

Request for Zoning Change

This proposed amendment to the Chatham County Zoning Ordinance has become necessary due to the installation of highway 64 and the increased traffic it continues to handle. Small parcels of land have been alienated due to its construction. These parcels zoned RA-5 has become unsuitable for residences due to their proximity to highway 64 and its 16,000 vehicle per day traffic count, which continues to escalate. This particular parcel, described as 3.854 acres zoned RA-40 in the New Hope Township. The property is located 3000 feet east of the the Wilsonville Crossroads (P.I.N.# 0702-32-2821 Parcel# 71030 Deed Book 357 Page 495). This property has a very narrow width of 216' at its widest point. A residential home would have to be placed within one hundred feet of this major thoroughfare. As residential property values continue to escalate to upwards of \$20,000.00 per acre, so will the traffic count on Highway 64. This property will become even more undesirable for its current zoning designation thus the need for its change.

Eastern Chatham County will see tremendous growth over the next ten years due to the installation of I-540. This new highway will allow Chatham County residents quick access to all parts of Wake County including the RTP. As this growth develops, there will be a need for economic development centers and neighborhood activity centers to provide goods and services for these new residents. The proposed project will help meet some of these needs by providing Chatham County residents a place to shop for their landscape needs. It will also set a standard for the way these centers should be introduced to the rural landscape of Chatham County. This project's goal is to introduce a retail-shopping environment that preserves the rural character of the county. We will selectively clear the property to ensure that the current hardwoods on the property are kept, do minimal grading to preserve the natural topography, and install hardscapes and plant material to create a natural scenic environment for people to shop.

General Application Requirements for Conditional Use Permit:

A detailed description of the project, a requirement that is common to all applications, is discussed in this section.

- 1) Location <Required>. The location of the site in Chatham County. Including:**
- a. public highway(s) servicing this site; Hwy 64**
 - b. private road(s) servicing the site; None**
 - c. the current zoning of the site; RA40 Residential/Agricultural**
 - d. watershed designation, the site classification and % impervious surface allowed; WS-IV-PA, 36%**
 - e. is the site in or border the "Major Wildlife Areas" identified in the "Inventory of the Natural Areas and Wildlife Habitats of Chatham County, North Carolina", 1992, starting on page 181; (a copy of this inventory is located in the Planning Department) No**
 - f. the size (in acres) of the site; 3.854 Acres**

- g. **current utility or other easements assigned to this site;**
None
- h. **the current use of the site;** Vacant
- i. **description of current contents of the site (e.g. buildings, utilities, etc.)** None
- ii.
- j. **other Conditional Use Permits that have been granted for this site.** None

Property Location – 3.854 Acres owned by Royce Webster along HWY 64 West approximately 3000 feet east of the Wilsonville Crossroads. This property is currently zoned Residential/Agricultural.

2) Description of Use <Required>. Provide a description of the requested use

We wish to construct a Landscaping Business, Lawn and Garden Shop, and Florist Shop at this location. Selling indoor and outdoor plant material, fresh flowers, garden supplies/tools, landscape lighting, landscape materials, and concrete pavers and wall systems. We will have landscape crews which will leave each morning to work on landscape projects and return at night.

3) Site Plan and Drawing <Required>. Describe the plans for the site in detail.

Provide drawing(s) at an appropriate of the completed project. This information

should be of adequate detail (a drawing done by a licensed land surveyor and design details from a licensed architect are strongly recommended) to address the following:

- a. **existing buildings on site, construction description and size.**
- b. **proposed new buildings, location on site, size, construction description in adequate detail to determine the general appearance of the building and to establish the architectural design.**
- c. **landscape plan with materials used.**
- d. **screening/buffering plan, setbacks.**
- e. **natural preserved areas that will remain in this condition.**
- f. **site boundaries with adjacent properties.**
- g. **parking design.**
- h. **sign location, type, size.**
- i. **areas reserved for future development or improvements under this permit.**
- j. **lighting plan.**
- k. **percentage of impervious surface, include storm drainage management plan.**

- l. topographical description/drawing of current site and after improvements have been made to the site.**
- m. designate streams and wetlands and any required water hazard setback areas.**
- n. vicinity map showing property location.**
- o. county tax map with location of property identified**

See Attached

4) Start and Completion Projections <Required>. Provide a project plan. Provide the approximate start time for the project development. Provide the approximate completion time for the project; when it will be ready for operation.

Start Construction in April 2005 and Complete by August 2005

5) Reference to Existing County Plans <Required>. Is this site specifically mentioned in any County plan (such as the highway plan, watershed plan, etc.?). (If the requested use for the site is specifically counter to existing plan, the application must provide a compelling argument as to why the provisions in the plan should be set aside and the permit granted.)

None

Findings

Finding #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.

1) Validation of Use in Zoning Ordinance (Zoning Ordinance information: <Required>. Simply confirm that the requested use is eligible for the requested site.

2) Land Development Plan Reference <Required> (Land Development Plan:

Landscaping Business, Lawn and Garden Shop, and Florist Shop are specified as a conditional uses of the B-1 zoning designation. The proposed use supports the Chatham County Land Development Plan by preserving the form and function of the rural character of Chatham County. In developing this site we will preserve the current hardwood trees located on the property. By selective clearing we can locate a business on this piece of property and preserve it's rural character.

Finding #2 – *The requested conditional use permit is either essential or desirable for the public convenience or welfare.*

1) Need and Desirability <Required>. The application should describe why there is a need for the proposed use in this area. Describe how this was determined (for example, an analysis of present or projected demands on existing similar uses).

This is an opportunity for the applicant to establish the benefit to the county that will result from approval of this permit. Why is the proposed use more desirable than other uses permitted under the existing zoning?

The proposed use fulfills the counties need for a high-end retail garden center location to support the growing number of upper income residential developments locating in eastern Chatham County. In recent years the additions of neighborhoods such as Governors Club, The Preserve, Heritage Point, Colvard Farms, and the newly proposed subdivisions such as Booth Mountain and Homestead have created a need for more options when it comes to landscape products.

The proposed use is a more desirable use than a residential use due to the narrow width of the property and it's proximity to the highway. A residential home would have to sit less than 100ft away from Hwy 64.

2) Survey of Similar Uses <Required>. How many other instances of this use are currently in Chatham or within an adjacent county? Are there similar uses already approved for the requested use on adjacent properties? Provide summary of existing similar uses. If there are already a number of such uses allowed in the County or another similar use in reasonably close proximity to the new requested site, Why is this new instance of this use essential? Are these other instances currently in operation and successful?

Currently there are four vendors of plant material in eastern Chatham County, John Deere Landscapes, Apex Nurseries, For Gardens Sake and Mich Gardens. John Deere Landscapes sells to landscape contractors and is not set up to handle retail sales. Apex Nurseries is a wholesale nursery that grows and sells to landscapers also.

They do not carry anything but plants. For Gardens Sake is probably the closest comparison to the proposed use. They sell retail and also can install the product. They do not carry the mix of landscape supplies and tools that we will be offering. Mich Gardens sells plant material but does not carry the volume or product mix that we will be offering. Their landscape supplies and materials are very limited and they do not carry any hardscape, irrigation, drainage, or landscape lighting supplies.

3) Public Provided Improvements <Required>. Identify any public improvements, services, etc., that the county would be required to provide in

support of this site if the use is approved. If no additional public improvements are needed, then state this as the case.

The addition of this type of business to Chatham County will not require any publicly provided improvements.

4) Tax considerations <Optional>. If appropriate, or of advantage to the application, provide an estimate of the tax revenue (direct and indirect) to the County

that this use would provide over the next five years. Describe how this estimate was determined. What is the net result of expenditure of County services and facilities required VS the tax revenue generated?

The county's tax base will increase from \$200.75 to \$2119.20 per year with no additional need or strain on county services. Over ten years that is a gain of \$19184.50 of tax revenue.

5) Employment <Optional>. Discuss the number of jobs that would be created by this use. Designate these positions as full time or part time. If possible, describe the salary ranges of the employees.

The proposed business shall increase employment available to Chatham County residents.

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

1) Emergency Services <Optional>.

- a. Fire Protection. Document the impact on respective volunteer fire department's ability to service the site with the requested use. This should come from the Chatham County Fire Marshal as a letter.**
- b. Police Protection. Document the impact to the Chatham County Sheriff Department's ability to provide protection for the site with the requested use. This should come from the Sheriff in the form of a supporting letter.**
- c. Rescue 911. Document the impact to the Chatham County Rescue Squad's ability to provide support to the site; provide approximate arrival time to site after 911 call is placed.**

The proposed use creates no additional strain to Chatham County's Emergency Services

2) Traffic <Required>.

Document projected traffic generated by the use (this

is available for many/most uses from DOT). Document current capacity for the road that serves this site (available for all/most roads from DOT). What kind of traffic will this be (that is car, bus, truck, etc.,) and what will be the peak time of day for the traffic? Do you anticipate changes to the speed limit on the principal service road for this site? Are modifications to the road system needed (e.g. a turning lane)? How will these road improvements be financed? A letter of opinion from DOT would be required if introduction of significant new traffic loads was expected or there is already a high accident rate at this location. Will the road(s) included in the County Thoroughfare Plan accommodate these anticipated requirements?

Traffic to and from this sight will be mostly on weekends with retail customers shopping. Weekday traffic will only involve three crews leaving in the morning and returning in the evening. Once or twice a month we will have a tractor trailer delivering materials and supplies. Daily traffic count on Hwy 64 is 16,000/ day. The current driveway access to this property is located at the east end. We have been working on relocating this access with Jessie Knight of NCDOT. The proposed location provides better line of sight to oncoming traffic and is ultimately a safer location for access to and from this property. Currently our application is being reviewed by the NCDOT in Raleigh.

3) Impact to surrounding Land Values <Optional>. What will be the impact to surrounding land values as a result of the proposed use? Is this impact anticipated to change with time and the possible changes in use of the surrounding properties? Note that if the applicant does choose to provide this information to support the application, then the basis for the information must be provided. For example, if a real estate appraiser's opinion is presented, then the opinion is expected to be derived from an analysis of comparison sites with requested use, some other real estate study or survey.

The proposed business will be designed to showcase the integration of plant material, hardscapes, and landscape lighting in order to display and sell landscape product and services to our customers. The site has been designed with the preservation of existing trees in order to make the property an attractive place for people to shop. Natural wooded areas border the proposed site on both sides.

The proposed use is one that should not impact surrounding landowner values negatively. There are two surrounding landowners the Bennett's who operate a commercial horse facility and the Manyik's who own a sliver of property left over from the construction of HWY 64. Mr. Webster the current owner of the property lives across the street. Horse pasture surrounds the property with the closest residence several hundred yards away.

4) Visual Impact & Screening <Required>.

Describe the visual presentation of the completed project, in context of the adjoining properties. How will fencing and/or plantings alter the future visual presentation?

This project was designed to be attractive from all views. Landscaping with shrubs, trees and grass decorate the front of the building. Our display area with trees and plants in raised stone planters on a paver patio decorate the west side of the building. The rear of the building where storage of trucks will be parked is completely opaquely screened from all sides. A hedge of cypress provide additional screening from views from the horse facility behind. We have located the building in the middle of the property in order to provide the greatest buffer of natural wooded areas on both sides. A pond with fountain is proposed nestled in the woods on the left as you approach the building. The building will be similar in color and material as the horse facility behind. Fencing will be used around plant material to keep deer out. This fencing will be wooden rail with wire similar to that used behind in the horse pastures.

5) Lighting <Required>. Will there be lights associated with the use? If so, describe the wattage, type, method of support (if on poles, give height of pole), and times of night the lights would be in use. What considerations and methods have been considered to the shielding of the light from adjacent properties? Are similar lights in use elsewhere that can be evaluated?

Lighting will be installed around the building and parking areas only. Lights will be shielded to reduce spillover and installed at a height of eighteen feet above grade. All lighting will meet Chatham Counties Draft Lighting Ordinance. Low Voltage Landscape lighting (15Watts) will be installed around building to highlight hardsapes and plant material. See attached.

6) Noise <Required>. Will there be noise generated by the use? If so, what will the source of this noise. Provide an estimate of the level of noise in decibels at the property lines of the site. Provide the basis for this estimate. If the noise generated is anticipated to exceed the County Noise Ordinance, has a permit been requested or approved to exceed this ordinance?

Noise generated from the proposed use should be minimal. The occasional use of a skid steer to move product around will be utilized and the occasional tractor trailer delivering product will be the main sources of noise. The adjacent horse farm receives occasional deliveries by tractor trailer and utilizes a skid steer around their facility so there should be little impact.

7) Chemicals, Biological and Radioactive Agents <Required>. Identify types and amounts of chemicals, explosives, biological and radioactive materials that will be utilized by the requested use. What is the estimated amounts of these agents that will be generated as waste; how will they be disposed? Identify the possible biochemical or radioactive hazards that may be associated with this use; how will these be handled? Identify the potential for emissions into the air. Identify the potential for discharges or runoff of liquids that would pollute the surface and/or groundwater sources.

Fertilizer will be stored indoors in granular bags.

8) Signs <Required>. Will the use include the display of a sign advertisement or identification)? If so, describe the method of display, color, size and location on the site.

A monument sign is requested at the drive location to be an illuminated 6x4 sign with low voltage lighting illuminating it (15Watts). See attached.

Finding #4 – The requested permit will be consistent with the objectives of the Land Conservation and Development Plan.

The proposed business will preserve the rural character of Chatham County by preserving on site trees and disturbing as little of the natural terrain as possible. It will also assist in the counties plans to create economic development centers. These centers will grow employment opportunities and the availability of goods and services for the counties residents.

The proposed business will not exceed the 36% impervious surface allowable area restriction.

Finding #5 – Adequate utilities, access roads, drainage, sanitation, and / or other necessary facilities have been or are being provided.

1. Water Source and Requirements >. <Required>. How much water will the use require? What is the source of the water (public or private supply)? If supply is public then (with the help of the Public Works Dept./ 542-8254) identify how the water connections are to be provided.

County water is available to the site and will be used to supply the structure with water. Well water will be used for irrigation use only.

2) Wastewater Management >. <Required>. What is the wastewater capacity needs for this use? Specify the treatment and disposal methods to be used. If individual septic, provide septic improvements permit letter from the Chatham County Health Department. If other than individual septic systems are to be used, submit a plan for wastewater management. If system requires approval from NCDENR, state progress towards getting approval from NCDENR.

An approved conventional septic system has been designed and approved on this site location. See Attached.

Water/Sewer Impact Statement >. <Required>. All applications where a public utility is to be utilized, (water or sewer) must state clearly the amount of usage that is anticipated. The usage estimate must be validated by the County Public Works Director, along with an updated usage vs. capacity

statement. The impact statement should provide a projection of the demand after the site is fully developed.

NA

3) Access Roads >. <Required>. Describe the access from the site to public highways. If the requested use will require a new driveway or enhancement to existing highway(s) address the following questions. If a new driveway access is part of the proposal, has NC DOT approved this access (include copy of the commercial driveway permit)? If the Site is located on a road designated as a “major collector”, is the site accessed by an existing or proposed service road. Describe any upgrades of public or private roads necessary to serve the property.

Relocation of the current driveway access has been applied for with the NC DOT. We are proposing moving the existing drive to a safer location with better line of sight to oncoming traffic.

4) Storm Water Runoff >. <Required>. Detail the methods and various structures that will be used to control storm water runoff. This information will detail all points of off site discharge with design techniques used and projected impact on neighboring properties.

A runoff pond will be established to collect all storm water. This pond will be located in an existing streambed and all runoff will be recycled for irrigation purposes. Currently this runoff is running into the right of way of Hwy 64.

Name of Applicant: _____

Signature: _____