

This special use application permit is being submitted by the applicant at the direction of the Rowan County Planning Department. The applicant is the owner and operator of Millbridge Speedway, located at 6670 Mooresville Road, Salisbury, NC 28147. Millbridge Speedway is a racetrack that has been in operation since at least the late 1980's and has been recognized by the Planning Department as a nonconforming use that was in existence prior to the current Rowan County Zoning Ordinance. Given the length of time Millbridge Speedway has been in operation, some of the structures have reached the end of their lifespan. Two of these structures included one set of bleachers and a tech shed (with other accessory uses) that had become dilapidated and were no longer safe for use. The applicant replaced both of these structures with new bleachers and a tech shed in the same locations as the dilapidated structures that they had replaced. However, the applicant was not aware of the process that they were meant to follow when replacing these dilapidated structures and has been informed by the Planning Department of the steps that they must take to bring these structures into compliance. To bring these structures into compliance, the Planning Department has directed the applicant to first obtain a special use permit and then to work with the Building Department to obtain the proper permits for these structure to bring them into total compliance.

**Sec. 21-58. Review procedures.**

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(e) Required findings. All decisions regarding a special use permit application shall not be approved or denied unless each of the following findings has been made:

(1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety;

**- The request will not materially endanger the public health or safety. The purpose of this special use permit is to bring two replacement structures (a set of bleachers and a tech shed) into compliance that replaced two dilapidated structures (a previous set of bleachers and the previous tech shed) that were previously located on the site. The replacement bleachers and tech shed removed potentially hazardous safety conditions by replacing dilapidated structures that were formally onsite.**

(2) That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity; and

**- The request will not substantially injure the value of adjoining or abutting property The purpose of this special use permit is to bring two replacement structures (a set of bleachers and a tech shed) into compliance that replaced two dilapidated structures (a previous set of bleachers and the previous tech shed) that were previously located on the site. The overall use of the site as a recognized nonconforming racetrack will not change as a result of the replacement of these structures.**

(3) That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

**- The request is in keeping with the nature of the existing use of the property. Adequate transportation access to the site exists as currently operated. The purpose of this special use permit is to bring two replacement structures (a set of bleachers and a tech shed) into compliance that replaced two dilapidated structures (a previous set of bleachers and the previous tech shed) that were previously located on the site. The overall use of the site as a recognized nonconforming racetrack will not change as a result of the replacement of these structures.**

**Sec. 21-59. Evaluation criteria.**

In addition to meeting special standards for a particular use, the applicant must illustrate that he/she can comply with the following criteria when any special use is proposed.

(1) Adequate transportation access to the site exists;

- Adequate transportation access to the site exists as currently operated. The purpose of this special use permit is to bring two replacement structures (a set of bleachers and a tech shed) into compliance that replaced two dilapidated structures (a previous set of bleachers and the previous tech shed) that were previously located on the site. The replacement of these structures does not create a traffic impact on the property or the use of the property as a recognized non conforming racetrack.

(2) The use will not significantly detract from the character of the surrounding area;

- The replacement bleachers and tech shed will not detract from the character of the surrounding area. The purpose of this special use permit is to bring two replacement structures (a set of bleachers and a tech shed) into compliance that replaced two dilapidated structures (a previous set of bleachers and the previous tech shed) that were previously located on the site. The replacement bleachers and tech shed that have replaced the dilapidated structures improve the visual characteristics of the property. Additionally, these replacement structures are generally not visible from the surrounding properties given their location on the property.

(3) Hazardous safety conditions will not result;

- The replacement bleachers and tech shed will not result in hazardous safety conditions. The purpose of this special use permit is to bring two replacement structures (a set of bleachers and a tech shed) into compliance that replaced two dilapidated structures (a previous set of bleachers and the previous tech shed) that were previously located on the site. The replacement bleachers and tech shed removed potentially hazardous safety conditions by replacing dilapidated structures that were formally onsite.

(4) The use will not generate significant noise, odor, glare, or dust;

- The replacement bleachers and tech shed will not generate significant noise, odor, glare, or dust. The purpose of this special use permit is to bring two replacement structures (a set of bleachers and a tech shed) into compliance that replaced two dilapidated structures (a previous set of bleachers and the previous tech shed) that were previously located on the site. The use of the replacement bleachers and tech shed will not generate any more noise, odor, glare, or dust that may have been present during the use of the previous bleachers and tech shed that were replaced.

(5) Excessive traffic or parking problems will not result; and

- The replacement bleachers and tech shed will not generate excessive traffic or parking problems. The purpose of this special use permit is to bring two replacement structures (a set of bleachers and a tech shed) into compliance that replaced two dilapidated structures (a previous set of bleachers and the previous tech shed) that were previously located on the site. The use of the replacement bleachers and tech shed will not generate any more traffic or parking problems that may have been present during the use of the previous bleachers and tech shed that were replaced.

(6) Use will not create significant visual impacts for adjoining properties or passersby.

- The replacement bleachers and tech shed will not create significant visual impacts from adjoining properties or passersby. The purpose of this special use permit is to bring two replacement structures (a set of bleachers and a tech shed) into compliance that replaced two dilapidated structures (a previous

set of bleachers and the previous tech shed) that were previously located on the site. The replacement bleachers and tech shed that have replaced the dilapidated structures improve the visual characteristics of the property. Additionally, these replacement structures are generally not visible from Mooresville Road to passersby and are not generally visible from adjoining properties as they are set back from the road and screened by existing trees and other vegetation present on the property.

**Sec. 21-135. Extension, enlargement or replacement of a nonconforming use.**

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(c) Any other nonconforming use may be extended, enlarged, or replaced only upon the issuance of a special use permit, subject to procedures established for quasi-judicial hearings, if the county board of commissioners finds that, in completing the extension, enlargement, or replacement work:

(1) There is no increase in the operational area existing on the effective date of this ordinance;

- The replacement bleachers and tech shed will not increase the operational area of the existing nonconformity. The replacement bleachers and tech shed that have replaced the dilapidated structures do not increase the operational racetrack area. Furthermore, the replacement bleachers and tech shed are generally the same dimensions of the dilapidated structures that were replaced and are also located in the same general areas as well.

(2) There is no greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking, loading and landscaping requirements; and

- The replacement bleachers and tech shed will not create a greater nonconformity with respect to dimensional restrictions. The replacement bleachers and tech shed that have replaced the dilapidated structures are located in approximately the same areas as the structures they replaced and are generally the same dimensions as the structures they replaced. do not increase the operational racetrack area.

(3) There is no significant adverse impact on surrounding properties or the public health or safety including but not limited to no increase in the level of noise, dust, odor, glare or other nuisances.

- The replacement bleachers and tech shed will not generate public health, noise, odor, glare, or dust concerns to adjoining properties. The use of the replacement bleachers and tech shed will not generate any more noise, odor, glare, or dust that may have been present during the use of the previous bleachers and tech shed that were replaced. Additionally, the replacement bleachers and tech shed replace dilapidated structures, the continued use of these dilapidated structures could have result in harm to the racetrack proprietors, the competitors, patrons, and general community.