spend much time on these slides
18 other than to say that, again, our traffic impact
19 analysis was submitted as part of the special use
20 permit. It was reviewed in relation to both the
21 special use permit and, of course, the site plan,
22 and all the recommendations in the traffic impact
23 analysis were reflected in the site plan, and you
24 saw them on the site plan that I had pulled up.
25 The only difference is, of course, the traffic

1 impact analysis did consider site driveway number
2 three, which is now just a future driveway with the
3 recommendations for the time being [inaudible]
4 until such time that, if it is developed, then it
5 would meet those recommendations.

6 The proposed development is generally
7 consistent with the Strategic Growth Plan
8 Objectives 2.1, 2.2, 4.1 and it is consistent with
9 the proposed land use map. The proposed use is
10 consistent with the Unified Development Code if
11 special use permit 2014-14 is approved by the Town
12 Council and a neighborhood meeting was held on June
13 9th, 2014, and materials from that meeting were
14 included with your packet.

15 There are a couple of differences of
16 opinion between staff and the Applicant that I am
17 going to discuss and put forward to the Planning
18 Board for consideration. I'm going to sort of give
19 you staff's perspective and then the Applicant will
20 be able to discuss it further, of course, and
21 we'll -- we'll have a conversation and answer any
22 questions you may have.

23 The first item of discussion is cross
24 access to that adjacent parcel to the east. You
25 may recall, part of the special use permit

1 condition was that cross access be provided. We
2 always like to see that cross access. It's safer,
3 it's fewer people; there are fewer driveway exits
4 onto roads like Highway 70. Internalizing those
5 internal driveways and vehicular circulation can be
6 a real benefit to those properties.

7 However, like I said, a little bit of a
8 difference of opinion on the appropriate location.
9 Staff is requesting that the Planning Board
10 consider a different location than is shown on the
11 site plan as proposed by the Applicant. One of the
12 reasons is safety. The way -- and I'll go back to
13 the site plan here.

14 The cross access is right here where this
15 red dot here, that's proposed. Now, the way staff
16 sees it is people will be coming in off of 70,
17 turning in and sort of doing a quick serpentine
18 movement to get over here to this site. Generally,
19 when you see cross access driveways, at least here
20 in Clayton on Highway 70, you're required to come
21 down, you're looking for traffic, and then maybe
22 you cut somewhere in this area further down. And,
23 if you do pull in, and have to stop because maybe
24 there's a car coming to turn out and make a right
25 off of the parcel on Highway 70, they're stopped,

1 and all of a sudden these cars behind them are
2 stopping very quickly as well, and maybe they were
3 expecting to move into the site a little bit
4 faster. So that's one concern; it's basically that
5 quick-turn movement that might be expected from
6 having a driveway so soon after turning into the
7 site.

8 COUNCILMAN SATTERFIELD: The property
9 owner next door to that access [inaudible].

10 MS. BEDDINGFIELD: I will show you. So,
11 where staff is requesting it is -- we're actually
12 requesting a zone which includes the original
13 proposal by Sheetz in case that is a decision in
14 the future. We're also -- and where staff would
15 really -- where staff would prefer to see it is
16 actually down here, parallel to this existing sort
17 of drive where cars are already coming back and
18 forth, but we're willing to accept the sort of zone
19 that allows for flexibility and design of that
20 adjacent property. Not knowing where the adjacent
21 property is going to be; their building or their
22 drive-aisles or their parking, this allows some
23 flexibility and movement. And what it means is
24 that Sheetz will put that cross-access driveway in
25 a way that works for both sites.

1 COUNCILMAN SATTERFIELD: Have you
2 considered going all the way back to the
3 [inaudible] cross-access back here in the back of
4 the lot versus the [inaudible] lot?

5 MS. BEDDINGFIELD: We did discuss that
6 and the idea was that this property on Highway 70
7 is most likely to become commercial first, just due
8 to its proximity to Highway 70. It's very possible
9 that what happens is that entire lot becomes
10 commercial from top to bottom, and then there is a
11 cross access down towards -- down towards the
12 bottom there. It doesn't preclude that.

13 COUNCILMAN SATTERFIELD: Well, how about
14 [inaudible] if you asked right here --

15 MS. BEDDINGFIELD: Uh-huh.

16 COUNCILMAN SATTERFIELD: -- that would
17 give you the option [inaudible] of then coming back
18 here [inaudible] this lot [inaudible] the lot.

19 MS. BEDDINGFIELD: Uh-huh.

20 COUNCILMAN SATTERFIELD: If you don't do
21 it now, you may have [inaudible].

22 MS. BEDDINGFIELD: Sure, that's a great
23 thought, and that's a question I'll put up then to
24 the Planning Board. This is a question that's
25 going to be up to you all to decide, where you

1 would prefer to see that zone or that location of
2 the driveway, because it will be reflected in that
3 one sided cross-access agreement I discussed with
4 the special use permit. It will be recorded and it
5 will run with the title, so that whoever's looking
6 at purchasing the adjacent property, or properties,
7 will know that there's an assurance of cross
8 access.

9 COUNCILMAN SATTERFIELD: [Inaudible] the
10 two lots there as an access [inaudible].

11 MS. BEDDINGFIELD: In the event that they
12 become a single parcel.

13 COUNCILMAN SATTERFIELD: Well, what if
14 they don't? [Inaudible].

15 MS. BEDDINGFIELD: Right.

16 COUNCILMAN SATTERFIELD: [Inaudible].

17 CHAIRMAN PRICE: Well, the proposal --
18 staff's proposal is for only one cross-access
19 point. Could it be within the zone rather than at
20 a specific point, because really the cross
21 access -- the optimal location for cross access is
22 not dependent on the Sheetz site plan, but it's
23 going to be a future site plan when the future
24 development occurs on the lot next door.

25 COUNCILMAN SATTERFIELD: Well --

1 CHAIRMAN PRICE: Whether it's one lot or
2 the current two lots.

3 COUNCILMAN SATTERFIELD: Has that been
4 discussed with Sheetz as far as the zone
5 [inaudible]?

6 MS. BEDDINGFIELD: It has. Currently,
7 Sheetz wants to keep their proposed driveway
8 location and none other. And it's -- that's why
9 we're requesting that the Planning Board provide
10 [inaudible] --

11 COUNCILMAN SATTERFIELD: Well, I'm
12 thinking [inaudible].

13 MS. BEDDINGFIELD: That's staff concerns
14 as well, for the safety.

15 CHAIRMAN PRICE: Plus, it ties it down.
16 If it's tied down, then the -- the optimum location
17 of to serve -- to adequately serve both properties
18 is somewhat diminished, because you don't know what
19 the other property's going to develop.

20 COUNCILMAN SATTERFIELD: And that's why
21 my question [inaudible] the back here. This one,
22 as [inaudible] shown to me, is the safer zone.
23 Here it's too close to the intersection. So with
24 that one it'll be [inaudible] back here at this
25 point or back at the very [inaudible], one or the

1 other. You've got two spots. We have a cross
2 access back here [inaudible] I would think, that
3 makes no sense [inaudible] more than a drive.

4 CHAIRMAN PRICE: Yes. You want a
5 driveway, but right now there's two properties over
6 there instead of one. If it was one property over
7 there and you knew it was going to be developed as
8 one, then it'd be different thing, but --

9 COUNCILMAN SATTERFIELD: Well, and as
10 well as you could for [inaudible] here at the front
11 where that zone is [inaudible] look at it there,
12 you will tie this other property down to where they
13 have to tie in to that lot [inaudible]. They won't
14 have the cross access in that lot [inaudible].

15 CHAIRMAN PRICE: Yes.

16 BOARD MEMBER POUNDS: Right, we cannot
17 [inaudible] on the back lot, if you tie the front,
18 [inaudible] a little bit [inaudible] you don't have
19 cross access because [inaudible], correct? Because
20 they're two separate [inaudible].

21 CHAIRMAN PRICE: Well, in -- in the
22 future, whatever that -- if it comes in to be
23 developed separately, there would be stipulation
24 for a cross access between the front and back lot,
25 I assume. Is that not correct, Ms. Beddingfield?

1 MS. BEDDINGFIELD: Potentially.

2 CHAIRMAN PRICE: Potentially there would
3 have to be --

4 MS. BEDDINGFIELD: There -- we would look
5 at -- I would expect some form of cross access;
6 whether it's between the two lots if they were to
7 remain two separate commercial lots we'd look for
8 cross access potentially onto the Sheetz site. If
9 it wasn't a pre-agreed upon location it would be a
10 discussion with the property owner with Sheetz at
11 that point in time, but if we do look for
12 cross-access opportunities, absolutely.

13 COUNCILMAN SATTERFIELD: Well, you're --
14 you have been in traffic all your life, is that a
15 safe place to have --

16 CHAIRMAN PRICE: Not where -- not where
17 it's proposed.

18 COUNCILMAN SATTERFIELD: That's what I
19 thought.

20 CHAIRMAN PRICE: Because one, as Ms.
21 Beddingfield pointed out, that is a right out.
22 [Inaudible] is not signalized and so there's -- the
23 probability of a car being seen there waiting to
24 make that right turn out when somebody's in that
25 right -- the right turn out where there's somebody

1 in that right turn in, is pretty high. And they're
2 not going to get out of his way in time for him to
3 make that short turn. Or potentially he's not
4 going to be out of his way. It's bad enough for a
5 car but if you have a truck there, it gets to be
6 real critical. I'm sorry, I didn't meant to get
7 too involved in this.

8 MS. BEDDINGFIELD: So if it's going to be
9 the Board's will, Sheetz has indicated that they
10 are willing to accept whatever condition the Board
11 places on the site plan in terms of that
12 cross-access agreement. I'll let them speak to
13 that more, of course, but it will be the Board's
14 will as to where that cross-access zone or location
15 is located, and if there are any special
16 stipulations between those two properties
17 [inaudible].

18 BOARD MEMBER COATS: Well, did they give
19 a reason not to put it where you put it -- the
20 Planning Department has requested?

21 MS. BEDDINGFIELD: I will let them speak
22 to that.

23 BOARD MEMBER COATS: Thank you.

24 CHAIRMAN PRICE: Mr. Ahlert?

25 BOARD MEMBER AHLERT: Mr. Chairman, I'd

1 suggest that we not beat this to death right now.
2 Let's hear from the Applicant --

3 CHAIRMAN PRICE: Sure.

4 BOARD MEMBER AHLERT: -- and then make
5 our decision. [Inaudible] trying to make our
6 decisions right now.

7 CHAIRMAN PRICE: No. Absolutely, we want
8 to hear from the Applicant. Is there -- okay, Ms.
9 Beddingfield, is that pretty much it, or is there
10 other?

11 MS. BEDDINGFIELD: Yeah, I've got one
12 other point that we did want to make on this, which
13 I think you all understand, but it would be a
14 design consideration for that site. Safety aside,
15 safety is our number one concern, but we got to
16 thinking about the design, and we already have a
17 required 20-foot street yard where you can't put
18 parking. So, you're pulling into the site, you
19 would need at least another 20 feet -- usually when
20 you see a site develop, you see it like this, with
21 parking facing the roadway. If not usually, then
22 often, right?

23 And each of those parking spaces is 20
24 feet. The way that the Sheetz proposed driveway
25 sits, it would have a driveway turning into where

1 this parking aisle would be which, in our mind, in
2 staff's mind, limits the design opportunities for
3 that adjacent site. So, again, it's flexibility
4 and wanting to ensure that we leave the ability of
5 that adjacent site to develop in a way that's
6 beneficial to the property owners and the people
7 who are visiting the site, the citizens.

8 I just wanted to make that point. This
9 is an example -- this is actually a gas station
10 right here, and it's got a CVS located right next
11 to it. And then PGA Boulevard up top, this is in
12 Florida, but it's a very heavily traveled
13 thoroughfare, much like US 70.

14 BOARD MEMBER POUNDS: So are you saying
15 there's -- that what they're proposing is parking
16 facing 70?

17 MS. BEDDINGFIELD: No. No, what I'm
18 saying is let's say that that adjacent site, which
19 is currently residential, develops into a CVS.
20 Maybe their site looks like this. It wouldn't
21 allow this type of design.

22 BOARD MEMBER POUNDS: I got you, okay.

23 MS. BEDDINGFIELD: So, just an example of
24 something.

25 BOARD MEMBER POUNDS: Uh-huh.

1 MS. BEDDINGFIELD: So the second point
2 that staff would like to discuss where we have a
3 little bit of a difference with the Applicant is
4 the vent stacks. So, staff has recommended a
5 condition of approval to limit the height of the
6 vent stacks to 18 inches above the top of that
7 parapet wall. That parapet wall is actually four
8 feet high and so staff, we're always very conscious
9 of mechanical equipment on roofs, on ground, and
10 vent stacks are just one of those things that we
11 have an eye out for.

12 Now, 18 inches above the top of the
13 parapet may be visible, but that would be
14 consistent with other sites in town, including the
15 Sheetz on Amelia Church Road where you can just
16 barely see the top of the vent stack. Another
17 example is the BP out at Riverwood where you can
18 just barely sort of see the top of the vent stack.

19 Now, I will say, it is hard to measure
20 exactly the height from the top of that parapet
21 wall to the top of the vent stack because of the
22 visibility angles, but building code requires a
23 five-foot high stack. And what Sheetz is
24 requesting is that we grant them a maximum of five
25 feet from the top of the parapet wall, which would

1 extend, of course, five feet above what might be
2 visible. And staff's opinion is that that would be
3 something along the lines of what you're seeing on
4 your screen now which is an example of a Sheetz is
5 another location, totally different canopy, I
6 understand it's a different site, but that would be
7 maybe an example of what could happen if you allow
8 a vent stack at that site.

9 Of course, we know that there are
10 examples where as long as you have the proper
11 clearance around each vent stack, you can measure
12 that five feet from the roof deck and then you're
13 only extending maybe a foot above the top of that
14 parapet wall, which is going to give you something
15 like this where you can see the Sheetz out at
16 Amelia Station and you can barely see the little
17 top of the vent stack there, and you can only see
18 it from certain angles.

19 This is a different canopy design, maybe
20 a little bit taller, but it's staff's opinion that
21 it sort of proves that it's possible, it's doable
22 and clearly it meets our building code. So, we're
23 requesting that condition to limit the vent stacks
24 to 18 inches above that parapet wall and, if that
25 can't be met for some reason, it's staff's opinion

1 that that's a design consideration that needs to be
2 taken into place and there should be design
3 accommodations in order to deal with that

4 This is the other example. This is the
5 BP out at Riverwood and you can see there just a
6 little bit of that vent stack peeking over the top.
7 You'd never notice it. We would notice it
8 [inaudible].

9 BOARD MEMBER LEE: [Inaudible] the canopy
10 you want a proposed height of the parapet is and
11 proposed total height of the stack?

12 MS. BEDDINGFIELD: The proposed height of
13 the parapet is four feet. The minimum height of
14 the vent stack is five feet. And there are all of
15 these -- there's clearance requirements, and I'm
16 not going to try to [inaudible] building code, but
17 I know that there are minimum clearance
18 requirements around these vent stacks. So, as long
19 as that parapet wall is far enough away from the
20 vent stack, you can measure from the roof deck. If
21 it's too close to the parapet wall, all of a sudden
22 you have to measure from the top of that parapet
23 wall. Does that help?

24 BOARD MEMBER LEE: So what you're saying
25 is, I think, is that if the stack is more than

1 18-inches tall, but the actual elevation of the
2 parapet wall -- you could extent the parapet wall
3 to come out to keep it with the [inaudible].

4 MS. BEDDINGFIELD: Or potentially --

5 BOARD MEMBER LEE: Or whatever's
6 [inaudible].

7 MS. BEDDINGFIELD: It might be moving it
8 back. I'm not -- I'm not really sure. The
9 Applicant's concern is that this is not designed
10 yet. They have the visual design, but they don't
11 have the vent design, the construction documents,
12 to prove to them that they have the assurance that
13 they can do something like you see on the screen
14 and be able to just have it extend a little bit
15 above the top of that parapet wall. So, really
16 what they're asking for is the assurance that if
17 they need to go five feet above the top of the
18 parapet wall they can, and staff is asking that the
19 design be taken more into consideration and -- and
20 is suggesting that there are ways to minimize the
21 visual impact of the vent stacks.

22 CHAIRMAN PRICE: So, in other words --

23 COUNCILMAN SATTERFIELD: That's -- that's
24 my question, I guess. Is there a good reason why
25 they're changing the design [inaudible]?

1 [Inaudible] satisfactory --

2 MS. BEDDINGFIELD: It's a different
3 canopy design.

4 COUNCILMAN SATTERFIELD: I know,
5 [inaudible] but I guess [inaudible] when they
6 [inaudible] they changed the design. Okay.

7 MS. BEDDINGFIELD: That'll be the
8 question for the Board.

9 CHAIRMAN PRICE: But basically --
10 basically it comes down to a design and building
11 code consideration and what staff is asking is that
12 that visual impact be minimized or not be more than
13 18 inches.

14 MS. BEDDINGFIELD: Yes.

15 CHAIRMAN PRICE: Whether the stack has to
16 be moved in from the canopy wall or -- or whatever
17 has to happen that it winds up to be minimized for
18 visual impact. Is that pretty much what the
19 question is or what the concern is?

20 MS. BEDDINGFIELD: It is.

21 CHAIRMAN PRICE: Are there questions?

22 BOARD MEMBER LEE: Did you say right at
23 the end though that their request is if they're up
24 close to the canopy, to build the stack five feet
25 above the parapet? Did I misunderstand?

1 MS. BEDDINGFIELD: Yes, they're looking
2 for that flexibility.

3 BOARD MEMBER LEE: Okay.

4 MS. BEDDINGFIELD: I don't think they
5 want -- I -- I won't speak to what the Applicant
6 wants. I can speak to their intent, but they're
7 looking for the flexibility.

8 CHAIRMAN PRICE: We'll hear from the
9 Applicant in a minute.

10 MS. BEDDINGFIELD: I'm speaking my
11 understanding of my discussions with the Applicant
12 and I'm -- they'll have a much better versed
13 version of what they're requesting I'm sure.

14 So there are two modified conditions,
15 moving on from that point of discussion, that
16 differed from what was in your staff report. You
17 may have noted condition number four actually has a
18 little blank space, because at that point we
19 weren't sure of the number of vent stacks that were
20 being requested. So number four has been reworded
21 to read, "All roof-mounted and ground-mounted
22 equipment must be completely screened from view
23 with the exception of up to three gasoline
24 vent-stacks which may extend 18 inches above the
25 top of the canopy parapet wall."

1 Condition number seven has to do with the
2 other point of discussion which is that cross
3 access and this one doesn't really speak to the
4 concern of the location, it's just more of a
5 rewording to make it clear and our lawyer's had
6 their hands in it, so it's a little bit more
7 defensible. It reads, "Permissions for future
8 cross access shall be provided to the adjacent
9 parcel immediately to the east and fronting Highway
10 70," the pin number is given. "The location of
11 such future cross access shall be shown on the site
12 plan as approved by the Planning Board and will be
13 exercisable when that adjacent parcel is rezoned
14 and developed and receives a certificate of
15 occupancy for nonresidential use."

16 So there's a reflection of the condition
17 in the condition -- or in the special use permit
18 that basically states that that cross access shall
19 be shown on the site plan in a location that has
20 been approved [inaudible]. So staff --

21 CHAIRMAN PRICE: [Inaudible].

22 MS. BEDDINGFIELD: Uh-huh.

23 CHAIRMAN PRICE: At such time as the
24 adjacent property does redevelop or becomes
25 commercial, at some form or other, it's then going

1 to be up to that property developer or that site
2 developer to pay for and locate that cross access
3 into the Sheetz site. It's not going to be -- in
4 no way would it be incumbent upon Sheetz to -- to
5 participate in that cross access. They're
6 providing the access, but the developer of the
7 adjacent site will have to actually construct it.
8 Does that not damage you --

9 MS. BEDDINGFIELD: I believe it's up to
10 the property lines.

11 CHAIRMAN PRICE: Oh, it's up to the
12 property lines on both sites?

13 MS. BEDDINGFIELD: Uh-huh.

14 CHAIRMAN PRICE: Okay. I stand
15 corrected.

16 MS. BEDDINGFIELD: I may be incorrect on
17 that one.

18 CHAIRMAN PRICE: Are there other
19 questions of Ms. Beddingfield before we call the
20 Applicant? As she has outlined very clearly, there
21 are two issues of -- involving the site plan and
22 we'll -- we'll give the Applicant's concerns
23 revolve -- involving those two issues, as well as
24 the other items.

25 MS. BEDDINGFIELD: And I would like to

1 note that staff is recommending approval, just with
2 those modifications.

3 CHAIRMAN PRICE: On case of the --

4 MS. BEDDINGFIELD: To the conditions and
5 to the location --

6 CHAIRMAN PRICE: So the planning staff
7 recommendation is for approval of the site plan
8 with the modifications of --

9 MS. BEDDINGFIELD: The cross access --

10 CHAIRMAN PRICE: -- the cross access and
11 the height of the stack -- the vent stack.

12 MS. BEDDINGFIELD: Right, which is
13 reflected in the modified conditions.

14 CHAIRMAN PRICE: New modified conditions
15 of what you've got in your packet. All right.
16 Thank you, ma'am. Now we'll call on the Applicant.

17 MR. STYERS: Thank you very much. For
18 the record, repeat that I am Gray Styers, and my
19 address is 1101 Haynes Street, and I'm here on
20 behalf of the Applicant Sheetz Inc. There are only
21 two issues [inaudible] because one of them is -- is
22 a potential deal breaker and I think that's more
23 important and we need to try to address that one
24 head on.

25 The -- I'm not the building inspector,

1 I'm not an engineer, but I have a lot of concerns
2 for safety and we had questions earlier about
3 safety and [inaudible] and -- and making sure
4 there's not going to be materially a danger to the
5 public. And that really is the issue here.

6 This is a huge canopy and I can't -- I'm
7 not -- I'm not a site expert, but I can assure you
8 that vent stack, unless I'm badly mistaken, is a
9 whole lot higher than 18 inches above that canopy
10 level. It's back on the second post is what it
11 looks like, and it's impossible to tell how high
12 that is because it's the line of sight. Where is
13 the viewer standing to see that vent stack?

14 We're not asking you actually to approve
15 or limit us to any height. Now, 18 inches may
16 work, it may not work; it depends on the location
17 of the UST, depends upon the distance, as Ms.
18 Beddingfield said, for the vent stack from the edge
19 of the parapet. If it is too close to the parapet,
20 the fumes of the vents can -- can -- can settle
21 inside the parapet and we have the lighting --
22 we've talked a lot about lighting, the LED
23 lighting; the wiring for the lighting is on top of
24 the -- of the deck.

25 So, the reality is we don't know how high

1 that needs to be. And I'm not here to say it needs
2 to be five feet, but I'm here to say it's got to be
3 tall enough to meet code and to be -- and to be
4 safe. If it doesn't meet code, we're not going to
5 build it; it's just as simple as that. So, you
6 know, what I will -- what I'm going to distribute
7 is a letter from a PT [phonetic] that talks
8 about -- it is the National Fire Protection
9 Association Regulation. It is not discretionary.
10 It is not something that we want to exceed. It is
11 something we have to comply with. And it's a
12 fairly narrow canopy. The canopy looks like
13 nothing that. It's a fairly narrow -- we have a
14 very fairly narrow canopy.

15 So let me just distribute these three
16 reports on this side of the table and these three
17 here and now let me -- I have one for each of you.

18 COUNCILMAN SATTERFIELD: I have a
19 question.

20 MR. MCCULLEN: Certainly.

21 COUNCILMAN SATTERFIELD: There's nothing
22 about [inaudible] design [inaudible]. Is the vent
23 stack required to go in a certain location
24 according to where the pumps are or can they
25 [inaudible]?

1 MR. MCCULLEN: I'm going to defer to --
2 give it over to Mr. Anastasi on that. I can only
3 make sure that the record reflects -- my
4 understanding is that it is determinant on
5 [inaudible] in the parcel, but I want to ask one of
6 the folks who are more knowledgeable than I.

7 MR. ANASTASI: Tom Anastasi, I'm with
8 Sheetz Incorporated as well. To answer your
9 question, Mr. Satterfield, the location of the vent
10 stacks, they have to -- I'm not 100 percent sure of
11 the actual distance, but they have to be within a
12 certain distance to those tanks because in order
13 for -- for the fumes to be effectively vented to
14 the atmosphere, they -- they can't be too far away.
15 Typically, we put them at grade level or at -- on
16 the ground where they can vent 12 feet above the
17 ground, and then you can see some of those examples
18 [inaudible]. The reason we're putting them into
19 the canopy is because we want [inaudible] that it's
20 clear that there's no free-standing vent stacks
21 along Clayton.

22 So, the underground storage tank
23 designers, they have told me that when they do have
24 the vent through the canopy, they will go from the
25 underground storage tanks to the nearest gas column

1 or the canopy column, and then go straight up.

2 COUNCILMAN SATTERFIELD: Which are the
3 round brown things.

4 MR. ANASTASI: Correct. So, in this
5 photo, if you project across the parking lot,
6 that's where our underground storage tank is. So
7 they took the path of least resistance to that
8 nearest canopy column.

9 BOARD MEMBER SANDAIRE: Mr. Chairman?

10 CHAIRMAN PRICE: Yes.

11 BOARD MEMBER SANDAIRE: I guess to a
12 certain extent we're trying to compare a little bit
13 of what's been already constructed at Amelia Church
14 and what we're proposing to construct. My question
15 is have you had any other [inaudible] to have a
16 canopy similar to the one you're proposing to
17 construct at the new site with vent stacks that
18 might actually meet what the staff is recommending.
19 Or, have we had difficulties in the past with
20 similar vent stacks at other sites that would make
21 you object [inaudible] now to what the staff is
22 proposing.

23 MR. ANASTASI: The canopy that we're
24 proposing for the Clayton Rose project is -- is the
25 same canopy that we built in Wake Forest. It was a

1 silk metal non-backlist or non-illuminated canopy
2 structure. In Wake Forest, though, the vent stacks
3 were at -- at grade level. Me, personally, I don't
4 have any examples of that particular canopy with
5 the vents going through -- through the canopy, at
6 least in North Carolina.

7 BOARD MEMBER SANDAIRE: So this would be
8 the first site that you'll do that in North
9 Carolina?

10 MR. ANASTASI: Well, we did -- it will be
11 the first site in North Carolina with that canopy
12 going through that yeah, because at Amelia Church
13 we -- obviously, you can see a different style
14 canopy and we didn't vent it through that canopy.

15 MR. STYERS: Is it fair to say that most
16 Sheetz that have been built have the vent stacks at
17 ground level [inaudible] as opposed to [inaudible]?

18 MR. ANASTASI: I would be able -- the
19 majority, if not 95 percent of them, are built with
20 the vent stacks at grade level.

21 MR. STYERS: And that would be acceptable
22 to us at this site, and we could screen those, but
23 we cannot, you know -- because it's very clear how
24 those are constructed. But whether that complies
25 with your Town ordinance or not, I mean that's a

1 question for staff.

2 The other issue or question is screening
3 from whom? I mean -- I mean, the -- if you're off
4 of either end -- if you're on Rose and Mr. Perez's
5 [phonetic] property, you know, the sheer length of
6 the -- of the canopy is likely to keep you from
7 seeing it -- out of sight. So you're talking about
8 it would be visible as you're looking perpendicular
9 to the canopy, I-7 and -- I mean, Highway 7 and the
10 northbound road and/or from the roof of Sheetz if
11 you're standing on top of that roof, but you
12 couldn't see it behind our store because the store
13 itself would be blocking the canopy. So there's
14 kind of another issue of who exactly would be
15 seeing that, quite frankly, given the way the
16 canopy's oriented.

17 Yeah, this is a very type of canopy
18 than -- than what we've gone through at TRC, what
19 we've gone through up until -- I mean, up into the
20 night we've had consistently had canopies like most
21 other Sheetz stores because they are around it
22 with -- with some other Sheetz -- I've got some
23 pictures, around the canopy like we have here and
24 it doesn't work well with this type of -- this type
25 of canopy like we had at the church.

1 So, again, it's not like we want to
2 have -- I mean, we're all in agreement. We don't
3 want to have a visible vent stack. That's -- we're
4 all kind of in agreement there. It doesn't need to
5 be any more visible than it has to be, but it has
6 to be built in a way that works so that we can
7 [inaudible] and meet code.

8 COUNCILMAN SATTERFIELD: If you don't
9 mind me asking, why are you changing the design of
10 the canopy?

11 MR. GERHART: The Sheetz at Amelia
12 Station -- at Amelia Church station was in a
13 smaller area plan. And, unequivocally, that is the
14 most sensitive architectural standards for the
15 Town. We were asked by the Town and that was
16 three, four years ago, to take components of the
17 building and match the canopy because of the
18 sensitive nature of the small area plan. Small
19 area plan has a handful of guidelines; whether it's
20 matching the canopy to the main building, whether
21 it's creating the berm out on the landscape out in
22 front of 42 or -- or the side street, whether --
23 you're in the small area plan, you have a master
24 site plan with all these zoning colors. So it's --
25 the sites are just different. You know, they're --

1 the Amelia Church is the Town's jewel of
2 architecture. It requires certain extra elements.
3 Not every site is in the small area plan and
4 Clayton on Business 7 is not in the small area
5 plan, so we think we proposed quite a fashionable
6 and quite sensible canopy at Clayton at the Rose
7 property here and have even included the
8 [inaudible] treatment at the top to just add a
9 little element of [inaudible]. But that's why the
10 difference -- I mean, there's at least three, if
11 not more, differences that were requirements from
12 Project A to Project B.

13 CHAIRMAN PRICE: Well, I guess --

14 COUNCILMAN SATTERFIELD: Well, let me
15 again -- excuse me, let me ask one more question.

16 CHAIRMAN PRICE: Sure.

17 COUNCILMAN SATTERFIELD: We're talking
18 about the location of pipe through the column here;
19 [inaudible] is there a possibility -- there is a
20 possibility of putting something through the column
21 to bend it over here to [inaudible] more of them,
22 what? I mean, [inaudible]. Is that possible? Or
23 you don't know?

24 MR. ANASTASI: The NFPA Code is five feet
25 vertical from that highest point. If you turn it

1 horizontal -- is that -- that what you're asking?
2 If you turn it horizontal to get it --

3 COUNCILMAN SATTERFIELD: [Inaudible] off
4 the edge.

5 MR. ANASTASI: Well, there's two parts of
6 that NFPA Code. It's three to five feet from the
7 edge horizontally or radius from any edge. I
8 guess, even if it was on the ground it would be a
9 five foot radius from landscaping or other
10 structures and other flammable or hazardous
11 material. And then it's five feet from the highest
12 point of that structure. So it's five feet in and
13 five feet up. So even if you continue to move it
14 into the center, it would still have to go five
15 feet up.

16 COUNCILMAN SATTERFIELD: Which would
17 [inaudible] from the canopy.

18 MR. ANASTASI: It's five feet from the
19 highest point of the canopy. There's a void at the
20 top. It's not a ceiling at the very top. So even
21 if you were only a foot above that highest point,
22 those wafers could potentially accumulate all on
23 that void and that's where the electrical lighting
24 is -- resides, and then you'd have a hazardous.

25 COUNCILMAN SATTERFIELD: So you're saying

1 the way the canopy is designed, it's going to be a
2 column; it's got to be five feet from the point, so
3 it's nine feet --

4 MR. ANASTASI: Well, I guess from the
5 ceiling it's probably nine feet --

6 COUNCILMAN SATTERFIELD: Nine
7 [inaudible].

8 MR. ANASTASI: And -- and it's all kind
9 of perspective of how we're looking at these
10 images, and that's why I couldn't -- that's why I
11 couldn't definitively go back to staff and say yes,
12 we can do 18 inches, because without those design
13 documents, the -- it's a specialty -- it's a
14 specialized engineering, I guess -- I don't know
15 what word I'm looking for. It's just a specialized
16 discipline where it has to go to state approval, it
17 has to go local approvals and the only thing I can
18 say is that we have to meet that code. I can't do
19 anything less than that until we have those design
20 in -- in -- that design in place. And I'm sorry
21 about that.

22 MS. BEDDINGFIELD: If I can respond to a
23 couple of the questions --

24 MR. STYERS: Yeah, and we're still
25 [inaudible] that, you know, to our knowledge --

1 again, we don't want this to be more visible than
2 it has to be. That's what -- there was no
3 condition on Amelia Church. In fact, we're not
4 sure that we've ever seen a jurisdiction place a
5 condition that said something that may or not be
6 inconsistent with the code and we have to follow
7 it.

8 One of my issues as a lawyer is making
9 sure that we don't end up with inconsistent
10 conditions that we have to keep one that violates
11 the other. You know, if we can find a way to meet
12 the code and be safe and to satisfy the staff and
13 be visually unobtrusive, you know, at a
14 construction -- and [inaudible] by the State,
15 because we're talking about the inspection of the
16 underground [inaudible]. The State inspects them.
17 They also expect the [inaudible] as well. So, if
18 we can find a way to satisfy the State and meet the
19 code and meet the building inspector and get the
20 State's inspector to sign off, then we're fine. If
21 that means -- and maybe that means -- I'm not
22 saying that it will or won't; maybe that means
23 could we slant the pipe, could we move it more in
24 the middle? Can we work with the construction
25 folks and state inspectors?

1 If that's possible, we'll do that. But
2 we can't run the risk of being required to meet a
3 zoning or site plan standard that then runs afoul
4 of what the State requirements. That's really the
5 only issue that we have. I mean, and we're glad to
6 cooperate and work with staff, work with folks, to
7 try to find a way to minimize the visibility. But
8 to say that we agree with a staff condition that
9 then the State inspector says, you know, once we
10 get out there, you know, I'm not going to give you
11 your certificate of occupancy or I'm not going to
12 give you your operating permit because it's not
13 tall enough and we're -- and we've had a grand
14 opening that's -- that's scheduled, that's the
15 situation that we can't find ourselves in.

16 MALE SPEAKER: [Inaudible].

17 MR. STYERS: Yeah.

18 BOARD MEMBER COATS: I have a question.
19 Where's the [inaudible] for these vents?

20 MR. ANASTASI: There's two three-inch and
21 one two-inch. Let me just verify; two three-inch
22 and one two-inch.

23 BOARD MEMBER COATS: So the [inaudible]
24 vent we're talking about is maximum three inches.

25 MR. STYERS: It's small. It's small.

1 BOARD MEMBER COATS: And how many
2 vents --

3 MALE SPEAKER: That's not three inches
4 [laughter].

5 BOARD MEMBER COATS: That's what I'm
6 saying, it's three inches.

7 MR. STYERS: Three inches. And there's
8 three visible --

9 BOARD MEMBER COATS: And how many vents
10 are going to be on top of this gas --

11 MALE SPEAKER: Three.

12 MR. STYERS: There's three. There's one
13 for each underground tank and there's three
14 underground tanks.

15 BOARD MEMBER COATS: So the Town is
16 concerned about a three-inch vent sticking up from
17 this canopy, is that what I'm hearing?

18 MALE SPEAKER: Hear, hear [laughter].

19 MR. STYERS: The one thing we ask and
20 we -- and this is all going down to the wire today
21 and we did ask the question and I don't know if
22 that [inaudible] respond, we can -- we can even
23 paint it. Meaning, making it a very -- white,
24 something that will blend with the -- with the
25 environment.

1 MALE SPEAKER: Very good.

2 MR. STYERS: And this way -- I don't know
3 if that qualifies as a screen, but it's a pipe and
4 we could probably paint it.

5 CHAIRMAN PRICE: Well, I think -- I think
6 Planning Board, from what I've been getting
7 together, is very sympathetic to the fact that you
8 got to meet safety codes and we sure want you to
9 meet safety codes.

10 MALE SPEAKER: Right.

11 CHAIRMAN PRICE: We don't want to
12 hamstring you -- I don't think we want to hamstring
13 you, in any way that would be a deal -- deal killer
14 or inconsistent with the State codes. And if the
15 18-inches is the problem, then I think we can word
16 it that if it will meet the State codes and the
17 Town codes to the extent and minimize the site
18 impact to the extent possible within those codes.
19 Would that be satisfactory to you all? I mean,
20 something along those lines? I'm not trying to --
21 I'm not -- you know, I'm not trying --

22 MR. STYERS: I think that's what I've
23 tried to do with what I've circulated to each of
24 you is -- I mean, we're not so sure that any
25 conditions required, but what I'm trying to

1 circulate is that this says basically that may to
2 extend to such height above the canopy as necessary
3 to comply with the National Fire Protection
4 Association Building Code requirements. And no
5 higher than necessary, but to a minimum height that
6 is necessary to meet those minimum requirements.
7 That's pretty much what we could live with.

8 MS. BEDDINGFIELD: If I could -- all that
9 staff is suggesting is that there are clearly
10 design choices that impact the visibility of the
11 vent stack. We have an example -- a couple
12 examples in Town where the vent stack is located in
13 the canopy and is not very visible. This is a
14 design choice. Sheetz can choose to use the same
15 design as they did at Amelia Church and they would
16 meet the intent. While it's not in the small area
17 plan, the site is located in our thoroughfare
18 overlay district.

19 Highway 70 is our most traveled roadway
20 in town and we have a lot of standards that come
21 along with that for a reason, the same reasons that
22 we have small area plans. You know, visual impact,
23 property values, all those things that go into it
24 and that's why staff was paying special attention
25 to a site at a major future intersection and along

1 our biggest roadway. And it's just staff's opinion
2 that it really is a design choice. We are in no
3 way trying to circumvent the building code. We
4 just -- we know there are ways to meet building
5 code and provide a design that meets the intent of
6 what staff would like to see and the screening of
7 mechanical and those sorts of equipment that the
8 Planning Board has [inaudible].

9 BOARD MEMBER POUNDS: Okay. [Inaudible]
10 ask this [inaudible] maybe I'm off base. If we're
11 restricted it to 18 inches, that is against the
12 code period. So what you're asking him to do is
13 make a design that you say will diminish the
14 visibility, but the code says that it's supposed to
15 be five feet, correct?

16 UNIDENTIFIED: What I have been told from
17 our building inspector, and John may be able to
18 provide further clarification if he would like, but
19 it's that it's from the roof deck measure five feet
20 so long as you have appropriate clearance. I think
21 it's fairly clear we don't know that it's 18 inches
22 in an example like at Amelia Church or even the BP
23 out at Riverwood, but I think it's safe to say that
24 that stack is not five feet above the top of that
25 parapet wall. I would pose the question to the

1 Applicant how high are the vent stacks at the
2 Sheetz at Amelia Church? Are they nine feet in
3 height, you know from -- are they five feet from
4 the top of the parapet wall and that's what we're
5 seeing here? If so, then maybe we are meeting our
6 visual requirements. I hope that explains --

7 BOARD MEMBER LEE: Make them all 15-feet
8 tall; a Sheetz flag, American flag, a --
9 [laughter].

10 UNKNOWN: And -- and I will say that
11 we're also open to locating the vent stacks on
12 another portion of the site. Like, Mr. Anastasi
13 noted, that it would just need to be screened, and
14 it's a little bit difficult to do, but can be
15 accomplished with vegetation.

16 CHAIRMAN PRICE: Okay.

17 BOARD MEMBER SANDAIRE: Mr. Chairman?

18 CHAIRMAN PRICE: Yes, Jean?

19 BOARD MEMBER SANDAIRE: I know that the
20 Applicant has submitted some alternative
21 [inaudible] for our consideration. I want to ask
22 first if the staff had an opportunity to review
23 that information?

24 UNIDENTIFIED: Yes, this is the same
25 language that was proposed last week and it was the

1 planning director's stance that this did not
2 provide the guarantees -- with this language we
3 could still see a five-foot stack extending beyond
4 the tallest point of the parapet wall.

5 BOARD MEMBER SANDAIRE: Okay. Being
6 that --

7 UNIDENTIFIED: Depending on the design --

8 BOARD MEMBER SANDAIRE: Being that the
9 Applicant's stating that the 18 inches was
10 cumbersome to their ability to design [inaudible] a
11 project, I wanted to know if the -- if we would be
12 willing to consider a modification to the language
13 and one thing that I'd recommend for approval on
14 this would be to -- the portion of the language
15 where it speaks to the gas vent stacks which may
16 extend to the minimum height above the canopy
17 necessary to comply with the NFPA will be
18 [inaudible] instead of pigeon-holing them to the 18
19 inches.

20 CHAIRMAN PRICE: The 18 inches. That
21 seems to be a very logical -- very logical and very
22 straightforward way of handling it, and that way
23 you're not -- the 18 inches goes away.

24 UNIDENTIFIED: And then I think staff
25 would be considerate of that. I think the only

1 concern would be that our interests would be that
2 if there are design modifications that could be
3 made to that canopy such as moving to the design
4 you see on your screen here, that could further
5 limit the visibility of the equipment on top of the
6 canopy, that those would be pursued first as
7 opposed to allowing the --

8 CHAIRMAN PRICE: [Inaudible].

9 BOARD MEMBER AHLERT: Mr. Chair, may I
10 suggest that we move on? We've heard both sides
11 here, it's our decision to make.

12 UNIDENTIFIED: It is.

13 BOARD MEMBER AHLERT: Let's hear the rest
14 of it, [inaudible] of it, other issues he's got and
15 then we'll decide at the end.

16 CHAIRMAN PRICE: All right. Thank you.

17 BOARD MEMBER AHLERT: [Inaudible].

18 CHAIRMAN PRICE: Yeah, this is -- we're
19 not getting a horse down the road [inaudible]
20 continuing to be. Okay. You can continue with
21 your --

22 MR. STYERS: Okay, sir, and as I
23 understand it, I will just say -- my understanding,
24 as you said, may extend to such a minimum height
25 above the canopy as necessary, and that would be

1 acceptable. Obviously, that would be acceptable to
2 us. Going back and redesigning the canopy into a
3 different type of canopy is not acceptable and I
4 just need to make sure that's clear [inaudible].

5 Now, the second issue is the driveway
6 cross-access [inaudible].

7 BOARD MEMBER BROOKS: Just a quick
8 question before we get to that.

9 MR. STYERS: Yes.

10 BOARD MEMBER BROOKS: Just on the canopy,
11 because I know the one for [inaudible] has the
12 rounded --

13 MR. STYERS: Uh-huh.

14 BOARD MEMBER BROOKS: And I'm assuming
15 that, because I personally like the rounded -- so,
16 I'm assuming that, with the design that's on the
17 Amelia Church Road, you would not be able to have
18 the rounded. Is that --

19 MR. STYERS: Well, I'll let Jamie --
20 because I'm not familiar with Amelia Church, I
21 won't speak to that.

22 MR. GERHART: This one, like Wake Forest,
23 has the arc.

24 BOARD MEMBER BROOKS: Uh-huh.

25 MR. GERHART: You know, and it's -- the

1 question you just asked, why do we like that one?
2 Because that's -- it's part of our brand, you know,
3 to have that arc. It's a small cue that says this
4 just isn't another gas station. Just like the
5 extra corner treatment at the top, it's a small cue
6 that this just isn't another gas station, it's a
7 Sheetz. Now, you physically could not incorporate
8 the arc into the Amelia Church canopy because of
9 the manser [phonetic] groove. You know, the
10 geometry wouldn't let you do that. When we have to
11 go that route, then the arc goes away.

12 BOARD MEMBER BROOKS: Thank you.

13 MR. STYERS: Again, I just show you some
14 pictures that kind of shows two [inaudible] Sheetz
15 that has that arc, has that curve out front. This
16 is fairly -- I mean, this issue, I'm going to have
17 Joshua come forward from Ramey Kemp. I've got a
18 report from Joshua that -- he's looked at this.
19 Because, again, we're not going to do anything
20 that's not safe. I think safety is -- has got to
21 be the paramount concern here.

22 CHAIRMAN PRICE: And please understand,
23 the Town, I don't think, is trying to encourage you
24 to do anything that's not safe.

25 MR. STYERS: And that -- so we're all in

1 agreement. We're all in agreement. So this is an
2 analysis of the safety issue by -- because I'm not
3 a traffic engineer, and I'm going to let Mr. --
4 I'll distribute Mr. Reinke's report and let him
5 talk a little bit about the logistics of -- of the
6 site plan where proposed.

7 MR. REINKE: I'm Josh Reinke, address is
8 1113 Bittersweet Court, Raleigh, North Carolina.
9 I'm with Ramey Kemp & Associates, registered
10 professional engineer in the State of North
11 Carolina with 10 years experience with traffic and
12 got my bachelor's from Valparaiso University.

13 We were -- we were contacted by Sheetz to
14 look at the cross access there and kind of look at
15 whether that was posing a safety concern as they
16 were working with the Town, and the -- the first
17 thing that we looked at was just the traffic
18 volumes that we expect there. Now, obviously with
19 whatever adjacent development would go in, we don't
20 have those volumes, we don't know what it would be;
21 so I was looking at what we have in the traffic
22 impact analysis that we conducted that was reviewed
23 by the NCDOT and at that driveway, during the peak
24 hour of the day, we have 29 cars exiting. This is
25 the worst-case peak hour, the p.m. peak hour.

1 That's about one car every two minutes that we'd
2 expect to exit there; because it's a restricted
3 movement, it's only a right in, right out.

4 So the amount of volume that we expect to
5 have in that direction is not as high as some of
6 the other corrections. So we -- we're looking at
7 about one every two minutes exiting. The entering
8 volume at that driveway was, I think,
9 approximately -- it broke down to 41 vehicles, I
10 believe, in the p.m. peak hour which is the worst
11 case of the two peak hours, and that's about one
12 car every minute-and-a-half coming in.

13 Now, I understand with, you know, an
14 adjacent development coming in it might increase
15 the traffic there; it's hard to say how much
16 without that, but we were looking and we tried to
17 run some models just to see if we saw any issues.
18 We weren't getting queues of more than one car at
19 any point exiting the site. And there is adequate
20 space where you could have that one car exiting and
21 another car could come in and make that turning
22 movement. Worst-case scenario, if you saw two cars
23 backing up, you do have -- the good thing here is
24 they are proposing that turn lane into the site so
25 if -- if for some reason you had cars backing up a

1 little bit, they'd be in the storage. They
2 wouldn't be in US 70. They'd be in the turn lane
3 to storage and out of the way.

4 Just in terms of I know the speed issue
5 was mentioned with, you know, how fast they'd be
6 coming into the site and making that turn. A big
7 concern here was Sheetz didn't want higher traffic
8 volumes coming close to the building because closer
9 to the building you have more pedestrians. And if
10 speed is an issue, which it shouldn't be with the
11 turn lane; we should be slowing down -- you know,
12 like I said, you'd be out of the -- even the turn
13 lane if you had to queue up, probably have enough
14 room for about two vehicles out of that turn lane
15 queued up before turning in there. There were a
16 lot of concerns about a lot -- you know, an
17 increase in traffic and the pedestrians that are
18 closer to the building if you brought that cross --
19 cross access further back from the site.

20 So, that's the main reason they were
21 looking at putting it there, was keeping it further
22 away from the site, further away from pedestrians
23 that are going to be closer to the building there.

24 So, in our opinion, just with, like I
25 said, limited data; all we could use really was

1 what's in the traffic impact analysis without
2 knowing what would go in, in the adjacent site, it
3 doesn't show much queueing, it doesn't show a
4 concern where there would be traffic waiting to
5 make that left turn into the cross access after
6 entering the site being blocked by anybody exiting.
7 You know, if -- if there is a significant amount of
8 volume or something with any adjacent development,
9 that's something that might be a concern with that
10 driveway anyway. It might be setting a limitation
11 or they might need to look at having another
12 driveway if they're putting in a significant
13 development adjacent to that.

14 But in terms of the traffic volumes we're
15 looking at, even if you kind of came close to
16 doubling that, it's not going to be a real issue in
17 terms of queueing onto the site. Just, like I
18 said, you've got about one car every two minutes
19 exiting and then entering vehicles you have about
20 one every minute-and-a-half when you break it down
21 in the peak hour. Any questions? I'm sorry.

22 MR. STYERS: Yeah. So, that kind of begs
23 the question, you know, why do we want to -- so, if
24 we can put it there, why do we want to put it
25 there? And let me go back to the slide that Ms.

1 Beddingfield put up earlier and I'm not so sure if
2 my finger -- yeah, it does. Okay. I like that.

3 Okay. You see this structure right here?
4 That's the canopy for that gas station where the
5 cars pull in. Notice where the cross access is
6 [inaudible], it's in front of the canopy. Because
7 the issue becomes -- we're back to the site plan,
8 as Mr. Reinke pointed out, there's going to be
9 pedestrians walking between the canopy to the
10 store, there's going to be parking here and so we
11 feel like there is more traffic be -- that would be
12 coming across here and more congestion at this
13 location than there would be up here. So that's
14 why we would prefer it be up front.

15 Now, with regards to the, you know, what
16 our experience has been at other locations because,
17 you know, we do have lots of other locations; I
18 have here pictures of two other Sheetz. One, I am
19 very familiar with. It's the first -- the second
20 one. The first one is located -- and I'll hand
21 that [inaudible].

22 The first one is located in Greenville,
23 and it has an Arby's right next to it and they
24 distribute here. And then -- at 2100 County Home
25 Road, and you can see the Arby's right next to it.

1 And here's the cross accesses. Here's the 20-foot
2 street corner. And this worked well -- again, we
3 don't have cross access behind the canopy, we have
4 in front of the canopy just like the picture that
5 Ms. Beddingfield showed of the cross access in
6 front of the canopy.

7 The second picture in this grouping is
8 one I'm very familiar with. This is on Highway 64
9 in Asheboro. It's about a mile from my parents
10 house. That's why I'm so familiar with it. It's
11 about a quarter-mile back. If you go on 64 East to
12 go to -- 64 West to go to the zoo, it's about a
13 quarter-mile back before you turn left to go down
14 to Zoo Boulevard. It's right on the light. It's
15 relatively new and it's been built in the past
16 year. And you can see a bank that's been built
17 right there to kind of the left as you're looking
18 at it.

19 So, this is kind of very typical of what
20 we're seeing, not unlike what the picture Ms.
21 Beddingfield showed which the cross access occurs
22 in front of the canopy, not behind the canopy. So,
23 we feel like from a congestion perspective, having
24 it in front of the canopy has worked well at the
25 other sites and makes more sense and is actually a

1 safer location.

2 Now, there's one other issue that I
3 wanted to -- to bring up, and that is -- and what
4 you -- and I'll also notice, Ms. Brooks, you'll see
5 all of the canopies are curved. So, that kind of
6 goes to that point. I didn't realize that they all
7 kind of go to that point. And the other point I
8 wanted to mention is that it is Sheetz's intent,
9 and this goes to your point, Mr. Price, in
10 [inaudible] were to build this, it would be
11 Sheetz's intent to build the -- a [inaudible].
12 That it would -- at least to the fence.

13 Now, they had discussions with Mr. Perez,
14 the next-door neighbor, and -- that they would go
15 ahead and build, at least to the fence, and what
16 that avoids is the disruption of the construction
17 while Sheetz is developing. So, it would be our
18 preference -- now, I understand there's some --
19 that there's some appeal to having this zoned and
20 we don't know if there's an Arby's or a bank, and
21 here I've shown you the stub out [phonetic], I
22 understand that. But, you know, if we have the
23 driveway set, because Mr. Perez knows, or his buyer
24 knows, where it's going to be, they can design to
25 that point. We would have already constructed our

1 stub out and it would be less destructive when and
2 if it's actually connected.

3 So, I didn't want you to feel like we
4 were disagreeing with staff just to disagree.
5 Like, we -- we've had lots of issues that we've
6 worked through over the last week, and these are
7 the only two that we have. So, I didn't -- don't
8 want to -- didn't want your thought to be -- being
9 stubborn or difficult or arbitrary, but this design
10 works for lots of gas stations, it worked for this
11 gas station to have the cross access in front of
12 the canopy, we would like to go ahead and build it
13 now so that it won't be as disruptive and the folks
14 next door will know where it is. We can define it
15 precisely with the description and the easement
16 which is a predefined -- now, [inaudible] the cross
17 access, it's just a matter of where it goes, and --
18 and the congestion behind the canopy is why we
19 think it's better off in front of the canopy.

20 We asked Mr. Reinke to do that analysis
21 about the safety, because if it was not safe -- if
22 it was going to be hard for cars to turn in there,
23 we couldn't do it. But, as you see in the pictures
24 there in front of you in Greenville and Asheboro,
25 it works, it works well, we haven't had a problem

1 with it. It's typical and -- and that's why, you
2 know, it is our preference and we would ask you
3 to -- to tell -- to tell us that this is where it
4 needs to be, where it's shown on the site plan.
5 And we -- and we talked about this and we've agreed
6 to disagree and said we'll leave it up to the
7 Planning Board. You've both arguments. Ms.
8 Beddingfield may want to respond, but we -- but
9 we -- we feel like it's the -- it's helpful to us
10 to know where it's going to be, to go ahead and
11 build it, have it done so the Perezes know where
12 it's going to be and we can all move forward.

13 CHAIRMAN PRICE: Well, if you're going to
14 build a stub out that puts a slightly different
15 perspective on it from where I was coming from.

16 MR. STYERS: That's why I wanted to
17 mention that to you.

18 CHAIRMAN PRICE: But I would comment on
19 the one in Greenville, the cross access is to the
20 right rather than to the left as it would be in
21 this case.

22 MR. STYERS: That's true. That is --

23 CHAIRMAN PRICE: Which is -- which would
24 not create the potential problem of a truck being
25 in there. But, however, the second one in

1 Asheboro, it is to the left, but it -- it appears
2 that there's a little more stem before you get to
3 that left turn than it would be from where it's
4 currently shown. And I understand your argument
5 about having it in front of the canopy, but would
6 there be any objection to modifying the site plan
7 to move it a little further in so you get -- and
8 still keep it in front of the canopy, but so you'd
9 have a little more stem before you have -- before
10 that left turn would be -- have to be made.

11 I mean, you may need the consultant
12 would -- your engineers and whatever, but --

13 MR. STYERS: I'll have to defer to Dwight
14 or my clients about how far back -- you really
15 don't want it to be parallel with those pumps. I
16 mean, you'll --

17 CHAIRMAN PRICE: No, no, no. But I mean,
18 move it back so you have just a little larger stem
19 there --

20 MR. STYERS: Uh-huh.

21 CHAIRMAN PRICE: -- to help alleviate the
22 blockage from making that left turn.

23 MR. STYERS: I will point out -- I hear
24 exactly what you're saying. I will point out that
25 on the -- the stem, it looks short there, in part

1 because we have the deceleration lane. There's not
2 a deceleration lane in and out of the Greenville
3 site, though I say that -- I have looked at it,
4 there is a deceleration lane into the Asheboro
5 site.

6 CHAIRMAN PRICE: Into the Asheboro --

7 MR. STYERS: Yes, sir.

8 CHAIRMAN PRICE: -- exactly like what
9 you're proposing here.

10 MR. STYERS: Uh-huh, yeah.

11 CHAIRMAN PRICE: And that cross-access
12 point is further back from that deceleration lane
13 than what you're proposing. And I guess -- I guess
14 our point is that we understand your concern, but
15 it -- we would like to get -- get it a little
16 further back to potentially eliminate that safety
17 problem of a driver making a left turn. And I
18 certainly understand the argument that Ramey Kemp's
19 people made about the frequency of the turns on
20 average, but he'll admit to you that those turning
21 movements occur on a random basis, not a metered
22 basis.

23 MR. STYERS: Right.

24 CHAIRMAN PRICE: And so, you don't know
25 when you've got a -- a conflict.

1 MR. STYERS: I understand exactly what
2 you're saying, Mr. Price. I am not -- that's going
3 to be up to my client's call as to what's possible
4 there.

5 CHAIRMAN PRICE: I understand, and we're
6 not trying to nit-pick you all over there. We
7 want --

8 MR. STYERS: No, no, no, these are
9 important issues.

10 CHAIRMAN PRICE: We want this site very
11 much and we want to cooperate with you.

12 MR. STYERS: I think everyone wants a
13 good site.

14 CHAIRMAN PRICE: Absolutely.

15 MR. STYERS: And the staff's worked great
16 with us. Now, let me just say for the record;
17 we've had these disagreements tonight, staff's been
18 very good to work with us and we appreciate that.
19 I want the record to reflect that as well.

20 CHAIRMAN PRICE: Thank you.

21 MR. VERNELSON: Mr. Frank, while you guys
22 were talking we went through and tried to figure
23 something out. Oh, by the way, I'm Dwight
24 Vernelson with Rivers & Associates out of
25 Greenville, North Carolina, and we're the site

1 engineers for this -- this particular site.

2 Taking a quick look at it, you know, you
3 were concerned about the -- the distance from the
4 highway. Another thing that we feel like we can do
5 is shift this driveway at least 10 feet further
6 away from Highway 70 to give you a little more stem
7 there. We feel like we can do 10. We can do more
8 if we feel comfortable with that. We'd have to
9 take a closer look at it. We'd like to offer that.

10 CHAIRMAN PRICE: Can I count on your 20?
11 And we'll negotiate.

12 MR. VERNELSON: We'll see. According to
13 the little scale here, 10 works really good right
14 off the bat, but if we could stretch it out, sure.

15 CHAIRMAN PRICE: Okay. Well, now, I've
16 monopolized this. Are there other questions from
17 the Planning Board members of the Applicant before
18 we get on with these two sticky issues?

19 MALE SPEAKER: [Inaudible].

20 CHAIRMAN PRICE: Well, Arby's --

21 MALE SPEAKER: [Inaudible].

22 MR. VERNELSON: The whole site -- is
23 there anything [inaudible] about 20 feet. You
24 could have a row of parking spaces out front.
25 You'd have the identical setup except that main

1 [inaudible].

2 CHAIRMAN PRICE: Yeah, it's -- it's
3 identical to the site in Asheboro and if they move
4 it back another 20 feet you could have two cars
5 there and the way you could make a right turn and
6 it still wouldn't interfere and it'd still be in
7 front of the canopy, I think. I hope at that point
8 [inaudible].

9 BOARD MEMBER LEE: Are we -- are we open
10 to discussion?

11 CHAIRMAN PRICE: Yes, sir, you're open to
12 discussions.

13 BOARD MEMBER LEE: I'm [inaudible] the
14 zone and still [inaudible] we don't know what's
15 going next door. I like your idea of being up
16 front. I like the driveway [inaudible] 10, 20
17 feet, but still we can't read the future and know
18 what's going next door. I like the idea of having
19 a zone unless [inaudible] put the stub out,
20 [inaudible] purchaser for the future --

21 CHAIRMAN PRICE: Knows exactly where it
22 is.

23 BOARD MEMBER LEE: -- and knows where
24 it's at. [Inaudible].

25 BOARD MEMBER AHLERT: I can understand

1 their concern of where you put that stub out and
2 [inaudible] disrupt their operations.

3 CHAIRMAN PRICE: Absolutely.

4 MR. STYERS: Yeah, and we -- we would be
5 glad to have a condition worded that does
6 affirmatively place the stub out unless it's not
7 real clear. So, we are glad for the condition to
8 be worded that we are obligated to put the stub out
9 to the fence and that we are absolutely glad to
10 modify the site plan to move that 10 feet back.
11 Because what I've been told is that we can do 10.
12 We wish we could do a 20, but we don't want to
13 promise something we can't deliver.

14 CHAIRMAN PRICE: Well, we have -- we have
15 a 20-foot setback there to start with, so another
16 10 would give us 30.

17 MR. STYERS: So, I do want to say on the
18 record we can agree to 10 feet and are ready to
19 commit that the condition --

20 CHAIRMAN PRICE: At least 10 feet.

21 MR. STYERS: Yes, sir.

22 CHAIRMAN PRICE: And then if you can do a
23 little better than that when you get into the
24 thing, then you know where our concern is.

25 MR. STYERS: We do.

1 BOARD MEMBER BIZZELL: Mr. Chair, I would
2 like to reiterate what Jim is saying as well as
3 what staff is saying for this zone and, from
4 experience, it is quite common to record an offer
5 [inaudible] cross access that does not necessarily
6 [inaudible] location. So, I -- I don't know that
7 we are actually asking for anything that is not out
8 of the ordinary if we would ask for an offer of
9 cross access [inaudible].

10 BOARD MEMBER AHLERT: Let me ask -- let
11 me ask the question [inaudible]. [Inaudible] at
12 that point where that property and [inaudible] do
13 something there and that [inaudible] negotiated
14 with them and one of the things I'd like
15 [inaudible]. That's what it says [inaudible].
16 Because that was why [inaudible] oh no, then I
17 don't want that.

18 BOARD MEMBER BIZZELL: That's true, and
19 that's -- you know, a lot of times that happens
20 with a site plan approval. The planning staff has
21 to step in and, you know, work that out, that
22 compromise or whatever.

23 BOARD MEMBER AHLERT: That's [inaudible].

24 BOARD MEMBER BIZZELL: Yeah.

25 CHAIRMAN PRICE: Well, the -- the offer

1 of going ahead and stubbing it out, I fully
2 understand the reasons and the other developer next
3 door can develop around it. We've -- I was coming
4 from the -- from the assumption that it would just
5 be put in, in the future, but I -- as Mr. Ahlert
6 pointed out --

7 BOARD MEMBER AHLERT: [Inaudible].

8 CHAIRMAN PRICE: -- it's certainly --
9 certainly eliminates the construction on Sheetz's
10 side to go in and put it in now. So, I think the
11 revised with the thing that it will be least 10
12 feet further back than what is shown and additional
13 if you can find that you can work it out, is -- is
14 certainly a compromise that everybody seems to
15 think we can live with. Council members, are we --
16 are you all in agreement?

17 MAYOR PRO-TEM GRANNIS: We have our own
18 set of rules [laughter].

19 CHAIRMAN PRICE: Okay. Mr. Ahlert?

20 BOARD MEMBER AHLERT: Mr. Chairman, I
21 will make a motion that we approve the site plan as
22 presented with the conditions that staff has
23 proposed with the modification of items four to
24 read all [inaudible] with the exception of up to
25 three gasoline vent-stacks which may extend to a

1 minimum height above the canopy as necessary to
2 comply with the NFPA building code requirements.
3 And -- and we ask that the developer be allowed to
4 put in the stub out future driveway connection, a
5 minimum of 10 feet further to the west, I believe
6 it is, than --

7 CHAIRMAN PRICE: South. Oh west, excuse
8 me, I'm sorry.

9 BOARD MEMBER AHLERT: -- [inaudible].

10 CHAIRMAN PRICE: [Inaudible] okay.

11 BOARD MEMBER AHLERT: No, it's not west.
12 I'm sorry, that's got to be south.

13 CHAIRMAN PRICE: Yeah.

14 BOARD MEMBER AHLERT: South, I'm sorry.

15 BOARD MEMBER JOHNSON: I'll second.

16 CHAIRMAN PRICE: And we got a second by
17 Mr. Johnson. All right. I failed to ask if there
18 was anyone in the audience that wished to comment
19 on this proposal before we -- before Planning Board
20 votes on it. If there is, you can come forward and
21 state your name for the record now. Seeing none,
22 is there further discussion on the motion with the
23 amended item four and what's the other one, seven?

24 FEMALE SPEAKER: Seven.

25 CHAIRMAN PRICE: As was presented in the

1 motion.

2 MALE SPEAKER: I think Bob would like the
3 flagpole idea [laughter].

4 CHAIRMAN PRICE: Well if --

5 BOARD MEMBER AHLERT: I'm sure there will
6 be -- I'm sure there will be flagpoles there, too
7 [laughter].

8 CHAIRMAN PRICE: All right. Hearing no
9 discussion, all in favor of the motion let it known
10 by saying aye.

11 (Voice vote.)

12 CHAIRMAN PRICE: Opposed, like sign.
13 It's unanimous. Thank you, guys. I'm sorry we --

14 MR. STYERS: It's okay. Thank you.
15 [Inaudible] the canopy, thank you very much.

16 CHAIRMAN PRICE: Yeah, paint it sky blue
17 and then it'll blend in.

18 MALE SPEAKER: Just don't paint it North
19 Carolina blue.

20 CHAIRMAN PRICE: No, not Carolina blue.
21 Excuse me, that's baby blue. Sky blue is a
22 different thing. All right. That brings us down
23 to Item C; SP 2014-61 Grifols South/East Parking
24 Expansion, Phase 2, major site plan allowing an
25 expansion of the parking at the Grifols Therapeutic

1 site. Ms. Beddingfield?

2 MS. BEDDINGFIELD: Good evening. Emily
3 Beddingfield with the Town of Clayton Planning
4 Department.

5 BOARD MEMBER LEE: I [inaudible] recused
6 [inaudible] to the property.

7 CHAIRMAN PRICE: Oh, Mr. Lee had an
8 interest in the underlying property on this site,
9 so he's asked to be -- which he has disposed of,
10 but could have the potential look of --

11 BOARD MEMBER LEE: Impropriety.

12 CHAIRMAN PRICE: -- impropriety, so he's
13 asked to be recused, so we'll recuse him from the
14 deliberation on this site. I thank you guys.

15 MALE SPEAKER: [Inaudible].

16 CHAIRMAN PRICE: All right. Now proceed,
17 Ms. Beddingfield.

18 MS. BEDDINGFIELD: Thank you. Emily
19 Beddingfield with the Town Planning Department.
20 The Site Plan 2014-61 is a request for a parking
21 lot at the Grifols Therapeutic Site, actually two
22 parking lots. This is related to Phase 1 parking
23 that came before the Board and was approved on
24 January 27th of this year for Phase 1 of which
25 you'll see on the site plan is sort of sitting

1 between these two parking lots that are currently
2 proposed.

3 And you can see on the screen here the
4 parking lot area is located to the south of the
5 existing Grifols site and encompasses two separate
6 parcels. There are approximately seven acres that
7 will be disturbed by these parking lots. No
8 buildings are associated. Existing uses do include
9 temporary buildings or trailers currently sitting
10 adjacent to the [inaudible] that would be reviewed
11 and replaced by this parking. There is existing
12 parking that would be removed and, of course,
13 vacant lanes.

14 In total there are 639 parking spaces
15 requested as a part of this site plan, including 12
16 handicap accessible spaces. The reason is to
17 support existing and future Grifols development.
18 As we all know, Grifols continues to grow and
19 continues to develop new buildings, one of which
20 we're hearing about tonight and additional parking
21 is simply necessary. And as they displace other
22 parking and as they grow, additional parking is
23 just necessary. And when we combine the Phase 1
24 and Phase 2 parking we see a total of 935 parking
25 spaces in these three areas.

1 Access is provided from the new improved
2 access road off of Powhatan Road. That was
3 included in that Phase 1. If you'll remember, the
4 access road came up off Powhatan, included a
5 guardhouse where they need to be let in or let out.
6 We had a gate. And it connects into the existing
7 internal drives in the Grifols Campus.

8 Sidewalk is provided along this internal
9 drive to provide safer access from the parking lots
10 to the Grifols buildings as well as along the
11 northern section of the parking lot, again trying
12 to get people from their cars once they hit the
13 edge of the parking lot they can get on a sidewalk
14 and get towards their destination.

15 Landscaping as proposed does meet all of
16 the five development code requirements. Any
17 environmental impacts, I believe, are all -- or
18 mostly all associated with Phase 1, all appropriate
19 permits were received from the State and copies
20 were provided to staff for review.

21 The Grifols site is located within the
22 watershed protection overlay. Grifols is one of
23 those sites that has received a special intensity
24 application. Usually, the impervious requirements
25 within our watershed protection overlay are quite a

1 bit lower than other parts of town, but for special
2 areas we are able to grant a maximum impervious of
3 70 percent.

4 No signage is requested at this time
5 to -- associated with the parking areas. So, on
6 the screen now you can see the two proposed areas.
7 You can see [inaudible] the access road that was
8 part of Phase 1 that comes up and this is the --
9 what's called the east lot that's proposed. Here,
10 the lighter-colored parking area, that was --
11 that's what's already approved and, I believe, is
12 currently under construction and they're at least
13 doing some site work out there.

14 Then you have the north lot here and it's
15 up here, [inaudible] in a moment, that we have
16 that -- those temporary buildings and an existing
17 parking lot that's actually being displaced and
18 replaced. And then we've got the existing planned
19 buildings over here and there is a parking lot over
20 here to the west. And this block down here is the
21 big storm water [inaudible] that you can see from
22 [inaudible].

23 So, just wanted to highlight the existing
24 conditions of the north lot. As I pointed out, you
25 can see to the left of the [inaudible] here are a

1 series of buildings and there's a smaller parking
2 lot, all of which will be going. Again, Grifols
3 continues to build and these buildings are sort of
4 being, I believe, encompassed into other buildings
5 or otherwise that space is being taken care of in
6 other areas. And then this is what that area is
7 being replaced with, a rather large parking area
8 utilizing some internal access drives. The area in
9 a little bit darker gray here, that's an existing
10 drive that actually dead-ends right there. So
11 they're extending onto it and then continuing down
12 to this Phase 1 driveway that will be built and
13 then it connects on into the site.

14 And as part of that Phase 1, one thing
15 that we did was we asked them to consider this
16 intersection and a stop bar was placed here to
17 ensure safe passage from this roadway connecting
18 them to this new drive and these parking areas.

19 And on the screen now is the east parking
20 lot. Again, a rather large parking lot. It
21 connects in two locations to that access drive and
22 people would walk from their cars or, potentially,
23 be shuttled to the Grifols site.

24 The proposed development is generally
25 consistent with the Strategic Growth Plan

1 Objectives 2.1 and 4.3 and is consistent with the
2 proposed land use map. It is consistent with the
3 Unified Development Code. A neighborhood meeting
4 was held on June 10th of this year. There was one
5 attendee, had a couple of questions, but there was
6 no opposition to the request.

7 Staff is recommending approval of the
8 site plan with the conditions as recommended by
9 staff in the staff report. And I'm happy to answer
10 any questions and our Applicant is in the audience.

11 CHAIRMAN PRICE: Any questions of staff?
12 All right. Thank you, Ms. Beddingfield. Is there
13 someone representing the Applicant who'd like --

14 MR. SIMMONS: My name is Dan Simmons. I
15 [inaudible] representing Grifols Therapeutic. As
16 Grifols is growing, to be able to build around
17 where the existing facilities are, we're having to
18 displace existing parking to put buildings at. And
19 the purpose of this land purchase that was done in
20 this area was to add parking so that we can
21 displace it to have more facilities on site.
22 You've seen one coming up next in the west
23 [inaudible] there is an additional one that you
24 will see before the end of this year that will
25 displace more parking. That is [inaudible] that

1 we're doing to try to create [inaudible] parking.
2 I'd be happy to answer any questions you might
3 have.

4 CHAIRMAN PRICE: Questions of the
5 Applicant? Just from an individual standpoint, I'm
6 very glad to see, and I think most people in
7 Clayton are very glad to see Grifols growing like
8 they've grown and hope it continues --

9 MR. SIMMONS: I do too.

10 CHAIRMAN PRICE: -- and we understand the
11 need for parking.

12 MR. SIMMONS: Thank you.

13 CHAIRMAN PRICE: Thank you. Is there
14 anyone in the audience who would like -- anyone
15 else in the audience who'd like to comment on this
16 request? All right.

17 BOARD MEMBER BROOKS: [Inaudible].

18 CHAIRMAN PRICE: This is approval. This
19 is a site plan approval and you will approve it
20 tonight. I mean, you're approval tonight or your
21 action on it tonight is what will --

22 BOARD MEMBER AHLERT: Motion to approve
23 site plan as presented.

24 BOARD MEMBER BROOKS: Second.

25 CHAIRMAN PRICE: Motion by Mr. Ahlert,

1 second by Ms. Brooks. Is there discussion?
2 Hearing none, all in favor let it known by saying
3 aye.

4 (Voice vote.)

5 CHAIRMAN PRICE: Opposed, like sign.
6 It's unanimous. Now, I guess you can rejoin us,
7 Mr. Lee, unless you have an underlying interest of
8 the property of the west --

9 BOARD MEMBER LEE: No, sir.

10 CHAIRMAN PRICE: -- whereabouts --

11 MALE SPEAKER: [Inaudible] [laughter].

12 CHAIRMAN PRICE: Ms. Beddingfield?

13 MS. BEDDINGFIELD: Emily Beddingfield,
14 Town of Clayton Planning Department. Site Plan
15 2014-62 is a request for a site plan to allow a new
16 59,000 square foot warehouse building on the
17 Grifols Campus. And, you can see in the site here,
18 it's located on the northern or westernmost part of
19 the site up here with Whisper Wind Road.

20 Existing use is existing parking, so like
21 Mr. Simmons stated, this is an example of one of
22 those -- one of those situations where existing
23 parking is being displaced to make way for a brand
24 new warehouse building and that's why we saw some
25 of that additional parking proposed in our previous

1 request.

2 The building is 59,000 square foot. It
3 is one story plus a mezzanine, so sort of two
4 stories. It's a maximum of 32 feet in height. It
5 includes an enclosed pedestrian corridor connecting
6 to existing warehouses. There's actually an --
7 it's a covered pedestrian corridor where the
8 enclosed corridor will be located. The enclosed
9 corridor will provide, of course, shelter from the
10 elements as materials or people are traveling back
11 and forth between the -- between the buildings.

12 The site plan includes a truck staging
13 and turnaround area and it also includes a parking
14 lot. Required parking is 99 spaces for the new
15 building, but there are 195 spaces including six
16 handicap spaces proposed. Again, that's because
17 that existing parking lot was actually much larger
18 and it's not just accommodating that building, it's
19 accommodating other buildings on the site and
20 that's why you're seeing more spaces proposed than
21 would be technically required by that building.

22 The access drive is off of Whisper Wind
23 Road. There's an existing access drive that will
24 be used to access the site. There's an existing
25 guard shack that will be utilized. All vehicles

1 will pass through this guard shack. Trucks will
2 move to the truck area and cars will move forward
3 into the parking area.

4 There is a sidewalk located around the
5 perimeter of the building as well as sidewalk from
6 the handicap parking that leads to a ramp that
7 leads up to the rear store way [phonetic]. There
8 was a variance approved just recently, BOA 2014-48.
9 You'll see in the site plan that there are two
10 locations where the side setback is encroached, and
11 that's the area where the site abuts Hospira
12 [phonetic].

13 Now, it's kind of a unique situation
14 because those buildings are right on the property
15 line already. So, the variance was necessary to
16 allow that enclosed corridor to match up to the
17 existing entranceway of an existing warehouse so
18 they didn't have to move doors around and it's not
19 any closer to the property line than the buildings
20 already are. The site used to be one big site, now
21 it's got parcel lines and different owners. So,
22 that was necessary, but that variance was approved.

23 The landscaping as proposed does meet all
24 requirements of the Unified Development Code and
25 there are no environmental impacts associated and,

1 as I mentioned earlier, Grifols site has received a
2 special intensity application in the past which
3 allows higher impervious levels. No signage is
4 proposed at this time. Any signage will be
5 required to be consistent with UDC requirements.

6 So, on the screen now is the existing
7 site. It's actually this parking area up here is
8 where the warehouse will be located and you can see
9 the guard shack up here at the top and then you can
10 see this in the covered walkway that currently
11 leads down, which is basically where that enclosed
12 walkway is going to be. There's a little red dot
13 walking down the walkway. And down to the south
14 we've got Hospira's site.

15 And then we've got the site plan overview
16 here in yellow. It is the building footprint as
17 well as that enclosed corridor connecting to the
18 two buildings and those two variants, just for
19 reference points that I mentioned, are right here.
20 You can see it actually extend down and then
21 actually right over here which is not building so
22 much as it is the walkway for handicap access into
23 the entryway.

24 The proposed development is generally
25 consistent with the Strategic Growth Plan

1 Objectives 2.1 and 4.3 and with the proposed land
2 use map. It is consistent with the Unified
3 Development Code. A neighborhood meeting was held
4 on June 10th of 2014 and there were no attendees.
5 Staff is recommending approval with the conditions
6 as recommended by staff in the staff report. I'm
7 happy to answer any questions.

8 CHAIRMAN PRICE: Questions for Ms.
9 Beddingfield? All right. Thank you, ma'am. We'll
10 call on the Applicant.

11 MR. SIMMONS: As you can see from where
12 the slide was showing the existing building and the
13 new proposed building and the part of the
14 [inaudible] corridor -- the purpose of the corridor
15 was in that existing warehouse to the new warehouse
16 and for the purpose of moving in an enclosed
17 environment, product from one to the other.

18 This building is going to be white, just
19 like the existing plans -- receiving building is
20 going to be. There was some discussion with the
21 planning staff about changing and making the wall
22 facing 70 a little bit more attractive than just a
23 plain white wall, but part of this design is this
24 roof is going to slope totally from south to north
25 so it's going to discharge the roof drain on the

1 north side.

2 The purpose of that is to allow this
3 building to be expanded again to the south and that
4 time we will slope the roof back toward US 70 and
5 if we do that, at that time we will try to dress up
6 that wall that will be facing 70. That was the
7 purpose of how we were going about designing the
8 building itself.

9 The other thing I want to point out is
10 the big truck turnaround area. The drive across
11 next to the railroad has had a lot of truck traffic
12 parked beside it and it's gotten to be, because of
13 the increase in production at the site, you get
14 more trucks in and out and they there -- you
15 have -- when the docks -- the existing docks will
16 be backed up, they'd be parking trucks along that
17 road and so we were trying to provide them a place
18 to get off and create a much safer environment for
19 traffic in and out of the site. I'd be glad to
20 answer questions about that.

21 CHAIRMAN PRICE: Questions for Mr.
22 Simmons relative to the site for the Applicant.

23 MR. SIMMONS: Thank you.

24 CHAIRMAN PRICE: Thank you, Dan. All
25 right. Entertain a motion; the staff has

1 recommended approval with the conditions.

2 BOARD MEMBER COATS: Mr. Chairman, I'll
3 make a motion to approve the conditions.

4 BOARD MEMBER SANDAIRE: Second.

5 CHAIRMAN PRICE: Second by -- Mr. Coats,
6 second by Jean. Is it -- is it discussion?
7 Hearing none, all in favor let it known by saying
8 aye.

9 (Voice vote.)

10 CHAIRMAN PRICE: Opposed, like sign. It
11 passes unanimously. That brings us down to Item 7,
12 informal discussion and public comment. Is there
13 anyone that would like to make any comment or
14 any -- any -- you may bring up any issue to the
15 Planning Board tonight? Hearing none, we'll move
16 on to Item 8 which is adjournment.

17 MALE SPEAKER: So moved.

18 CHAIRMAN PRICE: Second. We can go home.
19 Thank you for your attention of a lengthy meeting.

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