

# CONDITIONAL USE PERMIT

## APPLICATION FOR NEW CUP OR A REVISION TO AN EXISTING CUP

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: For Garden's Sake Nursery + Landscaping  
MAILING ADDRESS OF APPLICANT: 9197 NC Hwy 751 Durham, NC 27713  
PHONE NUMBER/E-MAIL OF APPLICANT: 919-484-9759 Scott@fgsdurham.com

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

Name(s) Jo Ann Davis  
Address: 1289 N. Fordham Blvd  
Chapel Hill, NC ZIP 27514  
Telephone: 919-932-4442 FAX: N/A  
E-Mail Address: joandavis31@yahoo.com

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

ADDRESS OF SUBJECT SITE: 9197 NC Hwy 751 Durham, NC 27713  
CHATHAM COUNTY PROPERTY PARCEL NUMBER (AKPAR #): 0019644

CURRENT ZONING DISTRICT/CLASSIFICATION: CU-B1

TOTAL SITE ACRES/SQUARE FEET: 19.252 acres

(Do not round acreage. Use exact acreage numbers from tax records or recorded survey)

**PROPOSED USE(S) AND PROPOSED CONDITIONS FOR THE SITE:** Please select the use/s category from Section 10.13 of Zoning Ordinance

Add Events Center Limited

It is important that the applicant provide information to explain how the permit request or revision satisfies the following required five findings. **All applications shall contain the following information.** Please use attachments or additional sheets in order to completely answer these findings. If there is a finding that you feel does not apply to this submittal, please mark with "N/A" for not applicable. **Please use the "Materials Checklist" to complete each finding.**

*See attached answers*

1. The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.
  
2. The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare.
  
3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.
  
4. The requested permit will be consistent with the objectives of the Land Use Plan.
  
5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations.

**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 type="checkbox"/> Chatham County Appearance Commission	Date of Meeting <u>          N/A          </u>
<input type="checkbox"/> Held Community Meeting	Date of Meeting <u>          N/A          </u>



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## Section B. SUBMITTAL INFORMATION AND PROCEDURE

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- (1) Sixteen (16) completed application packets and all supporting information shall be submitted to the Planning Department upon approval and completion of sufficiency review by staff. 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.

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

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**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 or as approved by planning staff, 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;
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- 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;
- i. Proposed phasing, if any;
- j. Generalized traffic, parking, and circulation plans; **(SECTION 14 OFF STREET PARKING)**
- k. Proposed provision of utilities;
- 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;
- 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
- q. Please be sure to address all of **Section 11.2.A through I** in your application.
- r. Environmental Impact Assessment pursuant to **Section 11.3** of the Zoning Ordinance, if applicable. **If you are or will be disturbing 10 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.**
- s. Please check if a Special Study is required for certain Heavy Industrial uses as described in the Table of Permitted Uses in the Zoning Ordinance, Section 10.13. **The study is required to be submitted with this application.**

**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 SCOTT PEARCE 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: JoAnn Davis  
Date: 7/22/2019

**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: [Signature]  
Date: 7-22-19

**OFFICE USE ONLY:**

DATE RECD: 29-Jul-19

BY: Janie Phelps

APPLICATION #: PL 20191544

FEE PAID \$: 300.00

Check No. \_\_\_\_\_  Cash  CC  Money Order

**1. The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.**

Yes. The request is among the eligible conditional uses found in the 10.13 Zoning Table of Permitted Uses as an Event Center Limited. In addition, the conversion of the rear house back to business use from "caretaker's residence" is in line with our existing CUP which has been in place for several years. As the business has grown, this space is needed for the day to day and no one is living on the property anymore.

**2. The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare.**

We would like our beautiful property to be shared with the community for a variety of events including small weddings, rehearsal dinners, family and group gatherings, meeting spaces, live music/movie nights, etc. Our location makes us a unique place that would be attractive to many of the surrounding communities such as Pittsboro, Durham, NW Cary, Chapel Hill and beyond. With the population growth in this area and so many homes on smaller lots, people are eager for a place to come and spread out a bit and to host a small event. We can provide this in what feels like a beautiful, rural setting while still being so close the conveniences one would desire.

**3. The requested permit or revision to the existing permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.**

This addition to our CUP will not impair the integrity or character of surrounding districts nor will it be detrimental to the community in any way. In fact, we believe the opposite to be true. First, we already run a retail business here 7 days a week so the addition of some events here and there will not make a noticeable difference to the surrounding area. In addition, it is a large property (almost 20 acres) which allows these things to be far from the road and nearby properties thereby minimizing any effect on the community directly. Our current parking lot will accommodate this addition with no modification. Signage and lighting is already in place for the current business. We know that there can be some concern with regard to noise associated with events but we commit not to exceed the allowable noise level as indicated in the County Noise Ordinance (Article III, Table 1).

There is a cemetery located on a portion of the property that adjoins the O'Kelly Church property which is located next door. The proposed use would have no impact on this area and it will remain undisturbed.

**4. The requested permit will be or remain consistent with the objectives of the Land Use Plan.**

The Land Use plan says that residents surveyed enjoy and wish to maintain the rural character of Chatham County. We would agree and that is why our space is a perfect place for these small events. We have plenty of open space along with 3 ponds which gives that rural feel while being easily accessible within a 30-45 minute drive by almost 10 cities.

Another of the main objectives is providing jobs and economic growth. This opportunity will not only allow our business to hire additional staff but would contribute economically through all the local vendors that would participate in the different events hosted here on the property.

**5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations.**

We do not anticipate any changes required to roads with regard to this addition. With regard to utilities, there are two septic tanks on site. We will work with Environmental but we believe the current septic facilities will comply with our initial request to use the back house for offices and to host small events in the near future.

In the future, if we are to add additional buildings such as moving the church and building an open air pavilion, we would add additional bathroom facilities at that time.

We have a soil scientist doing testing in August 2019 to determine the location and type of future bathroom facilities if needed.