

**TOWN OF UNIONVILLE
MINUTES OF PUBLIC HEARING**

The public hearing to hear comments regarding ZC-07-02, a request for a conditional use permit and to rezone a portion of property located at the corner of Lawyers Road and Unionville-Brief Road, parcel number 08-162-012A, for a Class 2, mini-warehouse storage facility was held Monday, October 20, 2008 at 7:00 p.m. in Town Hall, 1102 Unionville Church Road, Monroe, NC. Mayor Simpson and all Commissioners were present. Town Attorney Ken Helms was also present.

Mayor Simpson called the public hearing to order, and Clerk Sonya Gaddy administered oaths to Mark Kiser, Luis Oropesa and Land Use Administrator Nadine Bennett.

Mayor Simpson recognized resident Mark Kiser. He stated that he was trying to figure out how we got back to this point. Attorney Ken Helms stated that an order from a superior court judge said errors were made in the procedure in the way the first hearing was conducted, including findings of fact missing and the adoption of a statement of reasonableness. In other words, the Town didn't strictly comply with procedures set out by the North Carolina general statutes. The Town was ordered to have a rehearing, and there will be a re-vote afterwards. Mr. Kiser asked if these procedures could have affected the outcome of the vote. Mr. Helms stated that the vote could be different this time from the previous vote. Mr. Kiser asked if there was anything that the judge sent back that could affect how someone would vote? Mr. Helms stated that there is no legal reason they could vote no. Mr. Kiser asked if there is anything in this proposal different from before. Mr. Helms stated it is the same petition. Luis Oropesa stated that nothing's changed in the petition. Mr. Kiser confirmed that we're going through this again because the way we went about it before was incorrect. Ms. Bennett stated that all objections should be addressed again. Mr. Helms stated that this is a two-step process. First a rezoning will be voted on and then a conditional use permit will be voted on. This is a quasi-judicial hearing; therefore, the Board must make a decision on what it hears tonight. Mr. Kiser stated that it's simple. This is a residential community, and there are more houses nearby since the earlier meeting. He is concerned about the noise the mini-warehouse would generate. You could code cars that can't get in after a certain time. Hypothetically, things may start out fine, and the operation times get changed—is there any police in Town of Unionville if the rules are not followed? Ms. Bennett stated that the responsibility would fall on the neighbors to report to the zoning administration, and Centralina COG would then investigate. Mr. Kiser stated that the reason they were turned down before is that Town of Unionville has designated areas for commercial and retail to be used and these places have not been used yet. We should go by the rules established by Town of Unionville and let them get filled up before sporadically going to places like this. Nothing has changed there. A new home has been built across the street, and he's sure they were under the assumption that it was a dead point. Council should vote against it even if they voted for it before, since there is another house in the area.

Attorney Helms advised the Board to give an opportunity for anyone to ask questions. Mr. Oropesa asked if Mr. Kiser protested Mr. Keziah's petition for pesticide storage. Mr. Kiser said he wished he had told Mr. Keziah no to set a precedence, but he was trying to be neighborly, and now it's going another step forward. It was a mistake on his part for not fighting Mr. Keziah's petition. Mr. Oropesa stated that he (Mr. Keziah) was putting in a 6,000 square-foot building with a cul-de-sac and vegetative screening. Mr. Kiser said the neighbors were trying not to abut the system, and made a grave mistake by letting him do it.

Mayor Simpson recused himself from the meeting, and turned it over to Mayor Pro-Tem Randy Baucom. Mr. Baucom asked if there were others who would like to speak. Cara Tarlton, Tim Keziah, John Fagala and Kathy Oropesa signed in and took their oaths.

Mayor Pro-Tem Baucom recognized Luis Oropesa. Mr. Oropesa asked to speak last. Mr. Helms recommended that everyone who is against this petition should speak first.

Mayor Pro-Tem Baucom called Cara Tarlton. Mrs. Tarlton stated that she owns the new home across the street from this parcel. She would prefer for this not to pass. She was under the assumption that if it were denied previously it would not be brought back up. She does not want to worry about commercial property, and doesn't want to have the responsibility of patrolling the neighbors' mini-warehouse. She has enough to do; she's a nurse and knows that sometimes people operate small businesses out of storage units. Teenagers practice musical instruments and some are doing unnecessary things like drugs; whatever can take place in these storage buildings does. You may have rules and regulations, but she's heard stories of what takes place in these buildings. She has enough to worry about in her personal life; she has a two-year-old son, and the last thing she wants is for him to see tons of cars and traffic coming in and out. She doesn't want him to be exposed to more traffic. It is an increased risk for other things going on in these storage buildings.

Resident Tim Keziah declined to speak.

Resident John Fagala stated that nothing has changed since this application was turned down the last time. Everything was made clear the last time. Nothing has changed. The Town spoke and the neighbors spoke. They don't care what we think as citizens since they brought it back up. The Council should consider it a dead issue and turn it down again. Town Attorney Ken Helms stated that if anyone has evidence to present, they should go ahead and do that, since this is a rehearing. Mr. Fagala stated that the traffic problem is the same; nothing has changed since three to four months ago.

Applicant Luis Oropesa stated that he had been here before and heard what everyone said. He cares what others feel, and he respects Mr. Kiser and the other neighbors. There was no one here to say anything against pesticides being stored on the property. Mrs. Tarlton should have known that this was in court; her father is the Mayor of the Town. Eighteen months ago, he had an impact study conducted to show if there would be any damage to anyone's property. Another study said there would be no significant damage to any houses. He is a man of his word. He investigated the Union County 911 calls to all storage facilities in Union County. There were a couple of burglaries, but everything else happened outside the facility. There was, however, an increase of burglaries at Union County mini-warehouses to 24, therefore, because of that, he would like to withdraw his application.

There being no one else to speak, Mayor Pro-Tem Baucom declared the public hearing adjourned.

Respectfully submitted,

Sonya W. Gaddy
Clerk

Approved as to form:

R. Kenneth Helms, Jr., Town Attorney