



Planning

## **Special Use Permit Application**

In the state of North Carolina, Special Use Permits are decided in a quasi-judicial hearing. Therefore, ex parte contact between applicants, other interested person, or their respective representatives and members of the Board is inappropriate and not permitted.

No Board member shall discuss any case with any parties in interest prior to the public hearing on that case, provided however, that members may receive and/or seek information pertaining to the case from any other members of the Board. (VIOLATION OF THIS RULE SHALL BE CAUSE FOR DISMISSAL.)

### **INSTRUCTIONS FOR FILING AN APPLICATION FOR A SPECIAL USE PERMIT**

1. The applicant for a special use permit must complete this application in full. The application must be signed by the property owner(s) or their authorized representative (See page 7). **This application will not be processed unless all information requested is provided.**
2. In order to be considered by the Board, applications must be submitted to the Planning Department **at least thirty (30) working days** prior to the meeting.

The Board meets in Town Hall, located at 15 East Fourth Street.

For additional information or assistance, call the Town of Wendell Planning Department at **(919) 336-4448**.

3. The filing fee for each application is set out in the Schedule of Fees (**Currently \$550.00 flat fee for special use permits included on Town of Wendell's Planning Department website**)
4. A digital version (PDF) of an accurate plot plan of the property in question must accompany the application. The plot plan shall be at a scale of 1" - 200' or larger. (**Note: Not all requests require plot plans, please consult planning staff for determination**)

The plot plan shall include:

- location and dimension of:
  - the entire lot including recorded easements;
  - all existing and proposed structures (principal and accessory) including number of stories and gross floor area;
  - all existing driveway(s), drive isles, and pedestrian improvements on site and on adjoining properties within ten (10) feet of the subject lot;
  - all existing and proposed parking areas including the total number of spaces (where the subject use is to share a common parking area with other existing or future uses indicate the allocation of spaces devoted or reserved to each separate use);
- topographical features (streams, ditches, etc.);

- required bufferyards;
- minimum building lines (MBL) and existing and future right-of-way lines (R/W);
- location or vicinity map may be drawn to a scale of not less than 1" - 1000';

**5. for item (a) below, the applicant must state all facts and attach any supporting documents that applicant asserts the parcel complies with the zoning ordinances and policies. IT IS NOT SUFFICIENT TO STATE - "the application does not violate the zoning policies.**

**for item (b) below the applicant must state how the use complies with or conforms to the General Land Use Plan. IT IS NOT SUFFICIENT TO STATE - "the use complies with the Land Use Plan."**

**for item (c) below, the applicant must state how the use will not be detrimental to health and safety and attach any documents the applicant asserts supports the proposed use.**

**for item (d) below, the applicant must state how the use will not be detrimental to the general public welfare.**

**for item (e) below, the applicant must state how the use will not be detrimental to the current uses of the property or surrounding properties and attach any documents that are claimed to support the facts stated. IT IS NOT SUFFICIENT TO STATE - "the use will not be detrimental".**

**for item (f) below, the applicant must state the facts to support how the use will not injure the property or cause injury to the value of the property or surrounding property. IT IS NOT SUFFICIENT TO STATE - "the use will not injure the property."**

**for item (g) below, the applicant must state how the use will not be a nuisance or create a hazard.**

**If the application does not comply with these requirements, it will be deemed incomplete and returned to the applicant to provide the requested information. A general statement or generalized conclusion/opinion is not enough to satisfy this requirement.**

**NOTE:** These are minimum submission requirements. The Board reserves the right to require additional information where such submission is necessary to ensure compliance with applicable criteria in the individual case. The applicant is encouraged to submit additional information if desired.

The special use permit will expire six (6) months from the date of issuance if zoning compliance permit, building permit, or site plan approval is not obtained.

Date Received \_\_\_\_\_

**TOWN OF WENDELL  
SPECIAL USE PERMIT APPLICATION**

Applicant Name(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact Name and Mailing Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact Phone Number (\_\_\_\_\_) \_\_\_\_\_

Contact Phone Number (\_\_\_\_\_) \_\_\_\_\_

Contact Fax Number (\_\_\_\_\_) \_\_\_\_\_

Contact Email Address \_\_\_\_\_

Location /Street address of proposed use \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_

Proposed use \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Zoning Ordinance imposes the following General Restrictions on the use requested by the applicant. Under each requirement the applicant should explain, while referencing attached plans, where applicable, how the proposed use satisfies these requirements. Answers should be supported by facts when possible.

The Board may grant permission for the establishment of a listed special use if the Board finds from the evidence produced after a study of the complete record that:

- (a) Conditions and Specifications. That the proposed use meets all required conditions and specifications of the Unified Development Ordinance and policies of the Town for submission of a special use permit. Such conditions and specifications include but are not limited to the following:

Compliance with lot area, dimensional standards, setback and other location standards, off-street parking requirements, all additional specific criteria set forth in the UDO and all application submission requirements.

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- (b) Comprehensive Plan. That the proposed use is in general conformity with the Comprehensive Land Use Plan of the Town of Wendell and its extraterritorial jurisdiction.

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- (c) Health and Safety. That the proposed use will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use.

Such health and safety considerations include but are not limited to the following:

1. The safe and convenient location of all on-site parking and drives.
2. The existing vehicular traffic on area streets.
3. The condition and capacity of area streets which will provide access to the proposed development.
4. The visibility afforded to both pedestrians and operators of motor vehicles both on-site and off-site.
5. The reasonably anticipated increase in vehicular traffic generated by the proposed use.
6. The anticipated, existing and designed vehicular and pedestrian movements both on-site and off-site.

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- (d) Detriment to Public Welfare. That the proposed use will not be detrimental to the public welfare or to the use or development of adjacent properties or other neighborhood uses.

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- (e) Existing Uses Detrimental. That the proposed use would not be adversely affected by the existing uses in the area in which it is proposed.

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- (f) Injury to Properties or Improvements. That the proposed use will not injure, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood.

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- (g) Nuisance or Hazard. That the proposed use will not constitute a nuisance or hazard. Such nuisance or hazard considerations include but are not limited to the following:

1. The number of persons who can reasonably be expected to frequent or attend the establishment at any one time.
2. The intensity of the proposed use in relation to the intensity of adjoining and area uses.
3. The visual impact of the proposed use.
4. The method of operation or other physical activities of the proposed use.
5. The noise; odor; smoke; dust; emissions of gas, particles, solids or other objectionable or toxic characteristics which are proposed or that can reasonably be expected to be a result of the operation of the proposed use.
6. The danger of fire or explosion.

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I certify that all the information presented by me in this application is accurate to the best of my knowledge, information and belief. I authorize the Town of Wendell to place a sign on the property in question, for the purpose of alerting the general public of my request.

_____	_____	_____
Print Name	Signature of Applicant	Date

_____	_____	_____
Print Name	Signature of Applicant	Date

**NOTE:** If the person who is requesting the Board to take action on a particular piece of property is not the owner of the property and does not have a binding option to purchase the property, then the actual owner(s) of the land must complete this form. If the person who is requesting the Board to act on a particular piece of property is the owner of the property or has a binding option to purchase the property, please disregard this form. **Attach a copy of the option to purchase if the applicant has a binding option to purchase the property.**

I /We \_\_\_\_\_ am /are the owner(s) of the property located at \_\_\_\_\_.

I /We hereby authorize \_\_\_\_\_ to appear by consent before the Board order to ask for a special use permit to \_\_\_\_\_  
\_\_\_\_\_

at this location. I /We understand that the special use permit, if granted, is permanent and runs with the land unless otherwise conditioned. I /We authorize the Town of Wendell to advertise and present this matter in my /our name as the owner of the property.

If there are any questions, you may contact \_\_\_\_\_ at my address,

\_\_\_\_\_ or by telephone at ( \_\_\_\_\_ ) \_\_\_\_\_ or ( \_\_\_\_\_ ) \_\_\_\_\_.

Respectfully yours,

\_\_\_\_\_  
Owner Date

\_\_\_\_\_  
Owner Date

\_\_\_\_\_ County, North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Notary Public

(Official Seal)

My commission expires: \_\_\_\_\_