

January 11, 2018

O'Mara Landscaping & Lawn Care, Inc
James and Kate O'Mara
5015 Southpark Drive #210
Durham, NC 27713

RE: Chatham County Response to
CD-CB Application for
4590 Manns Chapel Road
Chapel Hill, NC 27516
Parcel #: 2691

Dear Janie Phelps,

Thank you for your timely response. Please see the responses below to your concerns. We have also attached any revisions that accompany these responses. Each is noted in the same format for clarity. Should any further documentation or updates be required, please do not hesitate to inform me.

- The proposed disturbed area stated in writing is to be under 2 acres of the 10 acres to be rezoned. However, once calculations were done in the office, it is shown that roughly 3.4 acres will actually be disturbed.
- **The proposed disturbed area is an estimated 3 acres and has been updated in plans and in writing.**
- It was also noted that an older version of the application was submitted and the threshold for an EIA is incorrect. It is 10 acres of disturbance, not 2 acres. After looking on our website, the correct application has been uploaded reflecting this adjustment, and we apologize for any confusion.
- **Thank you for the notice on EIA standards.**
- In question 3 of the application, you mention the "Chatham County Future Land Use Plan". However, this has been adopted and should read "Chatham County Comprehensive Land Use Plan".
- **"Chatham County Comprehensive Land Use Plan" is now used instead of "Chatham County Future Land Use Plan"**
- In section A of the application, question 5 does not match what is being shown on the site plans.
- **Section A Question 5 has been updated to reflect plans**
 - The breakdown of your site redevelopment that was submitted to the Appearance Commission on December 13th, 2017 is inconsistent with the site plans provided. There are 2 greenhouses proposed, stating 1200 square foot each, whereas the site plan shows one greenhouse calculation at 600 square foot, and on the plans there are two greenhouses being shown as 1000 square foot each.

- C100 shows 20'x50' or 1000 SF greenhouse
- There is parking stated for 30 employees, but there are 47 stated on the site plan.
- No statement is made within Planning Submittal supporting 30 employees.
- Page C100
 - Please ensure that the calculations and numbers are correct. There is confusion with these numbers and comparing them to what is being shown.
 - Calculations have been updated and compiled per request. Includes calculating WS-II and WS-IV ISA calculations as separate entities, rather than the entire property as one 31.89 acre parcel.
- Page C101
 - ISA calculations will be needed for the access and exit roads being proposed in the WSII-BW area. Please be mindful that this will not be allowed to exceed 24% of the total acreage (not to include residential drive, but to include the residence) located in this watershed designation.
 - ISA calculations included all existing and new impervious surfaces within both WS-II and WS-IV. Both ISA calculations fall within the legal means of WS-II and WS-IV development percentage.
 - There are also a couple of parking spaces being shown within the WSII-BW watershed. These must be included in the calculations and adjusted for the calculations of the WS-IV watershed. Otherwise, it is planning staff suggestion to possibly remove these 2-3 spaces in order to avoid confusion and with the possibility these spaces may not be needed.
 - Parking spaces in question, 3 nearest the WS-II/WS-IV boundary line at the North end of the property, have been removed from plan.
 - The greenhouse dimensions are different than what was proposed on the previous page and in writing.
 - Greenhouse dimensions have been updated accordingly to read 20'x50', 1000SF.
 - There is the 20 foot setback that is listed, but also a new property line. To our knowledge, there was no subdivision to be done, but just a split zoning. This will need to be reworded as to avoid any confusion. If there is going to be a subdivision, then your ISA calculations will all change as well, and it will be very close to the maximum amount allowed.
 - No subdivision is being requested. Proposed division lines have been reworded to state "new conditional zoning boundary lines"
 - It is very difficult to read this site plan with the topography lines. Please either make them more transparent or take them off where there is text in order to read the site plan more efficiently.
 - Topography lines have been lightened for legibility

- Page C102
 - Sign A is proposed to be in the DOT right-of-way which will not be allowed. The sign must remain on the property.
 - **Sign A has been moved back out of DOT right of way**
 - In the eastern most parking lot, it reads that there are 14 parking spaces. When counted, there are actually 16 and previous plans list it as being 16 spaces.
 - **Parking spot count has been updated to read 14 parking spaces in the western employee lot, 16 parking spaces in the eastern employee lot, and 14 parking spaces in the box truck area**
- Page C104
 - After deciphering which letter corresponded with the lights, we are confused about why a wall sconce/mounted light is proposed at the entrance and exit, unless it will be on a gate or column which we did not see. Also with these lights, their light spread will not be in compliance if it goes past the property line as shown. These lights will have to be moved back for the light spread to remain on the property. Also, there is light A on the left hand side in the middle of the lower parking area where the light spread will be too bright past the property line. This light will also need to be adjusted so that the light spread remains on the property.
 - **Light B has been removed from the front of the property. Light A on the left hand side of the parking lot has been moved to the right hand side of the parking lot and path of vehicular travel. Light A at the southern portion of the site has been relocated further to the east to avoid any further disturbance.**

Sincerely,

Ryan Hopkins

January 11, 2018

O'Mara Landscaping & Lawn Care, Inc.
James and Kate O'Mara
5015 Southpark Drive

Property:
4590 Manns Chapel Road
Chapel Hill, NC 27516

Dear Members of the Chatham County Planning Department,

This letter is to announce our intent for the 31.89 acre property at 4590 Manns Chapel Road, APN 9766-04-91-6788 and request split-zoning on the existing acreage as R-1 with *Conditional Use CD-CB* for 10 acres of the existing 31.89 acres. The remaining 21.89 acres will remain as the existing R-1 residential zoning. All stipulations have been completed according to the Chatham County *Conditional District Rezoning Application*. The proposed disturbed area is an estimated 3 acres of the maximum 10 acre disturbance; therefore no Environmental Impact Assessment is necessary. Development meets watershed standards; WS-IV as the area of development and WS-II will remain untouched with the exception of an access road as noted. Below is a record of the intended work to be completed for O'Mara Landscaping to occupy the land not only as small business owners but also as homeowners.

- One way entrance – new one way exit onto Manns Chapel Road
- 25' service road – service and public
- All existing building footprints to remain – commercial interior renovation only
 - Bldg A – 3,024 SF existing footprint to remain
 - Bldg B – 3,123 SF existing footprint to remain
- Interior will house all dry storage goods, water tank for fertilizer trucks, and seasonal storage
- All parking and roads to be hard packed gravel
- Storage bins and garbage containment areas to be poured concrete
- Office employee parking – 15 stalls, site employee parking – 47 stalls, utility truck parking – 20 stalls
- Space framed greenhouses at 20' x 50'
- A natural gravity fed irrigation pond to re-use runoff for planting material watering
- Storm-water bio-retention basin for excess runoff to be filtered and wept according NC State Mandate
- Multiple vegetative buffer zones, screening Type-A at the West, South, North and portions of the East commercial property lines and updated conditional zoning lines

CONDITIONAL ZONING DISTRICT

APPLICATION FOR CHANGE OF ZONING OF PROPERTY

Chatham County
Planning Department

P. O. Box 54, 80-A East St, Pittsboro, NC 27312
Telephone: (919) 542-8204 FAX: (919)542-2698

Section A. APPLICANT INFORMATION

NAME OF APPLICANT: O'Mara Landscaping & Lawncare, Inc.

MAILING ADDRESS OF APPLICANT: 5015Southpark Drive, Suite # 210 Durham, NC 27713

PHONE NUMBER/E-MAIL OF APPLICANT: 919-942-5051 / info@omaralandscaping.com

PROPERTY OWNER INFORMATION (If different from the applicant): *Owner Authorization Signature Required; See end of application.

Name(s) Hinshaw Music, Inc.

Address: P.O. Box 470 Chapel Hill, NC

ZIP 27514

Telephone: 919-933-1691 FAX: _____

E-Mail Address: krolleri@hinshawmusic.com or customerservice@hinshawmusic.com

PROPERTY INFORMATION: The following information is required to provide the necessary information to process the rezoning request:

ADDRESS OF SUBJECT SITE: 4590 Manns Chapel Rd. Chapel Hill NC 27516

CHATHAM COUNTY PROPERTY PARCEL NUMBER (AKPAR #): 0002691

CURRENT ZONING DISTRICT/CLASSIFICATION(S): R-1

PROPOSED ZONING DISTRICT(S): CD-NB CD-CB CD-RB CD-O&I CD-IL CD-IH

TOTAL SITE ACRES/SQUARE FEET: 10 Acres to be re-zoned

PROPOSED USE(S) AND PROPOSED CONDITIONS FOR THE SITE: Landscape Design, Installation and Maintenance company.

It is important that the applicant provide information to explain how the rezoning request satisfies the following questions. All applications shall contain the following information. **Please use attachments and/or additional sheets if necessary to fully explain and detail this project.** If you feel any of the below standards do not apply to this application, mark with "N/A" and explain if necessary.

1. **The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.**

See attached response.

2. **The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.**

See attached response.

3. **The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.**

See attached response.

4. **The requested amendment is either essential or desirable for the public convenience or welfare.**

See attached response.

5. **All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.**

See attached response.

STOP!

You must meet with the Chatham County Appearance Commission and hold the Community Meeting BEFORE you can submit the application to the Planning Department. Please check the boxes below once these meetings have been held:

- | | | |
|--|-----------------|-------------------|
| <input checked="" type="checkbox"/> Chatham County Appearance Commission | Date of Meeting | <u>12/20/2017</u> |
| <input checked="" type="checkbox"/> Held Community Meeting | Date of Meeting | <u>12/5/2017</u> |



Section B. SUBMITTAL INFORMATION AND PROCEDURE

- (1) Sixteen (16) completed application packets and all supporting information shall be submitted to the Planning Department at least forty-five (45) days prior to the Public Hearing. **(PLEASE SEE ATTACHED CALENDAR FOR ALL SUBMITTAL AND DEADLINE DATES)** A digital copy of the application packet shall be submitted pursuant to the Planning Department Digital Document Submission Guidelines.
 - (2) The Planning Department shall, before scheduling the public hearing, ensure that the application contains all the required information as specified in **Section 5 of the zoning ordinance.**
 - (3) The Planning Department shall have fifteen (15) days from the date of submittal to notify the applicant that the application is complete for scheduling the public hearing.
 - a. If the Planning Department determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review.
 - b. The Planning Department shall take no further action on the application until the applicant submits the required information.
 - c. Once the applicant corrects the identified deficiencies, the applicant shall resubmit to the Planning Department at least 45 days prior to the next Public Hearing meeting, and the Department shall have 15 days to review the information and notify the applicant that the information is sufficient for review.
 - d. A determination that an application contains sufficient information for review as provided in this subsection (b) does not limit the ability of other county agencies, the Planning Board or the Board of Commissioners to request additional information during the review process.
 - (4) The application is reviewed by the Technical Review Committee prior to the Public Hearing for comments and recommendations from other agencies.
-

Section C. SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION and REQUIRED INFORMATION TO BE INCLUDED ON THE SITE PLAN

PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF). Please check the list below carefully before you submit:

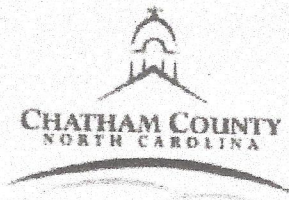
- (1) The application shall include a **site plan**, drawn to scale, with supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to the predetermined ordinance requirements, will govern the development and use of the property. The following information must be provided, if applicable:
 - a. Information showing the boundaries of the proposed property as follows:
 1. If the entire parcel will be zoned, a GIS or survey map and parcel number of the subject property.
 2. If only a portion of the parcel will be zoned, a boundary survey and vicinity map showing the property's total acreage, parcel number, current zoning classification(s) and the general location in relation to major streets, railroads, and/or waterways,
 - b. Legal Description of proposed conditional zoning district;
 - c. All existing and proposed easements, reservations, and rights-of-way;
-

- d. Proposed number and general location of all building sites, their approximate location, and their approximate dimensions;
- e. Proposed use of all land and structures, including the number of residential units and the total square footage of any non-residential development;
- f. All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant; **(SECTION 12 LANDSCAPING & BUFFERING REQUIREMENTS)**
- g. All existing and proposed points of access to public and/or private streets;
- h. Stream buffers required through this or other Chatham County Ordinances or Regulations, and other Local, State, or Federal regulatory agencies. Delineation of areas within the regulatory floodplain as shown on the Official Flood Insurance Rate Maps for Chatham County;
- N/A i. Proposed phasing, if any;
- j. Generalized traffic, parking, and circulation plans; **(SECTION 14 OFF STREET PARKING)**
- k. Proposed provision of utilities;
- N/A l. The location of known sites of historic or cultural significance within or adjacent to the project area, including any structure over 50 years old;
- N/A m. The approximate location of any cemetery;
- n. Proposed number, location, and size of signs; **(SECTION 15 SIGN REGULATIONS)**
- o. Location and description of any proposed lighting on the project site with a note that any lighting will comply with Section 13; **(SECTION 13 LIGHTING STANDARDS)**
- p. The location of existing and/or proposed storm drainage patterns and facilities intended to serve the proposed development, and impervious surface calculations; and
- N/A q. Environmental Impact Assessment pursuant to **Section 11.3** of the Zoning Ordinance, if applicable. **If you are or will be disturbing two or more acres in connection with this application, you are required to submit and EIA with this application. Failure to do so will result in the delay of scheduling your request for public hearing or may be returned completely for re-submission.**

The above information is required to be shown on the site plan submitted with this application. If, for some reason, any of the required items above are not included on the site plan, reasons for excluding those requirements must be given.

- (2) In the course of evaluating the proposed use, the Zoning Administrator, Planning Board, Chatham County Appearance Commission, or Board of Commissioners may request additional information from the applicant. This information may include, but not be limited to, the following:
- a. Proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
- b. Existing and general proposed topography;
- c. Scale of buildings relative to abutting property;
- d. Height of structures;
- e. Exterior features of the proposed development;
- f. A traffic impact analysis of the proposed development prepared by a qualified professional. The traffic impact analysis shall follow the NCDOT TIA Analysis Guidelines, and shall also include consideration for non-motorized and public transportation;
- g. Any other information needed to demonstrate compliance with these regulations.

NOTE: The Zoning Administrator has the authority to waive any application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.



The above information is required to be shown on the site plan submitted with this application. If, for some reason, any of the required items above are not included on the site plan, reasons for excluding those requirements must be given.

- (2) In the course of evaluating the proposed use, the Zoning Administrator, Planning Board, Chatham County Appearance Commission, or Board of Commissioners may request additional information from the applicant. This information may include, but not be limited to, the following:
 - a. Proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
 - b. Existing and general proposed topography;
 - c. Scale of buildings relative to abutting property;
 - d. Height of structures;
 - e. Exterior features of the proposed development;
 - f. A traffic impact analysis of the proposed development prepared by a qualified professional. The traffic impact analysis shall follow the NCDOT TIA Analysis Guidelines, and shall also include consideration for non-motorized and public transportation;
 - g. Any other information needed to demonstrate compliance with these regulations.

NOTE: The Zoning Administrator has the authority to waive any application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.

SECTION D. SIGNATURE STATEMENTS

OWNER'S SIGNATURE*: *In filing this application, I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate Kate + James Druke, Horizon Residential, as Site Design Ass. to act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.*

Signature: Stephen T. Smith [Signature] Susan Lewis

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Date: 1/4/2018 1/4/2018 1/4/2018

APPLICANT SIGNATURE: *I hereby acknowledge that I am making this application on behalf of the above owner's statement or myself as the owner and that all the information presented in this application is accurate to the best of my knowledge, information, and belief. I acknowledge understanding of the requirements set out in this application and in the ordinances and/or guidelines used to determine the completeness of this submittal and to proceed as determined.*

Signature: James & Maria [Signature]

Date: 1/5/18

1/11/2018

Chatham County
Application for Conditional District Rezoning - Section A

Address:
4590 Manns Chapel Road
Chapel Hill, NC

1. The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.

There is no current error in Ordinance, therefore no remedy in applicable.

2. The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.

As Chatham County experiences tremendous growth in both residential and commercial development, there exists a growing need for service and maintenance of these facilities. Many companies will need to be created or have their capacity enlarged to handle this influx of work. O'mara Landscaping has a goal of relocating their business office in Durham and their operations facility in Chapel Hill to a single site along Manns Chapel Road. The owners of the company will also move their residence to the existing home on the property. With the majority of Omara's work being in Chatham County, the relocation of their existing facilities from other counties will benefit Chatham County and give them a greater capacity to service local homes and business for the purpose of maintaining their exterior landscaping.

This site selection is critical since it currently has an office building, warehouse and residence which can be utilized. These facilities will be repurposed with no change in their existing footprints. This efficiency will allow O'Mara to be operational with much less negative impact on the community and enable them to become a local supplier of services within a few short months of approvals.

The overall scope of the work is directly beneficial to Chatham County's public health, safety, and general welfare for a multitude of reasons. Strong economic development and growth allows for the opportunity for more efficiently placed servicers, especially small businesses like the O'Mara's who have been a part of the continued success of the community.

3. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.

The Chatham County Comprehensive Land Use Plan indicates that 4590 Manns Chapel Road falls on the border of *Rural* and *Compact Residential*, within the *Compact Residential District*. Locating a company which is dedicated to the beautification and maintenance of developed properties at the edge of a compact residential district is ideal. 95% of the O'Mara's clients are of the type that occur within "*Compact Residential*" type districts. This allows for a direct relationship with each of their clients. They will also have vested interest in maintaining the enriching standards within their business, because it also acts as their home. Landscape design and maintenance is the least invasive use, arguably betters the existing dilapidated lot. The O'Mara's will grow a portion of their own plants and vegetation. Any service vehicles are held at the back of the property, hundreds of feet from the street, behind vegetated buffers, and well out of view. Of the site's nearly 32 acres of land, 10 acres are dedicated to commercial, and 20 left to residential and natural forest area. These are all appropriate uses for this district.

4. The requested amendment is either essential or desirable for the public convenience or welfare.

As stated earlier, the location of this site is ideal for a landscaping business because it services the many homes that exist and will service the ones that are planned to be built. Proper maintenance of landscaping is a key element in maintaining land values throughout the county.

Additionally, the O'Mara's employ a great deal of people within the community, have no winter layoffs, heavily vett their employees, offer second language courses, and provide professional uniforms which foster cohesive family atmosphere.

5. All other circumstances, factors, and reasons which the applicant offers in the support of the proposed amendment.

O'Mara Landscaping and Lawncare is and has been a local family run business for the past 20 years. The O'Mara's represent the American dream within the state of NC, more specifically the community of Chatham County. Their continued growth is a testament to their professionalism and passion to maintain their presence in the county. The future of Chatham County is set to expand rapidly, forcing not only the physical maintenance of the expanse to be undertaken, but the maintenance of the spirit of Chatham County. By granting the O'Maras conditional zoning for their project, they will bring their strong value based business to add to the many successful business that already exist.

Additionally, the sitework represents a disturbed area of approximately 3 acres of land and this disturbance is primarily located over 350 feet from Manns Chapel Road. The site currently has a conditional use for a commercial business which has been in place for over 30 years. By granting the O'Mara Landscaping and Lawncare their conditional use permit, you will be welcoming a company which fully integrates into the future land use of this region. The O'Mara's business will literally beautify the county and they are requesting the opportunity to relocate their business within the very area they are working.



O'Mara Landscaping & Lawn Care, Inc.

"A touch of the Irish"

PO Box 4386 | Chapel Hill, NC 27515 | 919-942-5051
info@omaralandsaping.com | www.omaralandsaping.com

Mission Statement:

Beautifying the world, one garden at a time, with excellent service for all mankind.

Vision Statement:

Orchestrate our business to achieve profitability with the intent of sharing the successes back to our staff and community through ever-improving ourselves with excellence in our work, relationships, and service to our customers and community.

Core Values:

Integrity – Upholding strong values with reward and accountability

Service – Continually striving for excellence in beautifying our environment

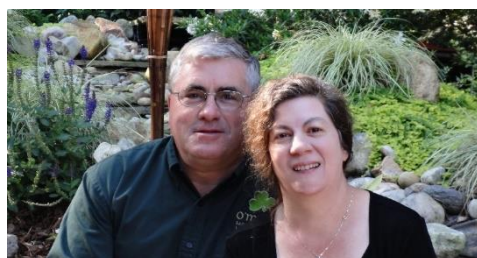
Humility – Open to all on equal footing with a humble attitude for learning

Unity – Teamwork expressed through unified collaboration and cooperation in a spirit of fairness, justice and equity

Our Intention:

To have a home, office, and business with low visibility and position the business behind the existing buildings incorporating only four acres with the majority of the land undisturbed.

About Us:



James and Kate O'Mara have lived in Chapel Hill for over thirty years. James is originally from Ireland and has a background in Horticulture. He worked in Swaziland early in his career instructing and developing the Agricultural Department in a high school. Kate is from the Northwest and has worked for Duke and UNC before the business was started eighteen years ago. James and Kate have two sons who currently attend UNC Chapel Hill and UNC Greensboro.

Employee Focused Driven Environment:

With a management style of "Servant Leadership" that empowers and encourages the human potential, our management team attended the Greenleaf Center for Servant Leadership for training. The modern servant leadership movement was launched by Robert L. Greenleaf in 1970. Greenleaf said that, "the servant-leader is servant first." By that he meant that the desire to serve, the "servant's heart," is a fundamental characteristic of a servant-leader. It is not about being servile; it is about identifying and meeting the needs of colleagues, customers, and communities.

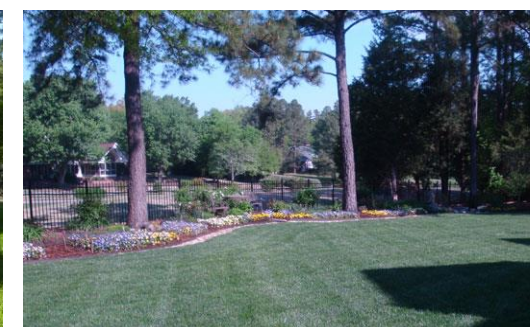
Additional employee opportunities are:

- second language classes
- no lay-offs in the winter months
- provide a living wage with bonuses and sharing of company's success
- specialized consultants available who provide on-going training for employees
- confidence in knowing that employees are vetted
- professional uniforms provided
- *Learning Resource Center* - within our office facility - for our employees to expand their capacities and potentials

Thoughts for use of Property:

Increase the value of the property and surrounding neighborhood and lower our impact on the community by:

- beautifying the property - house, buildings and landscape
- positioning the vehicles to the back of the property
- using the site for business Monday through Friday between the hours of 7am – 6pm and occasional Saturday's
- majority of the business conducted off-site
- no retail business



Our Company:

We aspire for excellence in all that we do:

- In business since April 2000 serving the Chapel Hill area
- Licensed North Carolina Landscape Contractor
- Member of the Chapel Hill-Carrboro Chamber of Commerce
- Member of the Better Business Bureau with an A+ rating and Ethics Certified
- Member of North Carolina Nursery and Landscape Association
- Member of National Hispanic Landscape Alliance
- Nominated for the Indy Week "Best of the Triangle" Award for the 2016 and 2017
- Awarded Platinum "Best of Chapel Hill" for 2014, 2015, 2016 and 2017

