



Town of
INDIAN TRAIL
north carolina

P.O. Box 2430
Indian Trail, North Carolina 28079
Telephone 704-821-5401
Fax 704-821-9045
PLANNING AND DEVELOPMENT DEPARTMENT

Continued Public Hearing for SUP2009-004: Moxie Pest Control January 28th, 2010 Board of Adjustment Meeting

Memorandum to Staff Report

Case: SUP 2009-004		
Reference Name(s)	Moxie Pest Control	
Applicant	Moxie Pest Control- Joseph Toone	
Submittal Date	10/22/09	
Location	4822-C Unionville Indian Trail Road	
Tax Map Number	07-084-313E	
Recommendations & Comments	Planning Staff	Recommend approval of the proposed Special Use Permit

Introduction:

Please accept this memorandum as an addendum to the original staff report submitted on this case in November, 2009. This memo provides updated information on the research completed by staff since the original meeting. Please refer to the original staff report for the complete site analysis.

Updated Information:

The Board originally heard this Special Use Permit request on November 19, 2009. The applicant was unable to attend the meeting, so that Board voted to recess to reconvene at the next regularly scheduled meeting in December to be able to speak with the applicant about his business and ask him certain questions they had generated. Due to a conflict in schedules, the applicant then requested the meeting in December be delayed until the regular meeting in January.

Since the Board meeting in November, staff has checked with several agencies, both State and local to verify compliance. Please see below for the updates in information.

- The applicant has a valid State license for pest control with the North Carolina Department of Agriculture and Consumer Services (please see attachment).
- Staff spoke with a representative from the North Carolina Department of Environment and Natural Resources in the Division of Water Quality regarding

the location of the business to the stream behind the site. The representative indicated that they would not inspect because the business has their proper State licenses and because there are appropriate Town ordinances in place to prevent contamination of the stream.

- Routed a copy of the application to Union County Public Works. Public Works sent a letter indicating that they had 2 concerns with the application and needed more information (see attachment). The applicant has provided them with the proper information and Public Works has indicated that their concerns have been satisfied.
- Routed a copy of the application to the Union County Fire Marshal's office. The Fire Marshal has completed an inspection and has verified that the site is approved with their agency.
- Routed a copy of the application to Union County Environmental Health. The Director of Environmental Health notified the Town that they are satisfied with the application and have no further comments (see attachment).

At the meeting in November, there were concerns from the neighboring residents about the proximity of the site to the floodplain and a stream behind the building. This case has been reviewed with members from the Town's Engineering Department. They have confirmed that any chemical spills or even washing of chemicals onto the pavement would be considered illicit discharge into the stream and would be a direct violation of the Town's ordinances punishable by fine of up to \$1,000 for the first offense.

The Town Engineer will be in attendance at the next Board meeting on January 28th to answer any further questions or concerns regarding this site.

Recommendation

If the Board is of the opinion that the above required findings can be made to approve the project, the staff recommends the site be subject to the following conditions:

1. No outdoor storage of pesticides or other materials is permitted.
2. The applicant must obtain a privilege license from the Town of Indian Trail.
3. The applicant must obtain a Power Name Change permit from the Town of Indian Trail Planning Department.
4. All other applicable ordinances and regulations apply.

Staff Contact

Katie Reeves

Senior Planner

ker@planning.indiantrail.org

Attachments

1. Copy of State Permit- accessed from website for the NC Department of Agriculture and Consumer Services
2. Letter of comment from Union County Public Works
3. Approval Letter from Union County Fire Marshal
4. Email from Environmental Health

North Carolina Department of Agriculture & Consumer Services

STRUCTURAL PEST CONTROL & PESTICIDE
division

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Structural Pest Control Section

Licensee Information For TOONE, JOSEPH T

TOONE, JOSEPH T MOXIE PEST CONTROL PO BOX 2242 INDIAN TRAIL , NC. 28079 Phone: (704) 288-1828	License Type = 021 License/Cert. Num. = 1930P License Expire Date = 6/30/2010 Insurance Expire Date = 4/18/2010	Retest P Phase: 6/30/2013 Retest W Phase: N/A Retest F Phase: N/A
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Disclaimer:

Data provided are for informational use only and should not be cited as official government records. Since these data are time-sensitive and subject to change, contact the [Structural Pest Control Section](#) (919-733-6100) when official confirmation is needed.

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Steve Troxler, Commissioner of Agriculture

<http://www.ncagr.gov/aspzine/str-pest/structural/data/fnum.asp?FNUM=000008210<YPE=021>

ATTACHMENT 1



UNION COUNTY PUBLIC WORKS

Memo

To: Larry Davis
From: Mark Tye *Mark*
Date: January 4, 2010

Subject: **Moxie Pest Control**

Larry, there are at least 2 points of concern that are not addressed in the submitted information. These points are:

1. Are floor drains that lead to the sanitary sewer system present in the chemical storage area? If stored chemicals are spilled or a container bursts would the pesticide enter the sewer system? How are spills cleaned up and disposed of?
2. Are chemical mixed on site? Are chemical containers rinsed out? If so is there potential for introduction of chemicals into the sewer system?

At a minimum we need to be sure Moxie takes adequate measures to ensure all chemicals are handled in such a way as to prevent their introduction into the sanitary sewer system. A written Spill Prevention and Countermeasure Plan is often adequate to achieve this.

Please let me know if additional discussion is required.

704-283-3716



Union County Fire Marshal
Fire Prevention Permit Application

Projects Proposed for the Town of Indian Trail

P.O. Box 2430
Indian Trail, NC 28079
Phone: (704) 821-5401
Fax: (704) 821-9045

Project Number: SUP2009-004

Applicant Name: Joseph Trno Date: 11-19-09

Project Address: 4822-C Unionville Indian Trail Rd

Engineer: N/A Phone Number: _____

Project Contact Person: _____ Phone Number: _____

Address: _____

City: _____ State: _____ Zip: _____

Description of Proposed Work: Proposed Pest Control Business
Moxie Pest Control

Type of Building: New Existing Addition N/A

The fire hydrant location and specifications have been reviewed for the proposed development and will be in compliance with the NC Fire Prevention Code.

Yes No

I hereby certify that all information in this application is correct and all work will comply with the NC State Fire Prevention Code. The Union County Fire Marshal's Office will be notified of any changes in the approved plans and specifications for the project permitted herein.

Union County Fire Marshal's signature: [Signature] Date: 12-28-09

Conditions/Comments: Hydrant is in approved location.

Katie Reeves

From: JeffKnight@co.union.nc.us
Sent: Thursday, January 21, 2010 10:14 AM
To: Katie Reeves
Subject: Re: Moxie Pest Control- Status

Good Morning Katie, I am sorry for the delay in getting back to you. I have looked over the application for Moxie Pest Control and everything looks good to me. As Mr. Toone indicated they will be inspected and regulated by the NCDA Pesticide section and will have to comply with their rules and regulations. Please let me know if I can be of further assistance.

Sincerely,

Jeff Knight, REHS
Environmental Health Director
Union County Health Dept.

-----Katie Reeves <ker@planning.indiantrail.org> wrote: -----

To: "jeffknight@co.union.nc.us" <jeffknight@co.union.nc.us>
From: Katie Reeves <ker@planning.indiantrail.org>
Date: 01/21/2010 08:22AM
Subject: Moxie Pest Control- Status

Mr. Knight, I just left you a voicemail this morning.

I spoke with you last month regarding a Special Use Permit we are processing for Moxie Pest Control.

After our conversation I routed you a copy of the permit request. Our Board is meeting next Thursday, Jan 28th to decide on the case.

If you could send me a short email updating me on the status of the plan in your department, I will pass this along to our Board.

Thank you!

Katie E. Reeves

Senior Planner

Town of Indian Trail

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