



# STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

## Shannon Dr Internet Marketing Center (SUP1401)

**Type of Request:** Special Use Permit

### Meeting Dates

Planning Board on April 15 and May 20, 2014

City Council on May 6 on June 3, 2014

### Contact Information

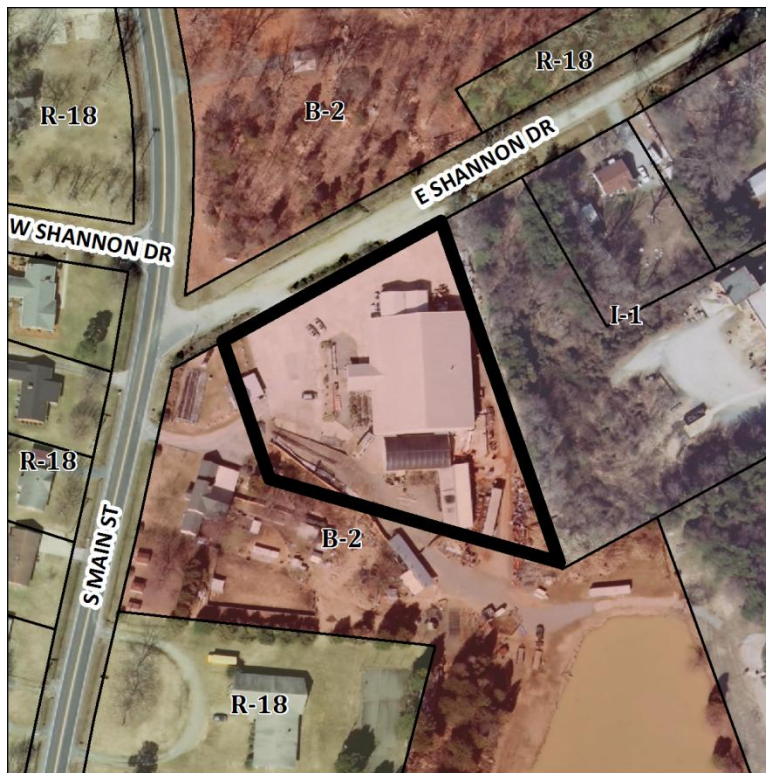
Chase Brooks

1611 Parham Dr, Graham, NC 27253

336-740-0709; chaselivelife@gmail.com

### Summary

This is a request for a Special Use Permit for electronic, internet or sweepstakes gaming at 107 E Shannon Dr. There is an existing building on the property that contains a garden center. The internet marketing center is proposed to share the building with the garden center.



Because this is a new use for the property, the development will be required to comply with off-street parking requirements. As of the writing of this staff report, a plot plan showing how off-street parking requirements will be met had not been submitted.

#### Location

107 E Shannon Dr

GPIN: 8883421261

#### Proposed Special Use

Electronic, Internet or  
Sweepstakes Gaming

#### Current Zoning

General Business (B-2)

#### Overlay District

None

#### Surrounding Zoning

R-18, B-2 & I-1

#### Surrounding Land Uses

Single Family Houses, General  
Businesses and Industrial

#### Size

1.56 acres

#### Public Water & Sewer

Water along S Main St  
No Sewer

#### Floodplain

No

#### Staff Recommendation

Denial

Because this is a change of use that results in an increase of two in the Land Use Classification number, the development will be required to comply with landscaping requirements and those shall apply to the entire lot. As of the writing of this staff report, a plot plan showing how landscaping requirements will be met had not been submitted.

## Conformity to the *Growth Management Plan (GMP)* and Other Adopted Plans

### Applicable Goals to Guide Us into the Future

- 6.3.2. Encourage commercial development within designated village centers as opposed to continued commercial strip development. *The special use permit would permit a type of commercial development in a designated village center.*
- 6.3.4. Promote the location of mixed-use development at designated village centers. *The special use permit would allow a development with two commercial uses in a designated village center.*

### Applicable Planning District Policies and Recommendations

- 7.5.4.1.2. Encourage commercial development in the district in village and neighborhood centers to serve the residents of South Graham. This pattern should be promoted over the highway commercial/strip development that has occurred along S Main St. *The special use permit would permit a type of commercial development in a designated village center.*

## DRAFT Findings of Fact and Conclusions

In granting a special use permit, the City Council shall find that all of the six conditions listed below have been met, or it shall be denied. Staff has prepared the following DRAFT findings of fact for each of the six conditions. These findings should be modified by the Council as it considers its decision.

1. All applicable regulations of the zoning district in which the use is proposed are complied with.

*The property is zoned B-2. "Electronic, Internet or Sweepstakes Gaming" is permitted in this zoning district with a Special Use Permit. The proposed internet marketing center will be located in the existing building, which appears to meet the area, height and yard regulations. Any new signs will require a sign permit.*

2. Conditions specific to each use, identified by the Development Ordinance, are complied with.

*As of the writing of this staff report, a plot plan demonstrating that off-street parking and landscaping could be complied with had not yet been submitted. There are also a number of requirements specific to this Special Use Permit:*

- *This use cannot be located closer than 1000 feet to another Electronic, Internet or Sweepstakes Gaming establishment; closer than 1000 feet to a public or private elementary or secondary school, child day care center or nursery school, public park, church or community college; or closer*

### Planning District

South

### Development Type

Village Center, Traditional Neighborhood Development and Neighborhood Residential

For single family residential, townhouses, apartments & condominiums, commercial, office/institutional and mixed use

Characteristics include open space; parks included with development; pedestrian-oriented; automobile-oriented; design requirements; sidewalks; street trees; landscaping; buffering/screening; parking provided on-site; height of structures regulated; controlled access; building orientation

Density of 3+ DU/acre or 10,001 to 100,000sf of retail

Infrastructure includes water, sewer, street connectivity and underground utilities

*than 500 feet to a bar or night club, as measured from property line to property line. The proposed internet marketing center is located roughly 915 feet from Bethany Presbyterian Church which is located at 1501 S Main St.*

- *No other principal or accessory use may occupy the same building or property with any Electronic, Internet or Sweepstakes Gaming establishment. The proposed internet marketing center will occupy the same building and property as an existing garden center.*
- *Flashing lights or fluttering devices designed and used to attract attention are not permitted. The application does not mention or address this.*
- *Sound amplification shall not be directed outside. The application does not mention or address this.*
- *Alcohol may not be consumed or sold on the premises. The application states that no alcohol will be permitted.*
- *No person under age 18 may be allowed in the establishment and age must be verified for each customer at the time of entry into the establishment. The application does not mention or address this.*
- *Staff has reviewed the application and has no reason to believe that it contains any misstatements of fact.*
- *Staff had a criminal background check done by the Graham Police Department and has verified that the applicant has not been convicted of a felony within the past three years.*
- *The proposed site must meet building and fire prevention codes. A stop work order for interior renovations to the existing building was issued on March 11, 2014 due to misrepresentation in the building permit application of the type of use that would occupy the space. Building permit #5138 was issued for interior renovations consisting of partition walls for a portion of the building at 107 E Shannon Dr to be used for office space; this permit was revoked on 3/11/2014.*

3. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.

*The proposed internet marketing center will not materially endanger the public health or safety.*

4. The use will not substantially injure the value of adjoining property or that the use is a public necessity.

*The proposed internet marketing center will not substantially injure the value of adjoining property.*

5. The location and character of the use if developed according to the plan as submitted will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Graham planning area.

*The proposed internet marketing center is a commercial use that will be located adjacent to other existing commercial uses and is in general conformity with the Growth Management Plan 2000-2020.*

6. Satisfactory provision has been made for the following, when applicable: vehicle circulation, parking and loading, service entrances and areas, screening, utilities, signs and lighting, and open space.

*As of the writing of this staff report, a plot plan showing vehicle circulation and parking had not been submitted.*

---

### **Staff Recommendation**

Based on the *Growth Management Plan 2000-2020* and the *City of Graham Development Ordinance*, staff **recommends denial** of the Special Use Permit. The following supports this recommendation:

- The development does not comply with the requirements of the *Development Ordinance*. It is located within 1000 feet of a church and will occupy the same building and property as an existing garden center.
- The development does not meet all six conditions required by Section 10.144 of the *Development Ordinance*, specifically condition #2.