

BASU 2121-10
1/29/10



SPECIAL USE PERMIT APPLICATION

Submit required documentation to:
Wake County Planning, Development and Inspections
PO Box 550 Wake County Office Building
Raleigh, NC 27602-0550 336 Fayetteville Street Mall, Downtown Raleigh
Contact (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)

modification to previously approved special use plan for retail sales & service to allow outdoor storage. Eligible under UO section 4-11.

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

If Yes, provide relevant Special Use Permit Number: GA-SU 1389 & BASU 2115-09

Property

Parcel Identification Number: 1740.03 20 8847; 1740.03 20 5773; 1740.03 20 5840

Address: 2900 US 70 Business, Clayton, NC

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

Total site area in square feet and acres: 140,595 square feet 3.228 acres

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

List Conditions of any Conditional Use Zoning Districts: none

Present land use(s): commercial Kernel and Retail Sales & Service (Tool Rental business)

How is this proposed use a public necessity?

What is impact on surrounding neighborhood and adjacent properties?

Land Owner

Land Owner Name: Thomas S. Berkau and wife, Vicki N. Berkau

Business Operator Name (if different from Land Owner): Gary Burn (Ran Rent All and Karen Davis

My Lucky Faws)
Address: 2900 US Highway 70 East

City: Clayton State: NC Zip Code: 27520

E-mail Address: tom@berkaulaw.com Fax: 919-934-4100

Telephone Number: 919-934-4634; 919-359-2211; 919-550-8400

Applicant (person to whom all correspondence will be sent)

Name: Thomas S. Berkau

Address: 212 Church Street

City: Smithfield State: NC Zip Code: 27577

E-mail Address: tom@berkaulaw.com Fax: 919-934-4100

Telephone Number: 919-934-4634 Relationship to Owner: owner
919-915-2873 (cell)

Proposal (Building is existing)

as per original Board

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

Proposed total floor area: 9713 sf Proposed floor area ratio (floor area/site area): 9713/93,525

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

Proposed impervious surfaces area: 56,814 sf

Proposed impervious surface coverage (impervious surfaces area/site area x 100): 40.40 %

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

Front () 10 ft Left () 20 ft Right () 20 ft Rear () N/A ft

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

Front () _____ ft Left () _____ ft Right () _____ ft Rear () _____ ft

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

Front 30 ft Corner side 50 ft Side 30 ft Rear 30 ft

Proposed yard depths: Front 140 ft Corner side _____ ft Side 50 ft Rear _____ ft

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

Proposed building height: 18 ft

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

Min. no. of parking spaces: 11 shared Proposed no. of parking spaces 14 shared

Number of employees: see site plan Hours of operation: see site plan

Vehicular Access:

Names of access street(s) and number of access points along each: 2 access points via
US Highway 70 East Business

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 70 East	200	62	4	Y	Major	31,500	29.73
Guy Road	60	23	2	Y		7,800	

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 pickup ADT: 1 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: less than 300 gpd

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

() community system – specify type: _____

(x) individual on-site system

Est. total wastewater discharge: less than 300 gpd

Solid waste collection provided by: Waste Management or other private provider

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

Natural gas service provided by: N/A

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

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

Fire protection provided by: Gamer 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 Gamer

() 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?)

The site is located within the Town of Garner's Long-Range Urban Service Area and is designed as an Urban Community Activity Center as shown on the Fuquay Varina-Garner Area Land Plan. These are land areas which allow for a combination of retail and personal service; moderate-scale urban commercial, office, institutional, industrial, and residential land uses. The proposed use, expansion of retail sales and service to allow outdoor storage for rental equipment for an existing rental equipment business, complies with the intent of the Land Use Plan.

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

The site that is being expanded into is presently occupied by Ram Rent-All, Inc., which opened its business in Wake County in March/April of 2000. The business was an expansion of Ram Rent-All's parent company located in Goldsboro, NC, which has been in business for over 15 years. Ram Rent-All could not have opened its business in Wake County without outdoor storage for its large rental equipment. The area proposed for outdoor storage was fenced in by the former owner of the site and made available to Ram Rent-All from the time they opened in 2000. There have been no adverse problems from the outdoor storage area for the past 10 years of its operation. Unfortunately, a special use permit was never obtained by the former owner for the outdoor storage, which is now being requested by the present owner of the site. Ram Rent-All will not be able to continue in business without this outdoor storage and would not have opened originally 10 years ago if the outside storage had not been made available to them.

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: [Signature] Date: 1/29/10

Signature: Vicki N. Berkan Date: 1/29/10

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: [Signature] Date: 1/29/10

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

The proposed modification of a previously approved special use plan for retail sales and service to allow outdoor storage for an existing rental equipment business:

- (1) will not materially endanger the public health or safety in that
 - (a) traffic conditions in the vicinity will not be affected by this outdoor storage of equipment since the business and storage area have been in existence for the past 10 years and US Hwy 70, which is a major highway, has been adequate to satisfy the number of customers who have been to this business.
 - (b) Service and utilities are currently being provided to the facility and no service or utilities are needed for the outdoor storage area.
 - (c) Soil erosion and sedimentation are not affected by the outdoor storage area since it has been in existence for the past 10 years.
 - (d) Public, community or private water supplies are not affected by the outdoor storage area. Surface or storm water run off is being collected for the outdoor storage area by an approved storm water pond located behind the facility.
 - (e) Parking for the existing businesses, Ram Rent-All and Lucky Paws, meets or exceeds the number of required for both businesses in that there are 14 striped parking stalls along the front and side of the facility including 2 handicap stalls. The parking for the past 10 years has been more than adequate for Ram Rent-All (and the previous Merita Bread retail store and warehousing business before it closed).

(2) will comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of Special Use or class of Special Uses in that the proposed use is an expansion of an existing special use plan for retail sales and service and will be able to comply with regulations and standards generally applicable within the district.

(3 & 4) will not substantially injure the value of adjoining property and will be in harmony with the area in which it is located in that the entire 3.2 acre site, which includes the outdoor storage area is located beside a “junk yard” on the east, which is a heavy industrial use in which cars are crushed constantly throughout the week, and a convenient gas station on the west. Although all areas around the site are zoned HD (highway district – residential), the area is being used primarily as commercial and industrial. The outdoor storage area will not have and has not had any impact on the value of the adjoining property.

(5) will be consistent with the Wake County Land Use Plan in that the current Wake County UDO allows for retail service and sales within the Highway District as a Special Use and this request is a modification to a previously approved Special Use plan for retail sales and service to allow outside storage. This site is also located within the Town of Garner’s Long-Range Urban Service Area and is designed as an Urban Community

Activity Center as shown on the Fuquay Varina-Garner Area Land Plan. These are land areas that allow for a combination of retail and personal service uses. The proposed use to allow an expansion of retail sales and service to allow for outdoor storage of rental equipment complies with the intent of the land use plan for both the Town of Garner and Wake County.



Wake County
 Geographic Information Services
 (919) 856-6370
<http://www.wakegov.com>

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1 inch equals 400 feet



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