

LANCASTER COUNTY
BOARD OF ZONING APPEALS
REGULAR MEETING
DECEMBER 08, 2015
MINUTES

Members Present: Reid Rushing, Harvey Carnes, Don Brouwer, Frances Liu, Terry Graham.

Others Present: - Elaine Boone, Planner II; Nick Cauthen, Planner I; Judy Barrineau, Secretary; Kenneth Cauthen, Zoning Officer; John Weaver, County Attorney;

Others Absent: District 6 – Vacant Seat; LaVilla Brevard, BZA Board Member; Penelope Karagounis, Planning Director; Amy Bowers, Zoning Officer; Dwight Witherspoon, Zoning Officer; Gavin Witherspoon, Zoning Officer; No members of the press were present.

The following press were notified of the meeting by mail or by fax in accordance with the Freedom of Information Act: Lancaster News, York Observer, Kershaw News Era, The Rock Hill Herald, Fort Mill Times, Cable News 2, WRHM Radio, and the local Government Channel.

Approve the Agenda

Frances Liu made a motion to approve the agenda and Don Brouwer seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Approval of the Minutes

Harvey Carnes made a motion to approve the November 2015 minutes and Don Brouwer seconded the motion.

Reid Rushing called the meeting to order.

Staff introduced themselves and Judy Barrineau swore them in.

Judy Barrineau - Do you solemnly affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

Staff – Yes.

Reid Rushing – Have all the adjacent property owners and the applicant been made aware of tonight’s meeting including place, date, and time and advertised in the paper including a copy on file?

Nick Cauthen – Yes.

Reid Rushing – The zoning board of appeals duties are within three specific areas: A) Administrative review is an appeal of an order, requirement, decision, or determination of the Administrator that has alleged error. B) The power to grant variances when strict application of the zoning ordinance would not cause an unnecessary hardship and the granting of variances would not cause substantial detriment to adjacent property or the public good. C) Special exceptions are permitted when uses require a public hearing prior to granting authorization. The public hearing is conducted to review comments and information both for and against a proposed application. During the public hearing portion of the meeting all interested parties will be given the opportunity to speak and give factual information or present factual documentation. All people speaking will be placed under oath. All persons wishing to speak must sign the proper registry prior to speaking. Anyone speaking will come forward to the podium, speak into the microphone, state your name, address, and your telephone number. We must record all information for the record. Applicant will speak first, all opponents second, the proponents next. The applicant will also have an opportunity for a rebuttal. Please, a 5 minute limit will be placed on each speaker.

Variance application of Doby's Bridge Road Development Partners, LLC. The applicant is requesting a variance from Chapter 2, Zoning Districts and Zoning Map, Section 2.1.5 Overlay Districts, Highway Corridor Overlay District of the Lancaster County Unified Development Ordinance regarding the design requirements. BZA-015-009

Nick Cauthen – Presented the statement of matter.

Reid Rushing – I will now proclaim the public portion of our meeting open.

Judy Barrineau - Do you solemnly affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

Brian Rollar – Yes, 5623 Royal Troon Court, Charlotte NC 28277. My telephone number is (704) 877-9154. I represent Highway 521 Partners and I'm the Director of Development for York Development Group. We worked with Red Ventures as our equity partners for this project. We are very fortunate to work on this project when there was a downturn in the real estate market and we hope the development that is there and is 80% complete; is an amenity to the community. We are proud of the development. There are a lot of offset road improvements and sewer improvements. There are a couple parcels up on Highway 521 which is what we are talking about this evening. The other portion of the development was developed in 2012, which is the Publix, Building A, and Building B which was done first; Dunkin Donuts and Salsarita's was done after that and then Hickory Tavern. We completed the Hickory Tavern and then the Highway Corridor Overlay District was adopted. So we have two users who are currently interested in these two parcels and both of them are interested in going with the initial B-3 design versus the Highway Corridor Overlay District. We kind of broke down the Highway Corridor Overlay District specifications and we developed a couple of different site plans. I think you should have those in your package. We also have a legal document with Publix's from when we developed the master development which included the six outparcels, two retail buildings, and Publix's; we have a lease document that shows where buildings can be placed within the development on the parcels. Publix requires that in order to protect their view corridors; so when you are going down Highway 521 or coming up Highway 521, you can see the Publix Store. They protect that pretty heavily. So I've got that attached to a legal document which basically shows the building envelopes where they were originally proposed which adhered to the original B-3 zoning. So there is somewhat of a hardship in there from a legal standpoint to be changing that to fit the Highway Corridor Overlay District requirements and how that coincides with my Exhibit A attached to my lease. That is kind of one hardship I'm dealing with there too. We initially developed a Hickory Tavern building and on that Exhibit A the building footprint was 5,000 square feet. Hickory Tavern wanted to increase that to 6,000 square feet and unfortunately that took seven months in order for Publix to approve the 1,000 square feet. It takes a long time to revise that document with all the attorneys and the legal aspects to it. There is also a memorandum of lease which is basically an overall statement of all those documents; as you can see there is a legal ramification there. Additionally, we feel that the overall development is about 80% done and I think there is an exhibit in your packet. It shows what our proposed development would look like and essentially we are lining up with the buildings to all line together, falling within those building envelopes to create a uniform look within the development and those parcels that are fronting Highway 521. Not only are they being placed in the location where proposed and has they adhere to the lease documents; we also have architectural aesthetic that is complimentary to the Publix, Building A, Building B, and Hickory Tavern, Duncan Donuts as well. What I'm really here to ask is to be able to develop those parcels to the B-3 standard and get a variance not to develop to the Highway Corridor Overlay District. We know there was a lot of time and money spent in order to get that done but our development was well down the path of where it is today. We've got these two parcels that if we develop to the Highway Corridor Overlay District; One, tenants are complaining about it in regards to bringing those buildings up there. There is also a drive thru that I think would be fronting Highway 521. I'm not so sure that was the intent of the Highway Corridor Overlay District. I can answer any questions you may have.

Reid Rushing – I will now proclaim the public portion of our meeting closed.

Reid Rushing – Has a site check been done?

Kenneth Cauthen – You need to refer to the site plan and there is one on page 10. If you look at outparcel number one, all the parking is in the front and the same thing with outparcel number two. If you look at page 12, it's showing the buildings with parking in the rear and the side; that is what the Overlay District requires. On page 20, it does state additionally there are conflicts with existing legal exhibits attached to the Publix lease – Exhibit A.

Frances Liu – What page is Exhibit A?

Kenneth Cauthen – Page 20, item number C.

Frances Liu – It says Exhibit A.

Kenneth Cauthen – I didn't see Exhibit A. That would be in the lease document but it's not included.

Frances Liu – I was confused because there is no Exhibit A.

Kenneth Cauthen – Mr. Rollar can explain it.

Reid Rushing – Have all measurements been verified?

Kenneth Cauthen – Yes.

Brian Rollar – I believe I sent Exhibit A down. I'm not sure if it's included in this packet but I did send it down. Do you remember getting it?

Nick Cauthen – I'll double check but I don't believe I received the actual lease agreement. I don't have it.

Brian Rollar – I can provide that. Brian Rollar approaches staff and Terry Graham to explain what needs to be done so everything lines up with Publix.

Frances Liu – You haven't asked Publix yet if they would be ok with this?

Brian Rollar – I've provided an elevation of the urgent care and another proposed building going in has advised us that they want to go into the B-3 location.

Frances Liu – I'm not talking about what clients want. We are talking about exhibit A and Publix. You haven't even asked Publix if they are ok with this?

Brian Rollar – No.

Frances Liu – So it's really not relevant to have Exhibit A – Lease Requirements, if they don't even know about this yet and haven't even said we are ok with it.

Brian Rollar – They would have to review and approve any change to Exhibit A. Now if Exhibit A is revised to reflect the Highway Corridor Overlay District; that opens up a whole can of worms with Publix's, from the review standpoint.

Frances Liu – But you haven't even asked them yet.

Brian Rollar – That's why I'm going for a variance. I'd rather not ask them if I don't have to.

Frances Liu – So you would rather come to us and ask us to change the rules than go to them and say you might very well be ok with this, what do you think?

Brian Rollar – Correct.

Frances Liu – I understand why they have rules or lease agreement so there building is seen. I just don't see with this property switching where the building is and where the parking is; affects the view of Publix's.

Brian Rollar – It effects the location of the building footprints. Any material change that you make to that document as little as it seems, it's a pretty involved ripple effect to legal documents.

Frances Liu – I just have a question for staff. When was work begun on the Highway Corridor Overlay District?

Elaine Boone – I can tell you when it was approved. It is Ordinance #1271 dated June 09, 2014. So it probably started in 2013.

Brian Rollar – We just permitted that Hickory Tavern building in November.

Elaine Boone – Penelope wanted me to mention since the Publix had basically had everything in the works when the Highway Corridor Overlay District came along; you do want to keep everything in alignment as far as everything across the front lining up. Opposed to having one that is going to have the Highway Corridor Overlay District that will jet all the way to the front and then you may have one that sets back to the B-3, what we have now. They did get started on this but just got caught in the Highway Corridor Overlay which requires everything to be pushed forward.

Frances Liu – I guess my concern is that if there is someone else out there and to approve something against the Overlay. If someone else comes forward and is working on any buildings that have now got caught in the same predicament. We could be setting precedence or opening a can of worms if you will by saying well this one is a nice big package with Cross Creek and now you are by yourself so we are not going to give you the same consideration. Is there anybody else who is planning on building that got caught in the same...

Elaine Boone – Kenneth will probably tell you the same thing, the Highway Corridor Overlay District, we have had some situations to where some of it is just not working out. It's really hard with the parking.

Reid Rushing – When you say it's not working out, what do you mean?

Elaine Boone – Each parcel and each piece of property is different.

Reid Rushing – What is the biggest restriction with the Highway Corridor Overlay District other than putting the parking behind the buildings?

Elaine Boone – That is a lot of it. That is the biggest thing.

Reid Rushing – Well if I was going up Highway 521 I would much rather see the building than I had the parking lot. That is the reason the money was spent to implement the Highway Corridor Overlay District; research it thoroughly and bring before the County.

Brian Rollar – I can absolutely respect that. I guess we've already gotten down the road with 80% of our development being completed to a standard prior to that and then all of a sudden we are going to be developing to different standards in one development.

Reid Rushing – Were you informed that this overlay was taking place?

Brian Rollar – We were informed it was taking place a couple years ago but we were already well under way with construction back then. We have been working on this project since 2008. I can remember the community meetings and the reports but it wasn't something that was instituted when we started

development back in 2008 or 2009. The variance request is really to try and keep everything uniform for where we are today in the Cross Creek Development. There are some hardships with Publix and I'm not saying Publix won't approve it but it is a very lengthy process for Publix to approve. There are also tenants on the other side that they way we have the plan set up now; it is their preference to go into those areas that we have already predefined based on the plans that were developed to the B-3.

Elaine Boone – Is Exhibit A something that ya'll want to see?

Frances Liu – I think it is totally irrelevant since Publix hasn't even been approached to see if they are willing to work with this. The fact that they had that agreement to me is irrelevant. It would be relevant to me if they had been approached and see how there.....I take your word for it that they would have certain restrictions and requirements of their outparcels. I'm just most concerned that they have never been approached to ask if they would be ok with this.

Reid Rushing – What I'm hearing is Publix holds the key to the matter.

Brian Rollar – Not necessarily.

Reid Rushing – You said yourself that you went through a lengthy period to even approve the Hickory Tavern location, so why would you come before the zoning board to get their approval knowing that you still had to go to Publix with the possibility that they may turn you down.

Brian Rollar – They may turn me down, they may not; I'm not sure. Based on the exhibits that I have today, the path of least resistance for the development is here.

Frances Liu made a motion to deny based on the fact that it has the same conditions as every property in the area under the Highway Corridor Overlay District; Terry Graham seconded the motion.

VOTE: 5 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

Variance application of Janis A. Tacy. The applicant is requesting a variance from Chapter 2, Zoning Districts and Zoning Map, Section 2.1.5 Overlay Districts, Highway Corridor Overlay District of the Lancaster County Unified Development Ordinance regarding the parking requirements for a new church building for Faith Presbyterian USA. BZA 015-010

Nick Cauthen – Presented the statement of matter.

Reid Rushing – I will now proclaim the public portion of our meeting open.

Judy Barrineau - Do you solemnly affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

Janis Tacy – Yes, 86620 Arrington Road, Lancaster SC 29720. I am the representative for Faith Presbyterian. We turned in a petition earlier and there were almost 70 names on that list. Faith is asking for a variance to the parking placement restrictions of the Highway Corridor Overlay District. We do think that there are exceptional conditions on our property and we do think that we would be unduly and unreasonably restricted if we do not get a variance. There has been a church on this property since the early 1800's when Six Mile church built the first building on the hill. In the 1930's that building was replaced by the building that is there now. Unfortunately, in the late 1800's Six Mile church congregation ceased to exist. In 2007 this property and this building received new life and a new congregation when Providence Presbytery created a new church for Indian Land, Faith Presbyterian Church. Our worship services are at the Recreation Center but all the other church activities are there on the property. We intend to continue to use this building after we have a new worship space built. Some of the exceptional conditions that are on the property I've tried to highlight here since I'm a visual person. The little existing church is right here in the middle. It is on the top of the hill and is almost 100 years old. The cemetery is in the back. It takes up approximately two thirds of that back area. It is also very historic. We have graves

in there that date back to the 1700's. The line right along here represents the 32 feet of easement that we have given up for the widening of Six Mile Creek Road. Down here on Highway 521 we have a traffic light; that traffic light isn't going to move and SCDOT has told us that, and that dictates where our entrance has to be. The property is a hill and it's lower down here and goes uphill to the church and then goes downhill behind the church. That dictates where the detention ponds are. This is the lowest part of the property and that is what we will build with the first building and then the future one will be back here in the back corner. With these restrictions we asked our architect to design a campus that was walkable, cohesive, and would meet our needs for not only today but also our needs into the future. The first building we want to build is this one right here and that would take this little church and add this building right here right next to it. We hope sometime in the future we can finish his design and build the remaining buildings which would give us a campus that looks like this. What this design does, is that we can also have a drive through right here that connects all three buildings together. We have mobility issues and it seems like we always have someone getting a knee replacement or hip replacement. Being able to get folks close to the entrance to the church is very important to us. When you put your buildings in the middle of the property that leaves only one place for the parking and that is in the front. We estimate that we are going to need 100 spaces. I say that because we have a ration of 1 space to every 1.7 people and we know that because we have been keeping track at the Recreation Center; the standard is 1 to 4. We have more single people who come to church in one car; widows, widowers, most of us are couples. We have more twosomes than threesomes that come to church. Right now we have an average of 90 people each Sunday and we've had several Sunday's where we've gone over 100. We really feel it's very reasonable to expect our average attendance to grow to 150 to 175 within two or three years of construction. So 100 spaces is really our minimum and we really need that. We've looked at alternatives. I mean we've tried. This future parking back here, that is only going to yield us about 40 or 50 spaces. That is half of what we need. We've looked at moving this building over alongside the other one and then shifting the parking up here but we still need a variance because side yard parking that abuts to an intersecting road in the corridor also has to have a variance. Then what we have done is lost the continuity and this campus right here; I don't know of anywhere else to put our parking. It does exceed the 45% and it does abut to an intersecting road and that is why we are asking for a variance.

Judy Barrineau - Do you solemnly affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

Dick Bonner – Yes, 14318 Stonewater Court, Indian Land SC. I'm a member of the church serving as the project manager for the construction of the new church. We've been working on this church since basically back in 2009. There was a plan that was done in 2007 by the Presbytery and we have followed that. Our intent all the way through has been to enhance the historic building that is there and make it a centerpiece and make everything go to that. Since then our architect who is here tonight and also our civil engineer; contacted Planning back in 2010 or 2011 and we were told the only thing we had to do was not have metal on the front so it didn't mean anything to us because we were already planning to try and use brick veneer to match as close as possible to the church that is there to enhance it. As Jan has told you before, you see what we have run into; this is our master plan. When you look at the cemetery back here, there are graves back in there from the 1700's. There are some graves that are unmarked and unfortunately when the church failed, those records have been lost. We feel like we still have to build at some point a columbarium and increase the cemetery. It's not like we are coming into a new piece of vacant property. We are kind of in a corner where we are. Down where the detention pond is on the front; there will be buffer there and landscape the area over here with trees. We will have islands on the end of the parking. Even though you will be entering these two buildings from the side they do appear with a false front so that we keep the right frontage to Highway 521. If you ride around through the South and through Lancaster County; 90% of the churches you will see the parking basically is out in the front. We are not asking for something that is unrealistic since it is already in existence. The hardship is we are 1.7 people per car and there is just no way we can turn it around and get the parking since there will be widening of the road that Lancaster County wants to do. Also, SCDOT has told us what we need to do to the entrance of the driveway permit, encroachment permit, and between the detention ponds; we don't have anyway to turn. I know the Highway Corridor Overlay District was done with a purpose in mind but anytime something comes up there are things that just don't fit. We feel like this is a hardship that would probably keep us from being able to ever build a building. You would wind up with an old building sitting there with the

cemetery. The church is an integral part of the history of the Indian Land community. We are trying our best to revive it.

Reid Rushing – I will now proclaim the public portion of our meeting closed.

Reid Rushing – Has a site check been done?

Kenneth Cauthen – Mrs. Tacy and Mr. Bonner did a good job explaining everything. There are topographical issues with this property. On top of the hill may not be perfectly flat but it's close to it; it would accommodate what they want to do with a proposed church and the proposed buildings. With the Highway Corridor Overlay District about the only way to make it work; the church would have to be placed down near the highway. You can place as close as 25 feet off the right of way and with parking in the back; for instance, if they had a funeral you would have to walk 500 feet to the cemetery. Also, with the Highway Corridor Overlay District on a corner lot; you are penalized. It doesn't allow parking on the side and that restricts those parking spaces to the bottom of the page that you see there. Also, you have to consider the storm water and the detention basin or either underground storage that DHEC requires; it would have to be on the low end so that is going to be another severe complication.

Reid Rushing – Have all measurements been verified?

Kenneth Cauthen – Yes.

Terry Graham – The historic church will remain there unchanged?

Janis Tacy – Yes, in fact if we are able to build out everything that our architect has designed; we are going to make a duplicate church of it and put a bell tower in front of it. So this is just an integral part of our campus.

Frances Liu – You said you could switch this around and have your parking along Six Mile, it would fit if you could get a variance.

Janis Tacy – Correct, it would not be what we would want to do but we would need a variance because what it would require is; the existing church no longer is the center as Mr. Bonner stated. The existing church is like a center piece and we are building around it. Another building would come right down to where the detention pond is and would be in the lower section of the property. It could fit on this side but it's just not desirable.

Reid Rushing – They would still have to have a variance.

Dick Bonner – It would require a variance but even at doing that as stated over here due to the Six Mile Creek Road. It would penalize our parking and we would not get the 100 spaces that we need. It would require a variance but it still would not yield the parking that we need once we turned it around. It would also give the appearance of a building after a building, after a building, and destroy the campus.

Janis Tacy – There is also a safety issue because we have to come in this way and you are going to end up with your parking on one side and your buildings on the other side. So everybody will have to walk across that main entrance; that main thoroughfare.

Dick Bonner – We spent a fair amount of time with staff trying to research this and had our architect and civil engineer review. We've got quite a few man hours in this.

Frances Liu – I have a question for board members or staff. If this variance is granted and this is put together this way and the church goes out of business some day; does that variance stay and a new person could come and level the old church and cemetery?

Reid Rushing – Due to the age of the church, and is deemed historical, then they would have a hard time.

We have to base our decision solely on the information before us.

Frances Liu – A variance couldn't be granted with conditions?

Janis Tacy – In likelihood if the church were to go out of business, the property would revert back to Presbytery. That is what has happened in the past. So it would be owned by Provident Presbytery. They owned it and since we are building, it is now under our name so that we can mortgage the property to build a building. If we were cease operations as Six Mile Church did, it would go back to the Presbytery.

Frances Liu – Ok, thank you.

Terry Graham made a motion to approve based on extraordinary and exceptional conditions pertaining to this particular piece of property and the fact that Six Mile Church is a significant historical site in Lancaster County; Frances Liu seconded the motion.

VOTE: 5 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

Variance application of Mr. Mark Brenchley. The applicant is requesting a variance from Chapter 10, Signs, Section 10.10 Maximum sign surface area for other than freestanding signs of the Lancaster County Unified Development Ordinance regarding additional signs for a new CVS Pharmacy. BZA 015-011

Nick Cauthen – Presented the statement of matter.

Judy Barrineau - Do you solemnly affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

Mark Brenchley – Yes, 2530 Citrus Tower Blvd., Clermont, Florida 34711. The sign company that is manufacturing the signs for the Southeast Regional Operations for CVS is in Clearwater, Florida. They submit all of their sign applications through a permitting agency, West Central Florida Permit who I consult with. If an applicant comes to the permitting agency with a sign that does not meet code regulations then they suggest that my services would be available for the company to go before a board. A board could be a board of architects, Board of Zoning Appeals, County Commission's; then I could provide those services. In this case I have been detained by Icon Signs and the owner of the property CVS to submit to you this application. The application describes a positive response to all of the required findings of the fact that you as a Board of Zoning Appeals are to find in every variance request. When it comes to the reasonable uses that a hardship on the property would take away if the literal enforcement of the zoning ordinance was enforced. In this case 75 square feet is the maximum size of a wall sign. The formula is one square foot of sign for one linear foot of building frontage facing the street or to a maximum of 75 square feet. These four facades of the CVS building all exceed 100 square feet so they would be permitted if there were no cap to have a sign about what we are asking for. If you turn to page 51, you'll see the matrix of the four signs and the exact sign variance square footage that we are seeking for each of the four elevations. The application discussed a geographical neighborhood alignment issue that my wife and I found exactly as the photographs suggest. I came into the community this morning from I-77 and I knew where the building was but I went all the way and missed it and came to the intersection and stopped at the stop light because the building is set back. The alignment as you see is on the inside of an arc and as a car is driving along the Great Falls Highway, they are not looking at this property. The vehicle is facing away from the site coming from the West and the same coming from the East. The building is situated on the inside of that arc which does not receive an advantage to the motorist for them to get the full identification that the sign code provides and as the business demands in order to achieve the type of exposure that they feel they need for the customers. Where it is a sign that advertises and identifies that there is a drive thru pharmacy; if you read further it states: There has been an existing sign permit approved for those three signs; three 75 square foot signs and these were within the ordinance and so CVS needed to get going on the sign production so they stopped the permit and were awarded the permit to install one sign on those three facades meeting the sign code. The variance that I'm requesting for them tonight is to I guess go beyond the code and to allow one additional sign on each of the four facades that would identify a drive thru pharmacy. Currently there

is no identification on the building that shows that this is a drive thru pharmacy; a drive thru pharmacy is a convenience and it is also an issue that complicates traffic movement. People are looking for the driveway to get into a drive thru which is often times not the same driveway that provides ingress to the property. Lots of time people slow down or stop in the roadway trying to make the determination if this is where the drive thru pharmacy is located. It benefits the owner of the building, the user, to identify what it is, and that is a drive thru facility and to allow the motoring public to see that readily from the street without causing traffic jams and so forth. I would like to read from your Sign Code because it I think it really does meet the intent and purpose. "The additional signs on the subject building will comply with the stated "Purpose" of Chapter 10- Signs. "To enhance opportunities for visual communications; to preserve property values, to create a more attractive economic and business climate within the commercial districts to the county, to allow for adequate and effective signage while preventing signs from dominating the visual appearance of the area in which each is located." Therefore, the literal application of 10.10 would unreasonably restrict the reasonable use of the subject property as, in this case, the allowable signage is inadequate to visually communicate the use and services available to the public. When we talk about compatibility of this sign with other signs in the area. I will mention across the street to the West is a Family Dollar and there sign is a 150 square feet. When I submitted the application I used the google maps and it showed that the Piggly Wiggly was open at that time when the photographs were taken. So the application did talk about both Piggly Wiggly and Family Dollar exceeding this 75 square foot requirement that you have in the code. Of course Piggly Wiggly is closed and I measured that sign today and that sign that was because it has now been removed due to closure; was 300 feet, just in the Piggly Wiggly. Not to mention the decals on either side of the main Piggly Wiggly application; so I believe that this additional 26 and a half square feet, especially on the North elevation facing the Great Falls Highway and especially on the East elevation facing Airport Road are critical to meet the purpose and intent of the code. That is the most important signs to CVS because of the nature of identification and the setting of the property which is compromised in catching the view of the motoring public.

Reid Rushing – Undoubtedly CVS had been working on this for a couple years because the Piggly Wiggly has been closed at least a couple years.

Mark Brenchley – The photograph for the Piggly Wiggly was late 2014, so yes it was open until last November.

Reid Rushing – The signage was grandfathered in on both of those businesses.

Mark Brenchley – That is correct.

Reid Rushing – Right now you have 75 foot on the Great Falls side and 50 on the Airport side. You need 26 more feet on both signs?

Mark Brenchley – That is correct. There is 75 foot on the Airport Road side. It is labeled "B" on page 49. It shows the three signs that are the typical CVS pharmacy sign.

Reid Rushing – Typically the CVS sign is 75 square feet?

Mark Brenchley – In this case that is what they have permitted, yes.

Reid Rushing – The CVS that is down in the hole behind the new one that you are building now; what is the square footage of that sign?

Mark Brenchley – I'm sorry I do not know.

Reid Rushing – You mean you drove up here from Florida and you got the Piggly Wiggly and the one on the corner and you didn't even get the CVS behind you?

Mark Brenchley – The most important thing to me is the compatibility of the neighborhood and that is why I'm focusing on Piggly Wiggly, Family Dollar, and all those in the neighborhood. That is what your

ordinance talks about, that this will not be a substantial detriment to adjacent property and that is why I referred to those two properties in particular.

Reid Rushing – I see.

Frances Liu – Do you know offhand how many CVS's are built without a drive thru pharmacy now?

Mark Brenchley – There are around 25% of them that are attached to a commercial strip center where there is no opportunity for a drive thru. They are moving away from this and all the new sites are basically freestanding sites. They have found that if they are in a commercial strip center that they cannot meet the most desirable requirements of their clients and that is the drive thru.

Frances Liu – I guess what I'm getting at is that nowadays if there is a freestanding CVS it pretty much follows that there will be a drive thru pharmacy?

Reid Rushing – When they buy the property they purchase it with the idea of putting that drive thru in.

Kenneth Cauthen – We have been confronted with this for years. We've know that CVS has contacted us numerous times and they have looked at three other sites just right in there and every time they fell through. The owners were not willing to sell or something like that. This has been going on for a long time.

Frances Liu – My point is if a member of the public sees a freestanding CVS it pretty much goes to common knowledge that there is a drive thru pharmacy there. So I'm questioning the need for a drive thru pharmacy sign on all four sides of the building to advertise that they have it; whereas everyday usage, basically any freestanding CVS is going to have that anyway. Other than advertising purposes, rather than directional, what need is there for a drive thru pharmacy sign on every side of the building?

Mark Brenchley – The two most critical elevations are the North and East facing the two major highways. It's going to be from those two streets that the motoring public will be accessing the property and they want to make it as clear as possible that there is drive thru. Typically the drive thru wall sign is located most approximate to the actual circulation system that takes the motorist or the customer to the drive thru. That is why I'm suggesting that a drive thru sign on the South and West of the building are not as critical.

Frances Liu – How many drive thru signs are you requesting?

Mark Brenchley – They were asking for four. I think the two most critical as a planner and a consultant and who has been working with the sign business as public planner for 30 years; I agree that these two locations are the most critical.

Frances Liu – On the South elevation I see you asking for 26.5 and on the East elevation asking for 26.6 and the North elevation asking for 26.5. So that is three plus the West elevation; what is the three 2.6?

Mark Brenchley – That is the drive thru?

Frances Liu – That is three.

Mark Brenchley – Yes.

Frances Liu – I thought you just said you were asking for two?

Mark Brenchley – I said the two, one facing North, and one facing East are the two most critical. The third sign on the South and then the other one on the West of the building really can't even be seen when you are on the highway.

Reid Rushing – The one on the West side will face O'Reilly's Auto Parts.

Mark Brenchley – So that’s why I’m suggesting to compromise to make everyone feel as if you are meeting the letter of the law. The two most critical that are easiest to defend is the North and the East sides.

Frances Liu – The West elevation 38.5 is not a drive thru?

Mark Brenchley – It is a CVS Pharmacy sign.

Terry Graham – So are you withdrawing those requests for the other two?

Mark Brenchley – All four are requested and you are welcome to modify, approve, or deny; this is our request.

Frances Liu – Do we modify? Or does the client amend the request?

Reid Rushing – You can put stipulations in there.

Frances Liu – Which one is it you do not feel necessary?

Mark Brenchley – The one on the West and...

Frances Liu – The one that says CVS Pharmacy?

Mark Brenchley – Yes.

Frances Liu – You feel it’s not as critical?

Mark Brenchley – It’s not as critical to the drive thru which CVS is wishing to enhance in this application.

Frances Liu – The other three requests for drive thru’s, you feel only two of those are critical?

Mark Brenchley – I’m saying they are critical but the most critical is the two; one North and one East. They emphasize the access to the site.

Terry Graham – What’s the normal size for existing signs on CVS? Average?

Mark Brenchley – There is no average because they have a requirement to meet what the ordinance allows. In this case they have brought their typical CVS sign down to the maximum of 75 square feet. CVS, Walgreens, and so forth always typically have a listing of their services – Pharmacy, Photo, and CVS is now supporting Minute Clinic’s.

Don Brouwer – Walgreen’s has the same problem where they are up on the bypass for signage. Does Kenneth know what the size is for those signs up there?

Kenneth Cauthen – That is in the city, I don’t know. The one in Indian Land didn’t request a variance.

Elaine Boone – I’m almost certain the CVS in Indian Land applied for a variance. I would have to go back and look.

Mark Brenchley – Mr. Graham your question about what is the typical sign for CVS. A typical CVS building has a depth 170 feet and a width 96 to 104 feet. I have gone before to a number of cities in Southern Florida for CVS stores and their typical is meeting the ordinance. The ordinance is South Florida is generally like yours, 1 square foot for one linear foot of building frontage. So, because they are always over 100 feet, they are generally 100 feet in terms of their average. Your 75 square foot cap is a little bit lower than most communities that I work with. Usually if they have a 150 square foot cap, one square foot per linear foot of frontage; because the very large buildings that have 100 to 200 foot of frontage are still

only limited to 75 square feet. If they are back off the street a long distance which of course your new Overlay Ordinance is not going to allow because it's forcing all the buildings to come forward; the signs aren't going to be a problem but those existing buildings that are set behind parking lots are going to have a hard problem with that 75 square foot cap. In this case CVS does have a hard time with that cap.

Reid Rushing – The public portion of this meeting is now closed.

Reid Rushing – Has a site check been done?

Kenneth Cauthen – We have the same drawing as you do in your packet so you can see what he is talking about.

Reid Rushing – Have all measurements been verified?

Kenneth Cauthen – Yes

Don Brouwer made a motion to approve.

Frances Liu – What is the basis for approval?

Terry Graham – Say you only wanted to approve the East side and the North side?

Reid Rushing – Do we have to have another motion?

Terry Graham – You can amend the motion.

John Weaver – The motion was to approve and there was no second. The motion can now be amended and you can get a second to that.

Don Brouwer made a motion to approve based on the authorization of a variance will not be of substantial detriment to the adjacent property or to the public good. **NO SECOND**

Terry Graham made a motion to amend the motion to only approve the signage for the East and North sides only; Harvey Carnes seconded the motion.

Don Brouwer – Which signs the B Signs, or the B-1's, which one?

Terry Graham – It's going to let them do both.

Mark Brenchley – Yes, it's the B-1.

Reid Rushing – The B signage is going to be 75 square foot. The B-1 is going to be 26.5 square foot larger which would add up to 101.5 square feet. You've got to be careful when you start amending. Are you going to amend side B or the side B-1?

Frances Liu – So that would mean they would have the B sign and two drive thru signs if we give them what they wanted in East and North. They would get a CVS sign and a drive thru pharmacy sign on those two sides. If we do East and North. If you do East elevation and North, then we give them what they asked for. That would be 101.5, 101.5, or the motion would just be East and North, sign B's.

Reid Rushing – That is correct.

Mark Brenchley – We already have sign B permit.

Reid Rushing – The 75 foot.

Mark Brenchley – Correct.

Reid Rushing – Only on one side, right?

Mark Brenchley – Three sides.

Kenneth Cauthen – Those signs haven't been permitted but they are allowed. They allow 75 square feet. We haven't issued a permit for anything.

John Weaver – The CVS Pharmacy signs on three sides are 75 square feet. Those are permitted and that is not what he is here for. What he is here for are the drive thru pharmacy signs for the added 26.5 square feet. What I understand is the motion to amend to B would be to allow the drive thru pharmacy signs on the East and the North sides only. Is that correct Mr. Graham?

Terry Graham – Yes.

Terry Graham made a motion to amend the motion to approve only B Signs which would allow for the drive thru pharmacy signs on the East and the North sides only; Harvey Carnes seconded the motion.

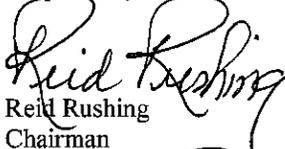
VOTE: 4 AFFIRMATIVE 1 NEGATIVE MOTION CARRIED

The one negative vote came from Reid Rushing.

Reid Rushing adjourned the meeting.

VOTE: UNANIMOUS MOTION CARRIED

Respectfully Submitted,


Reid Rushing
Chairman


Elaine Boone
Planner II