

**BOARD OF APPEARANCE
Minutes**

May 9, 2023

BOARD MEMBERS PRESENT: Chair Larry Wilund, Board Members Jeremy Addy, Bob Britts, Ian MacLean and Wayne Rogers were present. Carlton “Cocky” Oswald was absent. The meeting was held at Town Hall in the Council Chambers at 5:30 p.m.

Others in attendance were Director of Planning, Building and Technology John Hanson, Assistant Zoning Administrator Jessica Lybrand, Digital Media Coordinator Michael Tolbert and Municipal Clerk Becky Hildebrand.

Three (3) citizens were present and no members of the news media were present.

Chair Wilund read an introduction to the Board of Appearance meeting and called the meeting to order at 5:32 p.m.

ADDITIONS/DELETIONS: None.

APPROVAL OF MINUTES: A motion was made by Board Member Rogers and seconded by Board Member MacLean to approve the minutes from the Board of Appearance meeting held on April 11, 2023 as submitted. The motion was unanimously carried by all those present.

NEW BUSINESS

1. **2023-1(A) Review of a Proposal from 803 Storage Lexington to Renovate 748 Main Street:** Director Hanson presented the item and commented that this project is unique and not like others that the Board has reviewed. This is a repurposing of an existing building, the former K-Mart store. He added that it was originally a one parcel shopping center. Mr. Hanson stated that the owner went to the Planning Commission several months ago and got approval to subdivide it into three or four parcels. The building was sold off as one parcel and the owner (applicant) now wants to repurpose it into a storage facility. There are still existing tenants in the left side if you are facing the road. Mr. Hanson directed the Board to their civil drawings of which they will address that one piece. He added that it is now a new piece of property and a new use so it has to be brought into current standards which has some limitations when dealing with an existing building. Mr. Hanson stated that some of his comments will be zoning related concerns from the Staff Committee. The committee reviewed a previous submission and they found that this submission was better, but the Board may wish to tweak their recommendations to make it a better project.

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Background: Hao-Ming Chen, Chao and Associates, Inc, submitted a proposal to renovate the old K-Mart Shopping Center at 748 West Main Street and repurpose the building to a climate-controlled storage business. This project is a change of use and must be brought into compliance with all current regulations. The Staff Appearance Committee reviewed the project and provided the following comments for the Board’s consideration.

Section SG1 states to *“Design new development to be compatible with the general physical character of adjacent neighborhoods. Protect and respond to the positive elements of the existing community fabric by including significant buildings, pedestrian routes and amenities and public facilities in the design by keeping the existing building height orientation and architectural styles of the community.”* This project will be centrally located along West Main Street. It utilizes warm muted colors and adds some brick to the front facade. The Staff Committee felt that additional brick enhancements and changes to the roof line would improve the overall appearance of the building. Concerns were also expressed about the ability to maintain the painting particularly on the metal awnings that are currently blue. Mr. Hanson stated that a local gas station had painted a standing seam roof and now the green is coming through.

Section SG15 states to *“Enclose all utility equipment within buildings or screen it from both the public streets and other public areas. This equipment includes utility boxes, garbage and recycling container storage and rooftop mechanical equipment”*. The Staff Committee expressed concerns about the lack of screening of the numerous rooftop mechanical units.

Section SG17 states to *“Design garbage enclosures that are external to the building with the same materials as the building and ensure that all height is sufficient to completely conceal garbage dumpsters”*. During discussions with the applicant he said there would be no dumpster on the site. This conflicts with the Town ordinance meaning that a dumpster will be required. An approved garbage enclosure with the appropriate drainage and filtering will be needed. Mr. Hanson added that Staff does not have any information on an enclosed garbage enclosure. He stated that the current tenants have a dumpster, but no enclosure, therefore it needs to be rectified.

Chapter 4 of the Town’s Appearance Manual addresses landscaping and site design. This Chapter recommends:

- Landscape features to emphasize the public streets and enhance the streetscape.
- Landscaping that is of a scope and size that is in proportion to the scale of the development.
- Landscaping the area in front of blank walls that face public streets or other public areas.

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The submitted landscape plan needs some minor adjustments to meet the Town's landscape requirements. Mr. Hanson stated that he would give the Board a document showing some of the tweaks which will help the overall look of the building. At the time of this submittal, the Staff Committee did not have all the landscape information. Additionally, the Staff Committee was concerned about the proposal to add crush and run to the back of the property. This appears to be intended to enhance the buffer along the rear while still maintaining an emergency access to the rear of the building. The Staff Committee did not have a solution but felt that there may be a better way to accomplish this. Mr. Hanson gave the Town parking lots on Church Street as an example which is a pervious surface with grass on it which they might consider.

Chapter 6 of the Town's Appearance Manual addresses sign related items. Signage is permitted under a separate permit. The elevation shows signage for this business only. There are additional tenants on this property that already utilize the sign allotment for the parcel. A variance will be needed to add the additional signage. Mr. Hanson stated that he had also talked to one of the current tenants who wants to add truck rentals, which seems reasonable for a storage facility, but where would they park them because this particular site plan has limited parking along the front. He added that storage facilities have a very small parking requirement (one space per 40 units) because people are not going there and staying, they go there and get their stuff and leave. Staff recommended to the truck rental company that they use the back portion of the building, but that is a landlord tenant issue to be worked out. Mr. Hanson stated that because you have multiple uses in the building, he does not know how much space is currently dedicated to the other tenants, therefore it cannot be determined if parking shown on the plan is adequate. Mr. Hanson wished to address a couple of old 1970's style parking lot light poles on this portion of the parcel and he was not sure if they are still necessary and maybe they can just be removed. He added that today those light poles would not be authorized.

Mr. Hanson presented a new document from the applicant's landscaper. He added that the Town's authority on landscaping could not be present tonight, but he assumed the applicant was in agreement with the changes. (Document attached.)

The Board was asked to review the proposal to determine whether it meets the Town's appearance standards.

Chair Wilund called on the applicant.

Mr. Richard Hendley, 146 Golden Jubilee Road, Gilbert, SC, partner and currently manager, presented an updated site plan. (Copy attached.) He introduced **Mr. Mark Murphy**, 95 Ledgeside Lane, Plymouth, NH, partner and principal developer for 803 Storage Lexington, LLC. Mr. Hendley stated that they took the Staff's notes and tried to address each item as presented by Mr. Hanson with the new elevations and elements added to the building. He added that each item is marked in red. Mr. Hendley addressed each item as follows:

SG1 – Mr. Hendley stated that they added brick elements to the peak on the strip center section of the building, removed the red awning, added more brick for a variation of the roof line and added brick to the office which was the old garden center for Kmart. Mr. Hendley stated that on the civil drawing they added a CMU (Concrete Masonry Unit) trash enclosure, with a drain, to the back of the building where the Enterprise wash basin is currently located. He did not yet have a drawing of it, but could provide it later.

Chair Wilund asked the applicant to verify on the drawing exactly where the trash enclosure would be located and what material would be behind it. Mr. Murphy approached the Board to show them the location of the trash enclosure. (Not audible.) Chair Wilund confirmed that the material on the wall behind the enclosure is CMU and is currently covered in stucco. Mr. Hendley stated that they would use whatever material was recommended by the Board.

SG15 - Mr. Hendley stated that they also addressed the item regarding screening around the HVAC unit. He put a note on the drawing because they missed it at first, but they do plan to screen all visible equipment on the roof with whatever material is recommended by the Board. He added that their architect had been sick for several weeks and they were not able to get the drawings redone. Mr. Murphy explained that since it is an existing building it is hard to design a screen but they want it to match. Chair Wilund stated that there are several types of screening out there including metal and mesh and it would be hard to describe if they are good or bad.

Tenants – Mr. Hendley stated that they currently only have one tenant, Enterprise Rental Cars, and they will be moving to the end cap furthest to the right. He added that they put their signs on the drawing. Mr. Hendley stated that the barber shop signed a termination of their lease and will move in June prior to construction. He explained that these spaces will be converted into storage units. Mr. Murphy stated that it was their understanding that they would be allowed their sign plus one other. Mr. Hendley stated that with the barber shop moving they should now be in compliance. They tried to also get Enterprise to move but they have a long term lease and have no interest in moving so it will just be the storage units and Enterprise on the property. Mr. Murphy stated that they turned down Enterprise's request to have trucks on the site but they also talked to the Town, but they cannot have trucks parked there without their approval and they have no interest in allowing trucks to be parked there. He added that they do not use truck rentals in their business so they would not allow Enterprise to have trucks either because there would be no place to park them with the parking situation.

Chapter 6 – Mr. Hendley stated that regarding the light poles, they are having a photometric study done to make sure they have adequate lighting on the building. He indicated that they are adding fancy light posts on the sidewalk, as shown in the drawing, but they could also add wall packs if needed to make sure they have good lighting on all four sides of the building. Mr. Hendley stated that the old

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parking light posts that Mr. Hanson referred to will be removed. He added that Baker and Baker owned the parking lot and there is an issue to separate the electric bill so they pay only their portion of it. Mr. Murphy explained that Baker and Baker were the previous owners associated with Kmart and they maintained a portion of the parking lot so the meters need to be separate. He added that some of the old parking light posts are on the Baker and Baker portion and some are on their portion, but they will remove those on their part of the parking lot.

Board Member Rogers clarified that their new parking at the street belongs to someone else. Mr. Hendley stated that based on the requirements they plan to have a 12 foot island buffer between the properties.

Rear of Building – Mr. Hendley stated that he and the Town's Parks and Sanitation Director Dan Walker had walked the property several times and discussed different options. He added that right now there is a lot of traffic with random people driving and walking around the back. Mr. Hendley stated that it is no longer a road so they plan to cable gate it. He explained that the reason for the crush and run gravel was to enhance it but allow for emergency vehicles. He stated that they are not married to putting crush and run in the back and were open to suggestions or they could leave it asphalt and expand the planter. Mr. Murphy stated that there is a lot of competing interest in the back such as maintenance access, the Fire Department access, easement restrictions, setbacks, underground utilities, overhead utility lines and what can be planted under them, all making it a tough balancing act. He agreed that a pervious surface with grass is a possibility such as plastic mesh that you fill with gravel and grass which will support fire trucks. Mr. Murphy stated that it was hard to determine what would work best because it also needs to help with runoff which comes from the roof but they were open to suggestions and would be glad to work with Staff.

Chair Wilund referred to the Town's parking lots on Church Street, which Mr. Hanson mentioned, and stated that they are examples of nicely done parking lots. Mr. Hanson responded that Staff did not have a solution, they just need a better way to do it.

Board Member Rogers agreed that this is a complicated project with an existing large empty building and the applicants did a great job responding to Staff's comments and he appreciated the spirit of that. He stated that his comments may differ from Staff's in that he didn't think the added gable on the side improves the building and he would leave it as it is and have it fade away, taking the blue away and not bringing attention to it. Board Member Rogers added that he had no objection to what was submitted in terms of the greys and he liked the elevation. He stated that if it were a new building he may view it with a different criteria. He liked the answers to Staff's questions regarding the HVAC and the mechanical unit, which adds interest to the building, but he wouldn't do the left thing.

Board Member Addy wished to add to Board Member Rogers' comments and stated that they are improving a building that has been an eyesore for the past 15

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years. He added that it was clear that the applicants took what Staff said and tried to come up with solutions which he appreciated and they had done a great job.

Mr. Murphy stated that they hoped to leave tonight either with improvements to their changes or enough guidance to get through the changes that need to be made with an approval this time or next time and of course they prefer this time.

Chair Wilund verified that the existing metal vertical panels would be repainted and the rendering shows it as light grey with an alternate shown as dark grey. Mr. Murphy explained on the drawing that the contract to the dark grey would be light grey. Chair Wilund stated that they are still metal panels and the color would be similar to the metal roofing. He was concerned that when you put a dark paint on metal it is notorious for fading because it is not a factory finish. Mr. Murphy stated that they could look at changing it. Chair Wilund agreed with Board Member Rogers regarding the gable which is a distraction. He confirmed that store front windows are below the brick with fake doors behind it. Mr. Murphy stated that there are real doors behind the glass using complimentary colors, most likely grey. Chair Wilund agreed that if this were a new building they would probably recommend a whole new plan, but considering that, the applicants made some good revisions which will help get rid of an eyesore.

Mr. Murphy stated that they are trying to do more than “lipstick on the pig” and they want it to look good. Mr. Hendley stated that he lives in the community and he understands Lexington and the way it is going and that is why they moved here. He loves the parks, the Icehouse Amphitheater and Main Street and he understands the idea of the aesthetics and as residents they appreciate it. He hopes this project will help improve one small part of Lexington.

Chair Wilund wished to add one additional architectural comment based on the new submittal. He asked if they proposed to add fake brick façade on the right side and capped off with some type of parapet. He would like to see something added to the top similar to the other portion of the building. Mr. Hendley responded that it also wraps around the corner. He added that they wanted to give them a drawing that they could see and that was a good comment. He stated that they would also have modern barn lighting and more modern awnings over the windows.

Board Member Britts asked if the proposed crush and run just lie on the existing surface and not on the grass area. Mr. Hendley responded no, that it would be a ten-foot landscape area and any grass would be removed first. Board Member Britts asked if the satellite dish would be removed from the northeast corner. Mr. Hendley responded that it would be gone and all the lighting would be replaced.

Board Member Rogers stated that if the Board approves this submittal tonight there would be some loose ends for Staff’s review and input including the lighting conversation and the crush and run possibly done another way to include something green in the back. Director Hanson stated that the new submittal also have the dumpster corral included and the Town requires steel metal gates and

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they are showing wood gates. Mr. Hendley responded that the gates would be metal. Director Hanson added that screening for mechanical equipment on the roof is not listed in the manual because Town requires a parapet to hide the equipment on a new building. Mr. Hendley responded that they could present different materials and ideas for Staff to review.

Chair Wilund stated that the Board and Staff had presented several ideas for improvements and he recommended that the applicant make those revisions and bring it back to Staff. Board Member Rogers stated that he would like for the Board to approve it tonight with the stipulation that revisions be brought back to Staff for their review. Mr. Hendley responded that he hoped the Board could see based on their presentation that they want everyone to be satisfied and they have said that since the beginning so they promise to do whatever the Board says.

Board Member Rogers made a motion approve the revised submission received tonight with the following revision conditions:

- Delete the parapet that was added.
- Add a cap on the parapet on the right of the new EIFS brick façade per the discussion.
- Screen the HVAC units per Staff's comments.
- Screen the dumpster enclosure per Staff's comments.
- Staff review of all lighting.
- Study the crush and run at the back of the building using something with grass.

The motion was seconded by Board Member Addy and unanimously carried by all those present.

ADJOURNMENT: There being no further comments or questions, Chair Wilund made a motion to adjourn the meeting. The motion was seconded by Board Member MacLean and was unanimously carried by all those present. The Board of Appearance meeting adjourned at 6:13 p.m.

Respectfully submitted by:

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:



Larry Wilund
Chair

FOIA COMPLIANCE – Public notification of this meeting was published, posted and mailed in compliance with the Freedom of Information Act and the Town of Lexington requirements.