



# Franklin County Communique to the Board of Adjustment

## REQUEST FOR CONDITIONAL USE PERMIT 19-CUP-04 NC 39 Hwy and Rocky Ford Rd (SR 1239)

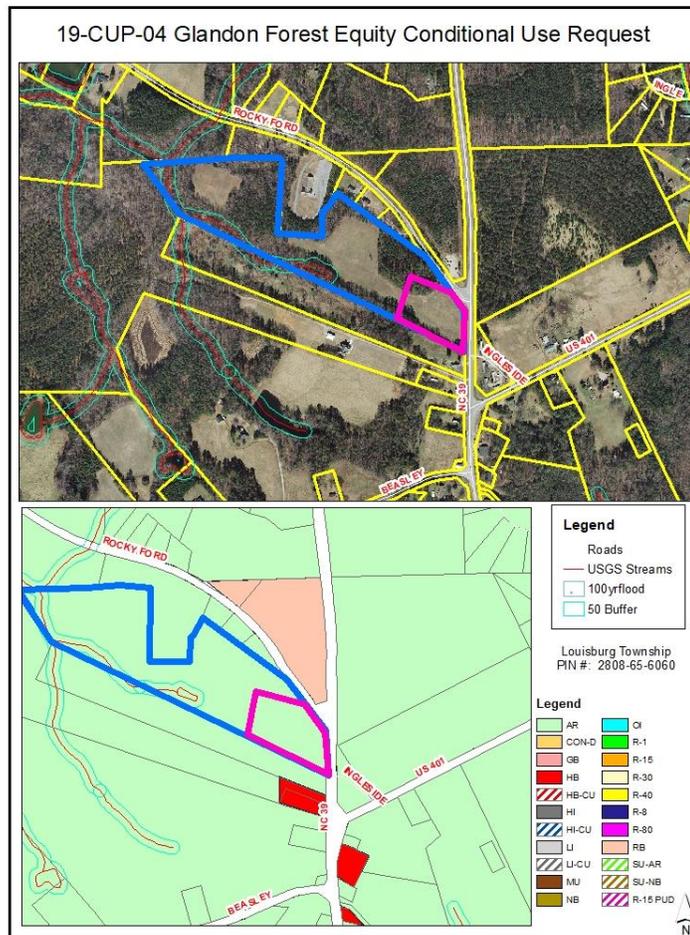
### PETITIONER(S):

Name of Petitioner: Glandon Forest Equity, LLC  
Address: 3825 Barrett Dr. Ste 100  
CityStateZip: Raleigh NC 27609

### OWNER(S):

Name of Owner: Larry C. Ayscue  
Address: 210 Woodbine dr  
CityStateZip: Louisburg NC 27549

### LOCATION:



### ATTACHMENTS:

Conditional Use Application  
Stormwater Approval Letter  
Site Plan

**PARCEL INFORMATION**

OWNER	PARCEL #	ZONING	AREA
Larry C. Ayscue	2808-65-6060	AR	27
<b>TOTAL</b>			<b>27 Acres</b>

**ADJACENT PROPERTY SITE DATA**

	ZONING	LAND USE
<b>Subject Property</b>	AR	Agricultural/Wooded
<b>North</b>	RB	Wooded/Vacant
<b>South</b>	AR	Residential
<b>East</b>	AR	Residential (Mobile Home Park)
<b>West</b>	AR	Wooded

**Conditional Use Request**

**Conditional Use Permit Requested by Glandon Forest Equity, LLC for a Grocery/Convenience Store on approximately 2.66 of 27 acres located at NC 39 Hwy and Rocky Ford Rd (SR 1239) in the Louisburg Township, Franklin County PIN 2808-65-6060.**

**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 2.66 of 27 acres at NC 39 Hwy and Rocky Ford Rd (SR 1239) in the Louisburg Township. Within the petition, the applicant states the proposed use will provide a need to an area that lacks general retail stores for the community. The site plan shows a 9,100 sq. ft retail building, 54 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 developer plans to utilize the existing vegetation where feasible and supplement vegetation where needed per the planting detail on the site plan. The design shows the entrance off NC 39 Hwy for ingress and egress. A left turn lane frontage improvement will be provided at the entrance in accordance with the NCDOT driveway

permit. The 2018 average daily traffic count for the section of NC 39 Hwy is approximately 5300 vehicles per day. According to the Comprehensive Land Use Plan, the subject parcel and surrounding parcels are designated as Office Institutional. Additionally, the subject parcel is located at a commercial node. 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 39 Hwy and Rocky Ford Rd (SR 1239), Franklin County PIN 2808-65-6060.

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

Based upon the Board's Findings of Fact, I move to approve/deny Conditional Use requested by Glandon Forest Equity, LLC to allow for a Grocery/Convenience Store on approximately 2.66 of 27 acres at NC 39 Hwy and Rocky Ford Rd (SR 1239), Franklin County PIN 2808-65-6060 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. Must provide a copy of the Mitigation Credit Transfer Certificate Prior to the issuance of the zoning permit.
10. NCDEQ Sedimentation and Erosion Control Plan approval
11. All landscaping shall be installed according to approved plan prior to C.O.
12. Prior to the issuance of zoning and building permits a Landscape/Conservation Easement shall be recorded where existing vegetation is being used to satisfy the buffer requirement.
13. Survey for subject parcel (2.66-acre tract) shall be recorded prior to the issuance of zoning and building permits.