# SPECIAL USE PERMIT ANALYSIS

**PETITION:** SUP 26-03

**OWNER**: Walter West Jr.

**APPLICANT**: Community Horizons ABA LLC

**PROPERTY LOCATION**: 1595 Cheatham Ford Rd.

**PIN**: 3798 18 3537

**ACREAGE:** Approximately 2.6

**REQUESTED ACTION**: The applicant requests a Special Use Permit to operate a small place of assembly.

**BACKGROUND:** The subject property is zoned R2R, which would allow for a small place of assembly with a Special Use Permit. There is a building located on the residential parcel that was formerly used as a church building. The applicant plans to use the site for parent classes, social gatherings, and support group meetings for ABA therapy.

**DEVELOPMENT POTENTIAL:** The property is currently zoned Residential District Two, which allows for medium to low-density residential. This parcel is partially located in the WSIV-P designation, and therefore is limited to 24% built upon area.

**LAND USE AND ZONING:**

Please see Map below for a map of the area zoning.

Subject property: The property is zoned R2R.

North: The properties to the north are zoned R2R.

East: The property to the east is zoned R2R.

South: The properties to the south are zoned R2R.

West: The properties to the west are zoned R2R.

**ACCESS:** The property has access from Cheatham Ford Rd.

**SPECIAL USE PERMIT REVIEW CRITERIA:** Alexander County Land Development Code §154.354 explains that "Special Use Permits are required where individual consideration of location, design, configuration and/or operation of a use at a proposed site are necessary to ensure site appropriateness, compatibility with surrounding uses and the protections of the public health, safety and welfare. Development standards shall be used as the basis for developing conditions for a permit; however, individualized conditions may also be imposed throughout the application process."

*The Comprehensive Plan indicates the subject property is located within the Rural Agricultural Area (RAA).*

*The Comprehensive Plan describes the RAA as predominantly rural in character low-density residential and agricultural land.*

*The proposed small place of assembly will be contained within an existing structure, and therefore will not change the rural character of the community.*

*Please see below for a map of the area's Future Land Use classifications. (Note: Alexander County Comprehensive Plan's Future Land Use map does not contain parcel line data, as the general boundaries of the land use categories are not concrete.)*

***Section 154.3 of the Alexander County Land Development Code contains its Purpose. This section contains six (6) specific items which these regulations are intended to uphold. These are as follows:***

1. Provide adequate light and air;

2. Prevent overcrowding of land;

3. Avoid undue concentration of the population;

4. Lesson congestion on roads;

5. Secure safety from fire, panic and dangers;

6. Facilitate the efficient and adequate provision of transportation, water sewerage, schools, parks and other public requirements;

**RECOMMENDED ACTION:** Staff recommends approval of the Special Use Permit subject to the following conditions:

1. All aspects of the project, and its subsequent improvements, shall comply with all applicable provisions of the County's Land Development Ordinances, and the Building and Fire Codes of the State of North Carolina;

2. Prior to the occupancy of the space, any required permits must be submitted, reviewed, and approved by Alexander County;

**CITIZEN INPUT:** As of June 3, there have been no inquiries from the public.

## QUASI-JUDICIAL PROCEEDING STANDARDS OF REVIEW

**The ZBA shall not approve a permit unless it makes written findings that the specific standards set forth in the LDC for the use have been met.**

S.R. 5.17 Place of Assembly, Small

1. Site Plan submitted
2. Lighting. Outdoor lighting fixtures in order to protect neighboring properties and roads from direct glare or hazardous interference of any kind.
3. Structure shall accommodate not more than a maximum of 250 persons.
4. 100 feet perimeter setbacks
5. Buffer.

The applicant will not bear the burden of proving that all of the site standards (listed below) have been met; however, the applicant will be required to produce evidence sufficient to rebut any evidence presented that the site standards would not be met or that a condition is necessary. The applicant may be required, in their rebuttal, to show:

The proposed use will:

1. Not materially endanger the public health, safety or welfare;
2. Not substantially injure the value of property or improvements in the area;
3. Be in harmony with the surrounding area.

The proposed use shall be located and developed in such a manner as to:

1. Comply with applicable local, state and federal statutes, ordinances and regulations;
2. Be in accordance with the Comprehensive Plan and any other relevant plans adopted by the County;
3. Minimize the effects of noise, glare, dust, solar access and odor;
4. Minimize the environmental impacts on the neighborhood.

Satisfactory provisions/arrangement has been made (where applicable) concerning:

1. Ingress and egress with particular reference to safety and traffic flow;
2. Off street parking and loading areas;
3. Utilities;
4. Buffering and landscaping;
5. Structures.

**The ZBA may, in granting a permit, prescribe: (1) additional conditions; (2) additional safeguards; (3) a time limit within which the use shall be begun; and /or (4) a time limit within which a use shall be completed. Conditions imposed by the ZBA must fall within the prescribed statutory authority. Only those conditions mutually agreed upon by the ZBA and applicant may be incorporated into the permit through written consent.**

**Figure 1: SUP-26-03 Site Location**




**Figure 2: Zoning Map**

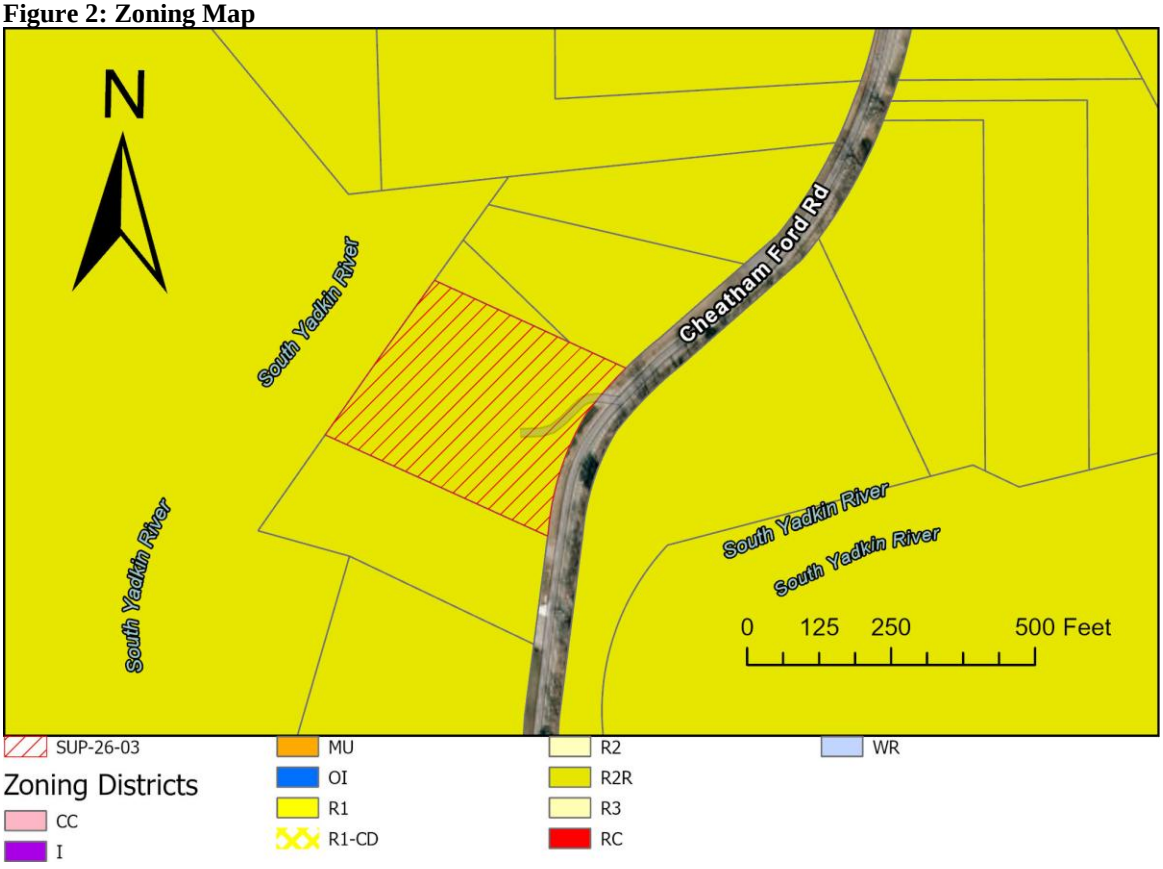


**Figure 3: FLU Map**

