

SPECIAL USE PERMIT APPLICATION

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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.

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)

OUTDOOR SALES, INCL. FRESH FRUIT & VEGETABLES,
LOCALLY MADE SOAP & CHEESE & LANDSCAPE PLANTS/SUPPLIES

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

If Yes, provide relevant Special Use Permit Number: 1488

Property

Parcel Identification Number: 1870⁰³-10-1772

Address: 11900 LOUISBURG ROAD WAKE FOREST, NC

Location: EAST side of ZEBULON RD. / NC 96, at/between
(north, east, south, west) (street)

ZEBULON RD. / NC 96 and LOUISBURG RD. / US 401
(street) (street)

Total site area in square feet and acres: 153,801 square feet 3.53 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: R-40W

List Conditions of any Conditional Use Zoning Districts: NA

Present land use(s): COMMERCIAL- AGRICULTURE & GARDEN PRODUCTS

How is this proposed use a public necessity?

THIS USE PROVIDES CONVENIENT ACCESS TO PRODUCTS THAT ARE NOT
PUBLIC HEALTH & WELFARE.

What is impact on surrounding neighborhood and adjacent properties?

Land Owner

Land Owner Name: TOMMIE LEWIS BAILEY

Business Operator Name (if different from Land Owner): MICHAEL BAILEY

Address: 6708 ZEBULON RD.

City: WAKE FOREST State: NC Zip Code: 27587

E-mail Address: AYES@RALEIGH.TWCBC.COM Fax: 919 877-9979

Telephone Number: 919-201-9897

Applicant (person to whom all correspondence will be sent)

Name: MICHAEL BAILEY C/O AIKEN & YEUDE
 Address: 3755 BENSON DR.
 City: RALEIGH State: NC Zip Code: 27609
 E-mail Address: AYES@ Fax: 919 877-9979
 Telephone Number: 919-877-9972 Relationship to Owner: PROFESSIONAL/CLIENT

Proposal

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

Proposed total floor area: 2,927 sf Proposed floor area ratio (floor area/site area): 0.0109

Max. allowable impervious surface coverage (see applicable zoning district/use regulation): 12 %

Proposed impervious surfaces area: 13,453 S.F. sf

Proposed impervious surface coverage (impervious surfaces area/site area x 100): 8.74 %

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

Front () NA ft Left () 40 ft Right () 40 ft Rear () NA ft

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

Front () NA ft Left () 50 ft Right () 50 ft Rear () NA ft

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

Front 30 ft Corner side 30 ft Side 15 ft Rear 30 ft

Proposed yard depths: Front 30 ft Corner side 30 ft Side 50 ft Rear 50 ft

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

Proposed building height: 16 ft

Min. parking space standard (see Article 15): 1 spaces per 1,000 S.F.

Min. no. of parking spaces: 3 Proposed no. of parking spaces 6

Number of employees: 1 Hours of operation: MAX. 7AM-7PM/DAYLIGHT HRS

Vehicular Access:

Names of access street(s) and number of access points along each: NC 96/US 401

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 401	100	24	2	Y			EXISTING
NC 96	100	24	2	Y			EXISTING

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: 0 ADT: 0
Type of vehicle: 0 ADT: 0

Utilities and Services:

Water supply provided by: () municipal system: NA

() community system – specify type: NA () individual well(s)

Est. total water demand: NA gpd

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

() community system – specify type: _____

() individual on-site system

Est. total wastewater discharge: NA gpd

Solid waste collection provided by: PORT-O-JOHN PROVIDED

Electrical service provided by: WAKE EMC Underground () yes () no

Natural gas service provided by: NA

Telephone service provided by: BELL SOUTH Underground () yes () no

Cable television service provided by: NA Underground () yes () no

Fire protection provided by: ROLESVILLE

Miscellaneous:

Generalized slope of site FLAT

Valuable natural features (rare plant community, wildlife habitat, lake, stream, geology, etc.) on or adjoining site: NONE

Valuable historic resources (homestead, mill, archeological site) on or adjoining site: NONE

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 _____

() Long-Range Urban Services Area _____

() Non-Urban Area/Water Supply Watershed LITTLE RIVER WATERSHED

() Non-Urban Area

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

NC 96/US 401 NEIGHBORHOOD 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 property is located in the Highway 96/ Highway 401 Neighborhood Activity Center. The activity center designation provides for the current use of this parcel. The current use of this parcel is commercial. The commercial use is a agricultural products retail outlet as approved July 14, 1992.

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

The purpose of this proposal is to expand the list of available products sold at this facility as approved July 14, 1992 and to allow the existing improvements in place to remain. The expanded list of available products has been listed on the plan presented with this application. The existing improvements that the applicant wishes to leave in place are shown on the plan that has been presented with this application. The existing improvements represent not more than 12% impervious surface of the total lot area. Also included in this request is clarification that certain areas covered with 3 inches of pea gravel be designated as pervious surface.

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: Tommy L Bailey Date: 5-4-10

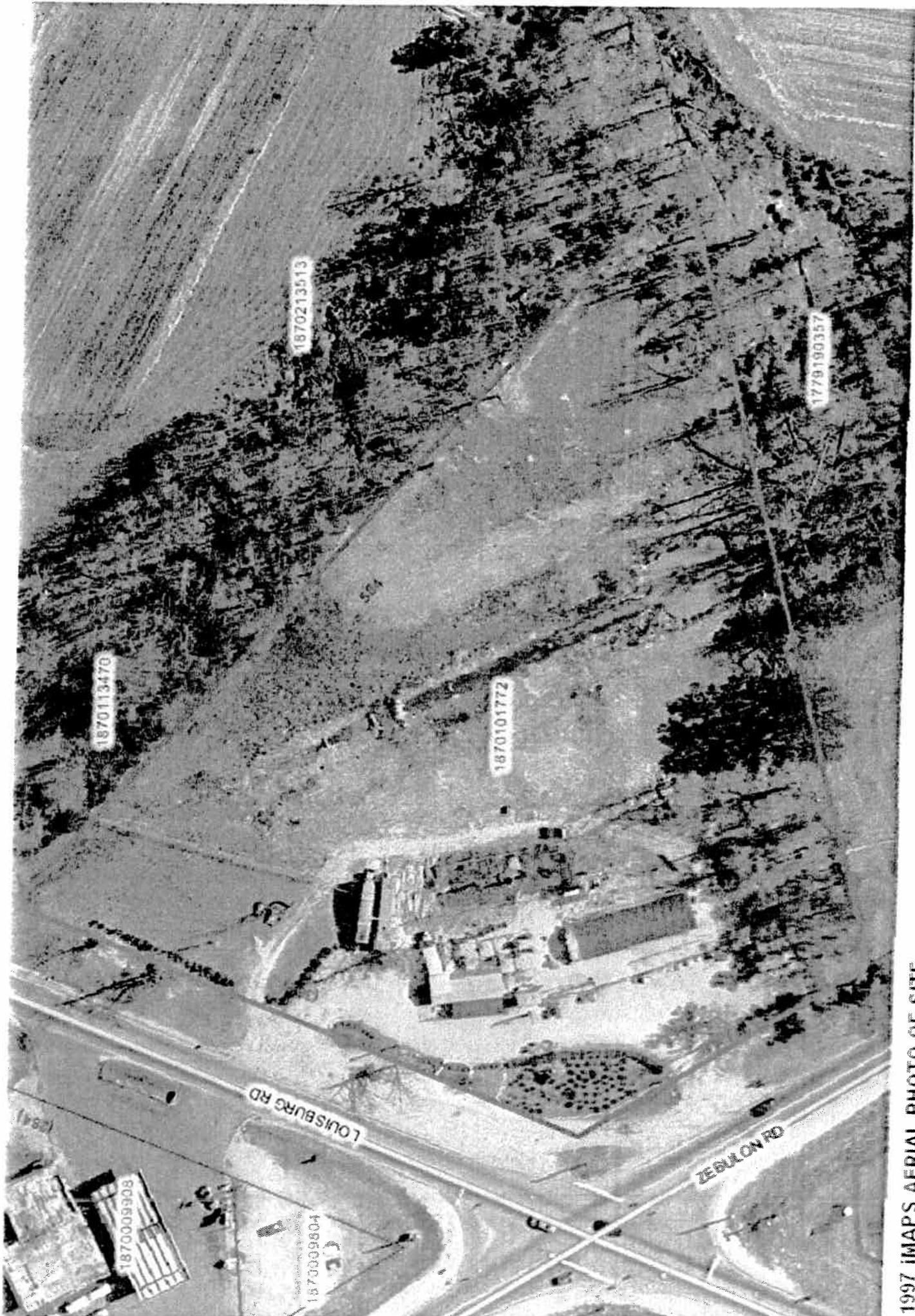
Signature: _____ Date: _____

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: Tommy L Bailey Date: 5/4/10

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.



1997 IMAPS AERIAL PHOTO OF SITE



SPECIAL USE PERMIT STATEMENT OF JUSTIFICATION

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.

For each of the 5 required conclusions listed below, attach a statement that explains how any existing conditions, proposed development features, or other relevant facts would allow the Board of Adjustment to reach the required conclusion, and attach any additional documents or materials that provide supporting factual evidence. The considerations listed under each required conclusion are simply those suggested in the Wake County Unified Development Ordinance. You should address any additional considerations potentially raised by the proposed development.

Important: You bear the burden of presenting sufficient factual evidence to support findings of fact that allow the Board to reasonably reach each of the required conclusions. If you fail to meet that burden, the Board has no choice but to deny the petition.

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

Considerations:

- traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb cuts;
- provision of services and utilities, including sewer, water, electrical, garbage collections, fire protection;
- soil erosion and sedimentation; and
- protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

(2.) The proposed development 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.

(3.) The proposed development will not substantially injure the value of adjoining property, or is a public necessity.

Considerations:

- the relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved; and
- whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property.

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

Considerations:

- The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

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

Considerations:

- consistency with the Plan's objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards; and
- consistency with the municipal and joint land use plans incorporated in the Plan

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

Traffic

It is our opinion that the proposed amendment to the existing Special Use Permit will not result change the traffic pattern or traffic count as it exist today. The development is an existing vegetable/agricultural product stand that has been in existence since 1993.

The proposed amendments to the existing Special Use Permit are clarifications of allowed use areas that currently exist on the property and products that can be sold at this facility. The existing use areas that need to be added to the existing 1992 Special Use Permit include 1 trailer each for storage of pine and 1 trailer each for storage wheat straw, 2 areas of 3200 sf. each for landscape and garden product storage and display, an area of 2000 sf for seedling propagation, associated pedestrian path ways and a 8 foot gravel access drive at the rear of the existing improvements.

Provisions for utility and fire service.

The existing facility is served by electrical and telephone service. There is an existing well on site for potable and irrigation water supply. The existing special use permit allows the use of a Port A John for sanitary sewer service. The area is served by the Rolesville area Volunteer Fire Department

Soil Erosion and Sedimentation Control.

There is no soil disturbance associated with this amendment to the existing special Use Permit. There is currently a vegetated buffer around the drainage swale that will act as a filter to any runoff leaving the affected area.

Protection of the public or private water supplies

There is currently a vegetated buffer around the drainage swale that will act as a filter to any runoff leaving the affected area. The impervious surface consists of ABC stone or 3 inches of pea sized gravel on walking surfaces. This minimizes the total run off from the 3.5 acre site. The impervious area has been limited to less than 12% of the total tract area.

2. The proposed development 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

The use complies with the existing Special Use Permit. The existing structures are contained within the allowable building and buffer setbacks. The existing improvements were constructed prior to the current UDO adoption.

The project complies with the stormwater provisions in that the existing impervious areas were established prior to the adoption of the current ordinance and the impervious area has been limited to less than 12% of the total tract area.

The landscape and tree protection ordinance has been satisfied in that the existing tree area around the perimeter is preserved by this plan.

The existing parking area is less than 10 spaces. Per section 16-10-1-A-1 the existing parking is exempt from the landscape ordinance. The vehicular use area was existing prior to 1996.

The existing buffer areas per the 1992 Special Use Permit are set at 50'. The buffers were established as part of the existing Special Use Permit. This is a low impact non residential use. The adjacent uses are Rural Agricultural. The applicant feels that this alternate buffer combined with the natural state of the majority of the three 3.5 acres intent and requirements of the ordinance. The adjacent properties are in agricultural use.

This property has been designated as part of the Wake County Land Use Plan Hwy 96/ Hwy 401 Neighborhood Activity Center. The existing use is the reason that this parcel is included in the designated activity center area.

3. The proposed development will not substantially injure the value of the adjoining property, or is a public necessity.

The adjacent properties are in agricultural use. There are no homes with 400 feet of the perimeter of the subject tract. The use has existed since 1993. This request does not change the use or the area of the tract that has been utilized in support of the existing use. As such there will be no injury to the property values of the adjacent property. The purpose of this request is to remedy the areas of the tract as described above.

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

This property has been designated as part of the Wake County Land Use Plan Hwy 96/ Hwy 401 Neighborhood Activity Center. The existing use since 1993 is the reason that this parcel is included in the designated activity center area.

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

This property has been designated as part of the Wake County Land Use Plan Hwy 96/ Hwy 401 Neighborhood Activity Center. The existing use since 1993 is the reason that this parcel is included in the designated activity center area.

Project Tracking Form
Board of Adjustment
Special Use Permit/Variance/Appeal

Initial Submittal Deadline:	05/25/10
DRS Meeting Date:	07/08/10
DRS Comments Finalized & Distributed:	07/30/10
Revised Application Submittal Date:	08/24/10
Board of Adjustment Meeting Date(s):	10/12/10

BA SU 2127-10 (PIN# 1870.03 10 1772), a modification of a previously approved Special Use Request (BA 1488) for outdoor sales of produce and local items. The property is zoned R-40W (Residential 40 Watershed) and is located on the east side of Zebulon Road, at the intersection of Zebulon and Louisburg Roads. The parcel is 3.53 acres and is located within the Little River Non- Urban Services Area Water Supply Watershed as per the Wake County Land Use Plan.

BA SU 2128-10 (PIN# 0689.02 85 0905), a modification of a previously approved Special Use Request (BA 1193) for change of allowed use to an office situation. The property is zoned HD (Highway District) and is located on the south side of Fayetteville Road, between Ten Ten Road and Opportunity Lane. The parcel is 1.55 acres and is located within the Town of Fuquay-Varina's Short Range Urban Services Area as per the Wake County Land Use Plan.