



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)

Saving Grace is seeking a special use permit in order to operate a kennel as defined by Art. 11-46. Its facilities are located in a R-40W zone. A kennel is permitted use in a R-40W district per Art. 4-11.

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

If Yes, provide relevant Special Use Permit Number: N/A

Property

Parcel Identification Number: 0891067141

Address: 13400 Old Creedmoor Rd, Wake Forest, NC, 27587-8543

Location: East side of Old Creedmoor Rd, at/between
(north, east, south, west) (street)
Buck Wallow Rd and Brogden Woods Dr.
(street) (street)

Total site area in square feet and acres: 342,956 square feet 7.8732 acres

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

List Conditions of any Conditional Use Zoning Districts:
N/A

Present land use(s): Single-Family Residential: presently used as a private residence, farm, and dog shelter.

How is this proposed use a public necessity? Please see attached Statement of Justification.

What is impact on surrounding neighborhood and adjacent properties? Please see attached Statement of Justification.

Land Owner

Land Owner Name: Molly Bess Goldston

Business Operator Name (if different from Land Owner): Saving Grace Animals for Adoptions, Inc.

Address: 13400 Old Creedmoor Rd

City: Wake Forest State: NC Zip Code: 27587-8543

E-mail Address: savinggrace@savinggracenc.org Fax: N/A

Telephone Number: 919-518-1180

Applicant (person to whom all correspondence will be sent)

Name: Saving Grace Animals for Adoptions, Inc. c/o Wayne Maiorano, Smith Anderson
 Address: P.O. Box 2611
 City: Raleigh State: NC Zip Code: 27601
 E-mail Address: wmaiorano@smithlaw.com Fax: 919-821-6800
 Telephone Number: 919-821-6684 Relationship to Owner: Attorney

Proposal

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

Proposed total floor area: +/-3000 sf Proposed floor area ratio (floor area/site area): 0.009

Max. allowable impervious surface coverage (see applicable zoning district/use regulation) : 24 %

Proposed impervious surfaces area: 41,284 SF (12%) sf

Proposed impervious surface coverage (impervious surfaces area/site area x 100): 12 %

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

Front (F) 10 ft Left (C) 40 ft Right () N/A ft Rear () N/A ft

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

Front () N/A ft Left (C) 40 ft Right () N/A ft Rear () N/A ft

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

Front 30 & 50/100 ft Corner side 30 & 50/100 ft Side 15 & 50/100 ft Rear 15 & 50/100 ft

Proposed yard depths: Front 100 ft Corner side N/A ft Side 15/50 ft Rear 100 ft

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

Proposed building height: 30 ft

Min. parking space standard (see Article 15): 1 spaces per 1,000 sf animal use, plus 1 per 300 off

Min. no. of parking spaces: _____ Proposed no. of parking spaces 35

Number of employees: 2 Hours of operation: 9am-7am M-F, 9am-4pm Sat., 12pm-5 Sun

Vehicular Access: visitors by appointment only

Names of access street(s) and number of access points along each: _____

Old Creedmoor Rd, 2 access points (Ms. Goldston's driveway and parking area).

| 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 |
|---|-------------------------|---------------------|--------------|-----------------|--------------------------------------|-----------------------------------|---|
| Old Creedmoor Rd (refer to attached Trip Memo) | 60 ft | 21 ft | 2 | Y | 12,000 | 2,600 | 160 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

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: Trash Truck ADT: N/A

Type of vehicle: Porta Potty Service Truck ADT: N/A

Utilities and Services:

Water supply provided by: () municipal system : _____

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

Est. total water demand: Between 500 -- 800 gpd

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

() community system – specify type: _____

individual on-site system

Est. total wastewater discharge: 200 gpd

Solid waste collection provided by: Waste Management

Electrical service provided by: Duke Progress Energy Underground yes no

Natural gas service provided by: PSNC Energy

Telephone service provided by: AT & T Underground yes no

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

Fire protection provided by: Bay Leaf #2; Sunbelt Securities

Miscellaneous:

Generalized slope of site Gradual downhill slope from Old Creedmoor Rd towards the rear of the property.

Valuable natural features (rare plant community, wildlife habitat, lake, stream, geology, etc.) on or adjoining site: This property is located in a non-urban watershed area.

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 _____

() Long-Range Urban Services Area _____

Non-Urban Area/Water Supply Watershed Falls Lake

() Non-Urban Area

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

R-40W; This property is outside of Wake County's Land Use Planning District. It is classified by the Wake County Land Use Plan as a non-urban area.

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?)

Please see attached Statement of Justification

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

Please see attached Statement of Justification

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 Molly Geldston Date: 12-6-16

Signature _____ Date: _____

Signature _____ Date: _____

Land use professionals (architects, engineers, planners, landscape architects, etc.) as well as employees of corporate or municipal applicants, may testify at quasi-judicial proceedings about factual matters in support of an application, petition or appeal. However, they MAY NOT examine or cross-examine witnesses, make legal arguments as to why an application, petition or appeal should be granted, or otherwise advocate for results on behalf of another individual or entity at a quasi-judicial proceeding. These functions can ONLY be performed at a quasi-judicial proceeding by an attorney licensed to practice law in North Carolina. Therefore, it is **strongly recommended** that unless you are an individual representing yourself in a quasi-judicial proceeding, you have an attorney present to present your case.

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 Molly Geldston Date: 12-6-16

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

STATE OF NORTH CAROLINA

BEFORE THE BOARD OF
ADJUSTMENT

COUNTY OF WAKE

IN RE: **Saving Grace Animals for Adoption, Inc.**
 Wake County PIN: 0891067141

Address: 13400 Old Creedmoor Road, Wake Forest, NC 27587-8543

STATEMENT OF JUSTIFICATION IN SUPPORT OF
SPECIAL USE PERMIT APPLICATION

NOW COMES THE PETITIONER, by and through counsel of record, and respectfully requests approval of its application for a special use permit to operate a dog shelter facility. In support of this request, Petitioner provides the following information:

I. Introduction

Saving Grace Animals for Adoption, Inc. ("Saving Grace") seeks a Special Use Permit to continue to operate its organization at the property located at 13400 Old Creedmoor Road, Wake Forest, North Carolina. Saving Grace is a properly organized and operating nonprofit entity. Its mission is to rescue, safely house and care for, and ultimately facilitate the adoption of abandoned dogs rescued from the local community and area shelters located within the general vicinity of Wake County, North Carolina. Saving Grace's facility is located on a nearly eight acre tract of land owned by Molly Goldston, who is the founder and president of Saving Grace. The property is currently zoned R-40W. The property was part of a larger tract that historically operated as a functioning farm. Ms. Goldston continues to maintain certain farm livestock and has recently received a Farm Number from the State of North Carolina. Ms. Goldston's certification for the property to be deemed an operational farm is in process as of the date of submitting this application.

Saving Grace possesses a license issued by the North Carolina Department of Agriculture & Consumers Services, which authorizes the operation of the dog shelter. Saving Grace has maintained this license in good standing since issuance in 2010 and is currently in full compliance with all North Carolina State requirements and inspections related to the operation of the dog shelter. The Wake County Uniform Development Ordinance ("UDO") allows shelters of this kind to be operated in an R-40W zone, as long as a special use permit is obtained.

Ms. Goldston has been passionate about the care of animals for many years. She began rescuing dogs from various shelters, and over time, this passion evolved into what is now Saving Grace. Ms. Goldston has been operating Saving Grace on her property since 2004. In the 12 years that she has operated Saving Grace, she has had no history of problems or complaints regarding the organization. Ms. Goldston was not aware that she was required by Wake County to obtain a special use permit in order to operate Saving Grace. She recently learned about this need, self-reported her activity to the County, and has since diligently undertaken the effort and expense to bring the facility into full compliance with the UDO and obtain a special use permit.

avoid attracting attention or encouraging spontaneous visitors, and to deter individuals from dropping off stray or unwanted dogs.

Before the Saving Grace dogs are brought to the organization, they are carefully screened to determine which dogs fit a profile to be the most reliable, safe, and adoptable animals. Once at Saving Grace, the health of the dogs is regularly monitored by properly licensed veterinarians, and each animal is screened and treated for a variety of health care needs and possible illnesses and risks, such as heartworms. The dogs are kept in large enclosed fences and are grouped according to their size, age, and temperament. The Saving Grace employees and volunteers regularly monitor and exercise the dogs, as well as rotate the dogs that spend time together, to minimize the risk of aggressive behavior amongst the dogs.

There are two adjoining properties – one residential home on 8.63 acres and an active retail shopping center, including a large food store. Saving Grace has designed its operations in a way to minimize the traffic generated by the shelter and the impact on the surrounding area. Further, Saving Grace has a dedicated parking area for its volunteers, employees, and visitors. The parking area is located off of Old Creedmoor Road (consisting of a pre-existing parking lot from historic use of the property) and abuts Saving Grace. The parking area is well-screened from offsite view. Visitors are able to access Saving Grace on foot from a double-gated entry in the back of the parking area. By separating its parking from the rest of the facility, Saving Grace has eliminated car traffic at its facility, which protects its visitors, including small children, and the animals residing at Saving Grace. A review of available crash data for the subject property indicates no issues with traffic safety.

Finally, Ms. Goldston lives on the premises and has provided a septic system and well for water on her property. It is noteworthy that any required bathing of the dogs is done off-site, minimizing the use of water and imposition on the septic system. The system and well are adequate to provide for the needs of Saving Grace as reflected in the Soil Services, PLLC's report attached to the Special Use Permit Application. As for the animal waste, all waste is routinely collected and properly deposited in a waste dumpster resulting in all waste being removed from the property and not deposited into the septic system.

B. 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.

Saving Grace has complied with all regulations and standards within the zoning district, and particularly applicable to this type of use. Ms. Goldston's property is zoned R-40W, which allows a shelter (including kennel) with the granting of a special use permit. While operated as a shelter and adoption facility, Saving Grace is considered a kennel under the UDO. Under Article 4 Section 46 of the UDO, kennels are required to meet certain separation and screening requirements. Saving Grace meets each of these requirements. As illustrated on the Master Plan submitted with this application, the site incorporates one-hundred foot (100') setbacks for open kennel areas, and fifty foot (50') setback for existing and proposed buildings housing a kennel use. In addition to meeting the perimeter land use and building setbacks, the rescue operation provides six foot (6') perimeter fences, a mix of both open and solid fence types, throughout the majority

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

Ms. Goldston's property is located in a rural area, or a non-urban area as defined by the Wake County Land Use Plan. This area is well-suited for a facility like Saving Grace's dog shelter, where dogs are able to be housed, cared for and appropriately exercised on the property while minimizing contact, disruption or inconvenience to neighboring properties or the larger community. From Old Creedmoor Rd, Ms. Goldston's personal residence is the only immediately noticeable structure and the shelter activity is secluding in the rear of the property and not visible from the road. The fencing around the perimeter of the property was designed to look quite similar to neighboring fences. Thus, from the only public vantage point of Ms. Goldston's property, it appears in harmony with the surrounding residences.

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

Saving Grace's property is located outside of Wake County's Land Use Planning Jurisdiction. This land is classified as a non-urban area. It is Saving Grace's goal to preserve the openness of the current surrounding area by maintaining its overall layout and design and, in part, preserving the historic farm characteristics of the property. Additionally, Saving Grace's design minimizes impervious surfaces, and is made attractive by its pecan grove, open space, forested areas and numerous flowers and garden areas.

