



DATE: April 16th, 2018
Case #: AA- 02-18
Petitioners: Nathan Hahn and residents of the adjacent community

Description: Appeal of Planning and Zoning Commission approval of a Special Use Permit for a Social Service Institution for the Salvation Army

Location: 216 Patterson Ave. SE, 27, 42 & 45 Ashlyn Dr. SE
Current Zoning: OI-CD (Office Institutional Conditional District)

Staff Report presented by:

BACKGROUND / HISTORY

- On October 18, 2017, Major Johnny Poole of the Salvation Army submitted a rezoning application to rezone the properties located at 216 Patterson Ave. SE, 27, 42 & 45 Ashlyn Dr. SE from RC (Residential Compact) to OI-CD (Office Institutional Conditional District).
- The request was given case number Z(CD)-20-17
- Conditions proposed for the condition district rezoning were 1)limiting the use of the property to a “Social Service Institution,” 2)Submitted site plans 3) Submitted Elevations.
- On January 8, 2018, Major Johnny Poole of the Salvation Army submitted a Special use Permit application to utilize the properties located at 216 Patterson Ave. SE, 27, 42 & 45 Ashlyn Dr. SE. as a “Social Service Institution” with a site plan and building elevations submitted as conditions of approval.
- The request was given case number SUP-06-17
- Both rezoning case Z(CD)-20-17 Special Use Permit case SUP-06-17 were heard by the Planning and Zoning Commission at their January 16th, 2018 meeting.
- Both cases were heard together and all speakers/witnesses were sworn per quasi-judicial hearing requirements.
- With regards to the **rezoning** request the Planning and Zoning Commission unanimously approved the following Statement of Consistency:
 - ❖ The subject property is approximately 3.7 acres.
 - ❖ The property is a mixture of the existing Salvation Army campus, single family residential and vacant land.
 - ❖ The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) because it recognizes the existing, established, campus and allows expansion of said campus. The amendment is also consistent because institutional uses are present in the neighborhood with the existing campus as well as the Friendship Bible Church campus to the north.
 - ❖ The zoning amendment is reasonable and in the public interest because the petition provides a necessary social service to the residents of the City.
- With regards to the **rezoning** request the Planning and Zoning Commission unanimously approved request for rezoning to OI-CD with the following Conditions:
 1. Compliance with the “Salvation Army Center of Hope Homeless Shelter – scheme A” site plan dated 1/9/18 and the two schematic exterior elevations submitted with the application;
 2. Submission of more detailed exterior elevations during the technical site plan review

process, which demonstrate compliance with the newly adopted nonresidential design standards;

3. Uses on the site shall limited to those specified in the application;
 4. Approval of a fire flow test that demonstrates a minimum flow of 1,500 gpm at 20 psi or greater;
 5. Compliance with minimum city codes including fire, stormwater and transportation; and
 6. The project shall be subject to technical site plan approval.
- With regards to the **Special Use Permit** request, the Planning and Zoning Commission unanimously approved the following Findings of Fact:
 1. The applicant is the Salvation Army and the subject property consists of six parcels located on the south and east sides of Patterson Avenue and on the north and south sides of Ashlyn Avenue.
 2. The property is owned by the Salvation Army (DB and PGs 405/15, 12771/13, 12777/96, 12332/17, 403/486, 403/264,403/226 and 1778/133).
 3. The subject property is zoned CD (Conditional District).
 4. The property consists of approximately 3.77 acres and consists of the existing Salvation Army campus, two single family residences and vacant land.
 5. The adopted 2015 Land Use Plan designates the property predominately as “single family residential” with a small portion being in the “village center.” The Center City Plan designates the existing campus as “institutional” and the remaining land as “residential.”
 6. The request is for a Special Use Permit to construct a campus expansion of approximately 17,000 square feet to accommodate more beds for families with children.
 7. The submitted site plan and supplemental materials indicate that the proposal meets the minimum requirements of the Concord Development Ordinance.
 - With regards to the **Special Use Permit** request, the Planning and Zoning Commission approved the following Conclusions of Law by a vote of 4-2:
 - 1) **The Planning and Zoning Commission must find that “the establishment, maintenance or operation of the proposed use shall not be detrimental to, or endanger, the public health, safety or general welfare.”**

The applicant states that the expansion is needed as the current facility has only four beds with for families with children. The application states that the facility is necessary to help homeless women and children establish themselves in a safe environment.
 - 2) **The proposed special use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on the site.**

The applicant states that surrounding uses include an additional church campus as well as scattered single family homes and a group rehab facility. The petitioner states that approximately one-half of the entire land area will be undeveloped.
 - 3) **Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.**

The petitioner states that the use is a low traffic generating use, given the nature of the facility.

4) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

The petitioner states that the proposed use will not generate these impacts.

5) The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

The application states that the proposed use is a reasonable expansion of the existing use and that there is no other reasonable location for this expansion in close proximity to the Salvation Army's support staff and facilities.

6) Compliance with any other applicable Sections of this Ordinance.

The proposed use will be in compliance with the City's ordinances and any other governing laws.

- On January 29, 2018 Nathan Hahn submitted an appeal of the Planning and Zoning Commission's approval of the rezoning and the issuance of the Special Use Permit. Others signing the application were: Ray Mullis, Jade Battle, Jacob Daugherty, Sarah Wilson, Heather Hahn, Donnie Morgan, Chad Miller, and Melissa Miller.
- On March 8, 2018, City Council heard rezoning case Z(CD)-20-17 and unanimously approved the following Statement of Consistency:
 - ❖ The subject property is approximately 3.7 acres and is zoned Residential Compact (RC).
 - ❖ The property is a mixture of the existing Salvation Army campus, single family residential and vacant land.
 - ❖ The proposed zoning amendment is consistent with the 2015 and newly adopted 2030 Land Use Plan (LUP) because it recognizes the existing, established, campus and allows expansion of said campus. The amendment is also consistent because institutional uses are present in the neighborhood with the existing campus as well as the Friendship Bible Church campus to the north.
 - ❖ The zoning amendment is reasonable and in the public interest because the petition provides a necessary social service to the residents of the City.
- On March 8, 2018, City Council heard rezoning case Z(CD)-20-17 and unanimously approved the rezoning request with the following conditions:
 1. Compliance with the "Salvation Army Center of Hope Homeless Shelter – scheme A" site plan dated 1/9/18 and the two schematic exterior elevations submitted with the application;
 2. Submission of more detailed exterior elevations during the technical site plan review process, which demonstrate compliance with the newly adopted nonresidential design standards;
 3. Uses on the site shall limited to those specified in the application;
 4. Approval of a fire flow test that demonstrates a minimum flow of 1,500 gpm at 20 psi or greater;
 5. Compliance with minimum city codes including fire, stormwater and transportation; and
 6. The project shall be subject to technical site plan approval.
- Per Concord Development Ordinance (CDO) Article 8.1 (Use Regulations), Social Service Institutions are permitted only within the OI (Office Institutional and B-1 (Neighborhood Business) zoning district with the Issuance of a Special Use Permit and the following Supplemental Standards:

8.3.4-F Social Service Institution

1. Description

Social Services may include but not be limited to Assisted Living Facility; Nursing Home; Psychiatric Treatment Facility

3. Supporting Uses

Any supporting retail sales and services uses accessory to the principal use shall be enclosed within the principal structure, shall not exceed twenty percent (20%) of the heated floor area of the principal structure, and shall only be accessed through the principal structure.

- Per Concord Development Ordinance (CDO) Article 8.2.4-B (Group Living), characteristics of group living include: “Characteristics: Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training. All Group Living Uses not listed below as Principal or Accessory Uses are Social Service Institutions.
 - ❖ Congregate Care Senior Housing
 - ❖ Boarding house, rooming house, fraternity, sorority, orphanage
 - ❖ Community residential home
 - ❖ Family Care Homes
 - ❖ Hospice, nursing or convalescent home
 - ❖ Monastery, convent
 - ❖ Residential assisted living facility without individual self-contained dwelling units

And “uses not included” that would fall into the Social Service Institutions category are:

- ❖ Alternative or post-incarceration facility, exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents, Treatment center, transient lodging or shelter for the homeless (see Social Service Institutions)
 - ❖ Assisted living facility where individual units meet the definition of a self-contained dwelling unit (see Household Living)
 - ❖ Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Transient Accommodations)
 - ❖ Membership club or lodge (see Indoor Recreation)
 - ❖ Residential occupancy of a self-contained dwelling unit by a family on a month-to-month or longer basis (see Household Living)
 - ❖ Rehabilitation Centers
- Per CDO Article 6.3.3-E.3 (General Facts to be Considered):

In passing on any case, and as a further guide to its decision-making, the Board of Adjustment may also consider, among other things the following, if relevant to the requested interpretation, appeal, variance, and special exception permit(s):

 - A. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
 - B. The character and use of buildings and structures adjoining or in the vicinity of the property mentioned in the application.
 - C. The character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on the site.

- D. The number of persons residing, studying, working in or otherwise occupying buildings adjoining or in the vicinity of the property mentioned in the application.
- E. Traffic conditions in the area and accessibility of the building for fire and police protection. Any measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.
- F. Accessibility of light and air to the premises and to the property in the vicinity.
- G. The location, kind and size of surface and subsurface structures in the vicinity of the property mentioned in the application, such as water mains, sewers and other utilities.
- H. Materials of combustible, hazardous, explosive, or inflammable nature to be sold, stored, or kept on the premises.
- I. Protection of occupants of the building from stormwater, noise, dust, on-street parking, odor, vibration, smoke, gases, or other noxious or offensive substances, uses or actions.
- J. The type of electric illumination for the proposed use, with special reference to its effect on nearby structures and the glare, if any, from such illumination in surrounding sleeping quarters.
- K. The public records and other competent testimony concerning the location of the zoning district boundary lines.
- L. The relation of the proposed application to conditions in the vicinity which have changed since the zoning district was originally determined.
- M. The effect on the orderly development and improvement of surrounding property for uses permitted within the zoning district.
- N. Compliance with any other applicable Sections of this Ordinance.

Board of Adjustment Action

According to Article 6.3.5 Appeals of Administrative Decisions, the Board of Adjustment shall make a determination based on the following:

“In an appeal to the Board of Adjustment, regarding an administrative decision or interpretation, the Board's scope of review shall be limited to determining whether the decision or interpretation by the Administrator was in accordance with the intent and requirements of this Ordinance, and accordingly, the board of adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.

Documents included for the record:

- Staff Report.
- Appeal Letter.
- SUP Application and supporting documents



Nathan Hahn
57 Ashlyn Drive SE
Concord NC 28025

1/29/2018

Board of adjustments,

I Nathan Hahn of the above mentioned address, as well as those undersigned are formally requesting an appeal to a zoning decision as we disagree with the findings. We ask to be heard regarding the special use permit for properties on Patterson and Ashlyn Dr SE by the Salvation Army, case #SUP-06-17 approved on the 16th of January of 2018.

Thank you for your consideration of this matter,

Ray Mullis		17 Ashlyn Dr. Concord
JADE BATTLE		68 ASHLYN DR
Jacobs Daugherty		68 Ashlyn Dr.
SARAH M. WILSON		68 ASHLYN DR. SE
Heather Hahn		57 Ashlyn Dr SE
Nathan Hahn		57 Ashlyn Dr SE
DONNIE MORGAN		51 ASHLYN DR. SE
Sheila Morgan		" "
Chad Miller		52 Ashlyn DR SE
Melissa Miller		52 Ashlyn Dr SE

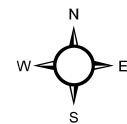


Aerial Map

Salvation Army

216 Patterson Ave SE
Including two Corners of

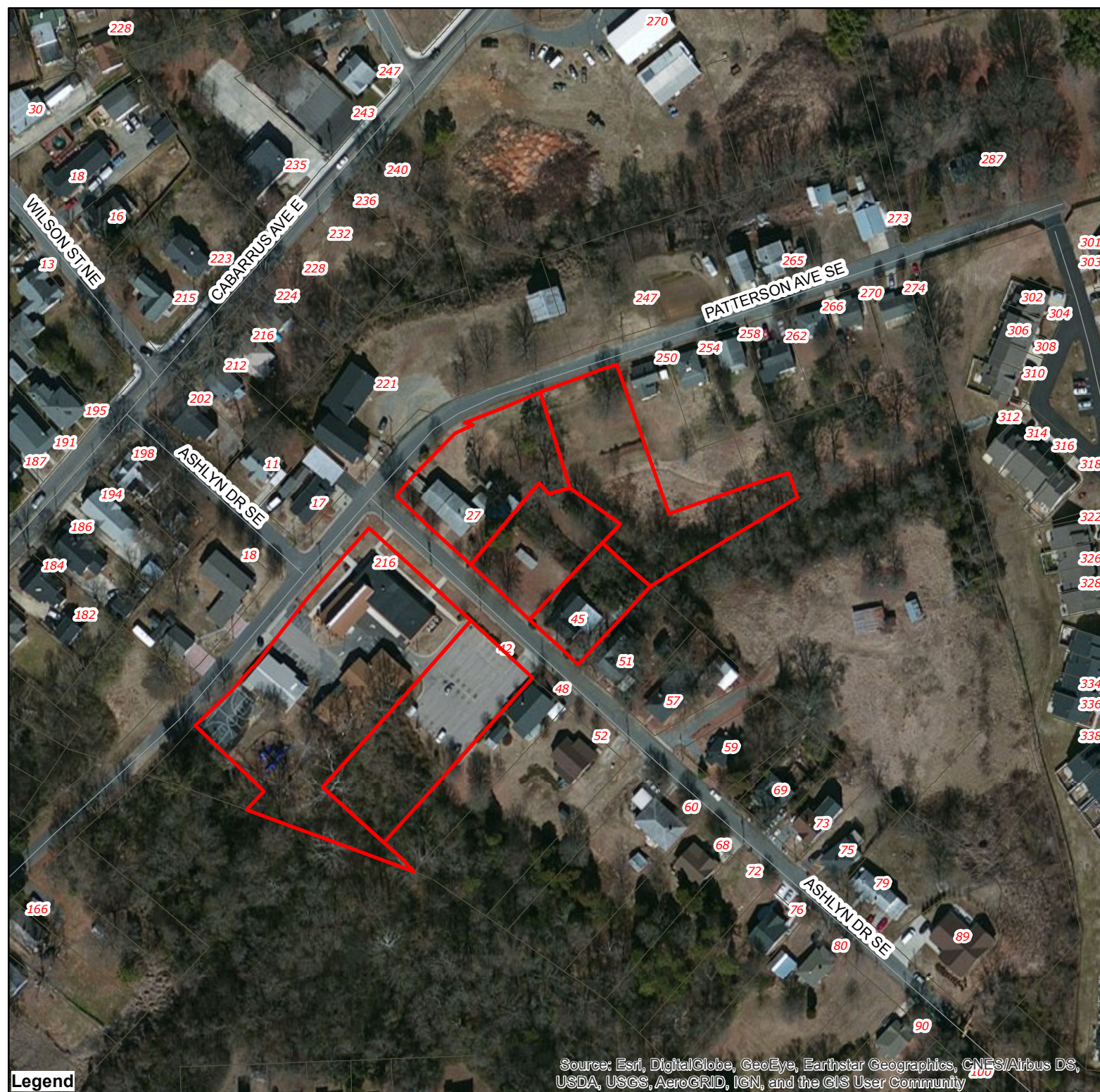
Ashlyn Dr SE
& Patterson Ave



Source: City of Concord
Planning Department

Disclaimer

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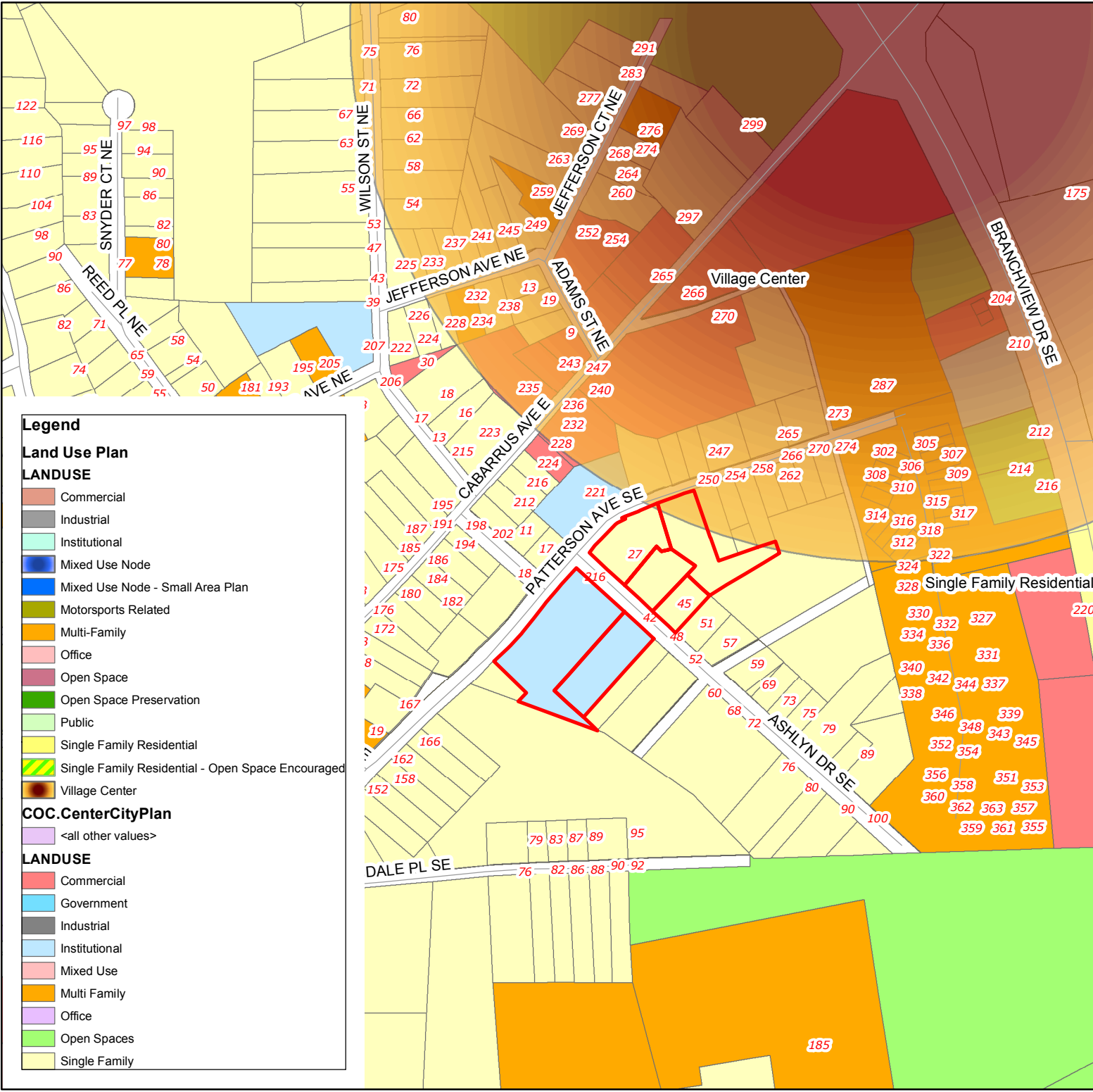
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Land Use & Center City Plan Map

Salvation Army

216 Patterson Ave SE & Surrounding
Corners of Ashlyn Dr SE & Patterson Ave



Legend

Land Use Plan

LANDUSE

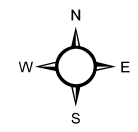
- Commercial
- Industrial
- Institutional
- Mixed Use Node
- Mixed Use Node - Small Area Plan
- Motorsports Related
- Multi-Family
- Office
- Open Space
- Open Space Preservation
- Public
- Single Family Residential
- Single Family Residential - Open Space Encouraged
- Village Center

COC.CenterCityPlan

- <all other values>

LANDUSE

- Commercial
- Government
- Industrial
- Institutional
- Mixed Use
- Multi Family
- Office
- Open Spaces
- Single Family



Source: City of Concord
Planning Department

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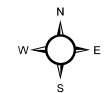


Zoning Map

Salvation Army

216 Patterson Ave SE! Including two Corners of Ashlyn Dr SE & Patterson Ave!!

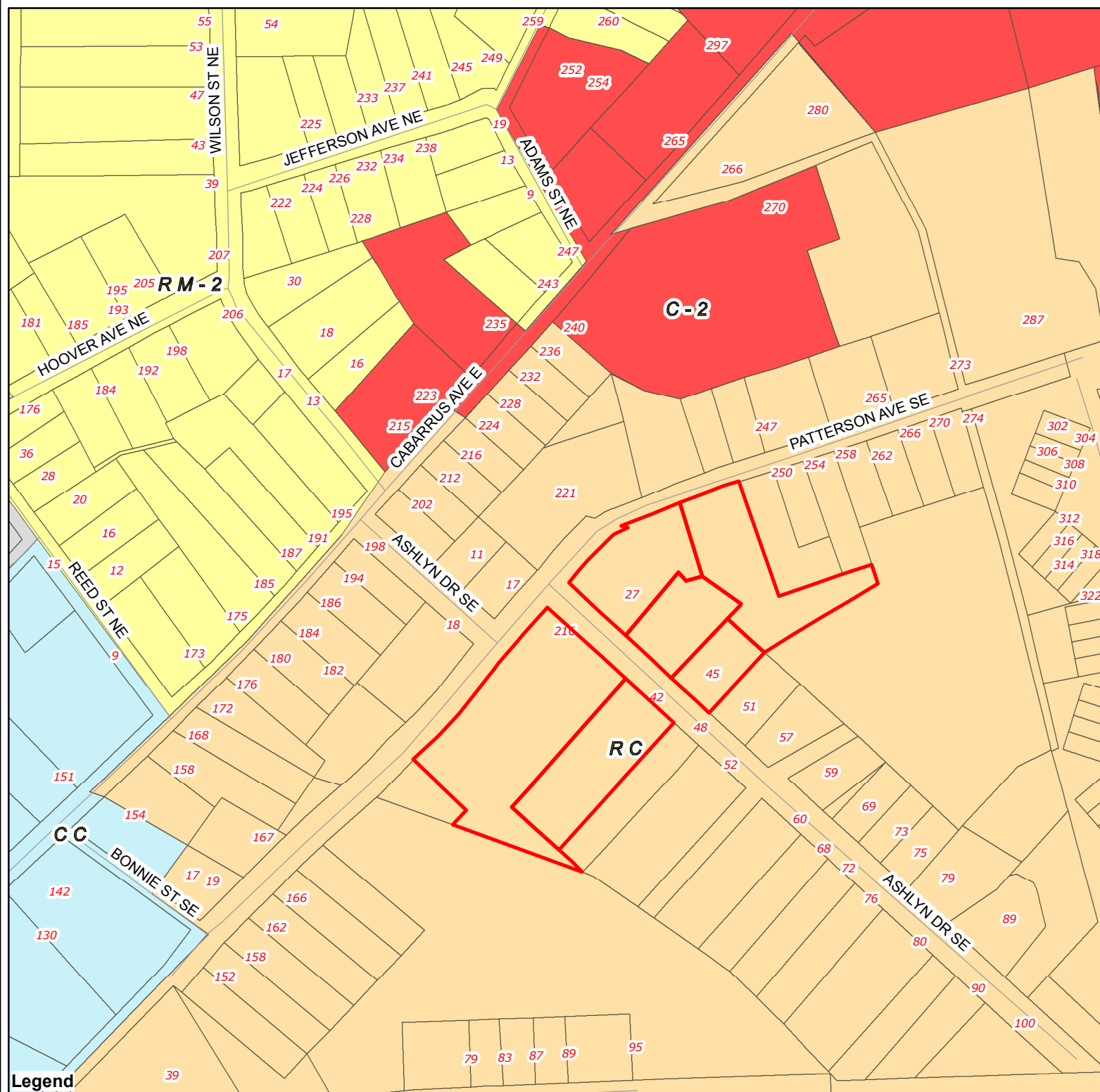
Special Use Permit! Request to Expand a! Social Service Institution! (Salvation Army Shelter! for Homeless)



Source: City of Concord
Planning Department

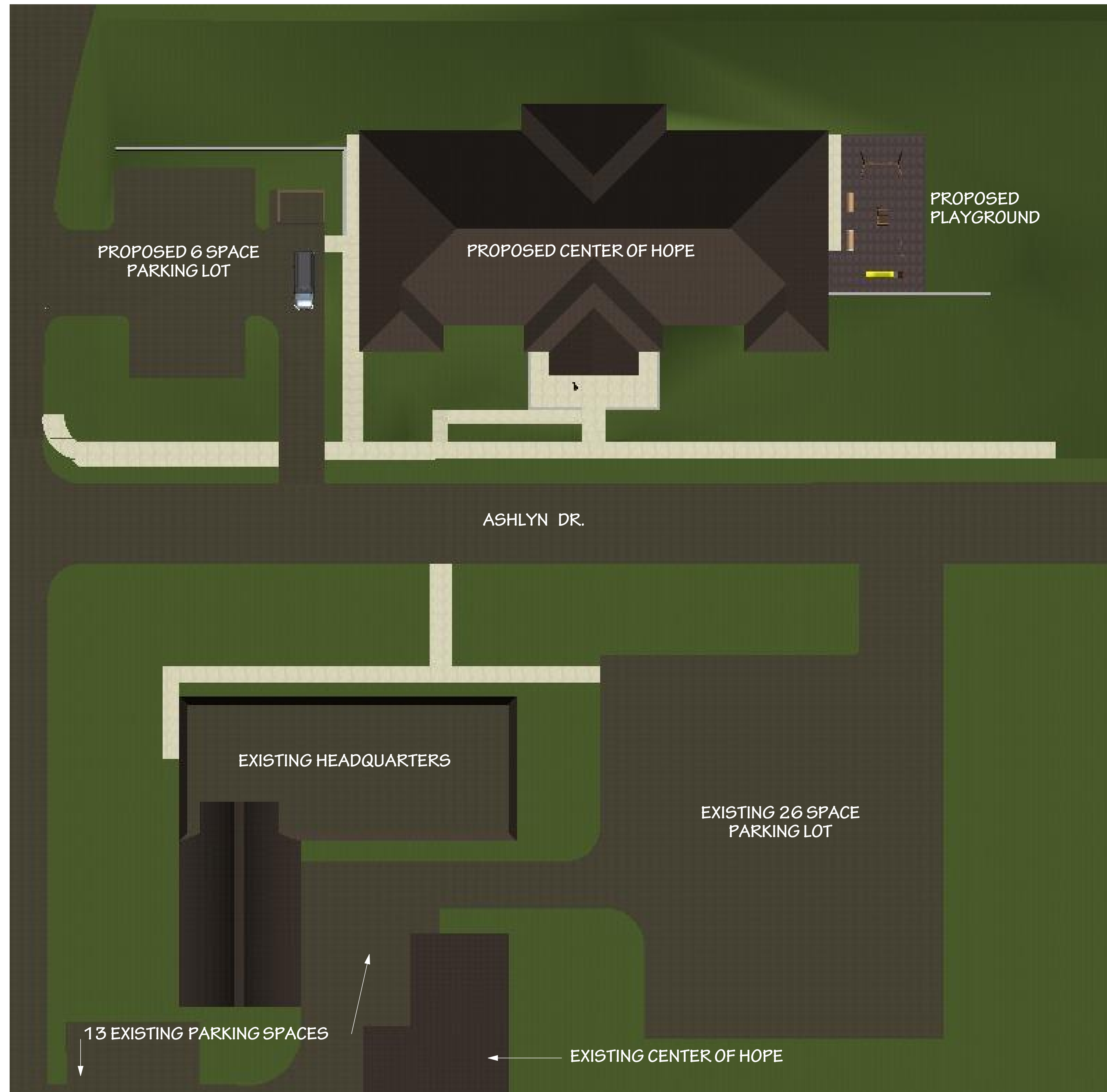
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Legend

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1
AS-1
SITE PLAN
SCALE: 1:26.23

GRIFFIN ARCHITECTURE, P.A.
 5 UNION ST. S
 CONCORD, NC 28025
 Tel: 704-786-0181
 Fax: 704-786-1179

CONSULTANTS

SALVATION ARMY

CENTER OF HOPE HOMELESS SHELTER

Scheme A

ASHLYN DRIVE SE
 CONCORD N.C. 28025

REVISION NO.	REVISION DATE:

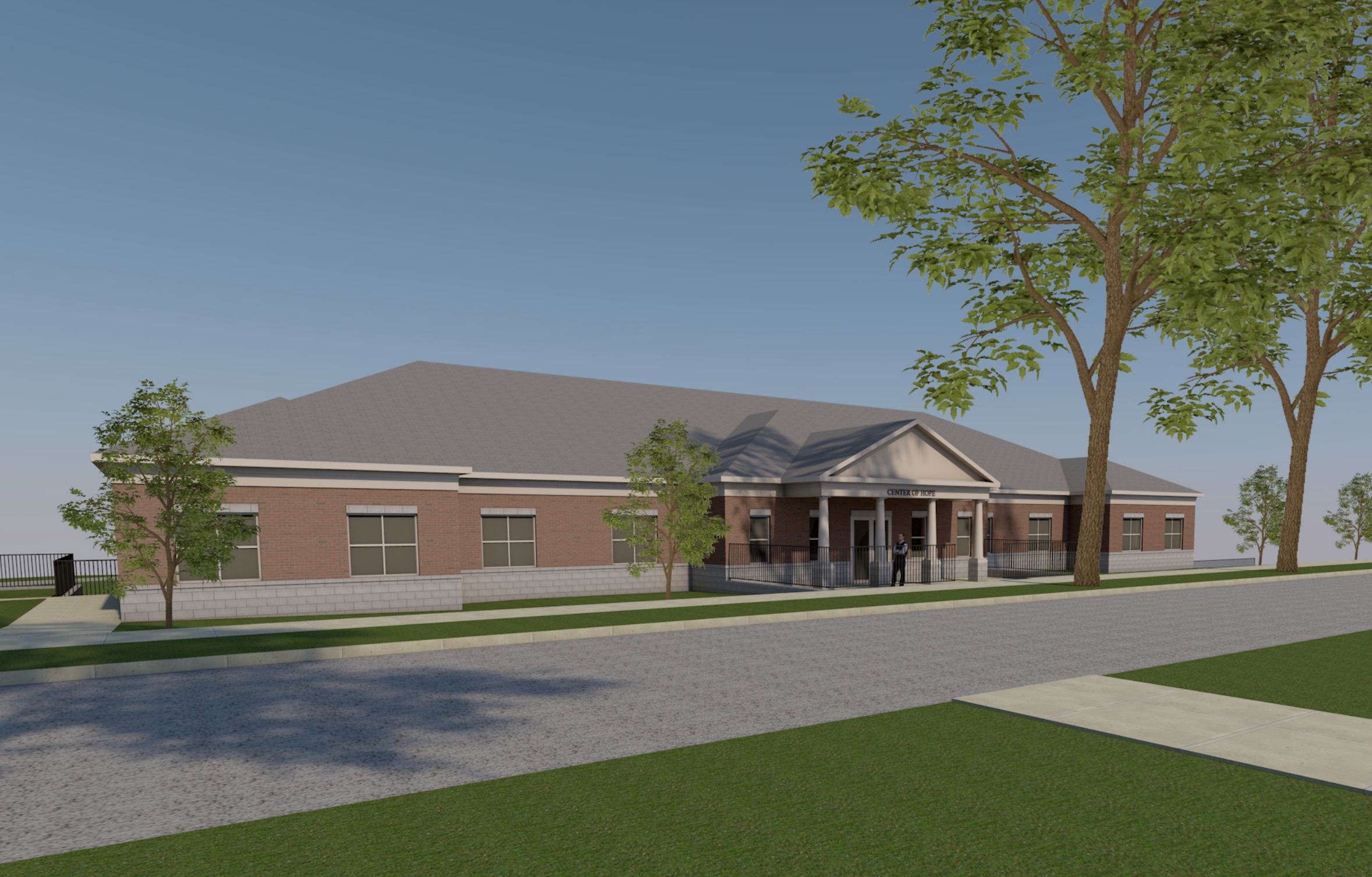
ISSUE DATE: NOVEMBER 13, 2017

PROJECT NO:
 MODEL FILE:
 DRAWN BY:
 CHK'D BY: KAG
 COPYRIGHT

SHEET TITLE
SITE PLAN

AS-1





CENTER OF HOPE

CONSULTANTS

SALVATION ARMY

CENTER OF HOPE HOMELESS SHELTER

Scheme A

**ASHLYN DRIVE SE
 CONCORD N.C. 28025**

REVISION NO.	REVISION DATE:

ISSUE DATE: NOVEMBER 13, 2017

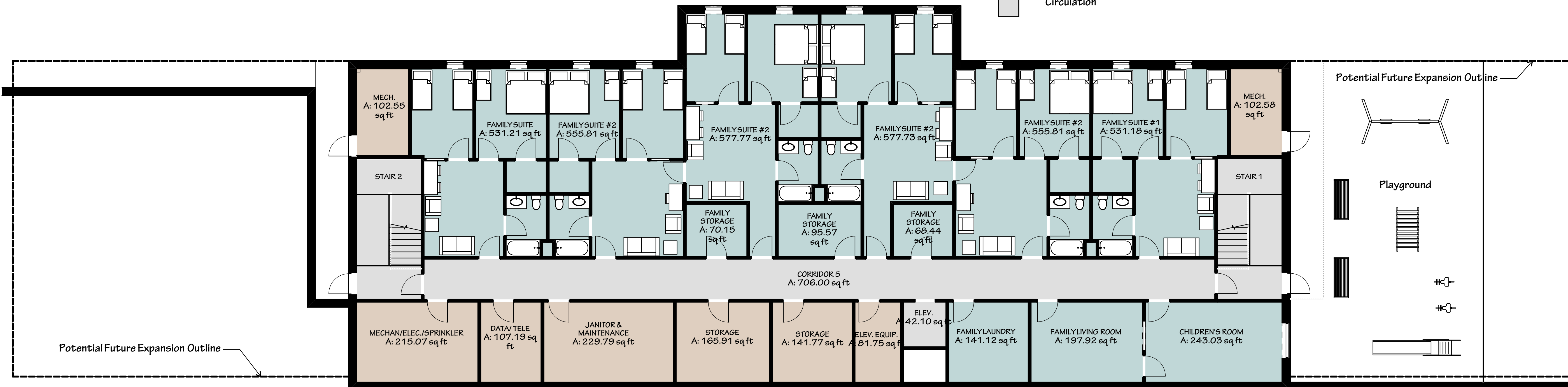
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SHEET TITLE
SCHEMATIC LOWER FLOOR PLAN

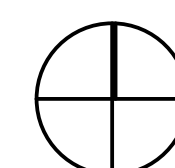
A-2

- Color Code Legend**
- Women's Housing
 - Men's Housing
 - Family Housing
 - Common Area
 - Staff/Service Area
 - Circulation

Total Floor Upper Floor Area: 9,020 Sq. Ft.
 Total Floor Lower Floor Area: 7,202 Sq. Ft.
 Total Floor Area: 16,222 Sq. Ft.



PLAN NORTH



1
A-2 SCHEMATIC LOWER FLOOR PLAN
 SCALE: 1/8" = 1'-0"



**New Center of Hope area -
See site plan submitted
for this area**

**Current Salvation Army
Campus - No changes to
this area proposed**



Date _____

APPLICANT NAME: The Salvation Army

APPLICANT ADDRESS: P.O. Box 511

CITY: Concord STATE North Carolina ZIP 28026

PHONE NUMBER OF APPLICANT: 704-782-7822

OWNER OF PROPERTY (if different from applicant) Same as above

OWNER ADDRESS: _____ CITY _____ STATE _____ ZIP _____

PROJECT ADDRESS (if an address exist): 216 Patterson Ave. SE, Concord, 28025

P.I.N.: 5630099500; 5630190441; 5630190770; 5630191640; 5630192505; 5630193602

Area of Subject Property (in acres, or square feet): Approx. 3.7 acres

Lot Width: Irregular Lot Depth: Irregular

Current Zoning Classification: RC

Existing Land Use: Salvation Army church and social service institution, and single family residential

Description of Use Requested:

The Salvation Army Center of Hope is a unit of the international Salvation Army, which has been doing the most good and meeting human needs without discrimination since 1865. The proposed rezoning covers the existing Salvation Army facility church campus, parts of which may currently be non-conforming, as well as the physical expansion of the existing campus across Ashlyn Drive. The Salvation Army Center of Hope currently provides and will continue to provide the following social services and ministries to the Cabarrus County community:

- Worship services for adults and children, including Sunday school classes, vacation Bible school, revivals, community family days, adult bible studies, men and women's ministries, prayer groups, prayer breakfasts, community dinners and the like.
- Youth activities including character building programs, music and arts instruction, festivals, basketball games, playground, and the like.
- Social services office including interviews with and employment and personal development assistance to community clients for food, clothing, financial payments for utilities and/or rental/mortgage, and referrals to other assistance resources
- Food pantry including storage and distribution of food and clothing to those in need, and seasonal assistance including Thanksgiving and Christmas dinner provisions for those in need.
- Soup kitchen – preparation and service of lunch for community clients Monday through Friday.

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66 Union St S • P. O. Box 308 • Concord, NC 28025

Phone (704) 920-5152 • Fax (704) 786-1212 • www.concordnc.gov

- Overnight emergency shelter for men, women and families.
- Other similar uses related or ancillary to the above religious and social services uses.

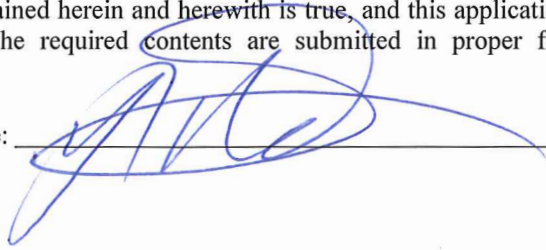
Certification

I hereby acknowledge and say that the information contained herein and herewith is true, and this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the Development Services Department.

Date:

Jan 8, 2018

Applicant Signature: _____



General Requirements

The Concord Development Ordinance (CDO) imposes the following general requirements. Under each requirement, the applicant should explain, with reference to the attached plans (when applicable) how the proposed use satisfies these requirements.

- (a) The Planning and Zoning Commission must find that “the establishment, maintenance, or operation of the proposed use shall not be detrimental to, or endanger, the public health, safety or general welfare.”

The Salvation Army has been operating in the same manner as requested herein at this same location since 1987. This request is to conform the zoning of the existing use and to expand the current use by 33 beds and 11,882 square feet to an additional new building in order to provide additional overnight shelter beds for women and children. Of the 33 new beds, 30 will be for women or families with children only. The Salvation Army is the last safety net in our community for those who have nowhere else to turn for food or shelter – in effect, the final guardian of the public health, safety and welfare. Our shelter currently has only four crowded beds in one single room for families with children. The need is great and the current facility is physically and spiritually inadequate for those who need our help the most. Our community must provide this upgraded facility to help homeless women and children reestablish themselves in a safe and supportive environment.

- (b) The Planning and Zoning Commission must find that the proposed use “conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures, and the type and extent of landscaping and screening on the site.”

The Salvation Army has been operating in the same manner as requested herein at this same location since 1987. Surrounding uses include another church campus, vacant land, older single family homes, and a group rehabilitation home. The proposed building is low-rise and will not be obtrusive to its neighbors, is surrounded by appropriate screening and landscaping per the CDO, and more than half of the additional land will remain undeveloped at this time.

- (c) The Planning and Zoning Commission must find that the proposed use “provides ingress and egress so designed as to minimize traffic hazards and to minimize congestion on the public roads.”

The proposed expansion is for a homeless shelter whose patrons generally do not have vehicles; therefore, the proposed additional building is likely to generate no more traffic or parking requirements than the two single-family homes currently occupying the property. The proposed plans comply with the CDO as to ingress, egress and parking in all respects.

- (d) The Planning and Zoning Commission must find that the proposed use “shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.”

The proposed use will not generate any such effects.

- (e) The Planning and Zoning Commission must find that “the establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.”

The proposed use is a reasonable expansion of the same use which has been in existence since 1987. Another church campus and a group rehabilitation home are located in the same neighborhood. Social services for

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the homeless and disadvantaged must be located in the heart of our community where they are readily accessible by those who need them, who often do not have automobiles and are therefore dependent on walking or public transportation. There is no other reasonable location for this expansion close to the Salvation Army's support staff and facilities.

Specific Requirements

The Concord Development Ordinance also imposes SPECIFIC REQUIREMENTS on the proposed use(s) requested by the applicant. The applicant should be prepared to demonstrate that, if the land is used in a manner consistent with the plans, specifications, and other information presented to the Planning and Zoning Commission, the proposed use(s) will comply with specific requirements concerning the following:

The proposed use complies with all the requirements of the CDO applicable to Social Service Institutions, whether described below or otherwise.

(1) Nature of use(s) (type, number of units, and/or area):

The new facility will be just over 16,000 square feet and will result in a net addition of 33 new night shelter beds – 20 for families with children, 10 for women, and 3 for men. The night shelter beds at the existing facility will be relocated to the new facility.

(2) Accessory uses (if any):

Accessory uses to the new facility will be parking and a small playground for families with children.

(3) Setback provisions:

Per the CDO.

(4) Height provisions:

Per the CDO.

(5) Off-street parking and loading provisions:

Per the CDO.

(6) Sign provisions:

No additional signage is required.

(7) Provisions for screening, landscaping and buffering:

Buffering and landscaping is provided as required by the CDO.

(8) Provisions for vehicular circulation and access to streets:

Per the CDO.

(9) Adequate and safe design for grades, paved curbs and gutters, drainage systems, and treatment or turf to handle storm water, prevent erosion, and subdue dust:

Per the CDO.

(10) Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces, facilities for waste disposal, and illumination:

Per the CDO.

(11) An adequate amount, and safe location of, play areas for children and other recreational uses, according to the concentration of residential occupancy:

A playground is being provided.

(12) Fences, walls, or year-round screen planting abutting residential districts, to protect residences from parking lot illumination, headlights, fumes, heat, blowing papers, and dust (to reduce the visual encroachment on privacy and residents):

Per the CDO.

(13) Open space (including flood hazard area):

A large portion of the additional land area will be presently left as open space.

(14) Improvements within the common open space:

Not applicable.

(15) Parking Areas:

Per the CDO.

(16) Sidewalks, trails and bikeways:

Per the CDO.

(17) Lighting and utilities:

Adequate facilities already serve the site.

(18) Site furnishings:

Not applicable.

(19) Adequate fire, police, water and sewer services:

Adequate services already serve the site.

(20) Other requirements as may be requested by the applicant or specified by the City Council for protection of the public health, safety, welfare and convenience:

Not applicable.