

MINUTES OF THE HENDERSON COUNTY  
ZONING BOARD OF ADJUSTMENT

The Henderson County Zoning Board of Adjustment held its regularly scheduled August meeting on Wednesday, August 30, 2006, at 4:00 p.m. in the Meeting Room of the Henderson County Land Development Building, 101 East Allen Street, Hendersonville, North Carolina. Those present were: Chairman Dean Bonessi, Jim Phelps, Ann Pouch, Alternate Members Dale Caldwell and Eric Goodman, Zoning Administrator Natalie Berry, and Secretary to the Board Joyce Karpowski.

Chairman Dean Bonessi called the meeting to order at 4:00 PM. Chairman Bonessi introduced the members of the Board. He presented the minutes of the meeting from June 28, 2006. There were no corrections or changes. Mr. Phelps moved to approve the minutes as written, Mr. Goodman seconded, and all members voted to approve the minutes as presented.

Chairman Bonessi said the case being heard today is a continuation of Case CU-06-06. Chairman Bonessi said, since this is a continuance, the Board would limit the input to new evidence and information. Also comments would be limited to 5 minutes each. Anyone who would like to speak should sign the sign-up sheet. He explained the quasi-judicial procedure. He said anyone who was not sworn in at the last meeting and would like to speak today should be sworn in now. No one came forward.

**Case CU-06-06, Dennis and Cindy Dorn, owners (continuance)**

Chairman Bonessi called Case CU-06-06, Dennis and Cindy Dorn, owners requesting a Conditional Use Permit to construct a mini storage facility. The proposed site is located at the corner of Hwy 191 (Haywood Road) and Mountain Road and is zoned C-2.

Chairman Bonessi opened the hearing and asked Ms. Berry for new information. Ms. Berry said she would just give a brief overview of the changes. Then she would let Mr. Dorn and his people address any items individually.

Ms. Berry entered her Power Point presentation into evidence. This is a continuation of the public hearing from May. The updates are: reduced number of buildings from 8 to 7; used 2.74 acres for all calculations. This to address the comment made at the last meeting about the difference between 2.7 and 3. Whatever it was. The 2.74 was used consistently to show the meeting of the involved requirements. Reduced square footage of buildings from 65,200 square feet to approximately 57,000 square feet. Wexford Road was brought up at the last meeting about it being a right of way, so that has been acknowledged and the setbacks are 60 for any structure. Parking and landscaping can be within the setbacks. Replaced chain link fencing with barb wire on top to retaining wall/chain link fence with some wood privacy fencing and iron fencing. Mr. Dorn will show details of that. Revised landscaping on property boundaries that are adjacent to residential zoning. And I will show on the drawing about that. Driveway permit has been issued by NCDOT and she passed out a copy of the approval letter. The erosion control plan has been submitted for approval to NCDENR but has not been approved yet. They are a little backed up at the office so it will take a couple of weeks to get approval. Ms. Berry showed photographs of the property taken last Friday. Ms. Berry referred the Board to a site plan in their packet and pointed out the chart she added to the plan and wanted to explain what it was. There are 2 sets of requirements that have to be met. One is the Watershed requirement and he is only allowed no more than 70% impervious surface. So at the bottom of the chart it shows the impervious surface is 70, 557 square feet and the pervious is 48,000 and I show at the bottom right hand corner it shows .59 (59%) impervious and he can have up to 70%, so that's okay. The other requirement was permissible lot coverage for a building is 40%. His coverage came up to .30 (30%) so that's less than 40% and

okay also. The purpose of that chart is to show that he is within his designated impervious surface. Ms. Berry distributed some handouts: a storm water plan, a site plan, a storm water plan with topography, and building elevations. Ms. Berry asked that members share the plans so the audience could see them. Ms. Berry wanted to bring out one point that was brought to their attention. On the Wexford Road side, there is some fencing within the right-of-way. They will back that fencing out of the right-of-way and it will be addressed. The height of the building is 8feet 6 inches on the single story building and on the bi-level building it is 8 feet 6 inches on the front side and 8 feet 6 inches on the back side. Chairman Bonessi asked if there were any questions for Ms. Berry.

Chairman Bonessi asked Mr. Dorn to come forward. Esther Manheimer came forward explaining she was an attorney from Asheville representing Mr. Dorn and his wife. She thanked the Board for their consideration of this issue on these 2 different occasions. She said May was a pretty lengthy hearing and hopefully tonight won't be so long. There were various concerns raised at that meeting and they have attempted to address all those concerns. When a Conditional Use permit is applied for, the codebook provides that certain conditions must be met and Ms. Berry has already described those to you and explained that they are already in compliance with all of them. In particular, they are to have ingress and egress to the property. They have a letter from DOT with driveway approval. Talking about off street parking, last time it wasn't an issue, but we haven't changed anything about that – there are still 4 parking spaces. This isn't a business with heavy traffic and very few parking spaces are needed. We are to meet utilities with reference to location, availability and compatibility. This wasn't an issue and I don't think it's an issue tonight either. Buffering is a requirement and have already stated that there is a DOT road behind the development and have provided a 60 foot setback from that which addresses some of the neighbors concerns about how close we are to the houses. This will pull us back quite some distance and I'll come back to some of the extra buffering and fencing that we've put in place. The only other technical requirements that we've got to meet are laid out in terms of open space and buildings and structures which reference to location. We've addressed the permissible lot coverage issue. That wasn't an issue but there was a discrepancy about the acreage of the property. So we are going with the lower number just to be on the safe side and we also now have a storm water runoff plan. There is an engineer here tonight. I don't know all the technicalities about that plan but you've got it in front of you, and if you have any questions about that or other engineering related items he is here to answer those questions. Beyond meeting those technical requirements the other issues that can be considered by this Board are whether or not the property adversely affects the health and safety of persons working and residing in the neighborhood or of the proposed use and will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood. We would submit that there haven't been any evidence before you that conclusively proves that we will run into either of these problems and we submit to you that we will not – that we are going to run an upscale business and after hearing the concerns at our last meeting we are here tonight to try to give you peace of mind, as well as the residents in the area, peace of mind that we have gone above and beyond the call of duty. We have not only met all of the technical requirements that you need to consider when deciding whether or not to issue a Conditional Use Permit, but we have also gone above and beyond. You have before you some pictures of another mini-storage unit that is located in Myrtle Beach. The reason you have those photographs is because Mr. Dorn plans to use Betco to construct this mini-storage facility and this is an example of one that they did in Myrtle Beach and we plan to use many similar elements. For example, the first picture shows a 2-story entrance building. Our building will not be a 2-story entrance building – it will only be one but the reason for the picture is to show it will have a brick facade and give you an idea of what that looks like. Our actual entrance building will be the size and shape of the one on the very front, but ours will not be stucco, it will be brick. If you look at the third page you'll see at the entrance there will be brick columns and a gate with a security system allowing you access into the property and you'll have to enter a security code to get into the property. There will also be wrought iron fencing as opposed to chain link and barb wire. So this is what you want to think about when you're considering what this property will look like once it is fully built. There's just a few other photographs in here showing the entrance with the columns and some photographs of the buildings themselves. They have a brick facade. That's just to give you an idea of what the buildings will look like. On the last page is an example of a one-story building and what the façade will look like where it faces the roadway. So if I'm driving down the road and I'm glancing over at this facility this is the type of building I will see with this peak and some ornamental detail to make it

look like a nice building. As to the neighbors that are anywhere near this property, first of all let me remind you that between our property and the neighbors is located the Park Ridge property. And it runs (and this is on the side) the length of our property. So there is not any abutting neighborhood on the side of the property and to the rear, there are a few houses in the housing development that are back there. So what we have proposed to do there is put in wood privacy fencing and Leland cypress, which as you know grow high and thick and block anyone's view so that they should be sufficiently buffered between their homes and this property once constructed and fully developed. We also have, as stated last time, non-invasive lighting, pack lighting, that's mounted on the buildings themselves so they shouldn't shine into anyone's windows. I think that is about it in terms of being able to present to you a good idea of what this is going to look like. And I know that was of great concern and my client has gone above and beyond hopefully to address all of the concerns that were raised last time and to give you a better picture of the exact dimensions of this property, what these buildings are going to look like, the height of the buildings, the slope of the property, and as you can see when you look at the side view that you've been given by the engineer, the buildings will not rise off the top of this property very much at all because it slopes down. So if you're back behind the property, I think you'd be hard pressed to even see a building on this property once the fencing and buffering is put in place. If you have questions, feel free to ask them and we have both our surveyor and our engineer here.

Chairman Bonessi said he had a couple of questions. What is the height of the wood fencing going to be, the privacy fencing? Mr. Dorn said 6 feet tall. Chairman Bonessi asked if the fence or the Leland cypress was between the property. Mr. Dorn said it would probably be best to have the Leland cypress on the outside of the fence. Chairman Bonessi asked if that was open for discussion. Mr. Dorn suggested putting them on the outside of the fence. Attorney Manheimer said they would agree, if it was preferred, to put the trees on the outside of the fence and here we are talking about the rear of the property.

Mr. Dorn's surveyor, James Davis of Cape Fear Engineering, and Terry Baker with Associated Land Surveyors, were sworn in. Mr. Davis said he put the fence on that side because he was told that the neighborhood wanted a wood fence in that particular area. So He thought they would want it on that side so it would actually buffer them. That was totally me. We can put it on either side. It does not matter to us. If they want to address it and tell us or you tell us, we can put it on either side. Bill? specifically asked for wood in that area. I thought maybe they wanted to see that versus the trees or something. That's the reason I done that. (Someone) So this is wood fence here. Mr. Davis said wood fence in the very back. (Someone) That would make sense. Mr. Davis said if we can put a map up, I can show you. Cause there's 3 different types of fence that envelope this property. Okay. I've got a big map if we can put it up somewhere. Or, Natalie, if we can get that other one up, I'll show you. Ms. Berry said she didn't think you'd be able to see mine. Mr. Davis said well I can probably get them close into what's going on with the project. Around 191 side and partially up Mountain Road up to Stoney Mountain Road we're going to actually have for the front entrance. Here's the entrance to the project. Our office building will be here. But around here and up here and up to Stoney Mountain Road will be an ornamental black fence with the brick columns. Okay. From here across to here and back down partially this line and here and down to this ornamental fence will be a 6 foot high black chain link fence with vinyl coated black fence. This stretch in through here about three quarters of this line, is where we would actually place the wood fence. Now with this right-of way – the road ends here and we have the right-of-way (if I get my big head out of the way). You got the right-of-way coming here, we'll bring the wood fence down, we'll notch it around and back down, and actually follow the edge of that right-of-way around. So you got wood fence, chain link, chain link and then ornamental fence will going all the way back there. All of the ornamental chain link will be black fence. What other questions do you have? Yes, ma'am? Mrs. Pouch asked would you need the trees on the inside of the fence so you could water them and take care of them. Mr. Davis said they would be on their property either way, so we can access them either way, so there again, it's six of one, half dozen of another to us. It does not matter. The only reason I put the fence out because I knew they'd asked for it. So I thought maybe they wanted to see that versus some trees. We would prefer it be on our side and the trees be on their side. Yes, ma'am, absolutely. Chairman Bonessi said we want to take everybody's input. (Someone) This refers to a catch basin with sump. Is there like a retention pond or basin? Mr. Davis said no, there's actually a creek that flows, here's an existing pipe under 191, we have one under Stoney Mountain Road. There's actually a

small branch that runs through our property here. We will be piping that all the way across our property. This map ain't the drainage map. The drains will be coming down here and tying in and down there will pick up all our surface water on our pavement and bring it down into a diffuser and then actually flow it into this large pipe that's crossing our property and dissipate it out. So it'll all be handled underwater, you won't have the unsightliness of a retention pond. The engineers designed it and the water catches, we don't have a lot of watershed actually other than our property itself. So we don't have a lot of water to deal with. Mr. Baker said sir, if you're asking about the sump in the catch basin, that's simply a measure that we take to allow trash to collect in the as opposed to letting the trash through the system, clogging up the pipe, it gives it place for the trash to collect. And we can go in there as a maintenance issue, pull the grate, and pull the trash out. Mr. Davis said sticks and branches and whatever have you.

Chairman Bonessi said let me make sure I have this right. The fencing that would be against the residential side on this would all be wood fencing or you said it was chain three quarters of the way. Mr. Davis said of course this is road. Chairman Bonessi said right. Mr. Davis said and this is road. We have Park Ridge that envelopes us all the way back to here. We have a residence that sits here. So everything on this back line, from about right in here, straight down, would come down and around to this point here, would be wood fence. Chairman Bonessi asked what defines that point. Mr. Davis said I would come down and envelope myself around that right-of-way, we don't want to. I put them trees in the right-of-way. And then all the other residential is over here across the street and we lined some trees right here as you can see on your plan. And that's the 2 residential areas we were considering and we buffered both areas and doing something. I think I heard somebody say something back there and I'm changing, we will have a temporary retention pond while construction is going on. And then when we get done, we'll pipe it all together after the on site's built. But as we do it, when we're actually doing stuff, we have sent our soil erosion control plan to the State and they've had it for about three weeks now. I would say 10 – 12 days we'll have it back and they, we have a pond designed on it and everything will come to it. We'll treat the water before we place it into the creek while construction's going on, silt fences, checkdowns and things of that nature. And then when we're done, we'll bring it all on site the next, it's not, sometimes they leave them and maintain them. This is actually a small enough site we can actually do away with the pond and put it in a slump system. Mr. Phelps asked if it would be landscaped with... Mr. Davis said grass or mulch or whatever it is he chooses to do out there.

Someone asked Mr. Chairman will we be allowed to ask questions? Chairman Bonessi said yes, we'll let you ask questions here in a little bit. Let's get all the input first and then we'll go back and see if anyone has questions of anybody else. I think if we have .... Does anybody else have any other questions? Chairman Bonessi said I guess I have one. I know in some of the pictures that are shown and everything like that, actually I have 2 questions. It's showing curbing and stuff. Is there going to be curbing with this project or is it just going to be the asphalt up to the, just the asphalt? Mr. Davis said when you by swaling all of them, when you're going between these buildings, and you got limited space, we're what we call by swaling them actually control that and the curbing really wouldn't do anything but (couldn't understand), it wouldn't help anything as far as controlling the water. It would be purely aesthetics. Chairman Bonessi said you also mentioned, or actually Esther, this is similar to the building that you would be using, that would be the office. Mr. Davis said it's going to be that small building except brick. Chairman Bonessi said except brick. It'll have the columns and everything and so forth. Mr. Davis said it's that same office building. He just wants to brick it instead of stucco it to match the ends of the buildings that are going up through there. Chairman Bonessi said and I believe that we also have a copy in our package of the lighting that you were talking about using – I don't know if I saw it in there. Ms. Berry said yes, there is a side view. Chairman Bonessi said a side view of the lighting. We're talking about this style of lighting. Mr. Davis said that's what he's going to use. Mr. Dorn said those are 100 watts though – these will be 50 watts. That particular one is 100 watts – these will be smaller than half that size. Chairman Bonessi said okay, but mounted to the building in that fashion. Mr. Davis said they're called downlights and they shine down, right. Chairman Bonessi asked you don't happen to know the angle of the projection of the light, do you. Just out of curiosity. Mr. Davis said it's going to be, I mean, pretty much down. I mean I don't know what the angle would be, I could tell you 175 – would that make you feel better? Laughter. I mean it's going to be pretty close to down. Ms. Berry said she wanted to make a comment for

some people who weren't here last time. The purpose of the microphone is not to project your voice to these people, it's to pick up on tape, so I just wanted to let you know that. Mr. Davis said he had no problem with projection. Ms. Berry said she wished she did. Mr. Davis said they'd answer any questions they need. Chairman Bonessi said let's get their basic concerns out and then we'll come back for a question round. It might bring up some other good stuff. Chairman Bonessi asked if anybody else had any questions.

Chairman Bonessi said at this time what he'd like to do is (organize myself here) – we've got 4 people that are signed up to speak. I'd like to ask for their input. We have said that we are going to limit this to new material and limit the time to 5 minutes per person. Natalie, who's going to be our timekeeper, do we have a timekeeper? Ms. Berry asked if anybody had a second hand on their watch. Mr. Phelps said the clock right here. Attorney Beeker said for the record I want to put in an ? action to be limited to 5 minutes because we aren't just public input, we are parties to the proceedings, as is the applicant the Board has recognized (couldn't hear) It's fine for your Chairman to do that, but for the record we do object. Ms. Berry what we can do is limit it to 5 minutes on any individual and then once everything's out on the table, and then allow people to cross examine each other outside of that 5 minute limit. Does that address your concern? Chairman Bonessi said let's do this, okay. I'm okay with allowing or doing away with 5 minutes, we don't have a large number of people to speak right now, but I do want to limit it to new information. I think that sounds fair and with everybody's appropriate input, as long as it's new information relative to our. Attorney Beeker said as to new information, as to the evidence being new evidence, I wouldn't object to that, but as to like my closing remarks, I believe I'm ? a little bit of leeway in my closing remarks ???? as an attorney for the parties. So, but as to the evidence I have no objection. Chairman Bonessi said, okay, I'm okay with that.

Chairman Bonessi said at this time the first person on the list is Jeff Naber. And again, I'm going to hold to new information – new rule. Chairman Bonessi said all right, you're ready to go, you've already been sworn in last time so. Mr. Naber said his name was Jeff Naber and I live on Wexford Drive, it's not Wexford Road. Back in July I attended a City Council meeting. Mr. Phelps spoke there and mentioned to the City Council that Steven Covey in his "Seven Habits of Highly Effective People" said first you got to understand before being understood. And I thought about that when it comes to this proceeding. I have no idea what this involved before I came to the meeting in May and I've studied the issues, I've studied past Board meetings here and I know that this is a complex issue based on many of the last proceedings that y'all have done and I appreciate your time and your dedication to getting our community where it needs to be with the best interests of everybody. I do have a list of thing I'd like to go over. I knew coming into this meeting that I wouldn't be able to go back and flash back to what was discussed at the last meeting. I'd like you to listen to your constituents and, I know that you're not elected, that you're appointed by the Board of Commissioners, but if we wanted to, we could have had our neighborhood here again. A lot of people asked us, we've been through several meetings, we've met with the Planning Board, we prepared to meet with the Board of Commissioners, this is the second meeting with you. We could have had a lot of people here. I'd like you to listen to your constituents, even though you're not elected, to listen to the community and give us due consideration. Base your decisions on facts, not on what somebody says they will do and I think that goes along with what the Ordinance says. The burden of proof is on the applicant and the use by right is not there when it comes to issuing the permit. And I know these are things that you already know. At the Board on May 31<sup>st</sup> requested a list of items from Mr. Dorn and the list included elevation, water, setbacks, screening, colors, bushes, sign, traffic, and in particular you requested a site plan – another site plan that accurately depicted what he wanted to do. And I want you, if you will, to look at the site plan that Ms. Berry has for you. This is not a good site plan. Mr. Bonessi, you brought this up. We have trees and a fence in the middle of the state highway. Now I'm requesting instead of making a decision today on what Mr. Dorn says he will do, I'm requesting that, for our benefit, for the benefit of our neighborhood and our community, that we first get a good site plan – we first have something to work with. He says he's going to modify this, I asked Ms. Berry when is this going to occur. She has had the site plan for a couple of weeks as well as the site plan before. These are 2 occasions now, 2 times, 2 trips that we've come here for, that we've looked at a site plan that is not accurate. Ms. Berry said she hasn't had it a few weeks, she's had it about a week. Mr. Naber said well, you've had it a week. And again we're dealing with a site plan that

is not accurate. I don't want to wake up and look out my front door and see fencing and trees in the road. And that's what the site plan shows now. And we have a Zoning Administrator who does not pick up on that, she did not point that out before she put it up there for you as a Board to approve and we have another site plan that goes through her office that is not correct. Chairman Bonessi said let me add something as far as what he says he's going to do – we can make him do it. And we've got Enforcement Officers, we can make him do it. But we can make it conditional that he doesn't get his final CO until he complies with everything, every condition we've given him. Mr. Naber said well, we as a community come to these Board meetings, we've had since May, what 3 months, that he's gotten all of his evidence, and this is evidence, it's quasi-judicial, this is evidence that we're dealing with here. The evidence that he brought to you today, just like the evidence that he brought on May 31<sup>st</sup>, is not, it's bad evidence. I mean you can look at it, trees and a fence in the middle of the road, and we're asking as the public in the County that you represent, to get us something that looks right without trees and bushes in the middle of the road. I'm going to rush cause I know my time is limited. When it comes to elevation, if you notice the elevation chart that he's given, it's a side view of the elevation. It does not accurately show the elevation if you're standing at the red light on the highway. I've got a couple of pictures that I think accurately show what the elevation is and every storage unit in this facility is going to be visible from the highway. If you can visually imagine what it is going to look like, I think we are going to have 4 different kinds of fencing according to the surveyor. We're going to have chain link, (tape reversed) of different types of fencing in the perimeter. There's no mention, if you look on the elevation chart to the very right, where it says property line, that particular area on the elevation chart, it decreases in elevation to my house. Mr. Dorn, his surveyor, and his attorney came up here and just stated that the buildings are going to be 10 feet with lighting on them, the fence is going to be 6 feet high. That means that the lighting in the buildings are going to be higher than the fence and, if you can visually imagine standing in my front yard looking up across the street, and I have a picture of my yard. Mr. Baker said we said the buildings were 8 feet high too, just for the record. Mr. Naber said and that's my old station wagon there in the driveway. If you look at that photograph, from my driveway you look up the hill, it continues to go uphill and I don't know how to measure elevation, but he's proposing 60 feet from the center of the road. I did measure and that hill continues to go up at a hundred feet from the road. So he's going to have a ten foot building that is the highest point from my house and then a 6 foot fence below that and then you come down to the road. There's no mention in the May 31<sup>st</sup> meeting the Board specifically asked, I have the minutes of the meeting, I have the tapes, the Board specifically asked for elevation to be addressed concerning the neighborhood. We have elevation here that goes down to 191, but no elevation that's addressed going the other direction. We have screening, we have fencing, but no elevation that goes into my yard. I don't want my yard lit up, there's a noise issue that goes with it. Mr. Dorn's attorney in the last meeting said that it's going to be one level and then go downhill turning into 2 levels so it would be somewhat neutral in terms of sloping downhill. Look at the photograph, the first one I passed around. That is not somewhat neutral going downhill. When you drive down in through our neighborhood, you're going to see the whole complex and now in our neighborhood, this site is surrounded totally by what is defined as C-2 property, not industrial. I talked to Mr. Brandon at the Department of Transportation in June. He said that the old prison is being converted into the engineering offices, so we are going to have another office complex, that is the definition of C-2. I have other issues with a, there's a member of the Board who's a commercial real estate agent who is attempting to sell property within a mile of this property. And my concern is what ties does the member of the Board sitting here today have with Mr. Dorn. When you deliberate on this issue, I'd like to know that. I'd like to know, and this is based on things I heard before, Mr. Goodman mentioned that quote and that's 5 lanes with the turn lane, right, regarding 191. I have photographs I'll be happy to pass around. We have a 2 lane highway. Look at the site plan that was submitted. It's a 2 lane highway. There's no turn lane. Mr. Goodman said that you left the trees in the back, right. Look at my picture. There are very few trees in the back along the property. Mr. Goodman's the only one on the board that said it's 50% climate controlled, right. Then he said, by right he can put anything there neighbors can do nothing about. I think this would be less of an impact than what could go there. Now it really concerns me when a member of the Board, I wondered why is this one member questioning us so strongly. That really concerns me. That we have one biggest commercial real estate agent sitting on a Board determining what should be commercial property, what should be industrial property, someone whose website says that he does this all the time, that he owns property throughout Henderson County and he's an expert with it. That's a real concern.

My neighbors and I have talked about this. It concerns all of us. And I'd like you to think about that and ask yourselves these questions when you're deliberating about this. Two things to quickly wrap this up. Mr. Caldwell asked in last meeting for the Planning Board recommendation. I would like to know if the Planning Board was approached with this if they had a recommendation. He specifically asked for that. I think it's detrimental to public safety. No one here on this Board, when we met on May 31<sup>st</sup>, and you deliberated, no one discussed the public safety aspects that I talked about for quite awhile and that I gave you facts about, evidence about. We will never know, if this facility goes in, we won't know what people are storing in there and based on facts and evidence there's a lot of stuff that can go on that would be in our neighborhood. Is it injurious to property? Right now our property values increased 14% average per year in our neighborhood. And I think that if you put this site right next to our houses, I don't think our property values are going to go up. And some of you in the real estate business have a lot better idea of that than I do. But I really don't see, I think it's injurious to my property. I think it's going to hurt my neighbor's property. We're trusting the Board with what goes in our neighborhood, what's transported down our streets, and what is stored legally and illegally and I'm asking that you deny the application. And I'd like to see a site plan, a valid site plan. That's it.

Chairman Bonessi asked if anybody had any questions for Mr. Naber. Chairman Bonessi said he didn't have a question, he guessed he had a statement. You had questioned whether our Board is deciding whether this land is commercial or industrial or anything. We really, we don't have that power. We're not deciding if this property is commercial or industrial or anything. That property was zoned commercial and has been zoned commercial and we're working within the rules that have been set forth by our County Commissioners and the people who have zoned this property. So that's what we're looking at. We're not deciding if this is commercial property or if it's industrial property. Mr. Naber said well I-1 is industrial, right? Isn't that what the Conditional Use would be? That it be zoned industrial – light industrial. Chairman Bonessi said we're not changing the zoning of this property. This a Conditional Use to allow a business that's allowed in C-2 zoning with conditions restricting on how it is constructed. Mr. Naber said which is a definition of what I-1 is. Isn't that correct? Chairman Bonessi said no. I-1 is a different classification.

Ms. Berry said to let her address that. We're in C-2 zoning. And under conditional use it allows anything that is allowed in I-1. That's where he's getting I-1 from. Mr. Naber said, so it's a definition of what I-1 is. Ms. Berry said yes, but it's not an industrial district, it just allows anything. Mr. Naber said well there's a lot of different ways to say it but if you issue a permit for Mr. Dorn on this property, you are going to allow him to put what would be under I-1. Is that a correct statement? Isn't that what you just said? Chairman Bonessi said yes. Mr. Naber said so am I right? If you allow him the permit he can put what is listed under I-1? Ms. Berry said only the warehouse that is under I-1, not anything else. Chairman Bonessi said whereas if it were I-1, they wouldn't be restricted at all. Mr. Caldwell said and he wouldn't need a conditional use permit if it were I-1. Ms. Berry said but it's only the warehouse under I-1, it's not everything under I-1. Mr. Naber said well, it's a definition of one of the industries listed under I-1 then. Is that correct? Ms. Berry said that's correct. Mr. Naber said okay. Is that it? Chairman Bonessi said if there are no other questions, let's move on to the next person.

Chairman Bonessi called Angela Beeker. She said she would wait to the end for her closing remarks. Chairman Bonessi said all right. He said next is, I guess, is it Rod Rogers? Mr. Rogers came forward and said, My name is Rod Rogers. Good afternoon everybody, again. I know I'm on a time constraint. Several issues that were supposed to be pointed out, I guess it was addressed by his attorney that they made the 60 foot setback. We were all going wow, that would really be great. And then now we have, at his own great expense, Mr. Dorn's having an architect looking at this and planning that they put the fence still right in the middle of there where he said he wasn't going to. And the 60 foot only refers to where the end of the building is, he's not referring to where the fence is actually going to lay. And the only reason that was brought up for the permit people and for Mr. Dorn here was that I brought it up. And they go Oh, gee you're right, we'll fix that. Gentleman's a very astute individual, got a lot of good people working for him, I think possibly he's trying to send it through again. I don't think that was very correct on his part to sit there and remodify, which we appreciate, but he again did it incorrectly. Those pictures, all well

and good, looks like something really nice, where's his conceptual drawings, where's the. You know I'm kinda used to show me what you're putting up, not what my neighbor has down the road. You know submit plans showing sideways elevations going down. Again, from my perspective of my house, the land that he has goes up. The building's going to be sitting up higher, even if he puts a 6 or 8 foot, the building's still going to be sticking up higher than mine. Attorney Manheimer said no Angela pointed out that he ??? same renderings (can't hear or understand). Mr. Baker said we have a side conceptual ??? Mr. Rogers said, right the buildings were turned. The point is it's still sitting up on an elevation. I guess what I'm saying is if this is still going to get approved anyway, why isn't this thing going to be lowered enough, which it wouldn't reduce his amount of square footage. How about lowering this thing about 10 feet on the top of this to where we don't see it and to where I don't have my kids having this light, you know, shining in the living room. The ? of light is concerned, I've seen ? wall packs, yes. Unfortunately, again with the building sitting up, it'll be reflecting toward my house. So how bout at least where it's facing my house, how bout turning the 2 or 3 lights and have them on poles facing the building, rather than having them facing me. I don't think that's that big of an issue. The other issues that was addressed was the 24 hour access. How bout, let's be reasonable, and make this thing to something where like 6 in the morning till 9 at night, to where I'm not laying there 90 feet away hearing cars at 1 in the morning or 4 in the morning, the people putting their stuff in there going to the swap meet. I mean that is a concern and having, you know, cars starting up and down. We appreciate the fact that he wants to do wood fencing. How bout making that a block wall instead so we don't hear the traffic of the vehicle driving right by, you know, my window 90 feet away. But the major point of this is this whole situation is something that I don't think has been thought out very well. And I think he needs to relook at this to see what he can do, if he's going to be one of our neighbors, to accommodate. The sign also, I think we had mentioned, I know I had ? it right out of my back bedroom window. I'm going to be seeing his sign all night. How bout the hours of operation, as far as the light, maybe we could have that restricted to maybe 9 or 10 o'clock at night. I mean those are things I don't think that's asking for a lot. I do, I'm very concerned about elevation. I'm very concerned about that fact that we don't have an accurate site map to look at so you all can make your best informed judgment. And that's about it, I thank you. Any questions for me?

Chairman Bonessi said, I guess, from what I'm hearing, is that there are certain things that could be done that would make your life. Mr. Rogers said more amenable? Yes, which would make my life a lot better if it wasn't going in at all. But if you guys are going to go ahead and do it anyway, and it seems like unfortunately that looks like the road we're heading, the meeting of the two minds have to come together to make this work out for everybody. And what really, really is upsetting is the fact that you bring in another site plan and it's totally erroneous and if you drive down my road, he's basing it still to the center. That fence line is going to be in the center, even if it's not DOT. The point is – here's my house, Mr. Naber's house and there's one more house past that there's going to be a fence right here and it's going to narrow down this 2-lane road into 1-lane to get up to this other house. So people are going to be looking around going wow what's that fence or all those trees in a beautiful angle sticking in the middle of the road. So her mentioning that it was 60 feet away, it's only 60 feet from the edge of the building not from the center of where his fence wants to go. Even when he makes the modifications to the erroneous map, it's still going to be sticking, you know, along the edge. So my other concern was the noise and of course which was mentioned previous things concerning about crime, theft, things like that. Chairman Bonessi said okay, any other questions? There were none and Chairman Bonessi thanked Mr. Rogers.

Chairman Bonessi said it looks like the next person we have is Jack ? Mr. Oechslein said he'll answer to Jack. He said he did not speak the last time, so he needs to be sworn in. This was done. He said his name was Jack Oechslein from North Hills Drive and I've lived in that area since June 1, 1957. Ms. Berry asked him to spell his last name, which Mr. Oechslein did. Chairman Bonessi asked where is that in relation to this property. Mr. Oechslein said we are the very next driveway past the entrance to Haywood Knolls before Mill Pond Cemetery and South Rugby. It was an old farm site and we have 9 homes in there in a private neighborhood. My que, and maybe this is revisiting, but I had in my notes from May 31<sup>st</sup>, the sign was to be approved at 11 feet tall. Is that correct or incorrect? Chairman Bonessi said we'd have to back and look it up and hope it's my notes about that. Mr. Oechslein said okay. Chairman Bonessi said the sign height is concerning you sir. Mr. Oechslein said well, just the whole



question of visual pollution. Mr. Dorn stated that he would perhaps like to have, you know, a streamer like stock exchange thing where he could have messages. I hope we're not gonna do that, approve that. Ms. Berry said 11 foot 3 inches. Mr. Oechslin said 11 foot 3 inches. Was it approved for rental of messages? Chairman Bonessi said we've not approved anything, sir. We're gathering the information and then from what we gather we'll discuss it as a Board. Mr. Oechslin said okay, proposed. So it's proposed, but I hope it will not be approved. We have a sign right up the, directly up the light there for the construction company which gives us time and temp. And I don't think we need anything more, especially a rental sign for various messages. It's just a question of can we hold down visual pollution. And that's all I have. Chairman Bonessi thanked him. Mr. Oechslin said just clarification on that – thank you. Chairman Bonessi asked if there were any questions for.

Chairman Bonessi said the only other one I have is Angela Beeker. Attorney Beeker said I'm gonna ask questions. Chairman Bonessi said you don't have any comments or. Attorney Beeker said I'm going to have a closing. Mr. Davis asked if he could address a few of the things that we brought up and we went on, I know it ain't gonna spell nothing for them. You gonna ask all the questions to answer them, that have been brought up. Attorney Beeker said go ahead but I'm not. Mr. Davis said just a few things that were misspoke that I might be able to address. Chairman Bonessi said if you would like to or if Mr. Dorn, if you'd like to respond to anything that we talked about here and then we'll.

Mr. Davis said let me deal with this erroneous map, as we call it. For one thing, there's probably about 700 bits of information on this one map. And for somebody that is not in the business, which neither one of them stated that they were, to be able to talk about erroneous map is a huge leap, out there, for someone who's done it for 25 years, like myself. These trees are not in the road. They're in the right-of-way. They were drawn in the right-of-way. I admitted that already. They're not in the road – the road stops well short of our property down there until it turns into a driveway and leaves our property or goes around our property. So they're not drawn in the road. You kept saying road – they're actually in the right-of-way and we will change that. Mr. Dean said that you're not going to let us have any conditional permits or any final relation of anything until, if we say we'll build the road or the fence around the right-of-way, you're going to make us do that before you'll approve the final offering. So they need to know that that'll be done. The fencing being different all the way around the property – we done, part of which, the way I understand it, I wasn't at the last meeting, was because of a neighbor request to have a wooden fence on his side. Mr. Naber said never requested a fence, never talked about it. That's all coming from your side. Mr. Davis said okay well it was brought to me and we can put up the chain link fence or whatever. The wood fence is going to be more expensive anyway okay. But you guys want chain link or whatever, we just thought it might be a buffer. Can you address where it come from, is this something you thought maybe would be nicer for them? Okay, that's why we put the wood fence. We can go back to a chain link fence. Around the front everybody always dolls everything up. I build houses for a living also, we put brick on the front of them a lot and don't put nothing but vinyl or something else on the back. You always doll the front up. The ends of the buildings from the roads, we're putting the brick on them, making them a little better. That's what we did with the wrought iron or the ornamental type fence out front. So that's the reason of the fence. The buildings on the low point are 8 foot 6 high, not 10 foot. The eaves of the roof are 8 foot 6 – that was mentioned. We're talking about putting the Leland cypresses up here and them things grow about 2 -3 feet a year, is what they tell us. So, I mean, in a couple of years you could have a very sizable fence. Rules for public safety at the road was addressed. We have met every DOT standard. We have a permit in place to allow for ingress and egress onto 191. We've not asked for another side road or anything like that, which we could possibly have done. We've tried to control our access, limited it, we've moved it just as far away from the intersection, with the red light there like the State asked us to, as we possibly can on the piece of property we have. So we have the permit so the public safety issue has been addressed, answered, and taken care of as far as the DOT is concerned. The land up at the back will be lowered some, the second fella that talked, Mr. Rogers, I believe it was. It is going to be lowered, these things are going to be plateaued out. All that land is on a slope and it's all going to have to be leveled out and level these roads out around it. So there's going to be tiers or stair-steps or however you guys want to address it, on each one of these levels. And the plans show that and they know what an erroneous map look like, maybe they can look at the elevations and actually pick up on that part,

too, cause it's on there. But they're fixing on erroneous, I guess, and not paying attention there. They're clearly stated, the elevations on every building. There's a retaining wall that runs all the way down this side of the, the Park Ridge side of the property, there'll be a retaining wall of a concrete nature, we'll have it that should be a poured concrete wall 6 – 8 feet high and then buildings'll be sitting down below that. So this thing will be sunken down more than they actually realize and to where the noise level will be down and that is shown on these maps also that they can see there with the chain link fence on the top of it to keep any kids or anybody else from getting in it or passing through it or falling down. So the buildings are being lowered and there is elevations on every one of these on these maps if you'll look at them and you can see the heights of the buildings, the wall heights are on this maps, the walls at each bend and break, and every couple hundred feet, there is an elevation at the top and the bottom of the wall to tell you how high the wall is in that particular spot and they run all the way down through there. And that was the only issues that I wrote down here that I could address. I'll answer any questions. You guys got any before I sit down?

Chairman Bonessi said I guess, I'm looking at the grading and storm water plan, you've got the topo lines here. Are these as the property, I mean like I'm seeing 1995 feet, 2000 feet. Mr. Davis said the light lines are the existing contour, all of the dark ones you see going off the edges of the property, the darker lines are finish grade. That'll be what it will be after the project id graded out. So on that sheet that says storm water grading and storm water, it shows both. And it has an elevation on the building, even the 2-story building it has an upper story elevation and a lower story elevation. Chairman Bonessi said okay. Mr. Davis said there's elevations all over. That's why I took this one map, you'll see there's another grading and storm water map in there that I actually took the contours off of, just so you could read the building elevations and the wall elevations. It's the same map, just less the contours. Chairman Bonessi said so what I'm looking at now is Building number AFFEL would be, is that the foundation elevation? Mr. Davis said it's first floor elevation, that'd be actually the floor level, first floor elevation is what that is. So that's how high that building would be and then you can supersede it on the other contour map and realize that that'd be cutting it 4 – 5 feet from the existing grade to get it down there to that tier. Chairman Bonessi said I'm looking at the original elevations on the corner of this property, it looks like to be 1995 feet from what I see here. Mr. Davis said it's about 1995 – 1996 actually, four I mean, I went the wrong way, on the very corner it's about 1994, yes. And if you go all the way down to there, you sit through, the walls'll come down, there's a wall all the way down the side of that thing where we're gonna cut it down. Chairman Bonessi said right. Mr. Davis asked for any other questions. Chairman Bonessi said he didn't have any at this time – anybody else have any other questions. (Someone asked something – couldn't hear) Mr. Davis said want to stand up here and hold hands or something. Someone said if that were set up to be convince of ?? I would.

Someone asked the road that's going to go up the side to go up for ingress and egress on the property, is going to follow that same stair step thing? Mr. Davis said yes, ma'am, it'll be benched up as it goes, yes ma'am. Someone asked okay, when it benches up between the levels, I'm not a surveyor, and I'm not using the appropriate language, but from the level, it's kind of confusing, I guess it would be easier to look at it on this, but to get from this to here, to get from one driveway to the next driveway, you're going to have go up, about what, 10 feet? Mr. Davis said it depends on the buildings, they're different between each building. This one here's about 7 feet, that one there's only about 6 feet, it just depends on where we're going from which building to which building. Someone said this one's only 6 feet? Mr. Davis said well the difference in elevation may. Someone said 1981 to 1991? Mr. Davis said yea but that's on across the whole building, that ain't from one building to the next – that's across the whole building there, that's 2 different things. Someone said okay what I'm getting at is what's the slope of the road going to be from one bench mark up. It's going to have to rise 10 feet. Mr. Davis said it's going to alter between each one of them, the building's only 8 feet though, that's where you keep going back to the 10 feet. Someone said I know, I'm going by the ground elevation. Mr. Davis said right and you'll have to get up but they'll be swaled, each one of them will have to swale also. They're also going to have to taper, see these lines drawn down the middle here, they're going to have to taper that way, so they'll end up being lower than the grade of the road. You're going to have to turn and go up or I can't get the water out, so it's not going to be a full 10 feet between them. It's going to go up and rise and fall with it, yes. Someone said okay so about what percent. Mr. Davis said 6 – 7 feet up the

side of the side of each building it'll go up, the grade. Someone said the grade'll just be 6 -7 feet from. Mr. Davis said between from one building to the next, yes. And one of them may be a little less or even more depending on the grades. This is the longer distance from this building to that one may be 10 ?, but it's a lot further. Someone said right, so the slope wouldn't be as big there, but from here to here 6 – 7 feet over 60 feet. Mr. Davis said 6 or 7 feet over to 60 feet, yea, the building widths are a little bit different on each one. Someone said right, but basically they're about 60 feet. Mr. Davis said about 60, yes ma'am. Someone said so the rise from here to here is about 6 or 7 feet over 60 feet. Mr. Davis said right. Someone said okay cause it appeared to me that it was about a 10 foot rise over 60 feet which would be about a 16% grade. Mr. Davis said right and the State allows 18, so. Someone said yes, I know, I do. ? to be my next question. Mr. Davis said so even with that, we'll be under that. Someone said you'll be under that, but it might be can be as steep as 16% in some spots going up. Mr. Davis said it possibly could, yes. The State allows us 18, if it went to that, but it ain't that steep. There's gonna be a lot of ? going on. Someone said I understand, what's the elevation at the top from here, at the top of the property down to 191. Mr. Davis said I can look ?? here, I mean, from this elevation right here is 1995 and if you go all the way down to right there. Someone said to the low point on the property. Mr. Davis said is 1955, so that's 40 feet. Someone said 40 feet, so there's the 40 foot rise. Mr. Davis said basically and that's the elevation near the creek down there. There's 40 feet across the whole property and it's about, I should have brought a scale, it's about 400 feet deep, or it's more than that. So I mean that'd be less than 10% there all the way across the property, ?? the whole project as a whole. Someone said I understand, okay. Is this the brick, the part that's going to have the brick façade, the sides. Mr. Davis said the ends of the buildings. Someone repeated the ends of the buildings. Mr. Davis said yes, the 30 foot distances or the 60 foot distances are the ones that's gonna be brick. The ones that face 191 and the ones that face Park Ridge Hospital area ends of the buildings, the ends, the ends. Someone said okay, but on the long part of the building it's going to be the traditional metal with the doors. Mr. Dorn said something – couldn't hear and understand. Someone said the one on the bottom. Mr. Davis said the one facing 191 is going to be brick on the face down here, anything that faces the road, right. Someone said, and just so I understand, the 8 feet, when we say the buildings are 8 feet tall, that is from. Mr. Dorn said 8 feet 6 from the driveway to the top of the building. Someone said to the top of the building, so that the sides will be a little bit taller than that. Mr. Davis said an engineer drew this and he didn't do that, yea them are higher, but that's what it is to the facade at the peak is what he's telling us. Someone said 8 foot 6 to the peak of the facade? Okay, that's all.

Mr. Rogers asked if he could address a question to the architect. Chairman Bonessi said yea. Mr. Davis said I'm a surveyor not an architect, I've got nothing to do with. Mr. Rogers said okay, how long have you been a surveyor. Mr. Davis said 25 years. Mr. Rogers said 25 years, that's something to be proud of definitely. Did he bring that to your attention at the last meeting about the setbacks? Mr. Davis said he was not at the last meeting. Mr. Rogers said correct, did he bring that up to you that it was at the last meeting about the setback? Mr. Davis said we're in compliance with the buildings with what the code says. I don't know what you guys said at that meeting about being 60 feet from what, no. Mr. Rogers said he didn't bring that up to you. Mr. Davis said not that I'm aware of, we complied with this. He may have and we oversights it, but we complied with. Mr. Rogers said wait, wait, I'm sorry but did I hear an oversight? Mr. Davis said somebody said that. Mr. Rogers said you said that an oversight. Mr. Davis said I done told you I put the trees in the right-of-way. Mr. Rogers said you just stated there was an oversight, did you not? Everyone was speaking at once. Chairman Bonessi said we're not going to get into name calling, we not going to. Mr. Rogers said we're not sir, I'm just stating he addressed that I was stating something erroneous and it was not erroneous. Chairman Bonessi said well. Mr. Davis said I didn't mention, I didn't talk about 60 foot. Chairman Bonessi said well, okay. Mr. Davis said I ? address that, ? brought that up. Chairman Bonessi said you got your point across, let's. I do projects all the time and projects are very evolutionary and we're here, we're looking at some of the problems that may exist, which have been identified with this one issue with the trees, where the road right-of-way is supposed to be. They've answered the question and it meets the definition of the setbacks by the code and by the Zoning Ordinance. We're not here to rewrite that Ordinance. So, let's move on. Mr. Rogers said if you want me to be quiet, I will sir. Chairman Bonessi said, no, I'm just saying that, you know, we don't need to get into an argument and I'm not going to listen to an argument. We're going to go ahead and we're going to move on with the facts and we're going to go one from here. So, do we have any other questions.

Ms. Berry said she does have a comment she would like to make. Ms. Berry said on the first site plan he brought in, his building was in the 60 foot setback on Wexford. Okay, the code says that the building cannot be in the setback but your fence, landscaping, anything else can be in the setback. So he did address the setback issue that was brought to his attention. Mr. Naber said he had a question for Natalie. So that means that it's okay for this Board to say we can approve this with this site plan, with trees and a fence, I mean. Ms. Berry said no we're not stating that, what I said was the setback only applied to the building. We have agreed that I did miss the fence and I am sorry and it is going to be moved and that's addressing it. Mr. Naber said what I was asking though is the jurisdiction of this Board do you still consider like what's on the highway or do you take that stuff into consideration, still just not like okay he's moved the building to 60 feet. Do you understand what I'm saying? Or can't you answer that?

Chairman Bonessi said well, I mean, we look at everything. I mean we do look at all but we also have to maintain the intent of what the Zoning Ordinances are and the intent of that Ordinance is building location. That's the intent. So those are the guidelines that we work within. Do we have any other questions?

Chairman Bonessi said Angela, closing, if you would like to make. Attorney Beeker came forward and said I do appreciate your patience and I do appreciate your continuing this to get more information so that you can make sure you have better information to make a good decision from. I guess I want to step back for just a second and look at a few practical things and I know that you know this and you've heard this. But we are talking about a piece of property that is on a 2-lane road. It's a 2-lane road, very busy 2-lane road, we introduced evidence about the traffic count and everything at the last meeting. I understand that NCDOT has approved the driveway permit. I would submit to you that this is going to be hazardous to have an entrance so close to the intersection. I believe that somebody said tonight even the DOT said push it as far away from the intersection as you can. So there's no question that this is not as the best design but I guess it's the best under the circumstances that they have to work with. But this is an industrial use, I know it's allowed, it's allowed as a conditional use. Doesn't mean that every C-2 piece of property in the County gets to put a mini-storage facility on it. It means that if they can meet the conditions, that I'll go over in just a minute, that they get to put the use on it. Okay? It's not a use by right, that is a big difference. So you stated it correctly, but it has to be with those conditions. And just as a little aside, we have initiated a zoning text amendment. I don't know if this Board is aware of that or not, to eliminate all the industrial uses from C-2 completely and that board was, that was given favorable recommendation by the Planning Board because from a Planning perspective they didn't feel that these types of uses should be allowed. So we are doing something about allowing light industrial uses in a neighborhood commercial district. But I understand that you are operating under the rules that you have in front of you now, but just we are addressing that also. This does front on a road but it does back up to a neighborhood. If my clients emotions are speaking a little bit tonight, it's because it's very near and dear to their heart. This is a use that will be in their backyards, literally. And so I do beg your indulgence a little bit and consider that. That this is really and truly going to impact them. You heard a lot of evidence last time about potential criminal activity that would occur. When you're considering these standards, that it will not be injurious to the public health, safety and welfare, or whatever, we don't have to conclusively demonstrate that it will be. It's by a preponderance of the evidence. It's more likely than not that this would be injurious to a neighborhood due to the statistics and evidence that was introduced last time to show that, based on statistics and evidence, and what has happened in other facilities, this will pose a threat from a public safety standpoint to this neighborhood. And you just have to decide that more likely than not, not conclusively, it's not like in a criminal trial you have to prove something beyond a reasonable doubt. Now this property is, I'm sorry, what was your name? Mr. Baker said Jerry Baker. Attorney Beeker continued Mr. Baker testified will rise forty feet from the bottom to the top. Forty feet – let's put that in perspective. How high is this room? This room's what 8, 9, what 9, 10, 10 feet, let's say 10 feet. Four times the height of this room, this property is going to rise from the bottom to the top. When you're looking at it from the side, that may not seem like much, but when you're looking at it from the front, that's quite a significant increase in elevation. You're talking about roads that potentially are going to be as steep as 16% going up. Now I guess DOT does allow 18%, but 16% grade is pretty steep. So you're going to have slanted driveways going up, level off, up, level off, up a total of 40 feet up from the bottom to the top of this property.

I don't think that's a good and safe plan. You're gonna have 40 feet or 50 feet, I guess by the time you get to the top of the tallest building, of metal buildings being stacked up this hillside. The sideways drawings that you show, show the sides, the nice brick facades going up the side of the hill, if you're standing at the bottom and you look at it from the front, you're gonna see the metal going all the way up the hill. Forty feet high, when you're standing at that intersection you're gonna see 40 feet, 4 stories in essence of metal building. There is no amount of buffering, no amount of fencing or screening that can shield out a 40 foot rise of metal buildings and I'd ask this Board to consider that. The drawings, the photographs that were submitted that are of the facility in Myrtle Beach, South Carolina, obviously that is flat. What you see at the road when you look at those photographs, that's flat. You see the nice pretty building, you see the nice fence, you don't see all the traffic people or whatever or the metal buildings that are back behind it. There is, again, no way that you can shield that from the road. You just can't, when it's stepping up the side of a hill like that. I guess there are some more specifics when you're drafting this order, if the Board is inclined to grant this, we would ask to be able to review the order before the Board grants, before the Board votes on it. Just again, for the record, if the Board does approve this, we do intend to appeal it to Superior Court, so we would be very concerned over the wording of the record. And so therefore, we would request that before the Board vote to approve it or not, that an order be drafted and that we, Ms. Manheimer and I, both be given an opportunity to have input into the wording of that, so that if it is granted, that we could be sure that an order would be entered that would be representative of what it meets to represent to be considered by Superior Court. I guess the last thing that I would like to say is that this isn't a warehouse. This is not a warehouse, it's not a warehouse. If we weren't in this hearing, and I walked up to you on the side of the street and I said did you see that new warehouse out on Four Seasons Boulevard, I betcha the first thing that comes into your mind would not be a mini-storage facility. It would be, your mind would dream conjure up a big metal building what is a traditional warehouse. This is not a warehouse. This Board is not bound, you're not bound, to abide by previous decisions of other Zoning Boards of Adjustment until it is decided by a higher court, by the Superior Court or the Court of Appeals or whatever, that for Henderson County Zoning Ordinance a warehouse is mini-storage, you're not bound by that. Now as part of that text amendment that we are bringing forward, we are asking the County to clarify that a warehouse is not a mini-storage. Our text amendment proposes to add mini-storages back into the Zoning Ordinance into those zones in which it is appropriate. That will be heard in October. The public hearing will be set in September and we did believe the public hearing on our text amendment will be heard in October. But I ask you really to seriously consider this, this is not a warehouse. If you do approve this, and you do get down to conditions, we would ask that they specific, specific as to the separation of the Leland cypress trees from one another to insure an appropriate thickness in buffering. The size of the plants that need to be put in when they are planted. Are you gonna, are they gonna be allowed to put a 12-inch Leland cypress in or are they gonna have to put in a 6-foot Leland cypress. We would propose that some more appropriate buffering along Mountain Road would be some sort of canopy tree so that as they grow and you're driving down 191 a maple or a, I'm not a botanist by any means, but a tree that grows up and has a canopy on it would help shield the view from Mountain Road as you are coming down Mountain Road. So we would just ask that all your conditions be specific, be specific as to any of the permits or whatever that they have not received yet, be as specific as you can be and then you will make Natalie's job a lot easier when she has to go out and the Leland cypress have died and, and, or there's not enough and the neighbors are complaining that there's not enough. If she can say well you're supposed to have one every 10 feet and you have one every 10 feet, you know, as specific as you can be'll make her job a lot easier. Again, I do thank you for your time and consideration. Thank you. We would ask that you do not grant, do not approve this permit.

Chairman Bonessi said well that's, I'm just thinking through, first of all, if I have any questions, yea, but don't worry, I will give them an opportunity to respond. Mrs. Pouch said we've had cases before where we have written with the permit that they have to have a buffer of trees and when the trees have not been planted properly, we can withdraw their permit and just about put them out of business until they comply with what we said to do. Attorney Beeker said that's correct, that's correct. You do have strong enforcement authority, that you do, no question. Someone said the buildings'll already be there. Chairman Bonessi said does anybody else have any questions for Ms. Beeker before we let Mr. Dorn respond?

Attorney Manheimer came forward and said she would leave it to their engineer to respond to the elevation issue. Ms. Beeker was incorrect in her explaining to you that there was a 40-foot rise and I think we can address that. Mr. Davis said just not give the impression that there's a 40-foot metal wall here. There's a 40-foot change in elevation across the property just like it is with the rest of the neighbors here. So the perspective is not going to be a 40-foot metal wall and to be giving that impression is a bit erroneous.

Attorney Manheimer said just to reiterate our point, we're here trying to get a conditional use permit and we have met all the technical requirements as Staff has explained to you already and it's not, I don't need to do that for you. It is not our burden to prove to you that there isn't, that there is not going to be injury to the other properties, rather the challengers to the conditional use permit are to demonstrate that to you. They have last time cited some statistics, I submit to you that they were not comprehensive. It's something along the lines of saying well gosh there was a couple bad plane crashes, when in reality, if you were to actually look at statistics, it's the safest way to travel. I'm merely stating to you that there wasn't anything conclusive presented to you about, about the likelihood of crime. I would, I would remind you that, of course, this property as we all know can be used without anyone applying for a conditional use permit for something like a McDonalds, a 24-hour McDonalds or something like that. And I think that a property that has been presented to you here that is going to look nice in appearance in terms of what mini-storage units look like with fencing all the way around it and a security gate and you have to use a key-pad to get into it, is going to be safer than any property that would be used for something like a 24-hour McDonalds or some such. But again this is not a session as you know for everyone in the world to come up with a wish list for what they want someone else to do with their property. That's not this forum. We are required to meet some technical requirements for you and we have done that. And we are entitled to as such a conditional use permit and I hope that, and we submit to you, that we are entitled to be granted that conditional use permit tonight.

Chairman Bonessi said I do have maybe one or two questions just and I'm not sure exactly who to direct them to if it's Mr. Dorn or one of the people who are with him. What size trees are we gonna put in? I mean we've heard that these things grow 2 -3 feet a year, is this gonna start out as a 1-foot sapling or is this gonna be a, I mean, where are we gonna be at with that. Mr. Davis said we hadn't actually pinned a number on it but in my mind you're looking at a 6-8 tree, scuse me. Mr. Caldwell said you're talking about a 6-foot fence, right. Mr. Davis said 6-foot fence, yea. Mr. Caldwell said the tree should be at least. Mr. Davis said 6 – 8 foot is what I would think something like that and there again I'm not a Botanist either but I think spacing of 8 or 10 feet, something like that, I mean we'd be up to here, that would be fine with us. Mr. Rogers said 5 feet, sir. Mr. Davis said 5 feet if any be tighter, if they want a hedge out of it, it'd depend on what they want. We don't see a problem with that. The trees are monumental to the neighborhood so whatever we need to do, you know, we'll do that with that, I mean 4 feet apart or 10 or whatever it is. Chairman Bonessi said so we're roughly saying that there's going to be a 6 – 8 foot tree planted every 5 feet apart and that we can expect in 2 years this tree to be 10 feet tall. Mr. Davis said well they say they grow 1 – 2 foot a year, is what they say. That's supposed to be one of the fastest growing trees, is the reason everybody says Leland cypress. There again, I'm not a Botanist, but that's what was referred to us and said that's the reason people use them a lot because they grow up quick and full, they're a real full tree too. Plus they're year round. Someone said where does the greenery start on the ? (Couldn't hear) Mr. Davis said when they're young they stay low, I think it's about how you trim them and how you keep them, I don't know that they run to the top like a pine, that has something to do with the spacing too. There again, I'm a surveyor and I don't know that, but I know when you keep them close together, they usually hedge together. We did a subdivision a couple years ago and they put one up and they actually grew together so. I think they stay low to the ground. I think it's the way you keep them and how you trim them, cause I know a pine kinda ? up. Someone said cause it wouldn't be beneficial if it was 10 feet up. Mr. Davis said 10 feet high, that's right. And putting up a 1-foot tree in wouldn't be beneficial either, I mean we recognize that fact. That there's no need putting a 3-foot tree in that all of us stand and see over the top of so we don't want to do that.

Chairman Bonessi asked if anybody else had any questions while I'm thinking, rummaging through my papers. Mr. Phelps if he could put in a 12-stall self-serve car wash. Ms. Berry said I believe the way C-2 is written it talks about

all in an enclosed building. Mr. Phelps said enclosed, so one that was operating that wasn't self serve could be. Mr. Berry said yes. Mr. Phelps said you could have a car wash there like Auto-Bell car washes. Ms. Berry said yes. Mr. Phelps said so if you're talking about traffic or ingress and egress, it would be much more of a problem, right? I'm just trying to understand for me here what he could do with the property now versus what he is requesting. Ms. Berry said as long as the business is conducted in an enclosed building, it would be allowed. Mr. Phelps said so it has to be enclosed. Mr. Griffin said is that by right? Ms. Berry said yes. Someone said can I say something? (Couldn't hear and understand) Chairman Bonessi said we've been beyond that part and we had a sign-up sheet earlier, I'm sorry but. Mr. Phelps said the other question I think that Mr. Dorn I think he said originally ?? about the sign, that that was kind of an optional thing as far as having the changeable display. Mr. Dorn said at the last meeting that was brought up and we gave a diagram of the sign, but I don't have a problem with not having a display on the display as the sign's at my other business on Spartanburg Highway. So if the Board would recommend that I don't have a display, that's no problem, but the guy next door does have a display and has the time – there's one right beside us. (Couldn't hear)

Chairman Bonessi said I ask Mr. Dorn one more question for you. I think I may know the answer to this, but I'm going to ask it. Just from the way you've been and answered the rest of the questions, I mean, you're not, are you set in stone on your trees and shrubbery along the Stoney Mountain section? I mean if there were something better or more, I mean these are all going to be Leland cypress here on the Stoney Mountain side. Mr. Dorn said the Leland cypresses I'm familiar with I have around my property at home and I used to sell them when we had a nursery. They're, if you plant them 5 feet apart, they grow 10 feet in diameter and they go up to 30 feet tall. They're beautiful trees and they're green all year round but whatever you guys tell me to do, within reason, not a 200-foot oak tree or something, then I'll be glad to do it, because I want this place to be just as nice as possible like I told you last time. So you tell me what you want me to do and I'll be glad to do it. Mr. Phelps said the canopy trees are deciduous though, for half a year you're not going to have a screen. Mr. Caldwell said he didn't see any advantage to that. Chairman Bonessi said he didn't know much about trees other than that they grow in my yard. Mr. Caldwell said I can look down through the branches and they don't help me. Chairman Bonessi said if there are no other questions, I would like to go ahead and close the public input section and let's discuss this as a Board on what we feel, how we feel about this situation. Okay? All right.

Chairman Bonessi said what kind of feelings do we have about this. I think Mr. Dorn has shown that he is willing to work and make some adjustments. Mr. Griffin said and he's trying to incorporate the adjustments. Chairman Bonessi said I think, I do feel for the people that are in the area and some concerns that they have as well. Mrs. Pouch said well it is zoned industrial and he certainly has a right to use this property and I think he's according to this thing he sent us, our new ??, he's making truly an honest effort to make to be a good neighbor. And I think the things we have to think about are the back property line, with that right-of-way on the road to make sure that's in there. And I know it's sloping but, you know, we live in the mountains and we don't have flat property, or not much of it. And I think we should address the problem of what size trees and DOT has given him permission to put the his entrance. Chairman Bonessi said yea, there was, I guess, you know there was some concern about this entrance point but it's right next to the entrance point to the Park Ridge Hospital facility as well. Mrs. Pouch said and driving out there, there is there're businesses all up and down this road all round ?? And up this Mountain Road, too. It's looks like a construction company and all kinds of businesses up that road. Mr. Griffin said there was the prison camp. Mrs. Pouch said there were a prison camp and it used to be, well it's not there but the buildings are there. We're talking. Chairman Bonessi said we're in a closed meeting. Mrs. Pouch said but there is, it's certainly not residential anywhere up that road or their neighbors on this side, this side or across the street. Chairman Bonessi said there is, let's see, get straightened out here, I think there is a residence here. Mrs. Pouch said well there, but I'm talking about on 191 really. But very little, I think there's a development up this road back on this side too. Chairman Bonessi said it's essentially surrounded on 3 sides by commercial. Mrs. Pouch said that's what I meant really. Mr. Griffin said I mean we're just operating under the rules the County's given us. Mrs. Pouch said this is ? , you know. Mr. Caldwell said something about technical. The technical merits of this request and this applications and then. Mrs. Pouch said you know the County may change its rules next year or next month but this

is what we have to go on today. Mr. Griffin said right. Chairman Bonessi asked Mr. Phelps what do you think. I know you had some concerns last time. How do you think on this as far as. Mr. Phelps said I feel that Mr. Dorn really made an honest genuine effort to meet most of the concerns heard last time. And looking at the property since and looking at the area??? I don't think we should be concerned with the threat of a suit, it's ?? our decision that counts. (Couldn't hear) I mean I think we could stipulate as best we could to meet most of the concerns. Some of the ones we haven't talked about yet, the lights. I know someone mentioned about the 50 watts, but I walk around at night with a 50 watt bulb 100 feet away that ain't bright. That's not very bright 100, I mean a 50 watt light. The, restricting the time element, it's a secure thing, I don't see a lot of traffic going in and out of there even if it's fully rented. I mean the people are going to go various times and probably not visit, most of the doctors will not visit it every day. That's my impression of it. I think he's made an honest good proposal. Mr. Griffin said and he's willing to not have the flashing sign. Chairman Bonessi well let's try and, it sounds like we're pretty much on board with, you know, this project is ? for this property. Let's take this one step at a time and let's see where some concerns are and where some adjustments can be made and see what kind of conditions we need to be imposing on, on this property and some kind of timeline. I think certain things should have some sort of a timeline to help them. And one thing I'm thinking about is maybe the buffer areas, that we get those started sooner than later. I'm not a hundred percent sure that there's a right time to plant a tree or not, but I would that if we get that. Mr. Griffin said if we start out with a 6-foot tree. Chairman Bonessi we want the buffer to go in and start it, and this way the plants will be able to take root and start growing to help ease some of the issues that might come about. Cause I'm sure this is not going to be put up overnight. At least that would get a good start on some of the neighbors concerns. I mean that was just one thought I had. Cause I did have some, some feelings for what the neighbors are looking at or that they're gonna have to, it's been commercial property and that's the way it is, but we do need to take their feelings into consideration as well and see if we can't minimize any impact that it might have on their. So I mean that's something I'm thinking especially along the backside of the property, I mean, I would like to us getting that buffer started ? on that project. And there was some concerns about the lighting on that back side there. I think that's actually a pretty good idea to see if he can redirect the lighting towards the building and then that way it would, the potential for a negative impact to the neighbors would be minimized, I think if we did that.

Mr. Caldwell asked what's the size of these bulbs, this lighting, what's the wattage. Someone said 50 watt. Mr. Griffin said that pretty low. Mr. Phelps said that's what I said, even at night. Mr. Caldwell directed at ?? Mr. Baker said they call it down light – I thought I should visit to see what we talked about. Chairman Bonessi said we don't need to be talking across the table like that. He's given us that information. Mr. Griffin said already answered the question myself. Mr. Caldwell said the ? might be how high off the. Chairman Bonessi said we need to. Mr. Caldwell said I'm sorry. How high is this light gonna be off the ground level, the buildings are 8 and 1/2 . Mrs. Pouch said it'd be like the picture of the lighting. Chairman Bonessi yea, but I guess here's the problem that if we talk about redirecting the lighting it might, that might need to change because of the proximity to the building. Mr. Phelps said we may be talking about taking ??? (Couldn't hear and understand).

Chairman Bonessi said he had a request for a 5 minute recess. I'm fine with that. Mr. Griffin said he had to check on the kids. Chairman Bonessi that's fine, I understand that, I've got children as well. Let's just take a 5 minute break and we'll go forward with this, so it's 5 minutes to six.

Chairman Bonessi continued with meeting. Let's, I guess we left off with this issue of the lighting. Mr. Griffin said 50 watts. Chairman Bonessi said well, we're talking the 50 watt lighting like they talked about and I brought up the point that was made that it might be a good idea to turn the lights around. I guess what I'm thinking here is we would have to increase the lighting size for them to get adequate light in those areas. (Someone coughed) you're not shining right at your building, you're having to shine across the parking lot and illuminate that area. Mr. Griffin said well that's the position of the poles, move them around maybe. Chairman Bonessi said yea, but by the same token, if you look at the elevation you've got your trees coming in, if we get the trees started early enough it may be a moot point because you've got a 6-foot fence and then you've got trees that are going to be 6 – 8 feet to start with



and then in 3 years you're gonna be at 12 feet. That might be just a ??? It might be more of a trouble and it might not solve any problems, it actually might create other problems.

Chairman Bonessi asked if anybody else has any other things that they were thinking about with respect to this. I mean it looks like the Leland cypress is probably the appropriate tree to use in this. Mr. Caldwell said the only provision in here that hasn't been met is still pending on the soil erosion that needs to be. Chairman Bonessi said right, this is what I was thinking about when we do do this, you know the conditions are that they are going to have to meet, which they've already met the DOT, and we're going to state what we know and but not limit it to that. Anything that would be pertinent. Mr. Caldwell said it's all academic but nevertheless we have the soil erosion still pending. Mr. Griffin said subject to the approval of. Mr. Caldwell said approval of that. Chairman Bonessi said so. Mrs. Pouch said who is that. Mr. Griffin said DENR, that's State. Chairman Bonessi said we have the soil erosion, we've already got DOT. Mr. Caldwell said buffer size and placement. Mrs. Pouch said should we say that they follow these specifications that they've submitted. Chairman Bonessi said well we want to be, we want to have. Mr. Griffin said we got to get out of the right-of-way of Wexford Road. Chairman Bonessi said right. Mrs. Pouch said yes. Mr. Caldwell said Wexford Road or Wexford Drive. Chairman Bonessi said Drive. Mr. Caldwell said Drive. Mrs. Pouch said that's what he said. Mr. Griffin said Wexford Drive. I'm just reading the plat, it says Road.

Chairman Bonessi said okay what about the placement of the fence versus the trees. I mean do we the trees on the other side and the fence on the, I mean. Mr. Caldwell said the top half of the Leland cypress is what always remains aesthetically pleasing. The bottom half is. My rationale is if you put the fence outside you'd have, you know. Mr. Griffin said took care of the bottom. Mr. Caldwell said you'd cure the bottom if you do that. Mr. Griffin said the tree takes care of the top. Mr. Caldwell said I don't think they're very prone, they're not white pines anyway, but by the same time I had a concern about that. Mr. Griffin said I think Leland is the way to go. Mrs. Pouch said would you do them in or out then. Mr. Griffin said well what they were saying is do the tree and then have the fence with the tree on the inside of the fence. Mr. Phelps said why'd they change. Mrs. Pouch said then they'd have immediate blockage from the fence and the tree would go up over. Mr. Griffin said right cause the tree grows ?? Mr. Caldwell said if you're going to use both elements, it makes sense. Mr. Phelps said it'd be more sound deadening ???

Chairman Bonessi said can I, I think, I'm gonna, can I open, I can open, can I open for 2 questions. Ms. Berry said as long as you open it back up and close it right away. Chairman Bonessi said okay. At this time I think I'd like to open our meeting up. I've got a couple questions I want to clarify just because people are going to have to live with this and I want to get their input. It looks like Mr. Naber and Mr. Rogers are the 2 people that most are mostly directly affected by this situation we are discussing right now. Would you prefer trees on the inside or the outside of the fence? Mr. Naber said I don't have any idea about trees. I don't have any background about trees. I would like for the trees that were there to be back there and this wouldn't be much of an issue. And that's a lot of motivation behind why we are persistent with this but of course we can't back that far up. I wish I could tell you, that's not my field of expertise. Some of you may know that better than me. I would rather look at trees than fence. I think most of you would agree. If you're looking out your front window from your living room, you'd rather look at something that looks natural than something that looks like that wall. The other issue that I have is that you have not talked about in your deliberations the elevation of these buildings in relation to my property and you still have an 8-foot 6 building that is going to be higher than a 6-foot fence that is going to be higher than my property. And I would like for the Board to address that. Chairman Bonessi said we're discussing. Mr. Naber said well I hadn't heard that. The surveyor mentioned that the buildings were going to be lowered, but that's all he stated is that the buildings were going to be lowered to take that into consideration. I'd like the Board to bring that up and I'd like for the Board to explain what type of trees these are before we can make an educated opin- you know, what are we going to be looking at. I don't know what a Leland cypress is. You got pictures, you got something, you know, can you give me an example of where they are in our neighborhood. How far off the road? Is it going to be right at the edge of the road?

Chairman Bonessi said we're getting some input right now. I mean, right, okay, thank you, is Mr. Rogers still available? Mr. Rogers said I would have to concur with Mr. Naber about if I were to be seeing something I would rather see a tree but is it possible that be, I assume from these trees, I don't know one tree from another, is it possible that if they're not growing on the bottom part of this, they might be able to put some shrubbery in between to at least finish the hiding of the wall or put them closer together where put in a different tree that possibly grows, you know, I don't know. Mr. Griffin said I reason wanting to maybe put the wall up first and then the fence is to hide the bottom part of it. That was just the thinking behind that. You got the wall and then you got the tree and that hides the bottom ? then you got the wall and the tree behind it. We're trying to help you. Mr. Rogers said, no no and I appreciate that definitely. I'm just saying from you're looking at something if you're trying to keep the appearance of having a property that people will enjoy looking at, they really don't want to see that block wall out there with trees above it, they would want to see something covering that block wall to get more aesthetically appealing. I don't know if I'm coming across the right way on this or not, you know, that way if there were something to where, you know, you look out there and you go oh, okay trees and I, yeah I guess there's something else on the other side. I guess like you said, if you folks are going through with this, is, if it's possible, I know I'm asking a lot, these are just suggestions, but if that retaining wall that they're talking about putting up between us, is it possible to make it a little bit higher, only to help with the noise of any vehicles driving by because that's where the cars are driving by. It's going to be right next to that. Mr. Griffin said how much higher do you propose? Mr. Rogers said if they look to where something like Mr. Naber, I guess what he was also addressing, is his house is here, the road's here, where they want to put the fence is here and then the building is going to rise up here. So my his slope goes that way, my slope goes this way, so if they're going to drop the elevation enough, if they can do that, to where maybe only you see, you know, a foot or 2 of this building and then the trees are hiding the rest of it, of course, that would be ideal. But in order to have possibly an 8-foot, 8-foot retaining wall, there would be up enough to where it would cover that, cover looking at that. The light issue that I was talking about, he's referring from the edge, he's moved his 2 buildings now, okay. So if you go let's say with 2 risers up with 2 lights shooting down at the 2 buildings edges, that' s the area that he's trying to effectively cover, so the amount of space he's talking from the brick wall to the edge of his building, I don't know how many feet that is, but it's not as much feet as you would think. And the other concern was in mentioning 50 watts, I don't know if he's talking about high pressure sodium or the 50 watts actual usage just like with these fluorescents – 50 watts of usage will put out 175 watts of luminescence and that's what really we should be addressing is the luminescence of that. And of course the last thing was just at least, if nothing else, if you're going to put 24 hour, which I wish I could be at least limited somewhat is if the hours of operation of the sign to maybe 9 or 10 o'clock at night so that way I don't have to put aluminum fold-up in my kid's room and my bedroom, so, because it's a straight shot now. That was it ? the trees. Chairman Bonessi said thank you. Mr. Rogers said thank you.

Chairman Bonessi said Mr. Dorn do you have any, I guess I got 2 questions for you, too. Do you have anybody that can speak to the tree thing, maybe give us a little more understandings on that and what the things will look like a year from now and maybe also the lighting. Maybe the lighting issue, you've heard what we were talking about, about redirecting the lighting, I mean ? need for that. I don't to tie you to something that's not realistic, but I also want to take them into consideration. Mr. Dorn said the Leland cypresses stay low to the ground, they're kind of like a Christmas tree but they're fuller. They're between cross between like a spruce and a hemlock, you know what those are. People make hedges that stay all the way to the ground. That's what they're designed to do is for a full complete hedge. So the fence won't be shown if the Leland's there. It's gonna continue to grow tall but it's gonna spread out thick and stay to the ground. So that would, you know, that would cover the fence. And you asked about the lighting issue. Chairman Bonessi said yea, I mean you heard what we were talking about ??, certainly sympathetic to both sides. I don't want to put an unrealistic expectation on either side. Mr. Dorn said well they are 50 watt, they are like an orange light, high pressure sodium, that shines straight down to the ground. If we go with pole lighting, which I don't have a problem with that either, on that top section you would place the poles back on the outside of the fence and would shine it over down the aisle ways in the facility. But it would have to be more than 50 watt to cover down through there. It would be like the square lights that Duke Power puts up, but shining down into the facility. Chairman Bonessi said do we know what, I mean, and I know you're probably not prepared

for that question, but do you know what that would, what that would take to do that if you were to turn the lights around and what you would need to illuminate your building appropriately in the opposite direction. Mr. Dorn said well I've had these pole lighting before, they're like fifteen hundred watt floods that you call them. But they're square and they shine down into the driveways. But you see those at some car lots and you see those at some storage facilities, I mean, you see them at different businesses all over. But it shines into a direct area. I don't have a challenge at all with that. That would keep the light from going toward the subdivision that you're talking about it at all even though the light would be shining down, it's not gonna be very much light either. Mr. Caldwell said can I ask a question ??? you've had more experience in that sort of thing than most of us do, would you think that within itself irregardless of being more ? intrusive around the neighborhood than to have a big down lights that you're talking about down there. Mr. Dorn said from what every all the comments I've heard I think they'd feel more comfortable with it. Mr. Rogers said if you could lower the height of the building, where you can't see the building, lighting does not is not an issue. The buildings are concealed by the fence and Leland cypress. (Everybody talked at once.) Mr. Dorn said and I'll give you another option. And I don't want to get back into a whole lot of, but I don't have, I'm not opposed to taking an 8-foot wood fence across the top. You know we're still gonna have the Leland's, I mean it's more expensive, but, you, know, I'm not here to make all these waves. I try to get along ??? whatever. But you know, an 8-foot privacy fence and the Lelands'll be very, you know these Leland's grow about 3 feet a year. (Everybody talked at once.) Mr. Griffin said I got some at my house and they do. They're up at the house pretty fast. Mr. Dorn said they're beautiful trees. Mr. Caldwell said they're the choice of the landscape architect. Mr. Dorn said everybody uses Leland cypresses in this area for.

Chairman Bonessi said yea, I think so. All right. At this time I'd like to close the session again. I appreciate the input from both sides. Mr. Griffin said so do we decide now to approve it or ??? Chairman Bonessi said we're still up on the conditions. Mr. Griffin said put conditions on it or what. Chairman Bonessi said we can't approve it until we come up with conditions. Mr. Griffin said what I'm saying is do you make the decision on which way to go and then do the decisions or how do you do it. Chairman Bonessi said I mean I think we've kinda settled that earlier. I think we agreed that, I mean. Mrs. Pouch said we read this and then we put the. (Everybody talked at once.) Chairman Bonessi said let's make sure we comment our conditions before we go ahead and do the ? Let's make sure we have the right things. I think we've covered. So, I guess, from what I'm hearing that, you know, we got this elevation drawing of the buildings. If we maintain this elevation drawing as is depicted here with the first floor elevations on that building #8 being 1998 feet, it looks like the highest portion of that property, the way I'm reading this is about 2000 feet. And we went ahead and put an 8-foot fence up there with trees that the lighting bill wouldn't be an issue because your fence would be currently, even before the trees grow up, would be about the same elevation as the building. Mr. Griffin said but do we put the fence and the trees or the trees and the fence. Mrs. Pouch said I think they wanted. Chairman Bonessi said from what I'm hearing they want the trees on their side and, yea, and that could actually could potentially help with noise abatement as well, with the higher fence. Because you're eliminating some of that directivity. Mr. Griffin said so you got an 8-foot that's trees and then the 8-foot fence. Chairman Bonessi said well from his side it would be the fence then the trees. Mr. Griffin said from the neighbors side it would be the trees, then the fence. From the applicants side it's the fence then the trees. Okay.

Chairman Bonessi said then the lighting that he suggested wouldn't be an issue. The initial lighting. We did that. Mr. Griffin said well he didn't initially, there was no pole lighting. Chairman Bonessi said no, that was, yea, that was just a suggestion they were concerned about that lighting. Mr. Phelps said with that fence the lights are going to be down here and you're not going. Maybe if the poles were down ?? Mr. Griffin said no poles, right? Mr. Phelps said no.

Chairman Bonessi said no, then I guess the other big question that we've really not discussed it, it was brought up there but one thing we've not discussed was the sign. Mrs. Pouch said can I ask Natalie a question? What, I've forgotten what size the sign's gonna be. I should know that by now. Mr. Phelps said 11-feet 3-inches high was the sign. Mr. Griffin said 11 – 3. Mr. Caldwell said 11 – 3. Mr. Phelps said that's what they said last time. Mrs. Pouch said but I mean it complies with. Ms. Berry said yea, we actually don't have a sign ordinance or anything in that

district. Mrs. Pouch said oh in that district. I thought we did all of them. Ms. Berry said we did in some districts and we don't in others. Mrs. Pouch said we did where the church was. Ms. Berry said right. Mr. Griffin said but Natalie this sign meets regulations. Ms. Berry said yes it does. Mr. Phelps said there's already a sign out there. ?? has this ?? and somebody else already has one. Someone said can I make a comment? Ms. Berry said the hearing is closed.

Chairman Bonessi said if we think it's beneficial that both parties can agree on something, I'm willing to open it back up if we can come to a mutual consensus on this issue, I'm more than glad to. Attorney Manheimer said are we open? Chairman Bonessi said we are open. Attorney said we had a little mini negotiation and we have agreed to drop the elevation of building #8 two feet down, which requires us to put in a little retaining wall back there and if you could just reduce that fence height to 6, because the neighbors don't like 8, too big. But then that way we've adjusted our building height. Chairman Bonessi said so we're saying that according to your grading and storm water plan. Attorney Manheimer said yea, just building 8 cause the next one is already 2 feet lower. So it'll be the same elevation as building 7. Mr. Dorn said building 7 and 8 will be the same. Chairman Bonessi said 1996 feet above ?? Mr. Griffin designed by committee. Chairman Bonessi said okay, so we're doing away with the 8-foot fence. We're gonna have a 6-foot fence. Mr. Baker said now what do we do with the fence? Do we just use a chain link fence in there? Attorney Beeker? said no, no, no, it's the same privacy fence (everybody spoke at once). Chairman Bonessi said okay, that's fine. Mr. Griffin said back to close. Chairman Bonessi said yea. Mr. Griffin said we're at 6-foot. Chairman Bonessi said we'll go ahead and close the meeting again we're gonna say that the #8 building first floor elevation is going to be 1996 feet. Okay. I guess ??? the next concern and it's to me a legitimate concern, is around our side edge and stuff. (Speaking from the floor – couldn't hear) Mr. Naber said just open it back up. Chairman Bonessi said well we closed it again. You know I hate to go ahead and like say with the signage thing it's always a touchy issue and I personally am not a huge fan of them but it's also a business owner need them as well. It's a necessary thing. I don't really have a problem with limiting the hours that it's illuminated though. Mr. Griffin said what do you propose? Attorney Manheimer said we're having a mini sign negotiation. Chairman Bonessi said we'll talk about some signs and stuff like that. I mean I don't have a problem I mean because there is. Mr. Griffin said put the timer on. Chairman Bonessi said yea, putting, turning it off at 10 o'clock at night. Ms. Berry said before the Commissioners had ruled on the Blue Ridge Tech sign to go out at 11 at night because it was residential. Mr. Phelps said so 11. I think 10 is too early. Chairman Bonessi said that was just a number I put out there. (Everybody spoke at once) Mr. Griffin said what time does it come on in the morning. Six? Ms. Berry said sun-up. Chairman Bonessi said you could put a photocell on it so when the sun. Mr. Griffin said well but that won't work at night. Chairman Bonessi said put a timer on it at night. (Interference on the tape) Chairman Bonessi said we do crazy things. We turn the lights out in the office, we install things in every office and if it doesn't sense body heat or motion, it's off. Mr. Griffin said sit still. Chairman Bonessi said it's gotta have body heat. Mrs. Pouch said I couldn't turn a light on tonight cause I'm freezing. Chairman Bonessi said when you're electric bill is 15 thousand 15 million a year. Mr. Phelps said why don't we just have the hours proposed from 6 am to 11 pm. That's easy enough. Chairman Bonessi said well, yea, my plan, I mean what I have in mind with all of this is, you know, there are necessary permits, required permits. I don't want to limit it to what we say just in case we miss one. So I basically wanted to say we wanted to include all permits must be required including but not limited to the following, so that we don't tie ourselves in and make an oversight that could effect. Mr. Griffin said if we make an error, the law supersedes us anyway. Mr. Phelps said the sign's gonna be so far away from a residential area, it may not be a problem anyway. It's down on 191, not up there. Mrs. Pouch said an there are other signs (Tape reversed) Chairman Bonessi said I think 11's good. I mean I think that's a good ?? Mr. Griffin said 11 pm and 6 am. Chairman Bonessi said all right. What else we got – anything else? Yea we're gonna include all necessary permits and everything. Okay. I think at this time we've reached a point to where we need a motion to be made and Ann do you want to handle it or do you want Eric to handle it. Mrs. Pouch said do you want me to read it? I'll read it. Do I is it the last page do we start there? Ms. Berry said yea. Mrs. Pouch do I need to put that number in.

Mrs. Pouch said with regard to the application of Mr. and Mrs. Dorn for Case number CU-06-06 for a conditional use permit authorizing the operation of a storage facility on the property in question, I move the Board to make the following finding of facts: the proposed use will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use; and the proposed use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood. Accordingly, I further move the Board to grant the requested Conditional Use Permit with and only to the extent represented in the application and with the following conditions. Chairman Bonessi said this is where we get we gotta have all our. Let's get our conditions, I want to get the conditions in. Ms. Berry said ??? got all of them. Mrs. Pouch said the conditional use first page. Ms. Berry said 6 items. Mrs. Pouch said the following are provisions that the Board should address or consider prior to giving this Conditional Use Permit and we're addressing them now. The satisfactory ingress and egress to the property. Chairman Bonessi said the DOT has approved. Mr. Griffin said DOT approved. Mrs. Pouch said that's been approved. Provisions of off-street parking and loading areas (if required). That's been addressed in the application. Utilities. Are we talking about the lighting? Ms. Berry said well any kind of utility and in this case he's going to connect to Cane Creek Sewer so that would be a condition that he ??? That would be a condition that you could put on his. Mr. Griffin said ????? Mrs. Pouch said the connection of public utilities, public sewer and water. The fourth is buffering. Chairman Bonessi said okay this is where we need our details. Mrs. Pouch said yes, that on the back section of the property on Wexford, is it road or drive. Mr. Griffin said drive. Mrs. Pouch said that there will be a 6-foot wood privacy fence with Leland pines planted. Mr. Griffin said not pines. Mrs. Pouch said oh Leland cypress, scuse me, scuse me, planted on the outside facing the neighbors of the fence. Mr. Griffin said now do we have to mention that route again. Mrs. Pouch said and also that this will not be on the right-of-way of that back corner of the property which I need to. Mr. Griffin said Wexford. Mrs. Pouch said Wexford Drive. Mr. Phelps said I think the trees are supposed to be 6 – 8 feet. Mrs. Pouch said right here, yea, I know where it is. I just didn't know how to say that. Chairman Bonessi said well the minimum height I would think will be 6 feet. Mrs. Pouch said and the Leland cypress will be 6 feet minimum tall spaced 5 feet apart. Open space, landscaping. Ms. Berry said he's addressed a lot of that in the watershed. Mrs. Pouch said with the watershed, with his application. Building and structures with reference to location, size and use. Which we have addressed too in his application that he's. Mr. Griffin said one of them's dropping down. Mrs. Pouch said oh no except for the rear building, wait a minute. Ms. Berry said dropping 2 feet. Mrs. Pouch said the rear building, building number what? Mr. Griffin said eight. Mrs. Pouch said building number 8 will be dropped 2 feet in height to elevation 1996 feet. Ms. Berry said the building's still gonna be 8 feet high. Mrs. Pouch said yea, but that's the elevation. Chairman Bonessi said can be no higher. Let's state it Joyce that it can be not to exceed 1996 feet, well the first floor elevation cannot exceed 1996 feet. If they want to take it down, I don't think that would hurt anybody's feelings. Ms. Berry said you might want to say ??? Mr. Phelps said that's the first floor though. Ms. Berry said they drop number 1 building. Chairman Bonessi said it's a single story building. Mrs. Pouch said well that's on this, is it then on here. But that's in his application so we don't do we do that. Chairman Bonessi said well I would like to we've got some other things, I think conditions don't we. Mrs. Pouch said okay, are there any other additional conditions that. Chairman Bonessi said yea, we've discussed I think the first thing we discussed was getting that buffer strip planted first, the rear buffer strip. Mr. Griffin said can you do that? You're in construction, I mean machinery has to move around in there. Mrs. Pouch said oh on the back of the property. Chairman Bonessi said on the back of the property, I mean they're not, that's the only amount I'm concerned about so that we get a good point, it's a small strip so that these can take away and help buffer some stuff and get some growth going I mean. Mr. Griffin said on the back line. Chairman Bonessi said on the back line. Mrs. Pouch said that the property facing Wexford Drive be planted first. Mr. Phelps said as soon as practical. Mrs. Pouch said they don't have to put up the fence, just planted. Mr. Phelps said possible versus practical. Ms. Berry said I would say once construction starts maybe then ????? that way something that I can. Mr. Phelps said within the first ninety days. Chairman Bonessi said I think they get into a window where they can't plant at certain times. Mr. Phelps said let's say within the first hundred days they begin construction. Mr. Griffin said I don't know you want to plant ?? in January. Mr. Caldwell said no, no, thirty to sixty days. Mr. Phelps said I'm thinking the fall is a good time to plant otherwise you need to wait till spring. Chairman Bonessi said see that's why I don't want to get into a situation where they're having to get this, I don't want them to get the last thing. Say 30 days. Ms. Berry said you say 30 days without extenuating circumstances that may keep him from – I mean there's

always extenuating circumstances. Chairman Bonessi said I'm fine with 30 days without extenuating circumstances. I mean it's just to get a jump start on some stuff there. So I'm fine with that. We need to add our sign hours into the. Mrs. Pouch said we'd like for the sign to be lit from the hours of 6 am till 11 pm. Chairman Bonessi said no longer than that. Chairman Bonessi said that and all local, federal, state laws, regulations and permits must be in place before a CO is granted. That should cover all bases. Mrs. Pouch said any other, do you have any other. Mr. Phelps said I want to stay with this tree thing. (Couldn't hear) the trees in January. Mr. Caldwell said the you can put the trees in January. Chairman Bonessi said the trees can be. Well the way I see it, they probably have got some grading to do, to get done, but I mean that's not construction, they've been grading away now. I don't see any why they couldn't. Mr. Phelps said (couldn't understand). Ms. Berry said one other issue I just thought of is he's got a driveway on Mountain Road right now. Should it be closed off immediately or can he use that during construction (couldn't understand). Mr. Phelps said what's the address in this motion, I don't understand, I mean this is going to be closed off, you're just talking about the timing? Mr. Griffin said do you use it till you get the CO? Ms. Berry said she just wants to make sure it doesn't become a permanent access. Chairman Bonessi said the site plan doesn't have it, it gotta be, in order for them to get their CO and everything they have to meet their site plan. They have to have it closed off. So, I mean that's the way I look at that. Ms. Berry said so it's okay to use during construction? Mrs. Karpowski said something about the building number 8 to put that in the findings when you mention that all of the 7 things that have to be met. Do you want that as a condition? Chairman Bonessi said it's very much so a condition. Mrs. Karpowski said it's a condition and also the same with the planting of the buffer is a condition. Chairman Bonessi said it's a condition, yes ma'am. Mrs. Pouch said Joyce they plant the trees with ??? Mr. Griffin said how do we get around that? Mrs. Pouch said yes, I have a concern about the trees too, can we say it's just the appropriate planting time or is that too weak or? Mr. Caldwell said what do mean for Leland cypress? Mrs. Pouch said yea. I mean. Don't matter. Mr. Caldwell said they plant them anytime except the dead of winter. Chairman Bonessi said that would be the extenuating circumstances. In the dead of winter, you can't, I mean I think we're covered there. Mr. Griffin okay, I just had an idea but I can't, well, you can say exclude certain months, but you know. Chairman Bonessi said that would be an extenuating circumstance. I'm fine with that, I'm fine with extenuating circumstances. Mr. Griffin said did we get the deed? thing in there? Chairman Bonessi said that's local, state, and federal. Mr. Griffin said okay. Chairman Bonessi said, I mean, I just want to cover all bases. I hope we don't have to worry about any international things. Joyce do we have under conditional, we have the setback from Wexford Road. That's a condition, maintaining that setback. Because the site plan that we have now. Mrs. Karpowski said you said that it was on Wexford Drive you need a 6-foot privacy fence with the Leland cypress planted 6 foot high spaced 5-foot apart and they are planted on the outside of the fence facing the neighbors, not on the right-of-way. Chairman Bonessi said out of any right-of-ways. That's conditional, right. Mrs. Karpowski said that's conditional. Chairman Bonessi said okay, we have our sign, we have all local, state, and federal rules and regulations. Conditional to water and sewer connection. Mrs. Karpowski said you're talking about conditions – with the water and sewer. Chairman Bonessi said yes. And I guess we need to go ahead, just to make sure we're covered, is on the brick facings on the buildings at the roads, cause that's what they talked about. Mr. Griffin said the facades brick. Chairman Bonessi said brick facades. Mr. Caldwell said part of his submitted plan. Chairman Bonessi said I just want to make sure the plan actually shows it. Mrs. Pouch said it says so here. Chairman Bonessi said okay, yup. Mrs. Pouch said he has all that written in there. Chairman Bonessi said we just need to make sure that that's in there. I just don't want to overlook anything. Mrs. Pouch said he has to ?? Chairman Bonessi said anybody have anything else? Joyce, do you have everything you need up until this point? Mrs. Karpowski said I think so, now do you want the ??? Chairman Bonessi said as depicted in. Mrs. Pouch said in his plan. Mrs. Karpowski well is it ?? Chairman Bonessi said as depicted in this letter of August 10, 2006 to Natalie Berry from Dennis Dorn.

Attorney Beeker asked Mr. Chairman, I know you're closed, but are they going to have the revised site plan within 20 days showing the corrections. If Natalie can make sure it complies.

Chairman Bonessi said I'm fine with that, I don't have a problem with that. Mr. Griffin said revised site plan. Chairman Bonessi that'll give them a certain time period to submit a revised site plan meeting all the criteria and

conditions that we, I'm perfectly fine with that. Mr. Griffin said how long do you think, 45? Chairman Bonessi said well, we need to give them a reasonable time to do that. Mrs. Pouch said what are we doing now? Chairman Bonessi said we're giving them time to submit a revised, corrected site plan as we discussed to Natalie. Mrs. Pouch said you mean to the property owners. Ms. Berry said bring it back? Chairman Bonessi said we're giving the condition that they have to show you a site plan that shows that they have addressed all the conditions in order to move forward. Ms. Berry said that's fine. I just wanted to make sure that I understood that was what I was hearing. Chairman Bonessi said I don't think 30 days would be unreasonable. Mr. Griffin said is that enough time? Chairman Bonessi said 30 days is. Mr. Baker said that's for Natalie's review? Mr. Griffin said have it through in 30 days. Chairman Bonessi said it doesn't look like that much work to me. So. Did you get that? Okay. Are we good? Mrs. Pouch said we're good. Chairman Bonessi said think we're good. Mrs. Pouch said okay. Mr. Griffin seconded the motion.

Chairman Bonessi said all in favor raise your hand. All members raised their hands. Chairman Bonessi said congratulations Mr. Dorn, your permit has been approved. Attorney Manheimer said thank you. Chairman Bonessi said I hope we tried to take everybody's input and come up with a workable solution.

Chairman Bonessi said we're back to our agenda of new business, old business. He said the first thing we have is the Carriage Park thing. Ms. Berry asked Mr. Goodman if he could attend The September meeting and Mr. Goodman said he would check and get back to her. Mrs. Pouch asked if they could drive out and look at the property. Ms. Berry said if they do it, they all need to do it, so one member doesn't have information the others don't have. Ms. Berry said she would let the gate house at Carriage Park know that the members were coming and leave their names with the guard. The Board discussed this. Ms. Berry said that the Board members should not discuss the application with anyone in Carriage Park. Ms. Berry described where the property was.

The Board discussed what would happen if the case today went to court. Ms. Berry said she had spoken to the neighbors about working with the applicant before the meeting.

COMMITTEE AND STAFF REPORTS: None

OLD BUSINESS: None

NEW BUSINESS: None

There being no further business, Chairman Bonessi adjourned the meeting at 7:45 PM. The next meeting is Wednesday, September 27, 2006, at 4 PM.

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Dean Bonessi, Vice Chairman

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Joyce Karpowski, Secretary