

**TOWNSHIP OF MAPLE SHADE
ZONING BOARD OF ADJUSTMENT
RESOLUTION NO. - 2014**

**RESOLUTION GRANTING BULK VARIANCES, DESIGN WAIVERS,
USE VARIANCE AND PRELIMINARY/FINAL SITE PLAN
APPROVAL FOR PHASE I AND PRELIMINARY SITE PLAN
APPROVAL FOR PHASE II FOR PRE-OWNED AUTOMOBILE SALES
DEALERSHIP AND RELATED SERVICES ON
BLOCK 173.04, LOTS 10.01 AND 10.02, TAX MAP, TOWNSHIP OF
MAPLE SHADE**

WHEREAS, CenterPoint Integrated Solutions, LLC on behalf of CarMax Auto Superstores Inc. has made application to the Maple Shade Township Zoning Board of Adjustment for certain bulk variances, design waivers and preliminary/final site plan approval for a pre-owned automobile dealership with associated site improvements on Block 173.04, Lots 10.01 and 10.02, Tax Map, Township of Maple Shade; and

WHEREAS, the matter coming on to be heard at a public meeting on November 12, 2014, pursuant to all notices required by law, and the Board having heard the testimony presented and having examined the exhibits filed, finds the following facts and conclusions of law:

- A. The subject property is a 10.5 acre parcel identified as 531 Rt. 38 West in the Business Development Zone (BD). The property is bounded by Rt. 38 on the South side, Rt. 41 on the West side and Rt. 73 on the Northeast side. The proposal is to demolish an existing Quality Inn Hotel and self-storage

facility to construct a CarMax pre-owned automobile dealership with associated site improvements. The car dealership includes a car wash, sales and presentation area, building and an automobile service center. The plans reference a Phase II development which includes approximately 2.5 acres of the 10.5 acre site and is planned as a future expansion of the CarMax operation or potential development of another user in the future. The CarMax expansion , if so utilized, would include building and pavement expansions with facilities for private and wholesale auctions to be conducted.

B. The proposed use as a used car dealership is a conditional use permitted within the designated Rt. 38/Rt. 73/Lenola Rd. redevelopment area only. However, this property is not located in the redevelopment zone, therefore a use variance is required.

C. Testimony in support of the application is summarized as follows:

1. Steve Hudak is a Real Estate Manager for CarMax. Mr. Hudak testified that CarMax is the nation's largest retailer of used car sales and Maple Shade is a target area, due to the prime location of this property having access from two major roadways (Rt. 73 and Rt. 38).
2. Heath Kennedy is a Consultant to CarMax. Mr. Kennedy presented a slide show depicting CarMax operations. Generally, CarMax sells 2 to 7 year old cars, which are subjected to a 125 point inspection process. CarMax intends to hire employees locally and

makes donations to non-profit charities and encourages employees to volunteer for charitable purposes. They also provided playgrounds in communities where they operate.

D. The slide show presented by Heath Kennedy demonstrated the following facilities proposed for Phase I of the project:

1. 379 parking space area for car inventory.
2. Staging area.
3. Car wash area (approximately 1,000 square feet).
4. Automobile service area approximately (6,200 square feet).
5. Automobile presentation area for actual sale purposes.
6. Trash and recycling area.
7. Phase II of the project would be for the purpose of reconditioning cars to be offered for sale and would expand the service building by approximately 18,000 square feet. The expansion would be if Phase II were developed for CarMax use.
8. Two freestanding signs would be installed which would meet the 20 foot height limit. The originally proposed 30 foot high signs will be eliminated as being unnecessary.
9. Temporary banners are requested for a 30 day period to give notice of hiring and business opening.
10. A six foot high wall would be constructed for security purposes and to screen the staging area.

11. A six foot high wall would be constructed along the Rt. 38 and Rt. 41 frontages for security purposes.

E. Regarding the daily operations of the facility, Mr. Kennedy testified to the various hours each building or function would generally be open for business. There would be approximately 85 employees at full operations. The automobile services to be provided would mainly consist of oil changes, routine maintenance, minor body work and paint rehabilitation of vehicles. Used oil and used tires would be recycled and all service work would be done indoors. With regard to the viability of the CarMax operation, it was stated that CarMax started in 1993 and they have not closed any of their superstore operations.

F. Mark Whitaker is the Project Engineer for the applicant. He stated that the overall building area would be reduced from the existing conditions. There are currently 4 freestanding signs on the property and the number of signs would be reduced. There will be no change to the location of the access points from Rt. 38 and Rt. 73. The interior driveways are adequate for moving vehicles on the site and the parking space requirement for the operation is adequate. Regarding the proposed wall along the Rt. 41 frontage, the wall would not be visible from Rt. 41 due to the higher elevation of Rt. 41 and the existing vegetation which serves as a visual barrier. The site would be lighted by 25 foot high light poles. The actual impervious coverage for Phase I of the site would be reduced from the current status.

G. Creigh Rahenkamp, P.P. is a professional planner. He stated that the applicant's use would meet the purposes of the Business Development Zone and the CarMax Superstore is in the nature of a franchise operation as opposed to a small automobile dealership which would be prohibited under current zoning. Mr. Rahenkamp noted that the surrounding uses are compatible with the CarMax operation and cited the Master Plan (from 2006) as encouraging economic development, redevelopment, elimination of vacancies and support for community financial viability. The use proposed by CarMax would replace a weak sector of the economy and would boost the assessment value of the property by an estimated factor of more than 100%. There would be no substantial detriment to the Zone and Plan Zoning Ordinance due to the nature of surrounding uses and the heavily commercial location of the property. There would be no adverse impact to surrounding businesses. The proposed facility meets the purposes of the Municipal Land Use Law by providing sufficient space for a variety of commercial uses, promoting a more desirable visual environment in a commercially developed area, and providing a more efficient use of the existing tract of land. The PIQ is currently an underperforming asset of the community and the CarMax Superstore operation is a use not likely contemplated in prior Master Plan revisions.

H. The application has been reviewed by the Zoning Board Engineer (Remington & Vernick) by report dated November 4, 2014. The points

raised in the Engineer's Review Letter have been responded to by the Project Engineer (Dynamic Engineering) by letter dated November 6, 2014. The Board Engineer's Report notes the following variances and waivers as being required:

1. Maximum impervious coverage for Phase II – 75% permitted/80.3% proposed.
2. Property line buffer – 15 feet required/14 feet proposed.
3. Drive Aisle width – 25 feet required/20 feet proposed for inventory area; 24 feet proposed for customer and employee area.
4. Waiver requested from shade tree requirement.
5. Freestanding signs – 1 permitted/2 requested (due to 2 major highway frontages).
6. Banner size – 3.75 feet by 5.5 permitted/7 feet by 14 feet proposed.
7. Variance requested for fence location (Phase II) along Rt. 41 frontage.
8. Waiver requested from requirement to install a sidewalk around the project.
9. Parking stall length – 18 feet required/17 feet proposed for inventory area.

- I. There were no comments or objections raised during the public portion of the hearing.

J. The Board is satisfied that the applicant has met the burden of demonstrating the proposed use will serve specified purposes of the Municipal Land Use Law (N.J.S. 40:55D-2 g,i,m) and that the relief requested may be granted without causing a substantial detriment to the public good or a substantial impairment to the intent and purpose of the Zone Plan and Zoning Ordinance. The property is currently underutilized and essentially void of significant commercial activity. The proposed use is compatible with surrounding uses and is located in a heavily commercial area. There will be no impact of any significance to residential neighborhoods. The proposed use is particularly well suited to the site which is bounded by the 2 major highways traversing Maple Shade (Rt. 73 and Rt. 38).

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Maple Shade that the applicant is granted the following approvals:

1. A use variance is granted to permit the proposed pre-owned automobile sales dealership for the reasons set forth in this Resolution.
2. Approval is granted for the variances and waivers itemized in Paragraph H of this Resolution. This relief may be granted without causing a substantial detriment to the public good or a substantial impairment to the intent and purpose of the Zone Plan and Zoning Ordinance. The overall impervious coverage on the site will be reduced and since public access to the inventory area is prohibited the drive aisle width and parking space areas

may be reduced. The fence location along the Rt. 41 frontage will not be visible from Rt. 41 and the overall number of signs will be reduced. The installation of a sidewalk around the facility is considered unnecessary.

3. The applicant is granted preliminary and final site plan approval for Phase I and preliminary approval for Phase II of the project, contingent upon compliance with the terms, conditions and recommendations of the Zoning Board Engineer (Report dated November 4, 2014) unless waived or modified herein.
4. The applicant (or successor in interest) shall comply with COAH contribution requirements as determined by the Building Services Coordinator.
5. The rights, duties and obligations of the applicant with respect to final site plan approval shall be as set forth in New Jersey Statute 40:55D-52 (final approval of site plan) and 40:55D-53 (guarantees required).
6. The rights, duties and obligations of the applicant with respect to preliminary approval of Phase II shall be as set forth New Jersey Statute 40:55-D-49.

Motion to Grant Use Variance for Pre-Owned Automobile Dealership

<u>Yes Votes</u>	<u>No Votes</u>	<u>Recused</u>
Radie		
Santori		
McCaulley		
Zaradnick		
Kauffman		
Bimmer		
Gee		

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Motion to Grant Use Variances and Waivers

<u>Yes Votes</u>	<u>No Votes</u>	<u>Recused</u>
Radie		
Santori		
McCaulley		
Zaradnick		
Kauffman		
Bimmer		
Gee		

Motion to Grant Preliminary and Final Site Plan Approval for Phase I; Preliminary

Approval for Phase II

<u>Yes Votes</u>	<u>No Votes</u>	<u>Recused</u>
Radie		
Santori		
McCaulley		
Zaradnick		
Kauffman		
Bimmer		
Gee		

John Gee,
Zoning Board Chairman

Rosemary Flaherty,
Zoning Board Secretary

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Date:

