SPECIAL USE PERMIT APPLICATION

WAKE COUNTY
NORTH CAROLINA

Submit required documentation to:
Wake County Planning Department/Current Planning Section
PO Box 550 — Wake County Office Building
Raleigh, NC 27602-0550 — 336 Fayetteville Street Mall, Downtown Raleigh
Contact Current Planning at (919) 856-6335 for additional information.

File #
Fee
Amt Paid
Check #
Rec'd Date
Rec'd By

Complete with required information (write "n/a" if information is not applicable to proposal).

Type of Special Use (be as specific as possible and cite code section listing use as permitted special use)

Kennel Commercial (Indoor) be added as a permitted use. Eligible per UDO section 4-11

Modification of previously issued Special Use Permit? (✓)Yes ( )No

If Yes, provide relevant Special Use Permit Number: BA-SU-1389

Property

Parcel Identification Number: 174003208847

Address: 2900 US 70 E, Clayton, NC

Location: South (north, east, south, west) side of US 70 E. Business (street), at/between Guy Road (street) and Ramblewood Drive (street)

Total site area in square feet and acres: 93,525 square feet 2.147 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: Highway District

List Conditions of any Conditional Use Zoning Districts:

Present land use(s): Vacant Building / Ram Rent All occupies other side

How is this proposed use a public necessity? N/A

What is impact on surrounding neighborhood and adjacent properties? Less than or equal to intensity of surrounding neighborhood and uses of adjacent properties

Land Owner

Land Owner Name: Vicki and Thomas Berkau

Business Operator Name (if different from Land Owner): Karen Davis

Address: 212 E. Church St.

City: Smithfield State: NC Zip Code: 27577

E-mail Address: Fax:

Telephone Number: 919-934-4635

Applicant (person to whom all correspondence will be sent)

Name: Karen Davis, Lucky Paws, Inc

Address: 124 Walker Run

City: Selma State: NC Zip Code: 27576

E-mail Address: luckypawsanimalrescue@gmail.com Fax:

Telephone Number: 919-521-4182 Relationship to Owner: Prospective Tenant

Proposal No changes to existing building

Max. allowable floor area ratio (see applicable zoning district/use regulation):

xisting Proposed total floor area: 9713 sf Proposed floor area ratio (floor area/site area): 10.4%

Max. allowable impervious surface coverage (see applicable zoning district/use regulation): 30 %

Existing Proposed impervious surfaces area: ~~35.376~~ 33085 sq. ft. Issue addressed in BA-SU-1389 sf

Proposed impervious surface coverage (impervious surfaces area/site area x 100): 35.376 %

Required transitional bufferyard types and depths (see Article 16):

Front (X) 10 ft Left (X) 20-40 ft Right (X) 0 ft Rear (__) N/A ft

Existing Proposed transitional bufferyard types and depths (see Article 16): As per original board approved plan

Front (__) __ ft Left (__) __ ft Right (__) __ ft Rear (__) __ ft

Min. yard depths (see applicable district/use regulation):

Front 30 ft Corner side 10 ft Side 10 ft Rear 30 ft

Existing Proposed yard depths: Front 140 ft Corner side __ ft Side 50.3 ft Rear __ ft

Max. building height (see applicable district/use regulation): 35 ft

Existing Proposed building height: __ ft

Min. parking space standard (see Article 15): 1 spaces per 300 sf office or 1,000 sf warehouse

Min. no. of parking spaces: 8 (15 shared) Proposed no. of parking spaces 14 shared on Pavement 10+ shared on gravel lot

Existing Number of employees: 3-5 (2-3 at a time) Hours of operation: M-F 7AM-9PM Sat-Sun 8AM-6PM

Vehicular Access:

Names of access street(s) and number of access points along each: Hwy 70E (Business)

Two access points, plus connectivity to Guy Rd. through adjoining property

Name of access or adjacent street	Right-of-way width (ft)	Pavement width (ft)	No. of lanes	Paved? (Y or N)	Roadway design capacity [1]	Traffic volume (ADT)[2]	Est. traffic generated (ADT)[3]
US 70E.	200	62	4	Y	major	31,500	29.73

[1] See NCDOT Highway Capacity Manual or most recent Wake County Thoroughfare Plan Appendix

[2] See CAMPO web site (www.raleigh-nc.org/campo) or NCDOT Traffic Survey Unit

[3] Base on Institute of Transportation Engineers ratios - ratio used for estimate (e.g., x trips per y sf) __

Estimated traffic generated by heavy vehicles (vehicles other than automobiles and light trucks):

Type of vehicle: Garbage Pick-up ADT: < 2 per week

Type of vehicle: _____ ADT: _____

Utilities and Services:

Water supply provided by: ( ) municipal system : _____

( ) community system – specify type: _____ (X) individual well(s)

Est. total water demand: < 300 gpd

Wastewater collection/treatment provided by: ( ) municipal system: _____

( ) community system – specify type: _____

(X) individual on-site system

Est. total wastewater discharge: < 300 gpd

Solid waste collection provided by: Waste Management or other Private

Electrical service provided by: Progress Energy Underground ( ) yes ( ) no

Natural gas service provided by: N/A

Telephone service provided by: Time Warner Cable Underground ( ) yes ( ) no

Cable television service provided by: Time Warner Cable Underground ( ) yes ( ) no

Fire protection provided by: Garner Volunteer Fire & Rescue

Miscellaneous:

Generalized slope of site ± 2%

Valuable natural features (rare plant community, wildlife habitat, lake, stream, geology, etc.) on or adjoining site: N/A

Valuable historic resources (homestead, mill, archeological site) on or adjoining site: N/A

Land Use Plan Classifications

General Classification (note associated municipality and/or watershed):

( ) Short-Range Urban Services Area/Water Supply Watershed _____

( ) Short-Range Urban Services Area _____

( ) Long-Range Urban Services Area/Water Supply Watershed _____

(X) Long-Range Urban Services Area Garner

( ) Non-Urban Area/Water Supply Watershed _____

( ) Non-Urban Area

Land Use Classification(s) (Note Area Land Use Plan, if applicable):

Urban Community Activity Center

Applicant's statement of compliance with county, municipal and joint Land Use Plans (How is proposal consistent with Land Use Plan objectives for planning area, Land Use classification, activity centers, locational standards and transitional urban development standards?)

This property is located within an Urban Community Activity Center which promotes land uses which Service the day to day needs of core area residents, as well as neighboring communities. Our business falls into these categories, and this business will serve those who live near our location, as well at those traveling through the area into Raleigh.

Other information (additional relevant information about the site or proposal you wish to note or cite)

I wish to state that we were very careful in selecting an appropriate site and facility that would best serve our business and clients without adversely affecting neighboring properties. We feel that given the uses of adjoining properties (Junk yard, Gas station) and our location on a major thoroughfare, this business will be a welcomed addition to the area. Given the difficulty of finding such an ideal set of circumstances, it is unlikely we will be able to find a different facility that will work. Please consider that and we hope to start and grow a valued business in this currently vacant facility.

All property owners must sign this application unless one or more individuals are specifically authorized to act as an agent on behalf of the collective interest of some or all of the owners (provide a copy of such authorization).

The undersigned property owner(s) hereby authorize the filing of this application (and any subsequent revisions thereto). The filing of this application authorizes the Wake County staff to enter upon the site to conduct relevant site inspections as deemed necessary to process the application.

Signature: Vicki Berran Date: 7/30/09

Signature: James B Date: 7/30/09

Signature: _____ Date: _____

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate.

Signature: [illegible] Date: 7/30/09

Notes. All documents and maps submitted as required become the property of Wake County.
The Wake County Unified Development Ordinance is on the web at www.wakegov.com.

Special Use Permit Petition
Statement of Justification

Lucky Paws to be located at:
2900 US 70 E (Business)
Clayton, NC

(1) The proposed development will not materially endanger the public health or safety.

Traffic: This facility is located on a major highway that is more than adequate to satisfy the number of customers this business will attract. There are two main entrances from the 70 that can be used to access the business and each have unobstructed viewing distance of oncoming traffic. Customers coming from the east will make a U-turn at Guy Rd. where there is a dedicated turning arrow. Customers leaving the location who wish to travel West on US 70 may simply turn East, then make a U-turn at one of several divides in the road. Since this property has connectivity with adjoining properties, it is also possible for patrons to exit through the gas station directly onto Guy Road and use the signal at the intersection.
(Note: I spoke with Byron Sanders at NCDOT regarding the possible requirement of adding a left turn junction in the median. He expressed to me that they would deny such a request due to the proximity to Guy Road, and the proximity to an already established U-turn junction just a few hundred feet from the property)

Services and Utilities: All services are currently being provided to the facility, including a large garbage dumpster in the rear. There is adequate space to add additional dumpsters if needed.

Water and Surface Water: Our business will have little or no impact on the surface water or public water supply because all solid waste will be manually bagged and disposed of in the garbage. We are dedicated to maintaining a clean, odorless facility. The nature of our client base will demand that the facility be cleaned several times each day to ensure their animal's cleanliness and health. Further, we must maintain a clean facility to obtain and keep our Kennel License issued by the State of North Carolina. Please let me emphasize, we will NOT wash any solid waste from animals down any drain or onto any lot. It will all be bagged, taken to a sanitary landfill, and the area rinsed and mopped clean.

Parking: There are a total of 14 striped parking stalls along the front and side of the building. There is also a large gravel parking area behind the building, with two 20 foot wide access ways. Kennel requirement for parking is 1/1000sf of kennel area, 1/300sf of office area, requiring a total of 8 spaces for our use. The requirement for adjoining business is 1/800sf of warehouse, 1/300sf of office requiring 7 spaces, for a total of 15 spaces required for the combined uses. With the gravel parking in the back, we feel there is adequate parking for our use.

(2) The proposed business will comply with all regulations and standards...

Noise: The nature of how we operate will make our kennel much quieter than traditional kennels. Dogs usually bark due to stress. Being contained in a kennel surrounded by other animals is very stressful for many dogs. Our animals will have the freedom to co-mingle with other dogs (during business hours) which has several positive effects on their behavior. The facility itself is located on a busy highway with no residential near the building. Furthermore, all dogs will be housed in separate kennels indoors overnight.

Hours: We will maintain normal business hours to best serve our customers needs.

Setbacks: All of our kennels are located within the building, so we qualify for the 50 foot setback. There will only be a small fenced play area outdoors. It should be noted that there is a solid floor to ceiling wall between this building and the attached building, currently Ram Rent-all.

We have reviewed the UDO and determined our business will be able to operate within all

other reasonable provisions, regulations, or standards not specifically mentioned.

(3) The proposed development will not injure the value of adjoining property.

As previously mentioned, we are dedicated to operating a clean and comfortable environment for our guests (animals) and clients (pet owners). Because of this, it is likely that few of the surrounding properties will even notice we are there. To the east we adjoin a very large "junk yard" and car crusher. To the west there is a gas station. The area located behind us is also zoned Highway District, and given the nature of surrounding properties, will likely develop into more commercial or industrial uses. Our business will be of much less impact than already established businesses. Further, the building itself is designed for much higher impact industrial uses. Most other businesses who would wish to use this building would have more outdoor activity, such as heavy trucks using the loading dock, machinery, fork lifts, etc.

(4) The proposed development will be in harmony with the area in which it is located.

Due to the nature of our business and the importance that we need to be appreciated in the community, we were very careful in selecting a location that would be suitable for our needs, and not raise any controversy. The location we have chosen meets this criteria. It is located between a junk yard and a gas station. Given the nature of the location, the major highway we are located on, and the current uses of surrounding land, it is likely this area will continue development in industrial and heavy commercial type applications. We are of little or no impact on these types of land use, and will be a welcomed part of the neighborhood.

(5) The proposed development will be consistent with the Wake County Land Use Plan.

The current Wake County UDO allows kennels within the Highway District as a Special Use. In addition to normal building and zoning restrictions, we must also comply with Section 4-46 A and B.

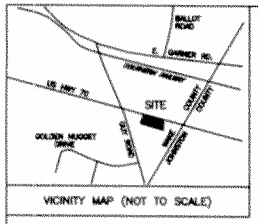
Part A outlines the purpose for the restrictions in a residential zone, but also states that certain areas of these zones are suitable for kennels so long as certain setbacks are adopted. The building meets all the setback requirements.

Part B details these restrictions, which are mostly for kennels which are located outdoors. Since all of our kennels are located indoors, we are well within the guidelines, and Wake County's Land Use Plan.

It should also be mentioned that this property is in a Urban Community Activity Center, which is defined as:

"a combination of retail and personal services, and local job base; moderate-scale urban commercial, office, institutional, industrial, and residential land uses. Accessed by major thoroughfares and public transportation... A community activity center should have a core containing relatively medium-scale development that focuses on serving the day-to-day needs and activities of the core area occupants as well as the greater needs and activities of the populations of adjacent neighborhoods"

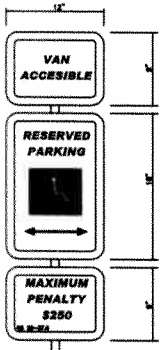
We feel strongly that our business would be an appropriate feature of this zone, and by using this facility, we will best be able to service the core residents, and those traveling through this area on their way to Raleigh/Durham.



VICINITY MAP (NOT TO SCALE)

HANDICAP PARKING DETAIL

PARKING DETAIL



HANDICAP SIGN
NOT TO SCALE

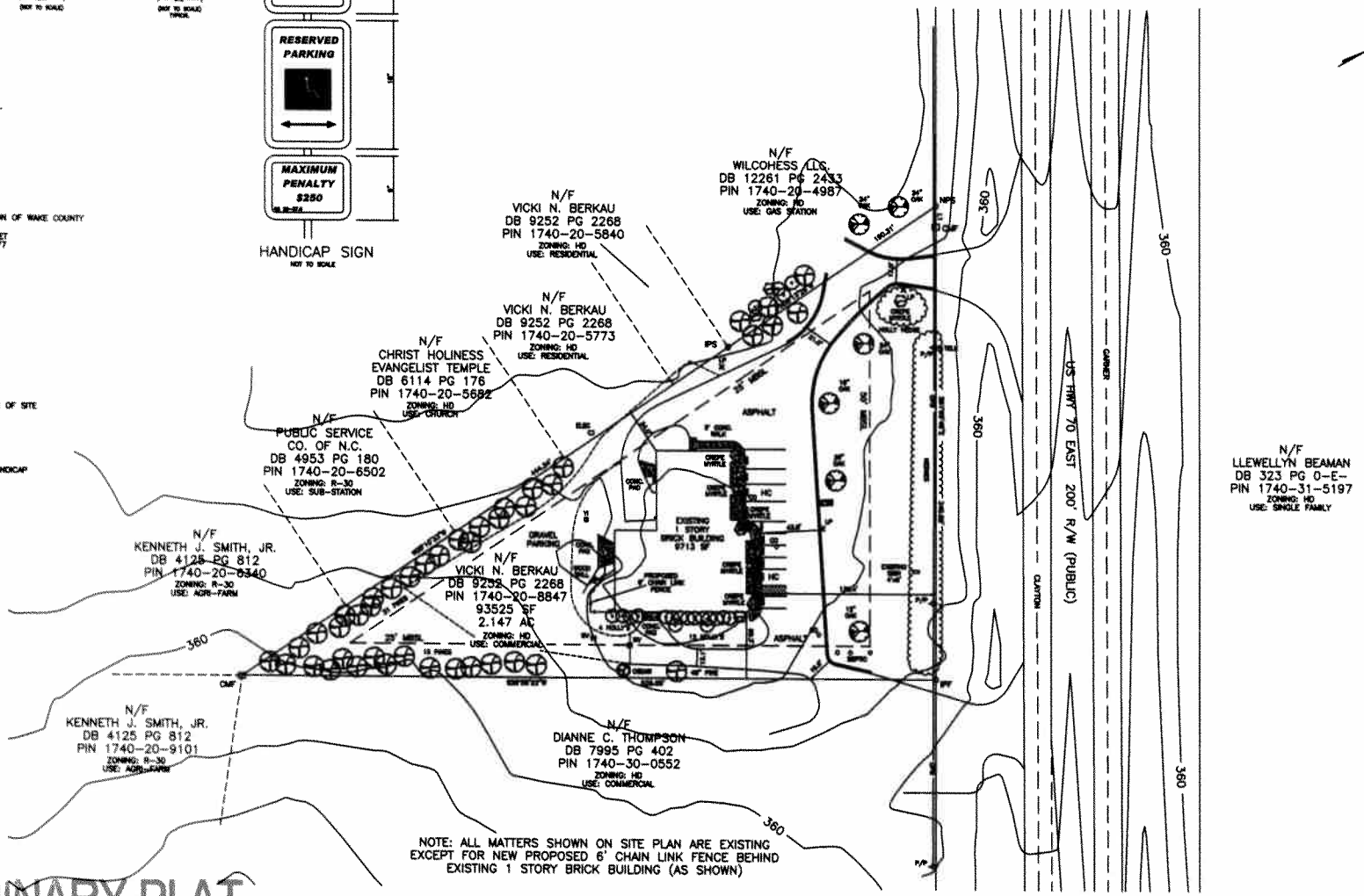
NUMBER	DIRECTION	DISTANCE
L1	S81°00'48"E	115.48'

NOTES:

1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
2) AREAS COMPUTED BY COORDINATE METHOD.
3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
4) NO. 5 REBAR IRON STAKES WITH CAPS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
5) ZONING: HD
6) HC PIN NO. 1740-20-8847
7) SITE IS LOCATED WITHIN THE PLANNING JURISDICTION OF WAKE COUNTY
10) CURRENT OWNER OF TRACT: VICKI N. BERKAU
212 E. CHURCH STREET
SMITHFIELD, N.C. 27577

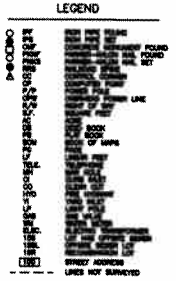
SITE DATA

AREA IN SITE	93525 SF 2.147 AC	
IMPERVIOUS SURFACE AREA	33085 SF 0.750 AC	
PERCENTAGE OF IMPERVIOUS SURFACE AREA ON SITE	35.376%	
VEHICULAR USE AREA	33537 SF 0.770 AC	
LANDSCAPED AREA	12328 SF	13.2% OF SITE
EXISTING PARKING SPACES	8 REGULAR, 2 HANDICAP	



NOTE: ALL MATTERS SHOWN ON SITE PLAN ARE EXISTING EXCEPT FOR NEW PROPOSED 6' CHAIN LINK FENCE BEHIND EXISTING 1 STORY BRICK BUILDING (AS SHOWN)

LEGEND



PRELIMINARY PLAT
NOT FOR RECORDATION, CONVEYANCES OR SALES

PRELIMINARY SPECIAL USE PERMIT SITE PLAN
FOR

LUCKY PAWS DAY CARE & BOARDING

ST. MARY'S TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
AUGUST 24, 2009

SURVEYED BY: STEVE	TRUE LINE SURVEYING, P.C.
DRAWN BY: MIKE	205 WEST MAIN STREET CLAYTON, N.C. 27520 TELEPHONE: (919) 359-0427 FAX: (919) 359-0428 www.truelinesurveying.com
CHECKED BY:	
DRAWING FILE: SITEPLAN.DWG	
SURVEY DATE: 8-19-09	
JOB NO. 1923.001	C-1859