

**TOWN OF UNIONVILLE
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES**

The Board of Adjustment of the Town of Unionville held a meeting on Monday, September 11, 2023, at 7:00 PM at Unionville Volunteer Fire Department #22, 3229 Concord Highway, Monroe, NC. Chairman Andrew Benton, Gene Price, Jaren Simpson, Jeff Broadaway, Chad Simpson, Attorney Ken Swain, and Alternates Jerry Adams, Craig Rushing, and Roddie Baucom were present.

Jeff Broadaway led the invocation. Chairman Benton welcomed everyone in attendance and called the meeting to order at 7:01 PM.

Chairman Benton stated that the Board had received the minutes from the March 20, 2023, minutes. Upon a motion duly made by Jeff Broadaway to accept the minutes as presented, and a second by Jaren Simpson, the Board unanimously approved the minutes of the March 20, 2023, Board of Adjustment meeting.

Chairman Benton then introduced the consideration of a six-month extension of Special Use Permit #SUP-22-01, from QuikTrip Corporation (new owners) for parcel numbers 09174012B and 09174006L, located at 2830 Concord Highway for a 24-hour convenience store with retail fuel sales. Chairman Benton asked for any updates since the last meeting. Land Use Administrator Gaddy said that the application is exactly the same except for the new owners. The new owners are now QuikTrip Corporation. Ms. Pittman does not own it (the property) anymore. The QuikTrip Corporation are now the applicants and Mr. Mark Horton is here if you have any questions, but the application is exactly the same. They have agreed to all the conditions, they have agreed to the same plan, the same landscaping and parking, and all the details that we discussed previously. The ordinance does allow for six-month extensions on Special Use Permits, so that's what they are seeking tonight because it (the permit) will expire on the 20th of September. They are seeking another 6-month extension for this Special Use Permit tonight. Chairman Benton thanked Land Use Administrator Gaddy and asked that since there is no language change other than the owner if the Board still needed to go through the entire process with the findings of fact. Attorney Ken Swain said that they would need to vote on just three ones that you do for the extension: it (the permit) is not yet expired, the owners have proceeded with due diligence and good faith, and the conditions have not changed so substantially that it would warrant a new application. Those three have to be voted on, and last time he (Attorney Swain) thought they voted on them as a group. Chairman Benton then opened the floor for the Board to ask any questions or comments.

Attorney Ken Swain said that he thought it was brought up the last time, with the reasonableness and consistency statement, perhaps. Jeff Broadaway said that he did not have a question about that, but if it met all the stuff, then did the Board have to do all of it individually, but he did not want to go down that rabbit hole again. He said that he did have some questions for Mr. Horton, though. After doing a little bit of research on his own, it looked like the last extension was granted in March and maybe y'all (QuikTrip Corporation) purchased the property in April from

Toxaway. Mr. Horton confirmed this. Chairman Benton asked him to come forward and speak into the microphone. Mr. Horton said they were involved with the last extension, so the plan that the Board sees is a QuikTrip plan. Right now they are trying to work through access with DOT, so they are currently in the middle of their TIA which is kind of why they are asking for the extension. Jeff Broadaway asked if he remembered correctly, that there were DOT concerns last time as well. Mr. Horton said that was right. Jeff Broadaway said the next question he had was, this is not a big community, and there were conversations and discussions surrounding whether part of it was DOT concerns, or if part of it was sewer or wastewater ability with the property across the road, which is a different municipality and all that kind of fun. Mr. Horton said that it was still coming, and he personally had not been working on that for long, so he cannot really speak to that, but he does know that it is one of the things they are striving to resolve as well. Those plans are in design right now, Mr. Horton said he did know that. Jeff Broadaway said that he is a veterinarian by trade and asks lots of questions. As far as the design, where we typically look at things being on a septic field, and you are having conversations about sewer capacity with the city and those projects he asked if there were concerns that the septic field would not handle the business itself. Mr. Horton clarified if this was as far as having septic versus sewer. He said they had looked at purchasing the adjacent lot for the sole purpose of putting septic on there. They have very few stores on septic due to the high volume. The lot itself had too much slope on it, and with that and requirements with the setbacks, it really restricted what they could do. There is also a requirement for a 30-day tank storage, on top of the septic, storing thirty day's worth of water was prohibitive. He said that sewer is always the best option. Jeff Broadaway said that he was just curious and this was not his area. Mr. Horton said that it was just one of the things they have to go through and the six months comes quickly sometimes with these cases. Jeff Broadaway then asked, with the sewer, if they were comfortable that they will get access to sewer with the City of Monroe side of things. Mr. Horton said yes, they were. Jeff Broadaway said that was all his questions.

Chairman Benton asked if anyone had any other questions. Roddie Baucom asked if QuikTrip had the property currently for sale. Mr. Horton said they did not. Roddie Baucom said that the reason he asked was because he saw the big sign and then he saw a little, tiny sign there that said for sale. He said he did not know if they had decided that, no, they did not want to do this and try to sell it. Mr. Horton said no, not to his knowledge. Gene Price then asked Mr. Horton when he thought they would start construction. Mr. Horton said they probably have six months of permitting left to go through, to be honest. He said they are partially through their traffic approvals, and once they go through that, they have to go back and do any re-designs and plan for encroachment. He said it's a process, but they feel good that they will be able to move forward in about six months or so. Chairman Benton asked for any other questions. Jaren Simpson said that he had a comment. He said he thinks the whole community is anxious for this to happen. He said that he was, personally. He thinks that it will be a great asset to us. He said that we want you to start breaking ground. We're pulling for you. Mr. Horton thanked him and said he appreciated the comment. He said they were excited and want to be here. He said he wished they could do it sooner, but there are just some things they are working through. Jeff

Broadaway said he had one more (question). He asked regarding the egress and all that off of 601 and off of Baucom Deese if DOT would shift those plans at all, if what was in the design and packet still hold. Mr. Horton said that it could be changed, as they have a right to change it. They are now going through just looking at how much access they have from each one of those driveways. There are some things they are looking at. As far as number of driveways and where they are located, they feel comfortable that it's where they are going to be. Chairman Benton thanked Mr. Horton.

Chairman Benton told the Board that last time, as far as moving forward with the three findings of fact, we handled them as one. He asked if the Board had a preference on one way or another on moving through those items – lumping them together or voting individually. Jeff Broadaway said to keep it simple. He then asked if Chairman Benton needed a motion. Chairman Benton said yes. Jeff Broadaway moved that the permit has not yet expired, the permit recipient has proceeded with due diligence and in good faith, and conditions have not changed so substantially as to warrant a new application. Chairman Benton said there was a motion on the floor that all three criteria have been met as far as it (the permit) has not expired, the applicants have proceeded in good faith, and there are no changes. He asked for a second. Gene Price seconded the motion. Chairman Benton asked if there was any further discussion. Hearing none, Chairman Benton called for a vote. The motion passed unanimously.

Chairman Benton said they needed to vote on the statement of reasonableness and consistency. Attorney Ken Swain said this had been discussed before. The Board could vote on it, but the reasonableness and consistency findings were done as part of the underlying permit and all you are doing is extending the permit, so those findings would run with the permit. He said they could make them again, but it was the Board's call on whether to do that. Chairman Benton said that since the original application had not expired, he would say they were good.

Chairman Benton called for any further business. There being no new business, the meeting was adjourned at 7:11 PM.

Respectfully submitted,

Melody Braswell
Deputy Clerk

Approved as to form:

Kenneth A. Swain, Board Attorney