

**CONDITIONAL REZONING
DISTRICT APPLICATION**

**APPLICATION FOR CHANGE OF
ZONING OR MODIFICATION OF
EXISTING CONDITIONAL
DISTRICT REZONING PROJECT**

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: Scott Pearce

MAILING ADDRESS OF APPLICANT: 9197 NC Hwy 751 Durham, NC 27713

PHONE NUMBER/E-MAIL OF APPLICANT: 919-883-6055 scott@fgsdurham.com

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

Name(s) Premier Lawn & Pest Management INC

Address: 9197 NC Hwy 751

Durham, NC

ZIP 27713

Telephone: 919-883-6055

FAX: _____

E-Mail Address: scott@fgsdurham.com

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

ADDRESS OF SUBJECT SITE: 9245 NC Hwy 751/ 9197 NC Hwy 751

CHATHAM COUNTY PROPERTY PARCEL NUMBER (AKPAR #): 0062824 and 0019644

CURRENT ZONING DISTRICT/CLASSIFICATION(S): R-1 and CU-B1

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

CD-IL CD-IH CD-MU **CD-CC (Compact Communities must follow the Compact Community Ordinance requirements)

TOTAL SITE ACRES/SQUARE FEET: 2 @ 9245 and 19.25 @ 9197 (21.25 total) Combining
(Do not round up acreage. Use exact acreage amounts from tax records or as a recorded survey)

PROPOSED USE(S) FOR THE SITE from Section 10.13 Table of Permitted Uses: Lawn and Garden Shop, Landscape Business, Limited Event Center (all are allowable uses under the CD-RB)

It is important that the applicant provide information to explain how the rezoning request satisfies the intent and purpose of various ordinances. All applications shall contain the following information. **Please use a separate attachment and/or additional sheets 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.**

N/A

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. Please address the following:**

A. **Need and Desirability** -We believe this request to be desirable as it allows us to "bring back to life" a building and property sitting at a prominent and heavily traveled corner in the county. Population continues to increase in the area, and this is a chance for this for new generation to enjoy what others did so many years ago in a whole new way. There are always concerned voices about the building sitting empty and being vulnerable with no long-term plan. We seek to change that. The original zoning has always been residential and by making this modification, it will allow this building to property to be put into use as a part of the garden center and the events it will hold in the future serving the community.

B. **Survey of Similar Uses** -This is another unique factor about this property. Although when you are there it feels like you are far away from it all, it as only 2.5 miles from Southpoint Mall. Our goal is to offer and intimate and unique venue that is still so close to everything and in a point between, Pittsboro, Apex, Cary, Durham, and Chapel Hill. The closest venues would be Carolina Inn and Fearrington House which are beautiful but offer something on a much larger scale This fits a niche that is missing altogether in this area.

- C. **Public Provided Improvements** - No additional public improvements will be required.

3. **The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.** (I.e. Comprehensive Plan, Chatham/Cary Joint Land Use Plan, etc.) You must note specifics from the plan/s giving reference to page number and section.

In support of the Comp Plan:

As noted on page 14, Chatham is the 2nd fastest growing county in North Carolina. The continued demand for a "place" to hold a meeting or an event will increase with this as well. Our geographic location allows us to easily attract people from nearby counties creating revenue in Chatham.

Page 18 refers to preserving the rural character as being the most important goal. The garden center already provides a haven for people as it spread across 20 acres. His combination making the entire property 22 acres by incorporating the church land only enhances this look and experience.

Page 41 refers to "Preserving and Restoring historic resources. This property and its building are a great example of this and our effort to continue its use into the future while maintaining some of the historical significance as well.

As for Land Use, we believe this fits best into the Rural Land Use designated on page 48.

- Our current layout and buildings do protect the function and form of rural character
- We provide a supporting service and small-scale business to the community
- We currently sit on a two-lane road that feels rural between our location and Hwy 64
- There are preservation sites including the O'Kelly Chapel and the cemetery located on the site.

Our employee count has gone up every year for the past 7 years providing additional wages and an increasing tax base. Strategy 4.4 refers to permitting existing commercial uses to allow reasonable expansion when meeting the necessary requirements. Almost half of Chatham workers are employed by businesses with less than 100 employees

Referencing page 68 and Land Use Policy 7, we see 7.4 as applicable as we continue to have minimal impact on adjacent properties due to the nature of our business and the size of the parcel on which we are located which allows it to maintain a more rural feel and space between us and our residential neighbors.

Regarding strategy 1.1 on page 104, we are aware of any stream locations, etc. and have taken that into consideration regarding any future additions or modifications on the sites.

As for strategy 2.3 on page 106, we believe a tree or two (pines) near the front of property could be possible qualifiers as Heritage Trees and intend to protect those and nominate them for the list. The one is in the general of the chapel's future proposed location and would be a significant part of the aesthetic there if possible.

Page 123 and PR Policy 5 refers to leveraging historic resources to enhance the authentic community character. The combination of this land and building with our current business will seek to do just that. Again, the visibility at this heavily traveled intersection will enhance the rural feel while still being able to provide the community with the goods and service and space we can offer.

CHATHAM/CARY JOIN USE PLAN COMMENTS:

We have previously applied and been granted a modification of the Land Use for the 9245 NC Hwy 751 property on the joint plan. Chatham county and the Town of Cary have been through the appropriate process to approve this change so that this rezoning might be requested. It is understood that the overall intent of this plan is to preserve the rural character of this area as much as possible while also allowing for growth and development. (Page 2-3). We believe that this request does just that.

4. The requested amendment is either essential or desirable for the public convenience or welfare. (i.e tell how and for what purpose/s the amendment would provide to the county as a whole)

A. Traffic – We do not anticipate any additional traffic impacts that would be different than what is currently in place with the business. Our future plans would be for our large trucks that go in and out each for landscape and lawn maintenance to re-enter the property in the afternoon over on what is not the church property. This would cut down on larger trucks and trailers going through the garden center parking lot during busy times. This would only be used for vehicles retuning and not leaving

the property. Other traffic would use the existing main driveway already in use.

B. Visual Impact & Screening – Our fence already extends in front of both properties along Hwy 751

C. Lighting – No additional lighting is planned at this time

D. Noise There may be some instances of a live musical group or prerecorded music but we will not exceed the allowable noise level indicated in the County Noise Ordinance (Article III, Table 1).

E. Chemicals, Biological and Radioactive Agents – This project will not include chemical, biological or radioactive hazards.

F. Signs – We already have signage in place that is not expected to change

5. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. (i.e. watershed classification, impervious surface, utilities, infrastructure, etc.)

A. Water Source and Requirements – These requirements will not change from current

B. Wastewater Management -Private septic on site

C. Water/Sewer Impact Statement – Private septic and well

D. Access – Existing driveway at church property and garden center property will be utilized.

E. Stormwater Runoff- The site's current and natural grade will be maintained to allow runoff to existing pond and into natural areas to North and South of property.

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 3-24-21 |
| <input type="checkbox"/> Held Community Meeting | Date of Meeting 2-12-21 |

Section B. SUBMITTAL INFORMATION AND PROCEDURE

- (1) Sixteen (16) completed application packets and all supporting information shall be submitted to the Planning Department upon approval of the sufficiency review by staff. **(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 at the time of the original submittal to the Planning Department.
- (2) The Planning Department shall, before scheduling the public hearing, ensure that the application packet 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 or as accepted by 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:

- 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.

- 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 use of all land and structures, including the number of residential units and the total square footage of any non-residential development;
- e. All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant; **(SECTION 12 LANDSCAPING & BUFFERING REQUIREMENTS)**
- f. All existing and proposed points of access to public and/or private streets;
- g. 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;
- h. Proposed phasing, if any;
- i. Generalized traffic, parking, and circulation plans; **(SECTION 14 OFF STREET PARKING)**
- j. Proposed provision of utilities;
- k. The location of known sites of historic or cultural significance within or adjacent to the project area, including any structure over 50 years old;
- l. The approximate location of any cemetery;
- m. Proposed number, location, and size of signs; **(SECTION 15 SIGN REGULATIONS)**
- n. 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)**
- o. The location of existing and/or proposed storm drainage patterns and facilities intended to serve the proposed development, and impervious surface calculations; and
- p. Please be sure to address all of **Section 11.2.A through I** in your application.
- q. 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.**
- r. 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;
-
-

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 _____ 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: 

Date: 3.26.21

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: 

Date: 3.26.21

Application Fee Calculation: \$750 + \$50 per actual acreage. DO NOT ROUND UP ACREAGE

OFFICE USE ONLY:

Date Application Received:	Received By:
Fee Paid: \$	
Check No.	Cash Credit Card Money Order
Application No. PL 20	

**REPORT OF COMMUNITY MEETING REQUIRED BY
THE CHATHAM COUNTY ZONING ORDINANCE**

To: Chatham County ZONING ADMINISTRATOR

Date: 3-26-21

Proposed Zoning:
CD - RB


The undersigned hereby certifies that written notice of a community meeting on the above zoning application was given to the adjacent property owners set forth on the attached list by first class mail on (date) 1-27-21 . A copy of the written notice is also attached.

The meeting was held at the following time and place:
Friday, Feb 12, 2021 @ 9AM at For God's Sake

The persons in attendance at the meeting were:
Mr. Clark from 57 O'Kelly Chapel Road.

The following issues were discussed at the meeting:
Explained our desire to combine the two properties into one zoning & put church back in use, etc.

As a result of the meeting, the following changes were made to the rezoning petition:
Mr. Clark had no objections.

Date: 3-26-21
Applicant: 
By:

Please submit this Report to the Chatham County Planning Department located at 80-A East Street, Dunlap Building or mail it to Angela Plummer, Zoning Administrator, PO Box 54, Pittsboro, NC 27312.
A receipt or stamp from the US Postal Service that shows the date of the mailings shall also be provided with this application.

Adjacent/Adjoining Landowners: These are those properties that share a common property line as well as those that are directly across a public or private road, easement, or waterway.

Legal notices are mailed to these owners so please type or write neatly

(1) Randolph Reese & Julie Ann Barnes
9053 NC Hwy 751
Durham, NC 27713

(3) Doris Clark
51 O'Kelly Chapel Rd
Durham, NC 27713-9657

(5) _____

(7) _____

(9) _____

(11) _____

(13) _____

(15) _____

(17) _____

(19) _____

(21) _____

(23) _____

(25) _____

(2) Charmayne Delargy
P.O. Box 12085 RTP
RTP, NC 27709-2085

(4) Kelly Macevoy and Jason Couch
9295 NC Hwy 751
Durham, NC 27713

(6) _____

(8) _____

(10) _____

(12) _____

(14) _____

(16) _____

(18) _____

(20) _____

(22) _____

(24) _____

(26) _____
