



**2020 TOWN OF WENDELL
SPECIAL USE PERMIT
APPLICATION PACKET**



Town of Wendell Planning Department
15 E. Fourth St.
Wendell, NC 27591

Phone: 919.365.4448
Fax: 919.365.1462
www.townofwendell.com

**ACKNOWLEDGEMENT OF SPECIAL USE PETITION
INFORMATION**

I, _____, acknowledge the receipt of the following
items pertaining to the Special Use request for the property located at

_____ Application

_____ Submittal Schedule

_____ Site Plan Requirements

_____ Required Findings of Fact

_____ Special Use Procedures

Submittal Deadline Date: _____

Applicant

Date



TOWN OF WENDELL SPECIAL USE PERMIT APPLICATION

Date of Application: _____ Application Number: _____

Location of Property: _____

Current Zoning District: _____ Wake Co. PIN: _____

Applicant's Name: _____

Applicant's Mailing Address: _____

City/State/ZIP: _____

Phone: _____ Email: _____

Property Owner's Name: _____

Property Owner's Address: _____

City/State/ZIP: _____

Phone: _____ Email: _____

Type of Special Use/Reason for Special Use (cite the code section to which this Special Use applies):

Intended use of property, building or structure as a Special Use (describe below):

Is this a modification of a previously-issued SUP? Yes No

Other information: _____

The following information MUST be included before the application will be accepted and processed:

- Attachment A – A list of adjacent property owners (including across public right-of-ways) and their mailing and physical addresses.
- Attachment B – write up with the following questions numbered, listed, and answered:
 1. Are there any variances being requested? If so, list each one.
 2. Will utilities, fire, police, and other necessary public and private facilities and services be adequate to handle the proposed use? Please explain how they will or will not be adequate.
 3. How will the proposed use affect the health and safety of the residents and workers of Wendell?
 4. Will the proposed use affect the use or development of adjacent properties or other uses?
 5. Will the proposed use constitute a nuisance or hazard because of the number of persons who will attend or use the facility, vehicular movement, noise, or fume generation or type of activity? Explain.
 6. What are the hours of operation?
 7. How many work shifts will there be?
 8. How many employees will work per shift? _____ Full-time _____ Part-time

The undersigned property owner hereby authorizes the filing of this application and any subsequent revisions thereto. The filing of this application authorizes the Town of Wendell staff to enter upon the site to conduct relevant site inspections as deemed necessary to process the application.

Signature: _____ Date: _____

As the applicant, I agree that this permit, if granted, is issued on the presentation made herein and that this permit may be revoked in the event of any breach of representation or non-compliance of conditions of the permit. It is further understood that if the Special Use as requested herein is not started within twelve (12) months from the date of issuance, that the permit shall become invalid. Fees are nonrefundable. The applicant is responsible for presenting their case to the town.

Signature: _____ Date: _____

OFFICE USE ONLY	
Fee Paid: _____	Check # _____ Recvd By: _____ Date: _____
BOARD OF COMMISSIONERS Date of Public Hearing: _____ Date Sign Erected: _____	
Dates Public Hearing Advertised (#1) _____ in _____ (#2) _____ in _____	
Town Board Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Denial	
Conditions _____	

_____	_____
Town Clerk Signature	Date
_____	_____
Mayor's Signature	Date



**TOWN OF WENDELL 2020
SPECIAL USE APPLICATION
SUBMITTAL SCHEDULE**



PLANNING DEPARTMENT

15 E. Fourth St.
Wendell, NC 27591
Phone: 919.365.4448
Fax: 919.366.1462

Pre Application Submittal Meeting*	Special Use Application Submittal Deadline (\$550.00 Fee Due)**	Public Hearing	Board of Commissioners Action***
January 3, 2020	January 10, 2020	February 10, 2020	March 9, 2020
January 31, 2020	February 7, 2020	March 9, 2020	April 13, 2020
March 6, 2020	March 13, 2020	April 13, 2020	May 11, 2020
April 3, 2020	April 10, 2020	May 11, 2020	June 8, 2020
May 1, 2020	May 8, 2020	June 8, 2020	July 13, 2020
June 5, 2020	June 12, 2020	July 13, 2020	August 10, 2020
July 3, 2020	July 10, 2020	August 10, 2020	September 14, 2020
August 7, 2020	August 14, 2020	September 14, 2020	October 12, 2020
September 4, 2020	September 11, 2020	October 12, 2020	November 9, 2020
October 2, 2020	October 9, 2020	November 9, 2020	December 14, 2020
November 6, 2020	November 13, 2020	December 14, 2020	January 11, 2021
December 4, 2020	December 11, 2020	January 11, 2021	February 8, 2021
January 1, 2021	January 8, 2021	February 8, 2021	March 8, 2021
January 29, 2021	February 5, 2021	March 8, 2021	April 12, 2021

*Pre Application meeting shall be held prior to deadline. No pre application meetings shall be held on the deadline date.

** Incomplete/incorrect applications will be returned to applicant. Future submittal will be based on next submittal date.

*** Applicant may submit written request to Board of Commissioners for action to be taken the same night as the public hearing.

15.15 Special Use Permits

- A. Purpose:** Special uses are land uses that are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. Special uses ensure the appropriateness of the use at a particular location within a given zoning district.
- B. General Requirements:**
1. Only those uses enumerated as Special Uses in a zoning district shall be authorized by the Board of Commissioners.
 2. The evaluation and approval of the Special Use Permit shall be governed by quasi-judicial proceedings, which are based upon the sworn testimony and evidence presented at the hearing relevant to the following standards:
 - a. That the proposed use does not affect adversely the general plans for the physical development of the town as embodied in this Ordinance and in any plan or portion thereof adopted by the Board of Commissioners;
 - b. The proposed use will not be contrary to the purposes stated for these regulations;
 - c. The proposed use will not adversely affect the health and safety of residents and workers in the town;
 - d. The proposed use will not be detrimental to the use of development of adjacent properties or other neighborhood uses;
 - e. The proposed use will not be affected adversely by the existing uses;
 - f. The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of the use;
 - g. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, vehicular movement, noise, or fume generation or type of physical activity;
 - h. The standards set forth for each particular use/project for which a permit may be granted have been met;
 - i. The Board may impose or require such additional restrictions and conditions as may be necessary to protect the health and safety of

works and residents in the community, and to protect the value and use of property in the general neighborhood;

- j. The proposed use shall be subject to the minimum area, setback, and other location requirements of the zoning district in which it will be located; and
- k. The proposed use shall be subject to the off-street parking and service requirements of these regulations; provided, however, that an approved PUD Plan document may include modifications of such requirements.
- l. Wherever the Board shall find, in the case of any permit granted pursuant to the provisions of this chapter, that any of the terms, conditions, or restrictions, on which such permit was granted are not being complied, the Board shall rescind and revoke the permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

C. Procedures:

- 1. The processing of a Special Use Permit shall be conducted by the Board of Commissioners. During the public hearing, all parties presenting testimony and evidence shall be duly sworn. Testimony both in favor and against the Special Use Permit application shall be presented and will be considered in formulating the findings-of-fact required for a decision.
- 2. The Board of Commissioners may attach reasonable and appropriate conditions on the location, nature, and extent of the proposed use. The applicant shall have up to 30 calendar days to consider and respond to any additional requirements prior to approval or denial by the Board of Commissioners.
- 3. A notice of each public hearing shall be published in a newspaper of general circulation in the town, at least one time a week for two consecutive weeks prior to the public hearing.

D. Effect of Approval: If an application is approved, the Special Use Permit that is established and all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. The applicant shall record the approved Special Use Permit with the Register of Deeds and submit a copy to the Town. The authorization of the Board of Commissioners for a Special Use Permit and all supporting documentation shall become a part of the certificate of occupancy.

E. Substantial Changes: Any substantial change to a Special Use Permit that results in the increase of the intensity, density, or character of the use shall be approved or denied by the Board of Commissioners as an amended Special Use

Permit. Minor field alterations or minor revisions to approved Special Use Permits may be approved by the Administrator if the Special Use still meets the intent of the standards established with the original approval.

F. Appeal: The determination of the Board of Commissioners shall be conclusive and final and there shall be no further appeal to the Zoning Board of Adjustment or any other administrative board or commission except the State Superior Court. A request for a review may be made in the same manner as an original request. Evidence in support of the request shall initially be limited to that which is necessary to enable the Board of Commissioners to determine whether there has been a substantial change in the facts, evidence, or conditions in the case. It shall thereupon treat the request in the same manner as the original request. Otherwise, the Board of Commissioners may terminate any further consideration of such request. The Board of Commissioners may, however, review its authorization and the conditions thereof and after such review may modify or change the conditions of the Special Use Permit or may terminate the Special Use Permit only upon agreement with one or more of the criterion set forth in 15.15.G.3, below. Any appeal for administrative review concerning the enforcement of a Special Use Permit shall be to the Board of Commissioners.

G. Rescission of Special Use Permits:

1. The applicant shall secure a valid building permit within a 12 month period from date of approval of the Special Use Permit unless otherwise specified.
2. If such project is not complete and a valid building permit is not in place at the end of the 12 month period, the Administrator shall notify the applicant of either such finding. Within 30 calendar days of said notification, the Administrator shall make a recommendation concerning the rescission of the Special Use Permit to the Board of Commissioners. The Board of Commissioners may then rescind or extend the Special Use Permit, for a specified period of time.
3. Other criterion for which a Special Use Permit may be rescinded or terminated shall be as follows:
 - a. Non-compliance with adopted conditions.
 - b. Expressed diminution of value of surrounding properties that may only be found during the evidentiary hearing and made a part of the Findings of Fact.
 - c. Expressed negative impacts related to the general safety, health, and welfare of the surrounding community, which may only be found during the evidentiary hearing and made a part of the Findings of Fact.
 - d. Recorded and repeated Code violations.

- e. Any non-conformity created by amortization of the permitted use which would only be established as a condition of the permit.
- f. Any zoning map amendment to a zoning district that would create a nonconformity between the district and associated permit.

H. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL AUTHORITY
Special Use Permit w/ Master Plan (16.5)	Administrator	Review submittal procedures and requirements. Review for completeness & code compliance. Issue Staff Report	n/a
	Board of Commissioners	Public hearing	n/a
	Board of Commissioners	Approval of Special Use Permit – or – Denial and Request for Rehearing	Superior Court

