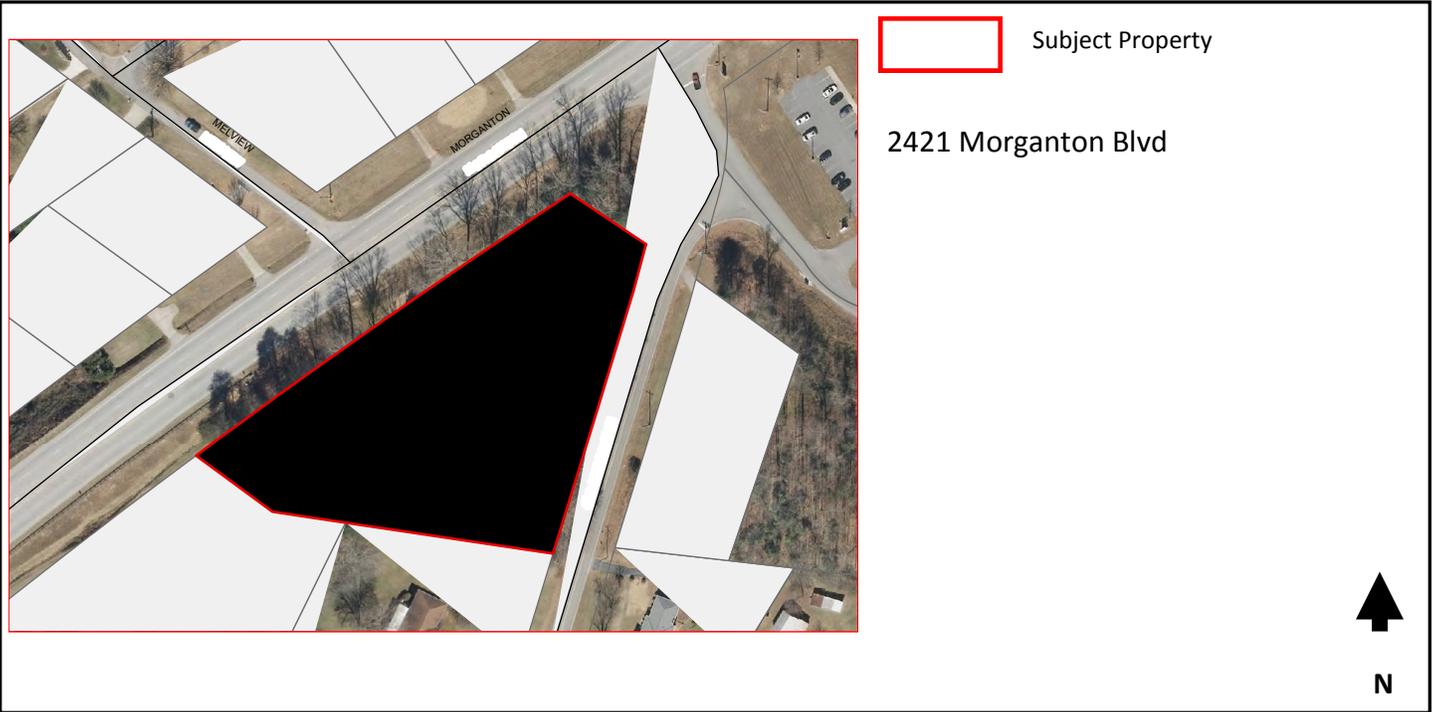




Staff Report  
Conditional Use Permit  
CASE NUMBER CUP #2/16

LOCATION MAP/AERIAL PHOTOGRAPH



SUMMARY

**Owner**  
Estate of Willa Dean Brown Triplett

**Applicant**  
Focus Behavioral Group Health Services LLC

**Location**  
Located at 2421 Morganton Blvd. at the corner of intersection with Old Morganton Rd

**NC PIN**  
2738688755

**Project Planner**  
Stacey Whalen-Hall

*Updated July 5, 2016*

**Applicant's Request:**  
The applicant is requesting a Conditional Use Permit for a 4 bed 24-hour group care facility for adolescent youth in the Single Family Residential (R-12) zoning district.

**Staff Recommendation:**  
Approval of the request, subject to the conditions in this report.

**Planning Board Recommendation:**

**Public Comment:**

**Planning Board Meetings:** July 25th, 2016. Notices were mailed to property owners within 100 ft. of the subject property on July 15th, 2016.

**City Council (Public Hearing):** Anticipated to be scheduled for August 16th, 2016.

**\*\*\*This request is considered quasi-judicial. You should not discuss this case with decision makers outside of the scheduled public meeting\*\*\***

## BACKGROUND

### Intent of Conditional Use Permits

Conditional uses are recognized in the zoning ordinance as uses which may be compatible with an area depending on the specific details of the project, its surroundings, and the level of services available to the site, but are not permitted "by right" in the zoning district. The conditional use permit process gives the City sufficient flexibility to determine whether a specific land use on a given site will be compatible with the environment and the Comprehensive Plan. Through the approval of a Conditional Use Permit, the Planning Board and City Council may set conditions or use limitations, thereby establishing a realm of acceptability for the particular use that will be neither arbitrary nor capricious, and will promote the spirit and character of the surrounding neighborhood. The process requires the Planning Board to review and make a recommendation to the City Council on the request. The City Council must then decide whether or not to issue a Conditional Use Permit following a quasi-judicial hearing.

### Subject and Surrounding Properties

The subject property is located in the R-12 zoning district at the corner of Morganton Blvd and Old Morganton Rd, just west of RHA Behavioral Health. Adjacent properties to the immediate north, south and west are residential properties. The subject property is currently a single family residence with a small detached one bedroom and one bath accessory cottage. The applicant proposes using the existing dwellings for a four bed residential facility with twenty-four hour awake supervision by staff members.

### Intent of the Zoning District

The intent of R-12 Residential Single-Family District is to establish and preserve areas of land within the city for medium density single and two family residences and compatible land uses.

### Consistency with the Comprehensive Plan

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. The Comprehensive Plan shows the future land use of this property as being residential. Moving the group home to this property would keep the residential character to the neighborhood, and should not negatively impact the neighborhood. The property is also located along the proposed alignment for the Over Mountain Victory National Historic Trail (OVNHT) contemplated in the recently completed OVNHT Master Plan for the Lenoir to Morganton section of the trail. Approval of the request does not hinder the future development of the greenway trail, in fact this would be an asset to the residents and staff of the facility.

## STAFF ANALYSIS

### Compatibility with Surrounding Uses

Generally, single-family districts are for residential-type housing, in this case the transition from a residential house to a group home should not impact the surrounding residential areas. The property is located on the corner lot of Morganton Blvd and Old Morganton Rd, across the street from RHA Behavioral Health Services and the Caldwell County Sheriff Offices. The property has tree buffers between itself and the neighboring properties; it is also located on over a two acre lot which would provide privacy. The group home is small, only providing four beds and two twenty-four hour daily staff with little anticipated impact to the neighbors. The property is located on Morganton Blvd, on the edge of a neighborhood. This residential setting is ideal for the residents staying at the home, while the location on the edge of the district makes this property and the proposed use a good transition to the higher intensity non-residential uses to the east.

## STAFF ANALYSIS

### Parking and Vehicular Traffic

Focus Behavioral Health Services, LLC plans on utilizing the existing driveway. The driveway is located off of Morganton Blvd and is paved asphalt. The driveway is 225 ft long, is adequate for the parking requested and will not need any renovations. The home will have two vans used for transportation of clients, that will be stored in the detached two car garage. The clients will not have vehicles on site, only staff members will utilize the driveway for their vehicles. A maximum of three staff members will be on site at a time. The driveway has adequate space for staff and visitors to park, and a large turn around at the top of the driveway, which prevents the need to back into traffic on Hwy 18/64. According to the application a maximum amount of 11 vehicles may be on location during special meetings, however this will not be a daily occurrence. There is ample amount of space for the vehicles to park on the side of the driveway and still keep traffic flowing. There is also a turn-around at the top of the driveway for vehicles to turn around and exit onto Morganton Blvd.

### Accessory Dwelling

The accessory cottage apartment has one bedroom and one bath. The R-12 district allows for accessory use or accessory building (residential). Only staff would use this building during time that extra staff would need to stay on the property. (ie: times of inclement weather) The building will not be used for any other circumstances. The building would be permitted to be rebuilt if needed.

## FINDINGS

No Conditional Use Permit shall be approved unless the Planning Board and City Council find that:

1. The proposed conditional use will comply with all height, yard, lot and area requirements and other regulations of the district in which it is located unless otherwise specified. *The project site is a single parcel which meets all lot and yard requirements for the district and single-family developments.*
2. All driveways will be designed with respect to such matters as proper ingress and egress for automobiles in order to minimize traffic congestion and increase pedestrian safety and conveniences. *The driveway has adequate means for ingress and egress for vehicles.*
3. Off-street parking and loading areas will be provided in compliance with the Zoning Ordinance. The establishment of the conditional use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. *The closest for which parking ratio is prescribed must provide 1 space / 3beds. For 4 beds that means only one space is required. Due to the level of staffing at this facility additional spaces are provided.*
4. Any required screening and landscaping will be designed or planted with full consideration of the effectiveness of individual plant types, dimensions, and characteristics in minimizing the noise, glare, visual impacts and other economic effects on adjoining properties. *While a buffer yard is not required by the ordinance the existing mature landscaping will provide privacy and separation for the residents of the facility and adjacent homes.*
5. Any permitted signs and proposed exterior lighting will be designed to reduce glare and to mitigate any adverse effects of sign size and height; so as to make the signs aesthetically pleasing and compatible with adjoining properties. *Any proposed signage must be permitted in compliance with the dimensional standards of the R-12 district.*
6. The exterior architectural appearance and functional plan of any proposed building or structure will not vary greatly from any buildings or structures already in construction or in the course of construction in the immediate vicinity or from the character of the applicable district, so as to cause a substantial depreciation in the property values of the immediate vicinity. *The applicant is not proposing to change the outside structure of the building. The existing structure meets the needs of the proposed use, and is compatible with the appearance of other surrounding resources.*
7. The type, size, hours of operations, location of the use upon the site, and intensity of the proposed conditional use will not be harmful or annoying to surrounding properties. *The proposed use of the property is residential in nature. The facility will be a four bed residential facility for children/adolescent youth. The residents will be living in the home and continuously supervised by two trained staff members twenty-four hours a day. Residents will not be permitted to go off of group home premises without staff supervision. The small number of beds, 24-hour staff supervision, and existing large lot of mature landscaping ensures that the use will not be harmful or annoying to surrounding properties.*

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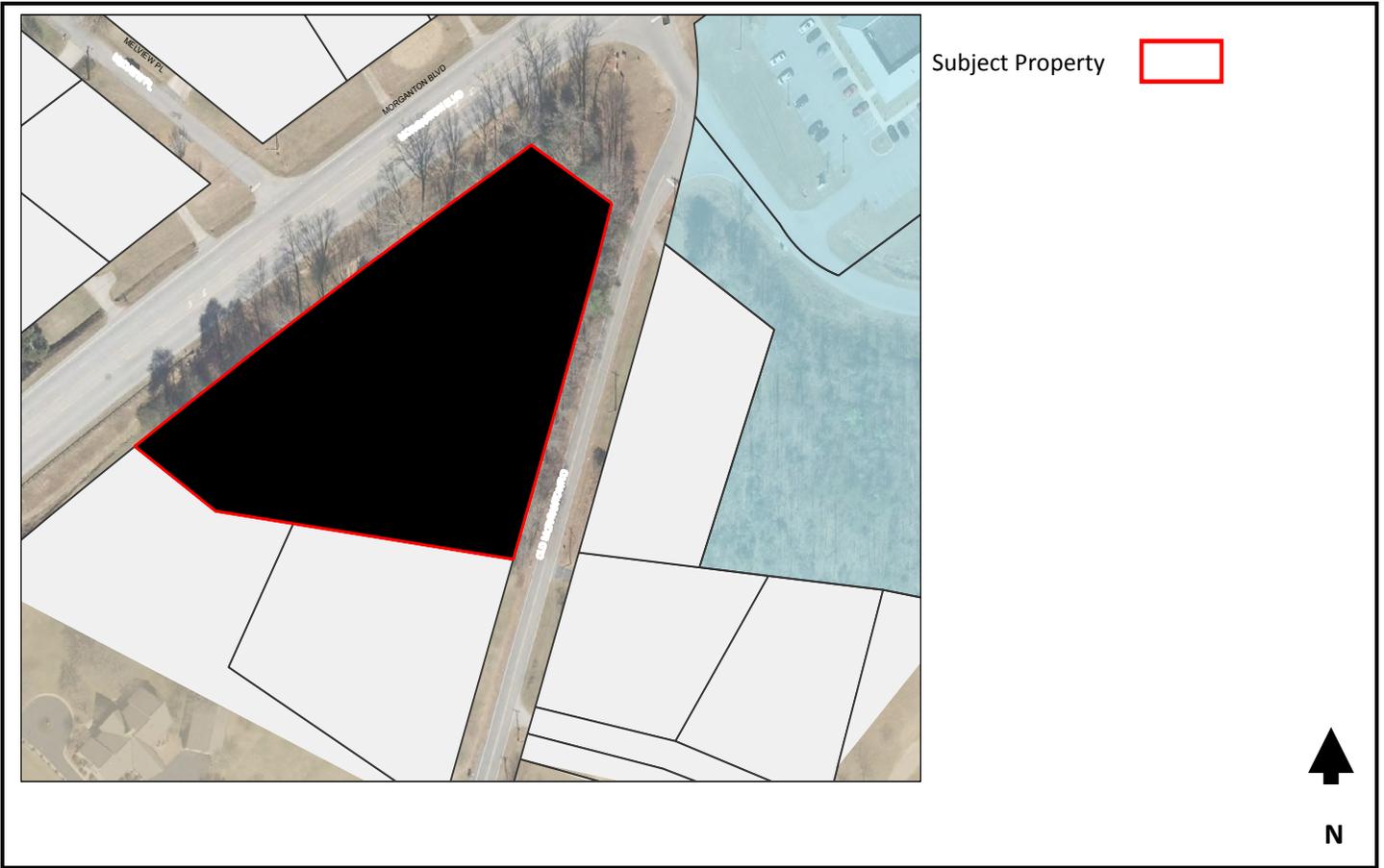
## STAFF RECOMMENDATIONS

Staff recommends approval of the requested Conditional Use Permit for the proposed Group Home Facility, known as Focus Behavioral Health Services, with the following conditions:

1. Approval of this conditional use permit request is only valid for the development of Child / Adolescent Residential Group Home.
2. This Permit is valid for only a four bed group home.
3. Residents are not permitted to have cars; only staff.
4. The use of the accessory cottage is only allowed by staff.
5. All parking must be on private property outside the Right of Way.
6. Valid permits must be obtained for this project and all construction must meet the requirements of the City of Lenoir Code of Ordinances, the North Carolina State Building Code, the North Carolina State Fire Code, and any other federal, state, or local regulation that applies.
7. If a building permit has not been issued within 24 months of the adoption of the Conditional Use Permit, the approval shall be considered null and void.

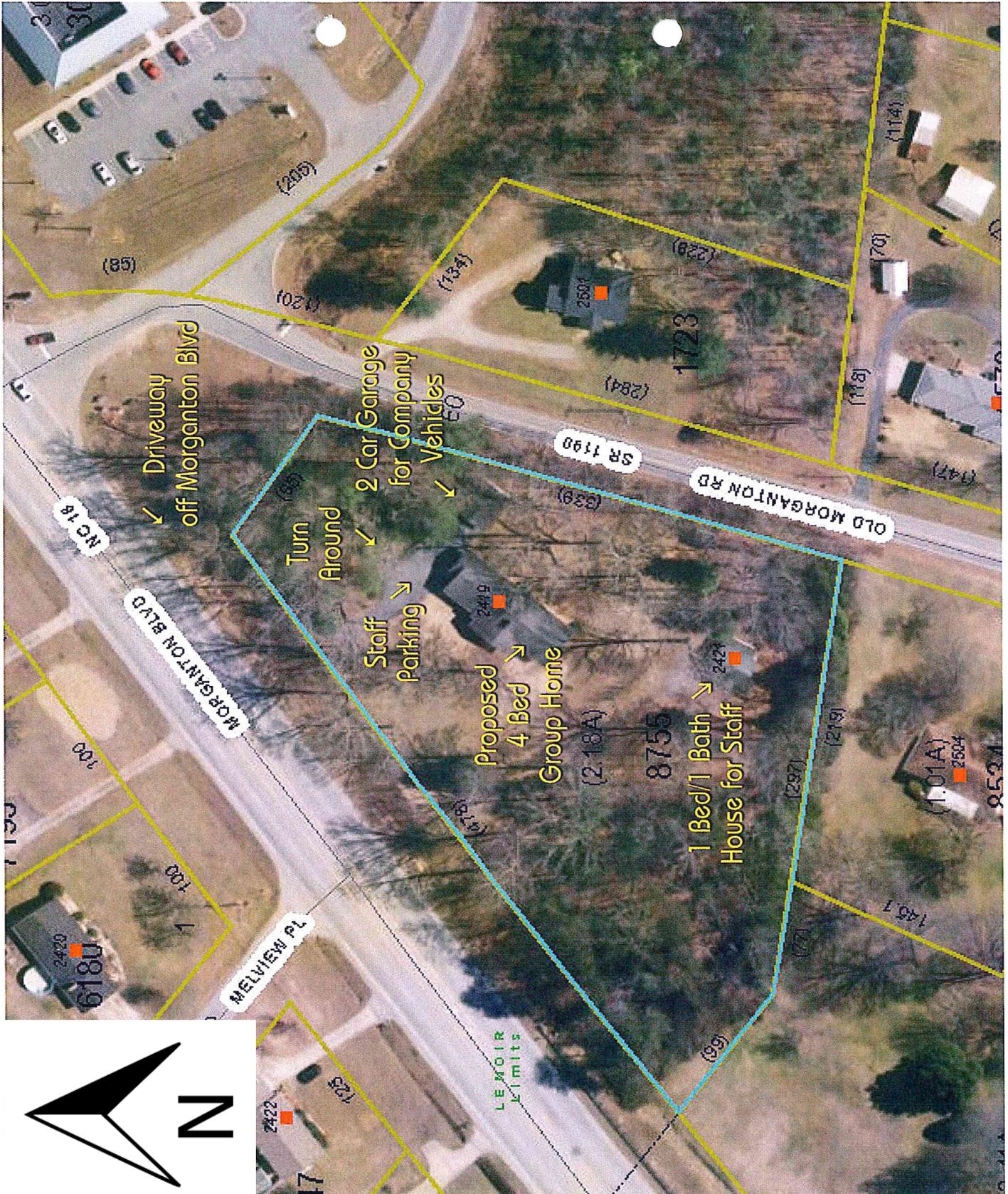
## PLANNING BOARD RECOMMENDATIONS

# ZONING MAP

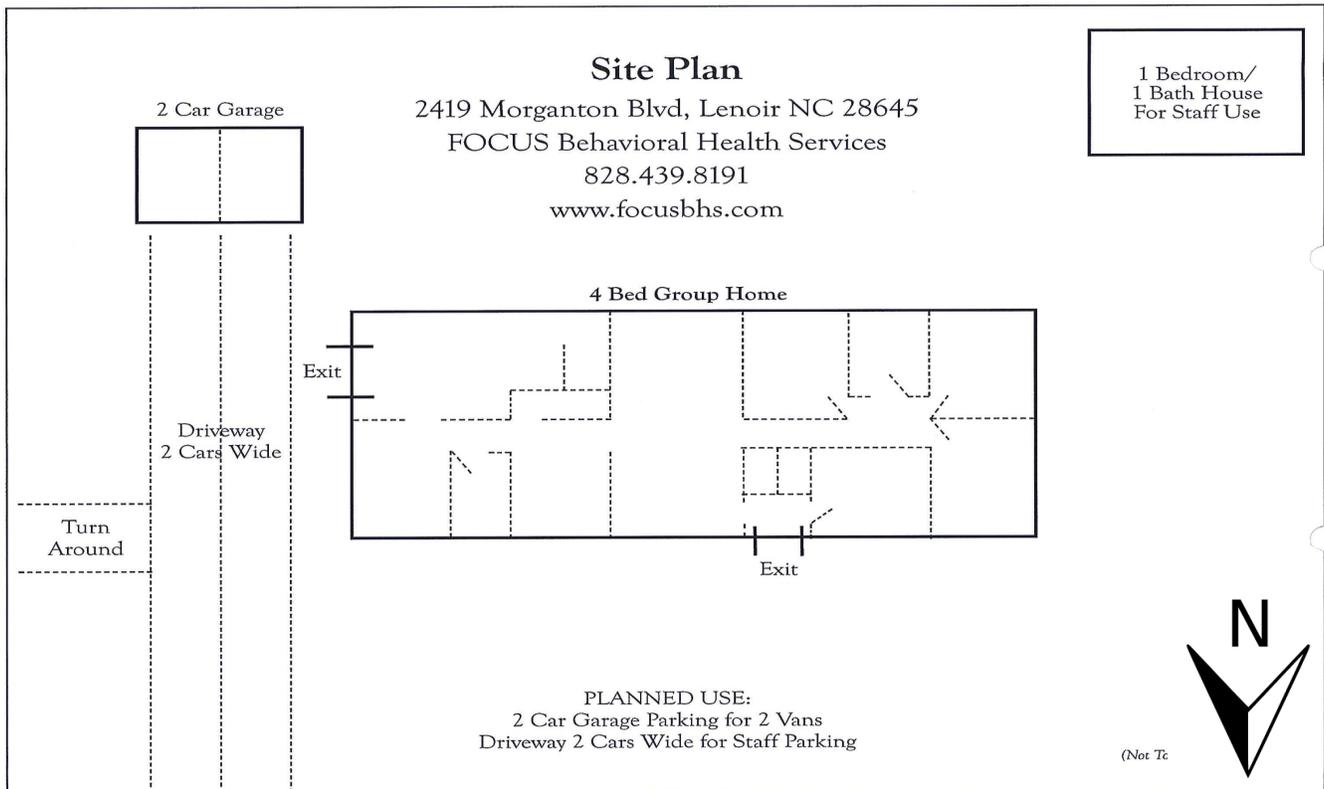
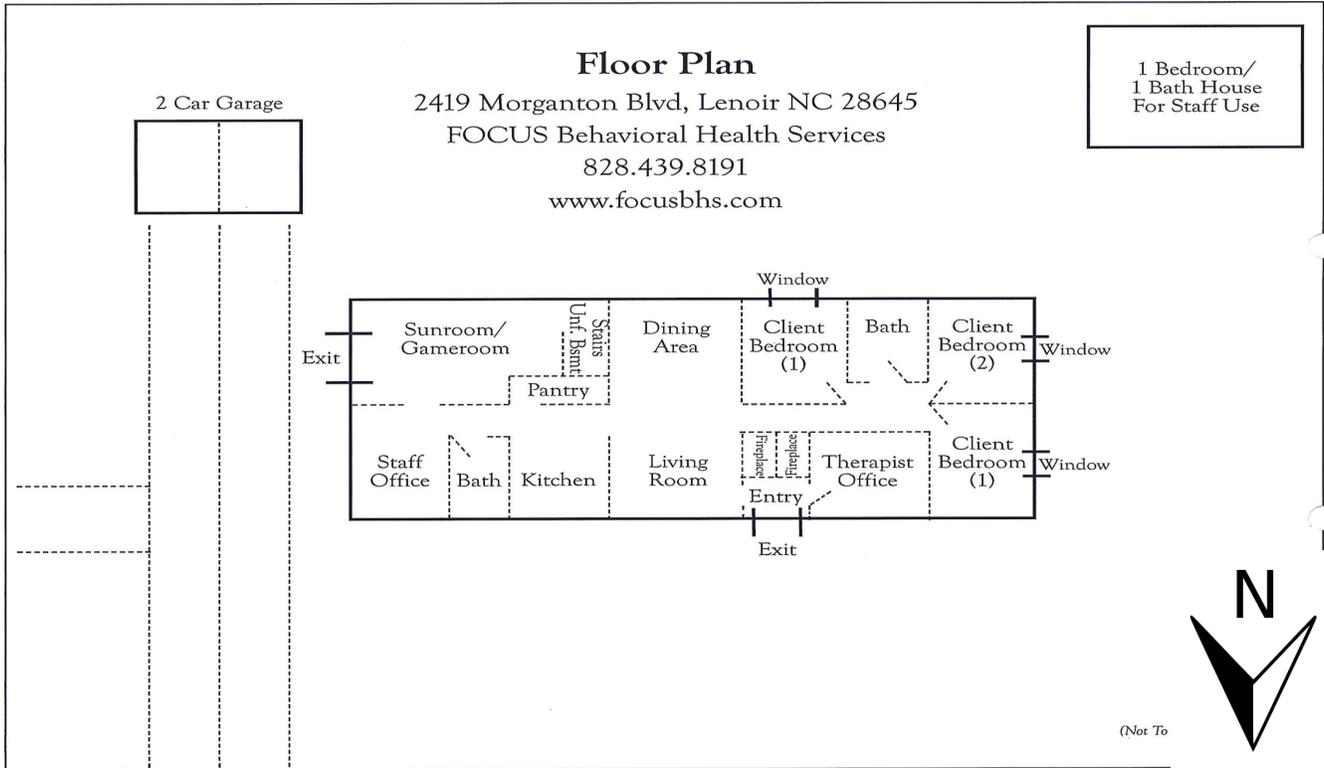


Development Standards in R-12 Zoning District					
	Minimum Lot Size	Minimum Lot Width	Setbacks	Maximum Building Height	Uses
<b>R-12 Zoning</b>	12,000 sq. ft	100'	Front: 40' from ROW Side: 12' Rear: 30'	35 ft.	Wide range of residential uses, for further uses see City Ordinance 803

# SITE PLAN



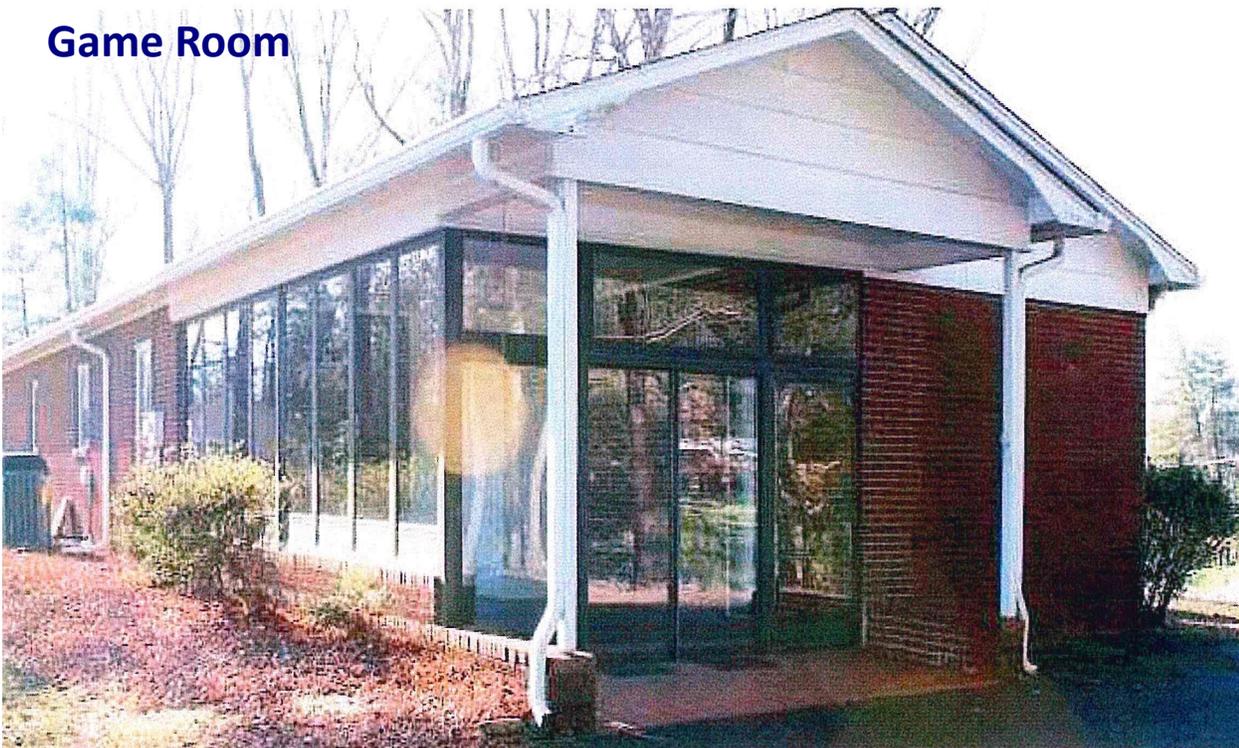
# FLOOR PLAN, SITE PLAN



SITE PHOTOS (PROVIDED BY APPLICANT)



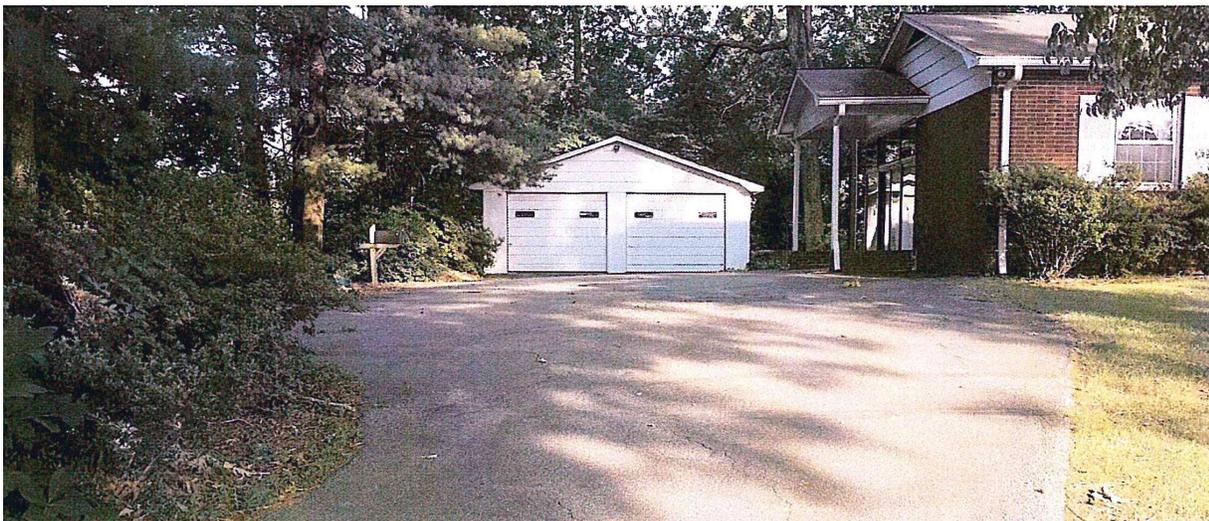
**Game Room**



# DRIVEWAY, GARAGE



DRIVEWAY, MORGANTON BLVD.



# REAR OF THE HOUSE, GARAGE

