



# Franklin County Communique to the Board of Adjustment

## REQUEST FOR CONDITIONAL USE PERMIT Maple Ridge Townhomes 21-CUP-02 Cedar Creek Rd/Lane Store Rd

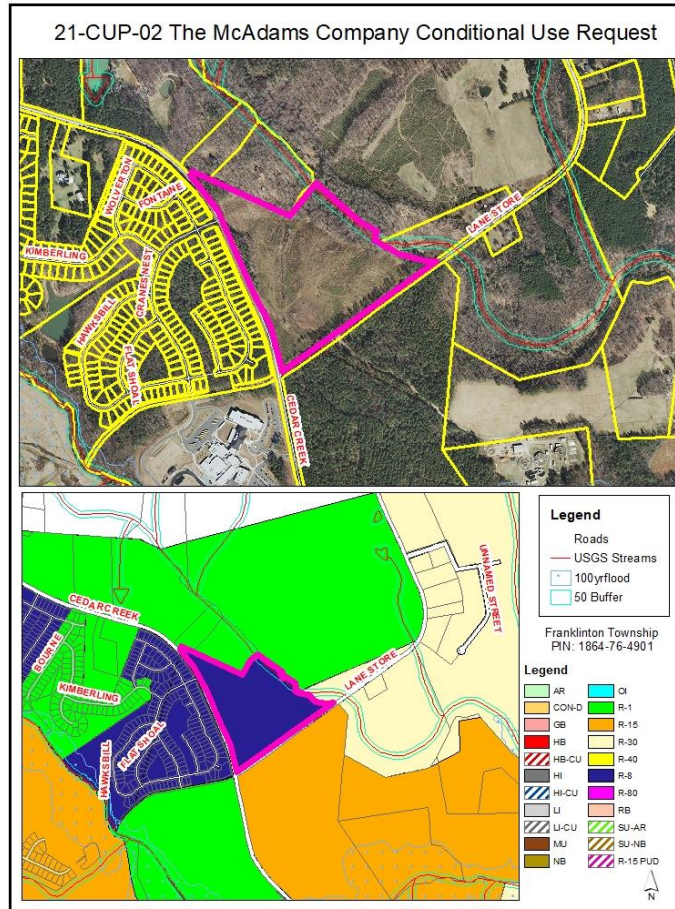
**PETITIONER(S):**

Name of Petitioner: Brad Rhinehalt, The McAdams Company  
Address: 2905 Meridian Parkway  
CityStateZip: Durham, NC 27713

**OWNER(S):**

Name of Owner: AF Forest City, LLC  
Address: 1330 Sunday Dr. Ste 105  
CityStateZip: Raleigh, NC 27606

**LOCATION:**



**ATTACHMENTS:**

- Conditional Use Application
- Preliminary Plan
- Townhome Elevations
- TIA Analysis Improvements (Pages E3-E5)

**PARCEL INFORMATION**

<b>OWNER</b>	<b>PARCEL #</b>	<b>ZONING</b>	<b>AREA</b>
AF Forest City LLC	1864-76-4901	R-8	7.58 of 43.02 Acres
<b>TOTAL</b>			<b>7.58 of 43.02 Acres</b>

**ADJACENT PROPERTY SITE DATA**

	<b>ZONING</b>	<b>LAND USE</b>
<b>Subject Property</b>	R-8	Wooded
<b>North</b>	R-1	Residential Single Family
<b>South</b>	R-15	Wooded
<b>East</b>	R-1	Wooded
<b>West</b>	R-8	Residential (Cedar Crossing Subdivision)

**Conditional Use Request**

**Conditional Use Permit 21-CUP-02 requested by Brad Rhinehalt, The McAdams Company to allow for Townhomes on approximately 7.58 of 43.02 acres off Cedar Creek Rd and Lane Store Rd in the Franklinton Township, Franklin County PIN 1864-76-4901.**

**UDO Requirements:**

***Use – Townhomes***

Conditional Use Permit: R-8, R-15, MU, and O/I

Requirements:

- (A) No more than six (6) attached units per structure.
- (B) Must be submitted six (6) weeks prior to board review
- (C) Property lines shall separate each unit.
- (D) Refer to Section 11-1

**Section 11-1: Planned Building Group Regulations for Apartments, Condominiums, and Townhomes**

*Minimum Lot Area.* As required by the zoning district in which the Planned Building Group is located (see Table of Yard, Area, and Height Regulations).

*Parking.* As specified in Article 16 of this Ordinance.

*Recreation Area.* Play areas shall be provided for all apartment, condominium, townhome, and planned building groups with over five (5) dwelling units. A minimum play area of two thousand

(2,000) square feet, having a minimum width of forty (40) feet or a minimum radius of twenty-six (26) feet, shall be provided for the first six (6) to twenty-five (25) dwelling units. For each dwelling unit over twenty-five (25) in number, an additional fifty-six (56) feet per dwelling unit shall be provided. The spatial distribution and number of individual play areas within the planned building group shall be determined by the Planning Board on the basis of the spatial arrangement of the dwelling units, topography, and other physical features. Swimming pools and their accessory areas shall not constitute any part of the open space requirements. No part of the required play area shall be used for any other purpose.

*Buffer Requirements.* A ten (10) foot evergreen buffer shall be required along all property lines except for the point of ingress and egress. It shall not pose a hazard for vehicular traffic. The buffer shall reach a height of six (6) feet within six (6) years from the time of planting with foliage overlaps. Existing vegetation may be used in place of the required buffer with written Administrator approval. Screening shall conform to Article 14. Landscape Requirements, and Article 8 Note 6. Buffer Strips.

*Timing.* Proposed schedule of development including stages likely to be followed.

*Other Details:*

- (1) Proposed provision for storm drainage (including retention pond facilities, when applicable) and sanitary sewerage, approved by the Administrator.
- (2) Size and proposed location of any signs.
- (3) Proposed solid waste storage facilities.
- (4) Proposed water system and firefighting facilities such as hydrants and sprinkler connections.
- (5) Types of surfacing, slope, grade, and cross section of drives, sidewalks, malls, etc.
- (6) The location and heights of all fences, walls, and hedges shall be shown.
- (7) Profiles of publicly maintained water and sewer lines.
- (8) Profiles, cross-sections, and slopes of on-site and off-site ditches carrying water runoff.
- (9) Erosion and sedimentation control plan.
- (10) Lighting plan inclusive of wattage and illumination.
- (11) Installation of curb and gutter may be required by the Planning Board.
- (12) Depict traffic control devices.
- (13) All plans and construction details must meet the current specifications of Franklin County.
- (14) Location and amount of recreation area.

*Placement of Buildings:*

- (1) There shall be maintained at least twenty (20) linear feet of open space between individual and unattached buildings in a residential planned building group.
- (2) Any group of buildings forming a courtyard shall have at least twenty-five (25) percent of the perimeter of such courtyard open for access by emergency vehicles.
- (3) Where the length of a street exceeds two hundred (200) feet and where there exists six (6) or more dwelling units, an area must be provided for the turnaround of fire-

fighting vehicles on a paved or graveled surface. This area shall not be used for parking and shall subscribe a circular area having a radius of thirty-five (35) feet or shall have a configuration which provides comparable turnaround space.

- (4) All fire hydrants, whenever possible, should be located adjacent to the paved roadways suitable for transporting fire-fighting vehicles. Where possible, such hydrants shall be located at least fifty (50) feet from any building. Hydrants shall be located at entrance and exit ways, and additional hydrants shall be located so that each building and portion thereof will be within three hundred fifty (350) feet of a hydrant. If buildings have standpipes and sprinkler systems, one (1) hydrant shall be located within seventy-five (75) feet of each standpipe and sprinkler connection system. All hydrants must be served by a water main of sufficient size. In no case shall the minimum size main be less than six (6) inches in diameter.

## **BACKGROUND INFORMATION**

The applicant is petitioning the Board for a Conditional Use permit for dwelling, multi-family (townhomes) on approximately 7.58 of 43.02 acres off Cedar Creek Rd and Lane Store Rd in the Franklinton Township. Within the petition, the applicant states the proposed townhomes will provide a needed alternative housing-type within the County, adjacent to Franklinton High School where both teachers and families with students can live. The site plan shows 86 proposed units, one (1) designated recreation area, 228 parking spaces, sidewalks, and a mail kiosk. The proposed density for this section of the development is six (6) dwelling units per acre. The site plan also shows a proposed fifteen (15') foot buffer around the perimeter of the site. The developer plans to utilize the existing vegetation where feasible and supplement vegetation per planting detail on the site plan where needed. A Traffic Impact Analysis was performed by Ramey Kemp & Associates. The analysis found that the traffic generated by the 86 proposed residential townhome units is anticipated to have adverse effects on the transportation network. The design shows the entrance off Cedar Creek Rd and Lane Store Rd for ingress and egress. According to the Comprehensive Land Use Plan, the subject parcel and surrounding parcels are designated as Suburban Residential. Suburban Residential is intended to be a broad land use category meant to foster a wide range of residential uses, including Mixed Residential. 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 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\_\_\_\_

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

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

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- (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\_\_\_\_

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- (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\_\_\_\_

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***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. ensure 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 Cedar Creek Rd and Lane Store Rd, Franklin County PIN 1864-76-4901.

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

Based upon the Board's Findings of Fact, I move to approve/deny Conditional Use 21-CUP-02 requested by Brad Rhinehalt, The McAdams Company to allow for Townhomes on 7.58 of 43.02 acres at Cedar Creek Rd and Lane Store Rd, Franklin County PIN 1864-76-4901 subject to requirements located in Section 7-3 (Townhomes) and 11-1 Planned Group Building Group Regulations with the following conditions:

1. Lighting must not spill over onto adjacent properties or right of ways.
2. Must obtain North Carolina Department of Transportation (NCDOT) Driveway Permit.
3. All recommended improvements listed in the attached TIA prepared by Ramey Kemp & Associates and Congestion Management TIA Review Report shall be installed as required by NCDOT prior to recording the first phase.
  - **Cedar Creek Road and Lane Store Road**
    - Provide westbound left-turn lane with at least 100' fee of full width storage and appropriate taper.
  - **Hicks Road and Cedar Creek Road**
    - Provide northbound left-turn lane with at least 50 feet of full-width storage and appropriate deceleration and taper.
  - **Cedar Creek Road and Site Drive 1**
    - Construct westbound approach with one ingress lane and one egress lane.
    - Provide an exclusive southbound left-turn lane with at least 50 feet of storage and appropriate taper.
    - Provide stop-control for westbound approach.
  - **Lane Store Road and Site Drive 2**
    - Construct southbound approach with one ingress lane and one egress lane.
    - Provide stop-control for southbound approach.
4. Developer shall submit a phasing plan for the overall development for Planning Staff review and approval.
5. Must secure all other local and state approvals.
6. Final Tar-Pamlico stormwater approval (as-built drawings for all stormwater devices prior to Certificate of Occupancy (C.O.)
7. Stormwater Operation and Maintenance Legal Agreement and Operation and Maintenance Forms/Plan shall be recorded with the final plat.
8. As-built drawings and engineer's certification for all stormwater devices shall be submitted prior to recording the final plat.
9. Floodplain Development permit prior to construction of BMP's in the 100-Year Floodplain.
10. Final plat review fee shall be paid prior to recording the final plat.
11. Payment in lieu of land dedication shall be required unless the provisions of Article 31 of the UDO are satisfied.
12. Sedimentation and Erosion Control Plan approval
13. All landscaping shall be installed according to approved plan prior to C.O.
14. In accordance with Section 11-1 Townhome Buffer Requirements, a 15' Landscape buffer shall be installed around the perimeter of the site prior to recording the final plat.

15. The streets and parking for the associated phase shall be constructed prior to recording the final plat.
16. Restrictive covenants shall be recorded with the Franklin County Register of Deeds addressing the responsibility of maintenance for the following:
  - Streets
  - Parking Lots
  - Sidewalks
  - Streetlights
  - Street Trees
  - Utilities (Water/Sewer Lines)
  - Open Space
  - Stormwater BMP's
  - Recreation Areas and Amenities
  - 15' Landscape Buffer
17. All utility plans shall be approved by the Franklin County Public Utilities Department.
18. As-built drawings for the water and sewer system (two paper copies and one digital copy)
19. Mail kiosk shall be approved by the local post office and installed prior to recording the final plat.
20. A detail of the recreation amenities shall be submitted to the Planning Department for approval prior to recording the final plat.
21. The improvements for Tract A shall be installed prior to recording the final plat.
22. 20' Public Greenway right-of-way dedication shall be recorded with the final plat.
23. 10' right-of-way dedication along the Cedar Creek Road frontage shall be recorded with the final plat.
24. Allocation of water and sewer shall be secured from the Board of Commissioners prior to the expiration of the Conditional Use Permit and prior to any water meters being set. All system development fees shall be paid to the Franklin County Public Utilities Department prior to recording the final plat.
25. A letter of approval from the Franklin County Public Utilities Department.
26. The following disclosure statement shall be placed on the final plat: All roadways in the subdivision are declared public and shall be maintained by the developer. It shall be their responsibility to bring these roads up to the standards of the North Carolina Department of Transportation to meet the requirements for petitioning addition of these roadways to the North Carolina Department of Transportation's maintained roads system.
27. Pursuant to section 29-5: Streets (A) Public Streets. All roads in existing recorded phase(s) of this subdivision shall be incorporated into the NCDOT Secondary Road Maintenance Program prior to recording future phase(s) of the subdivision.
28. Approval by the NC Department of Transportation (North Carolina Department of Transportation Built to Standards Letter)