

AGENDA
CLAYTON BOARD OF ADJUSTMENT

NOVEMBER 19, 2014

6:00 P.M.

TOWN COUNCIL CHAMBERS

111 E. SECOND STREET

For Information: (919) 553-5002

I. ROLL CALL

II. ANNOUNCEMENT OF QUORUM / VOTING MEMBERS

III. ADJUSTMENTS TO AGENDA

~~**IV. APPROVAL OF JULY 16, 2014 AND OCTOBER 15, 2014 MINUTES**~~ *Minutes to be approved at the next BOA meeting.*

V. SWEARING IN OF PERSONS WISHING TO TESTIFY

VI. NEW BUSINESS

- A.** BOA 2014-126: Conditional Use Permit to allow a church at 510 W Main Street.
Request by Sherald Lee for a Conditional Use Permit to allow a church at 510 W Main Street, in the B-2 (Neighborhood Business) zoning district.

VII. OLD BUSINESS

VIII. REPORTS/PUBLIC COMMENT

IX. ADJOURN



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-1545
Fax: 919-553-1720

*Board of Adjustment
November 19, 2014*

STAFF REPORT

Application Number: BOA 2014-126 (Conditional Use Permit)
Project Name: Church Expansion at Proctor's Place

NC PIN: 165916-84-8890
Town Limits/ETJ: Town Limits
Overlay: Downtown Overlay District
Applicant: Sherald and Donald Lee
Owners: Procs Place LLC

Neighborhood Meeting: Held October 30, 2014
Public Noticing: Property posted November 7, 2014
Mailed Notices mailed November 7, 2014
Published notice placed as required per Section 155.702(D)(2)(a) of the UDC

PROJECT LOCATION: The project is located in the Proctor's Place commercial plaza, located at 510 W Main Street.

REQUEST: The applicant is requesting approval of a Conditional Use Permit to allow a church within the B-2 (Neighborhood Business) zoning district.

SITE DATA:

Acreage: 1.37 acres
Present Zoning: B-2 (Neighborhood Business)
Existing Use: Commercial

DEVELOPMENT DATA:

Proposed Uses: Church / Place of Worship
Buildings: Church is proposing to locate in approximately 8,035 square feet of commercial space, an expansion from the previous church which utilized approximately 4,000 square feet.
Square footage: 8,035 square feet

of seats: Maximum 200 is currently proposed. However, parking will dictate maximum number of seats (see parking discussion, below).

Required Parking: With 200 seats proposed, the requirement would be 67 spaces. (1 space per 3 seats)

Proposed Parking: 45 parking spaces are available, with additional required spaces to be provided off-site. See discussion below.

Access/Streets: Access is off of W Main Street.

ADJACENT ZONING AND LAND USES:

North: Zoning: Residential-10 (R-10)
Existing Use: Residential, Railroad ROW

South: Zoning: Residential-6 (R-6)
Existing Use: Residential

East: Zoning: Residential-6 (R-6)
Existing Use: Residential

West: Zoning: Highway Business (B-3)
Existing Use: Commercial (vacant)

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting approval of a Conditional Use Permit to allow a Church in the Neighborhood Business (B-2) zoning district. Per Section 155.202(B) of the Unified Development Code, a Conditional Use Permit is required to operate a Church in this district. Although a valid Conditional Use Permit is in place for a church at this location, the current request is to expand the size of the church from around 4,000 square feet to 8,000 square feet. An expansion of this size necessitates the Conditional Use Permit.

Parking

The greatest limiting factor for a church in this location is parking. There are 45 parking spaces available. The code requires one parking space per 3 seats. Thus, with the current parking available at Proctor’s Place, the church could have a maximum seating capacity of 135 people at one time. Because of the nature of the commercial uses at this site, it is unlikely that use of the other tenant spaces will conflict with the times the church will be used, and so staff believes all parking could be utilized.

However, the church has requested more capacity than this, requesting an allowance to seat up to 200 in the congregation. To provide parking, the property owner has indicated an intent to convert a lot adjacent to the parcel to grass parking, including construction of a sidewalk along the front of the property to provide access to the church site, as well as a formal driveway.

Staff supports a church of up to 135 seats with the current parking (as is permitted by the Unified Development Code), and an allowance to increase the allowed number of seats based on approval and construction of the adjacent parking (with an allowed increase of 3 seats for every parking space provided). As is permitted by the UDC, this parking area could be a grassed parking lot so long as it is only used to service the church (only specific uses such as a church are permitted to have grassed parking due to the limited use). A sidewalk was recently installed along the parcel immediately to the west to support a new hair salon, and sidewalk would be required on the site of the proposed grass parking lot to complete the pedestrian connectivity between the proposed grass parking lot and the church site. The graphic below shows the intended parking location:



Consistency with the Unified Development Code

The proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC), so long as the Conditional Use Permit is approved. As noted, additional parking would be required for any seating capacity above 135 at a rate of one seat per parking space provided.

Compatibility with Surrounding Land Uses

The use is compatible with the surrounding uses in the multi-tenant building and consistent with existing uses. There have been no known compatibility issues with the current church use.

Landscaping and Buffering

No additional landscaping or buffering is required. Landscaping associated with any additional parking would be considered as part of a separate site plan review.

Signs

All signage will be required to comply with Town of Clayton UDC requirements.

Waivers/Deviations/Variances from Code Requirements

None.

CONSIDERATIONS:

- The Board of Adjustment approves Conditional Use Permits.
-

FINDINGS:

When considering a Conditional Use Permit application, The Board of Adjustment shall consider specific Findings of Fact. A Conditional Use which fails to meet any of these Findings shall be deemed adverse to the public interest and shall not be approved. The applicant has addressed the Findings expressly established by Chapter 155.710 (G) of the UDC. Please refer to "Attachment 1" for the applicant's response.

CONDITIONS:

Staff recommends that if the Board of Adjustment reaches positive conclusions on the required findings of fact, the approval of the petition be subject to the following conditions:

1. The church is limited to 135 seats in the congregation. Seating for the church may be increased if additional off-site parking is developed to support the increase. Off-site parking requires site plan approval, and must comply with specifications of the Unified Development Code.

ATTACHMENTS:

- 1) Findings of Fact, 2) Aerial and Zoning Map, 3) Building Layout, 4) Application Materials, 5) Neighborhood Meeting Materials

EXPLANATION OF PROJECT

Please provide detailed information concerning all requests. Attach additional sheets if necessary.

4800 - Existing SF - Proposed SF 8035
45 - Parking SPACES - # OF SEATS - 200

REQUIRED FINDINGS OF FACT

Section 155.710(G) of the Unified Land Development Code requires applications for a Conditional Use to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

1. That the application will not materially endanger the public health or safety if located where proposed and ultimately developed according to the plans as submitted.

WILL NOT MATERIALLY ENDANGER THE PUBLIC
HEALTH OR SAFETY

2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations.

MEETS ALL SPECIFICATIONS AS REQUIRED

3. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

WILL NOT BE DETRIMENTAL TO ADJACENT
PROPERTIES OR NEIGHBORHOOD

4. That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

WILL NOT AFFECT THE STANDARDS FOR
DEVELOPMENT OF ADJACENT PROPERTIES

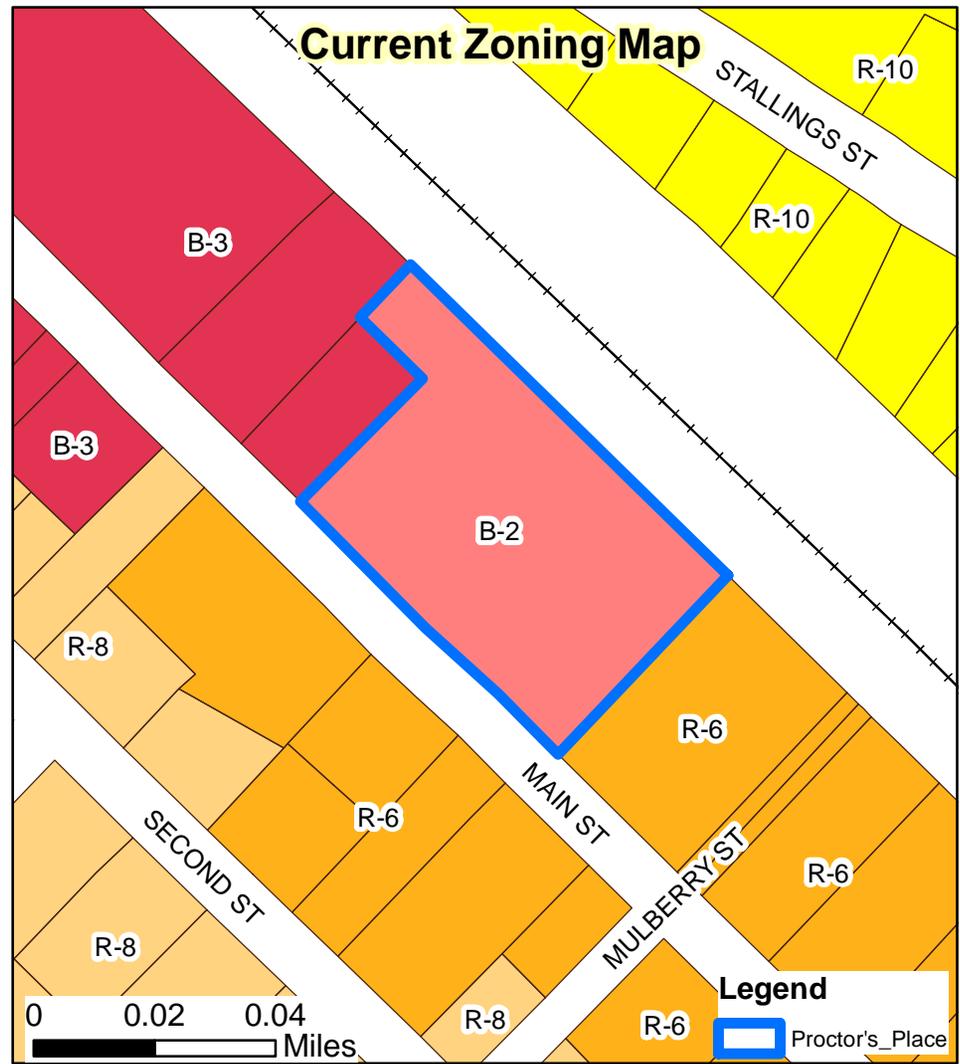
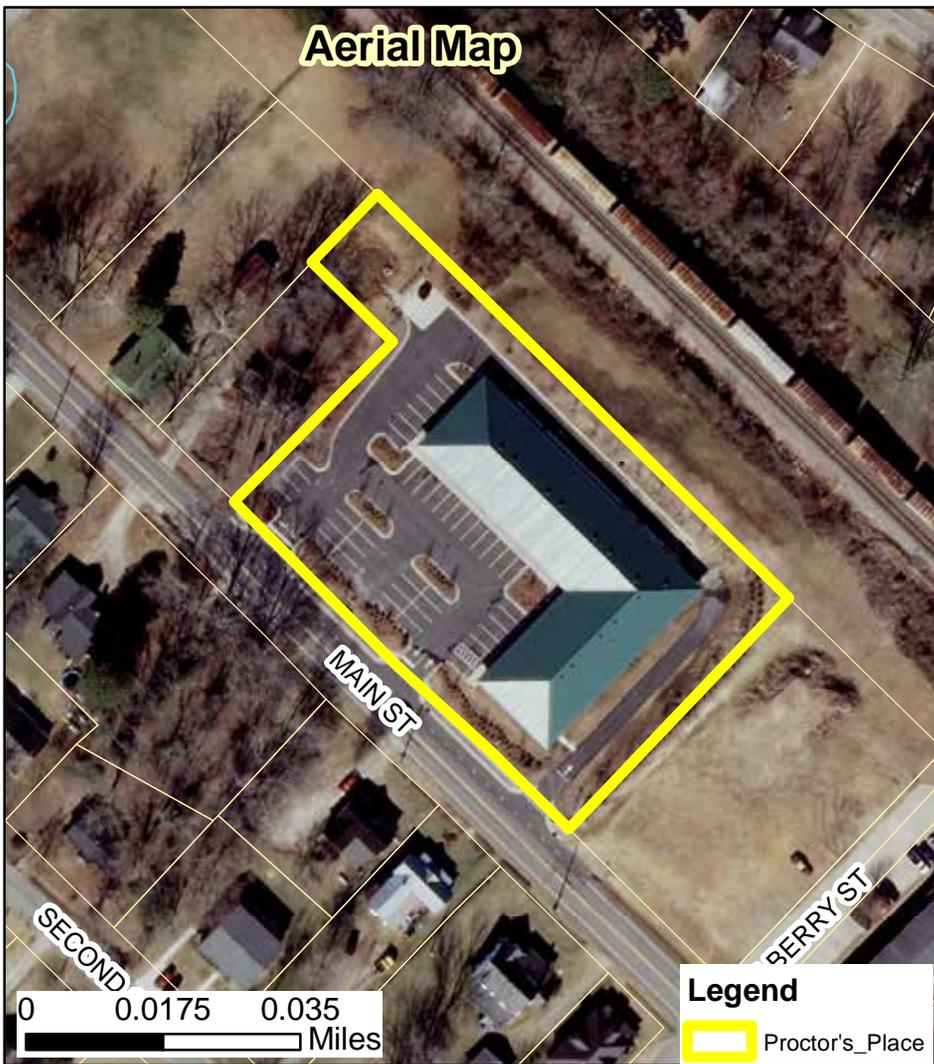
APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Board of Adjustment of the Town of Clayton to approve the subject Conditional Use. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Clayton, North Carolina, and will not be returned.

DONALD LEE
Print Name

Donald Lee
Signature of Applicant

10-3-14
Date



Proctor's Place - Conditional Use Permit to allow a Church

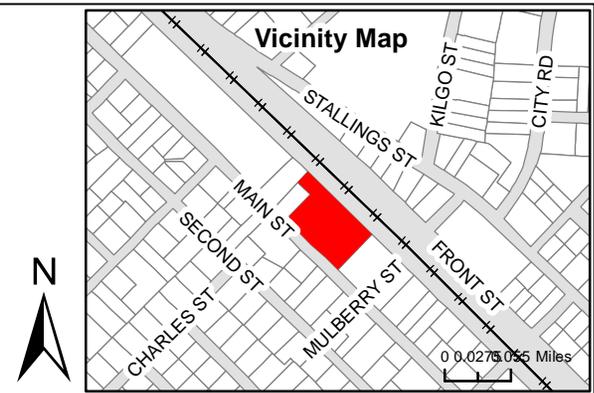
Applicant: Sherald and Donald Lee
 Property Owner: Procs Place LLC
 Parcel ID Number: 165916-84-8890
 Tag #: 05023036
 Address: 510 W Main Street
 File Number: BOA 2014-126

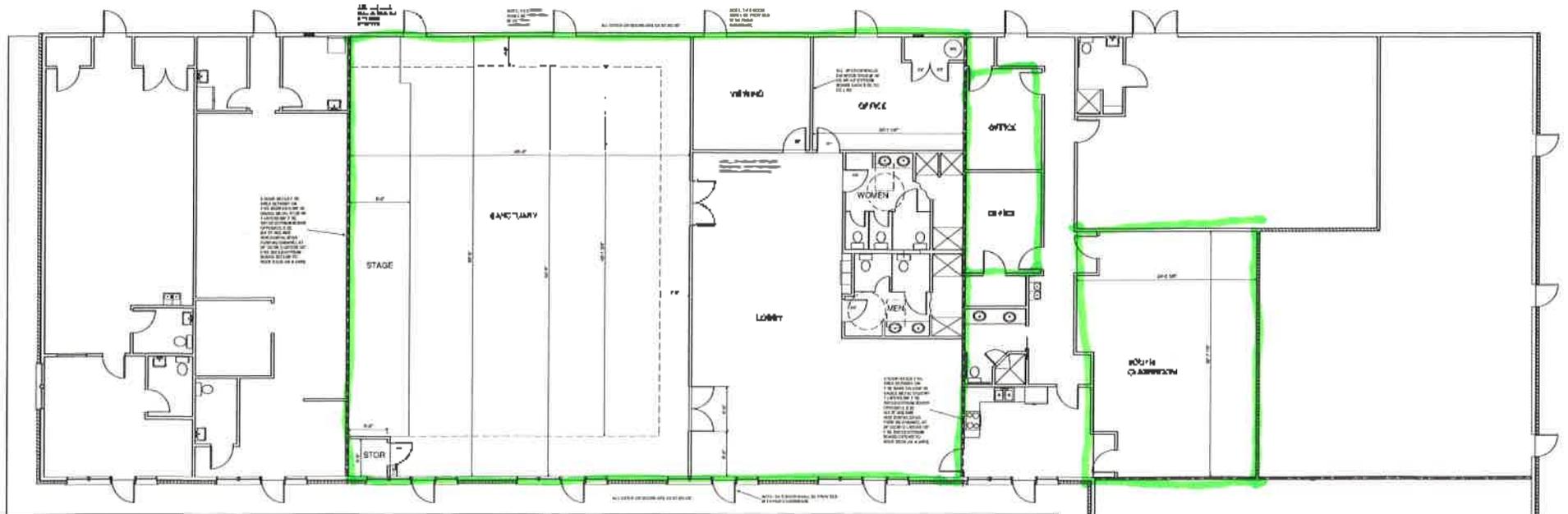
Produced by: TOC Planning

Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.



10/30/14

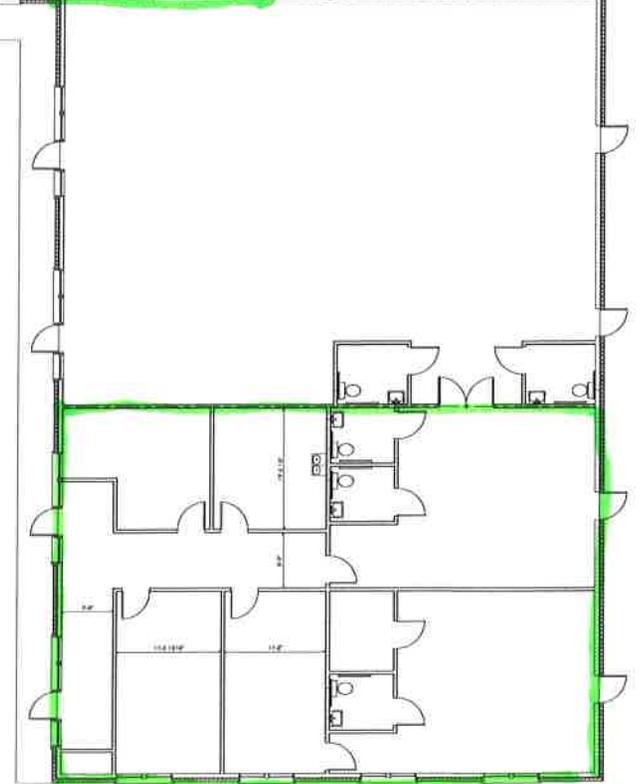




FLOOR PLAN 1/4" = 1'-0" 12/20/20

New Layout

— Area Tenant will be Leasing





Town of Clayton
 Planning Department
 111 E. Second Street, Clayton, NC 27520
 P.O. Box 879, Clayton, NC 27528
 Phone: 919-553-5002
 Fax: 919-553-1720

CONDITIONAL USE APPLICATION

Pursuant to Article 7, Section 155.710 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Board of Adjustment to allow a Conditional Use. Conditional Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.

Fee: The application fee is \$400.00. All fees are due when the application is submitted.

Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Conditional Use applications.

APPLICATION TYPE

New Conditional Use Permit

Major Modification to an approved CUP
 Permit Modified: _____

SITE INFORMATION

+ Name of Project: PROCTOR PLACE Acreage of Property: 1.66
 Parcel ID Number: 165916-84-8890 Tax ID: 05023036
 Deed Book: _____ Deed Page(s): _____
 + Address/Location: 510 W. MAIN ST. CLAYTON, N.C. 27520
currently @ 101*102 Suite 105*101
 + Existing Use: GYM, Church Proposed Use: Calvary Chapel - Church
 Is project within a Planned Development? No Yes CH
 Planned Development District (if applicable): _____
 Is project within an Overlay District: No Yes
 Overlay District (if applicable): Downtown

OFFICE USE ONLY

Amount Paid: <u>\$ 400.00</u>	Date Received: <u>10/2/14</u>	Permit Number: <u>2014-126</u>
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PROPERTY OWNER INFORMATION

Name: SHERALD & DONALD LEE - Procs Place LLC
 Mailing Address: 2160 SHOTWELL RD. CLAYTON, N.C. 27520
 Phone Number: 919-868-5713 Fax: _____
 Email Address: _____

APPLICANT INFORMATION

Applicant: GALVARY CHAPEL CH Same as above
 Mailing Address: (Sherald & Donald Lee)
 Phone Number: _____ Fax: _____
 Contact Person: _____
 Email Address: _____

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Conditional Use Permit (CUP) application.

To be completed by the applicant:			To be completed by staff:		
	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>9/22/14</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
2. Review Fee (\$400)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
3. Completed application (<u>9</u> copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
4. Owner's Consent Form (<u>9</u> copies)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
5. Adjacent property owners list (<u>9</u> copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
6. Wastewater allocation request OR verification of wastewater allocation (<u>9</u> copies)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
7. Signed and sealed traffic impact analysis (2 copies)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
8. If applicant is concurrently applying for site plan approval, a copy of the proposed site plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
9. Neighborhood meeting notice letter (9 copies) <i>See sample letter and meeting requirements</i>	May be provided at time of submittal if meeting date is known – otherwise must be submitted by email or mail on date the letter is mailed out.				
10. Set of stamped, addressed envelopes using the adjacent property owners list	May be provided at time of submittal OR no later than 25 days prior to the Board of Adjustment meeting.				
11. Neighborhood meeting summary form (9 copies)	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				

Note: More information may be requested by the Planning Department depending on the project

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DONALD LEE
Print Name

Donald Lee
Signature of Applicant

10-3-14
Date

NEIGHBORHOOD MEETING MATERIALS
BOA 2014-126

NEIGHBORHOOD MEETING SUMMARY FORM

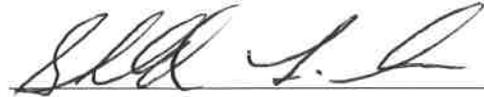
FILL OUT THE FOLLOWING:

Date of Mailing: Oct 20 2014

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached):

Printed Name: SHERALD L. LEE

Signature:



Date of Meeting: Oct 30 2014

Time of Meeting:

7:00 P.M.

Location of Meeting:

510 W MAIN ST CLAYTON, N.C. 27520

Meeting Summary/Minutes: provide a summary of the discussion held at the meeting, including issues raised and any changes made by the applicant as a result of the meeting.

Meeting was called to order by Sherald Lee at 7:05 pm. on October 30, 2014. Mr. Lee explained to neighbors that we have a church that wants to rent approximately 8,000 sq. ft. of space at Proctor's Place, 510 W. Main St. The existing "church", Grace Covenant, rented 4800 sq. ft. They will still be renting 2400 sq. ft. Grace Covenant is more of an Evangelist Program than a church.

We have overflow parking on each side of the building, so there will not be parking on the street.

There was no opposition.

SINCERELY

SHERALD L. LEE



Please write clearly (or submit a typed summary), and use additional sheets if necessary.

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: SHERALD L. & DONALD G. LEE

Location/Date: 510 W MAIN ST SUIT OCT 30 2014

	NAME	ADDRESS
1	William C Barber	535 West main st.
2	Bobbie A Ragland	531 W. MAIN ST
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19		
20		

PROPERTIES WITHIN 100 FEET OF BOA 2014-126

PROCS PLACE LLC
2160 SHOTWELL ROAD
CLAYTON, NC 27520-0000

RAGLAND, BOBBIE LOU ANDREWS
531 W MAIN STREET
CLAYTON, NC 27520-0000

LEE, SHERALD L
2098 SHOTWELL ROAD
CLAYTON, NC 27520-0000

ZOGREO LLC
PO BOX 10810
RALEIGH, NC 27605-0000

BOONE, VIRGIL E
3366 BARBER MILL RD
CLAYTON, NC 27520-8571

BARBOUR, WILLIAM CLARENCE
535 W MAIN ST
CLAYTON, NC 27520-1601

CASEY, PORTER JR
326 PAGE ST
CLAYTON, NC 27520-2452

LEE, SHERALD L
2098 SHOTWELL RD
CLAYTON, NC 27520-9591

LONG, CHARLES LUCAS
5005 SATINWOOD DR
CLAYTON, NC 27520-5895

PENZA, ALBERTO SANCHEZ
532 W MAIN ST
CLAYTON, NC 27520-1602

HEAVNER, DANIEL L
PO BOX 2346
CLAYTON, NC 27577-0000

HOLLAND, TINA D
713 W STALLINGS ST
CLAYTON, NC 27520-0000

M&N RENTAL
2019 HARDEE LANE
CLAYTON, NC 27520-0000

BLINSON, GEORGE ROBERT
8039 RALEIGH ROAD
BENSON, NC 27504-7169

KEPLEY, JAMES LAWRENCE
705 W STALLINGS ST
CLAYTON, NC 27520-1632

JARMAN, SHELLY JEAN
703 W STALLINGS ST
CLAYTON, NC 27520-0000

SCURATO, WHITNEY L
701 W STALLINGS ST
CLAYTON, NC 27520-0000