



# Franklin County Communique to the Board of Adjustment

## REQUEST FOR CONDITIONAL USE PERMIT 21-CUP-01 NC 96 Hwy and Pocomoke Rd

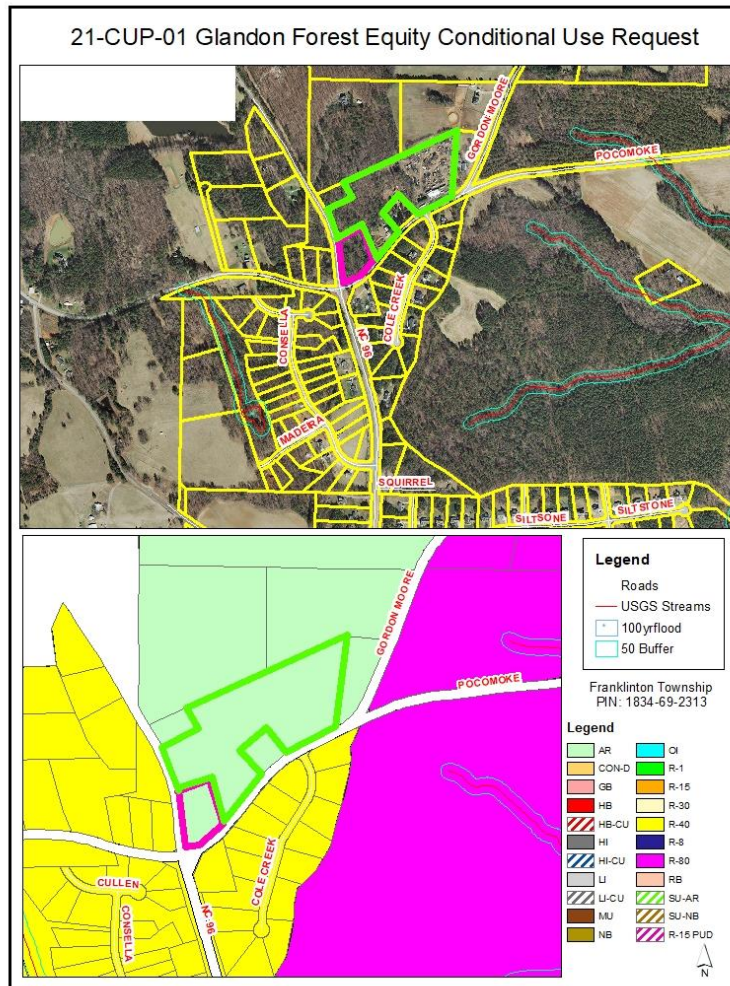
**PETITIONER(S):**

Name of Petitioner: Glandon Forest Equity, LLC  
 Address: 4004 Barrett Drive Suite 100  
 CityStateZip: Raleigh, NC 27609

**OWNER(S):**

Name of Owner: Stephen Douglas Gourley  
 Address: 2142 Pocomoke Rd  
 CityStateZip: Franklinton, NC 27525

**LOCATION:**



**ATTACHMENTS:**

Conditional Use Application  
 Stormwater Approval Letter  
 Site Plan

**PARCEL INFORMATION**

OWNER	PARCEL #	ZONING	AREA
Stephen Douglas Gourley	1834-69-2313	AR	1.87
<b>TOTAL</b>			<b>1.87 Acres</b>

**ADJACENT PROPERTY SITE DATA**

	ZONING	LAND USE
<b>Subject Property</b>	Agriculture Residential (AR)	Wooded
<b>North</b>	Agriculture Residential (AR)	Wooded/Residential
<b>South</b>	Residetnial-40 (R-40)	Residential (Cole Creek Subdivision)
<b>East</b>	Agriculture Residential (AR)	Commercial (Automobile Repair/Salvage Yard)
<b>West</b>	Residential-40 (R-40)	Residential

**Conditional Use Request**

**Conditional Use Permit 21-CUP-01 requested by Glandon Forest Equity, LLC for a Grocery/Convenience Store on approximately 1.87 of 15.75 acres located at NC 96 Hwy and Pocomoke Rd (SR 1127) in the Franklinton Township, Franklin County PIN 1834-69-2313.**

**UDO Requirements:**

**Section 7-3:**

**Use – Grocery and Convenience Stores**

Conditional Use Permit: AR and LI

Requirements:

- (A) *Minimum lot area.* Minimum lot area shall be the same as required for nonresidential uses in the district.
- (B) *Parking.* Shall conform to Article 16, Off-Street Parking and Loading Requirements.
- (C) *Screening.* Shall conform to Article 14, Landscape Requirements.
- (D) *Lighting.* Lighting shall be such that it is not directed on to any adjacent residential lot.

**BACKGROUND INFORMATION**

The applicant is petitioning the Board for a Conditional Use Permit for a Grocery/Convenience Store on approximately 1.87 of 15.75 acres at NC 96 Hwy and Pocomoke Rd (SR 1127) in the Franklinton Township. Within the petition, the applicant states that the proposed use will provide a need to an area that lacks general retail stores for the community. The site plan shows a 10,640 sq. ft retail building, 40 parking spaces, and a stormwater management area. The site plan also shows a proposed twenty (20') foot buffer around the perimeter of the site. The design provides entrances off NC 96 Hwy and Pocomoke Rd. for ingress and egress. A left turn lane frontage improvement will be provided at the entrance off NC 96 Hwy in accordance with the NCDOT driveway permit. The 2019 average daily traffic count for the section of NC 96 Hwy is approximately 4700 vehicles per day and

1,700 vehicles per day along this section of Pocomoke Rd. According to the Comprehensive Land Use Plan, the subject parcel and surrounding parcels are designated as Agricultural. Additionally, the subject parcel is located at the intersection of a major thoroughfare. If the Board grants approval of this request, the applicant will be required to meet all other applicable local and state requirements.

**BOARD OF ADJUSTMENT FINDINGS**

NOTE: Board of Adjustment Members should use the following area to make notes on evidence presented related to each of the required Findings as it is presented during the public hearing.

**Section 7-2 Procedure for Conditional Use Permit Granted by the County Board of Adjustment**

Conditional use permits may be issued by the Administrator, after approval by the Board of Adjustment, for the uses as designated in the table of regulations for conditional uses. The petition for a conditional use permit and the accompanying plans shall be submitted to the Administrator at least three (3) weeks prior to the regular monthly Board of Adjustment meeting at which it is to be heard. Such application shall include all of the requirements pertaining to it as specified in Article 7. On receiving the application, the County Board of Adjustment shall give notice of a public hearing at least five (5) days prior to the date of the public hearing. At the public hearing, all interested persons shall be permitted to testify. The County Board of Adjustment shall consider the application and may approve or deny the requested conditional use permit.

The conditional use permit, if approved, shall include approval of plans as may be required. In approving the permit, the County Board of Adjustment shall find as a specific finding of fact and reflect in their minutes that the permit will comply with the following four facts:

- (1) That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;

Yes\_\_\_\_ No\_\_\_\_

---

---

---

- (2) That the use meets all required conditions and specifications;

Yes\_\_\_\_ No\_\_\_\_

---

---

---

- (3) That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and

Yes\_\_\_\_ No\_\_\_\_

---

- 
- 
- (4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Franklin County Land Use Plan.
- Yes\_\_\_\_\_ No\_\_\_\_\_
- 
- 
- 

*In granting any conditional use permit, the Board of Adjustment may impose reasonable conditions concerning the use or development of the subject property to:*

- a. insure that the criteria for the granting of such approval will be complied with; and*
- b. reduce or minimize any potentially injurious effect of the conditional use permit of development standards on adjoining properties, the character of the neighborhood, or the health, safety, morals, or general welfare of the community.*

### **BOARD OF ADJUSTMENT MOTION**

*Please note that majority vote is required for approval of all motions.*

#### **Suggested Motion #1:**

I move to affirm that the Findings of Fact located within Section 7-2 of the UDO, have/have not been satisfied for the conditional use requested for the property located at NC 96 Hwy and Pocomoke Rd (SR 1127), Franklin County PIN 1834-69-2313.

#### **Suggested Motion #2:**

Based upon the Board's Findings of Fact, I move to approve/deny Conditional Use 21-CUP-01 requested by Glandon Forest Equity, LLC to allow for a Grocery/Convenience Store on approximately 1.87 of 15.75 acres at NC 96 Hwy and Pocomoke Rd (SR 1127), Franklin County PIN 1834-69-2313 subject to requirements located in Section 7-3 (Grocery/Convenience Stores) with the following conditions:

1. Lighting must not spill over onto adjacent properties or right of ways.
2. Must obtain approved North Carolina Department of Transportation (NCDOT) Driveway Permit
3. Must secure all applicable zoning, septic, well, and building permits.
4. Must secure all other local and state approvals.
5. Final Tar-Pamlico stormwater approval.
6. As-built drawings and Engineer's Certification for all stormwater devices shall be submitted prior to Certificate of Occupancy (C.O.)
7. All facilities must meet all North Carolina State Building and Technical Codes.
8. Stormwater Operation and Maintenance Legal Agreement and Operation and Maintenance Forms/Plan shall be recorded prior to the issuance of the zoning permit.
9. NCDEQ Sedimentation and Erosion Control Plan approval
10. All landscaping shall be installed according to approved plan prior to C.O.
11. Prior to the issuance of zoning and building permits a Landscape/Conservation Easement shall be recorded if existing vegetation is being used to satisfy the buffer requirement.
12. Survey for subject parcel (1.87-acre tract) and 25' Right-of Way dedication along NC 96 Hwy shall be recorded prior to the issuance of zoning and building permits.