

As filed 2/15/08

Application for Conditional Use Permit

WINTER CUSTOM YACHTS INC.
APPLICANT

APEX NURSERIES, INC.
LAND OWNER

February 15, 2008

STATEMENT OF PURPOSE

Winter Custom Yachts Inc. ("Applicant") is applying to Chatham County for approval of a Conditional Use District and Permit to allow for a boat assembly site and small associated retail. Applicant seeks a conditional use light industrial permit for light manufacturing or processing and associated retail sales (CUP-Ind.-L). Applicant intends to create a state-of-the-art boat manufacturing shop and to create an attached small retail sales shop for boat sales and sale of associated fishing and boating supplies.¹ For existing conditions on the property, see **EXHIBIT A**. For a proposed site plan, see **EXHIBIT B**.

Applicant is owned in part by William R. Copeland, a principal of Apex Nurseries, Inc. The property adjoins property owned and operated by Apex Nurseries, Inc.

Apex Nurseries, Inc. has been in operation in Chatham County since 1918. It is a significant employer and tax payer in the County. Applicant employs 28 - 32 people within its Chatham County operations and has a Chatham County annual payroll in excess of \$500,000.00. If approved, the boat assembly and sales operation will likely employ as many as 15 individuals and generate a commensurate amount of payroll for such employees.

The conditional use permit request is made pursuant to Section 15 of the Chatham County Zoning Ordinance. As is set forth in detail in this application, the proposal is consistent with the provisions of the zoning ordinance and the county land use plan.

¹ Applicant has contemporaneously applied for a light industrial conditional use district for the 11.54 acre (more or less) site depicted on EXHIBIT A attached hereto.

APPLICATION FOR
ZONING DISTRICTS
CONDITIONAL USE PERMITS

Chatham County Planning Department
P.O. Box 54
Pittsboro, NC 27312

Tel: 919/542-8204
Fax: 919/542-2698
Email: angela.birchett@ncmail.net

(1) Applicant Information:

Name: Winter Custom Yachts Inc.

Address: 2551 Hollands Chapel Road
Apex, NC 27523

Phone No: (h) _____

(w) 919-362-8315

(m) _____

Email: _____

(2) Landowner Information (as shown on deed)

Name: Apex Nurseries, Inc.

Address: 2925 NC Highway 751
Apex, NC 27502

Phone No: (h) _____

(w) 919-362-8315

(m) _____

Email: _____

(3) Property Identification:

911 Address: 2271 Hollands Chapel Road
Apex, NC 27502

S.R. Name: Hollands Chapel Road

S.R. Number: 1750

Township: New Hope

Acreage: 11.54

Flood map #: 3720070400J (7-13-2005)

Flood Zone: X

PARCEL#: 17820 (portion) and 64272

P.I.N #: 0704-90-7521 and 0704-90-4656

Deed Book: 1036 Page: 914 Yr: 2003

Plat Book: 92 Page: 319

Current Zoning District: RA-40

Watershed District: WS IV-PA

(4) Requested Zoning District, Conditional Use District, OR Conditional Use Permit:

Conditional Use Permit – Light Industrial; Conditional Use Permit – Light Manufacturing and Retail Sales.

(5) Directions to property: Highway 64 East toward Apex; left on Highway 751; left on Hollands Chapel Road; property on right.

(6) Attach the following, if requesting a zoning map amendment:

- List of names and addresses or current adjoining property owners (see Adjacent Landowners form)
 - Written legal description
 - Map of the property at a scale of not less than 1 inch equals 200 feet
 - Explanation of request addressing applicable portions of Section 17.3B of the Chatham County Zoning Ordinance
-

(7) Attach Submission Materials Checklist Information (see Submission Materials Checklist form)

OWNER:

I hereby certify that I am the owner or authorized agent of said property and that the information provided is complete and the statements given are true to the best of my knowledge.

APEX NURSERIES, INC.

BY: Walter Rago Jr. - president 02/14/08
Signature Date

The owner must sign the following if someone other than the owner is making the application.

I hereby certify that _____ is an authorized agent for said property and is permitted by me to file this application.

Signature Date

APPLICANT:

WINTER CUSTOM YACHTS INC.

- PRESIDENT

BY: [Signature] 2-14-08
Signature Date

LEGAL DESCRIPTION OF PROPERTY

Conditional Use District/Permit Property:

1. Chatham County PIN 0704-90-7521 (portion); Chatham County AKPAR #17820.
8.36 acres, more or less, as more particularly described on the attached site plan.
2. Chatham County PIN 0704-90-4656; Chatham County AKPAR #64272:
3.18 acres, more or less, as more particularly described on the attached site plan.

ADJOINING LANDOWNERS

1. Gary Riggsbee, et al
3538 NC 751
Apex, NC 27523
Parcel No. 17850
2. Time Warner Entertainment Advance/Newhouse Partnership
101 Innovation Avenue, Suite 100
Morrisville, NC 27560
Parcel No. 66863
3. Ronald Copeland
Jean Copeland
3003 NC Hwy. 751
Apex, NC 27502
Parcel No. 17821
4. Sylvia Diane Brown Lawrence
2260 Holland Chapel Road
Apex, NC 27502
Parcel No. 17793
5. Dianne B. Lawrence
2260 Holland Chapel Road
Apex, NC 27502
Parcel No. 79269

DESCRIPTION OF THE PROJECT

Applicant seeks construct a boat assembly facility consisting of two fully enclosed buildings of approximately 8,000 square feet and 1,800 square feet in size. Given its affiliation with and proximity to Apex Nurseries, the County can be assured that the project will be well-landscaped and buffered in accordance with the attached landscaping plan. See **EXHIBIT C** attached hereto.

Location:

- (1) Public Highways. The property adjoins State Road 1750 (Hollands Chapel Road).
- (2) Private Roads. There are private driveways serving the site.
- (3) Current Zoning. The current zoning of the site is RA-40.
- (4) Watershed Classification. The watershed classification is WS-IV-PA. Up to thirty-six percent (36%) impervious surface is allowed. It is estimated that approximately 7.3% of the site will be comprised of impervious surface.
- (5) Major Wildlife Areas. This site is not in or adjacent to any area designated as a natural area according to the "Inventory of the Natural Areas and Wildlife Habitats of Chatham County, North Carolina."
- (6) Size in Acres of Site. The overall tract size is approximately 11.54 acres.
- (7) Utility or Other Easements. A right of way for State Road 1750 serves the site.
- (8) Current Use. The property is being used agriculturally to grow plants for the adjoining nursery. In addition there is one residence on the property that is being rented.
- (9) Current Contents of Site. There is a single family dwelling on the site.
- (10) Other Conditional Use Permits Granted for the Site. The Applicant is aware of none.

Description of Use:

The proposed use of the conditional use district and permit property will be for operation of a boat design and assembly shop as well as for associated small retail.

Site Plan and Drawing:

The site plan attached as **EXHIBIT B** describes the plans for the site in detail.

- (1) Existing Buildings. See **EXHIBIT A**.
- (2) New Buildings. Two new structures are proposed as set forth on the site plan attached as **EXHIBIT B**.
- (3) Landscape Plan. See Landscape Plan attached as **EXHIBIT C**.
- (4) Screening/Buffering Plan, Setbacks. See Landscape Plan attached as **EXHIBIT C**.
- (5) Natural Preserved Areas. See the buffered areas shown on the landscape Plan attached as **EXHIBIT C**.
- (6) Site Boundaries with Adjacent Properties. The boundaries between the site and adjacent properties are shown on the site plan. The names and addresses of adjoining land owners are provided with this application.
- (7) Parking. The amount of parking available will conform to and exceed Section 12 of the Zoning Ordinance. The proposed use requires one space per every three employees, plus one space for every 200 square feet of retail. Sufficient space for 9 retail parking spaces and five employee spots will be provided.
- (8) Sign Location, Type and Size. There will be a roadside sign that complies with Section 13 of the Zoning Ordinance and will be no bigger than ten feet by ten feet.
- (9) Areas Reserved for Future Development or Improvements. None.
- (10) Lighting Plan. Section 11A of the Zoning Ordinance will be complied with.
- (11) Percentage of Impervious Surface. The property will be developed to approximately 7.3% of impervious surface, well below the 36% allowable limit.
- (12) Topographical Description of Site. A topographical map is provided as part of the site plan attached as **EXHIBIT A**.

(13) County Road Map. A county road map identifying the location of the property is provided as EXHIBIT D.

(14) County Tax Map. A copy of the county tax map of this site is provided as EXHIBIT E.

Start and Completion Projections:

It is anticipated that the new buidings will be operational by the end of calendar year 2008.

Adjoining Property Owners:

The names and addresses of the adjoining property owners are on the attached schedule.

Reference to Existing County Plans:

This proposed use is consistent with the vision contained in the Chatham County Land Conservation and Development Plan (the "Land Use Plan"). Further, approval of the proposed use encourages local, community based economic development. The land owner and co-owner of the Applicant are consummate local contributors, who, along with their ancestors, have been in business in this part of the County since 1918.

The first of the two fundamental policies of the Land Use Plan is to encourage balanced growth by making sure that growth consists of a mix of different kinds of development and by ensuring that development is guided to suitable locations. *Land Use Plan, p. 1.* One of the "major recommendations" of the Land Use Plan is to "designate Economic Development Centers for new business and industry to allow effective planning and marketing for employment sites." *Land Use Plan, p. 3, para. 9.* The chart of activities and allowed locations within the Land Use Plan specifically allows for light manufacturing within economic development centers. *Land Use Plan, p. 5.* Further, the Land Use Plan provides that "economic activity can occur almost anywhere in the County, with the exception of conservation areas, but different activities (or uses) would be appropriate in different locations and might be subject to different performance and design standards." *Land Use Plan, p. 27.*

The proposed use would be guided both to a place where commercial uses co-exist but also to a place where boating assembly and retail sales are appropriate. It is important to note that, while the property is conveniently located to Jordan Lake it is not in a critical watershed area, nor a conservation area. It is ideally suited for the use proposed.

No map of economic development centers was ever adopted to complement the Land Use Plan. However, the Land Use Plan does specify as an economic development center the area just west of the Chatham County/Wake County line near the intersection of US. 64 and NC 751 as a place where it would be beneficial to link to infrastructure and build on the economic activity in western Wake County. This site is located near the intersection of US 64 and NC 751. Although there are no businesses at the actual intersection of US 64 and NC 751, the Apex Nursery business adjoins this project. Encouraging this commercial use where there are existing commercial uses is good planning. Further, locating the business among exiting businesses saves the 64 highway corridor from commercial development.

In discussing Economic Development Centers, the Land Use Plan lays out the following principles:

- Economic centers should be situated in planned locations. *Land Use Plan, p. 27.*
- Economic Centers should allow for "continued development within other areas currently zoned for commercial or industrial." *Land Use Plan, p. 27.*

- It encourages community compatible businesses. *Land Use Plan, p. 27.*
- A broad range of economic activities should be permitted. *Land Use Plan, p. 31.*

The Land Use Plan also sets out benchmarks for establishing appropriate economic development centers such as (1) areas especially suited for particular businesses (this boating business located near Jordan Lake and among other businesses); (2) areas tied to transportation infrastructure (this site is located just off NC 751); (3) areas minimizing impact of businesses on areas of the county (this use is close to other businesses and has convenient access to Jordan Lake); (4) commercial development that pays for itself (this use will not impose any financial burden on the County but will create jobs, increase tax revenue and local spending). *Land Use Plan, p. 10.:*

There can be no doubt that this proposal fulfills the specific language of the Land Use Plan and is consistent with and promotes the purposes and intent of the Land Use Plan.

FINDINGS REQUIRED BY ZONING ORDINANCE

The Chatham County Zoning Ordinance provides, in Section 15.1, that: "In considering an application for a conditional use permit the Board of Commissioners shall give due regard that the purpose and intent of this Ordinance shall be served, public safety and welfare secured and substantial justice done." This application is consistent with all of the purposes of the Ordinance set forth in its preamble.

The Ordinance requires that the Board of Commissioners make five affirmative findings in establishing a conditional use district and in granting a conditional use permit. All five findings are supported by this application.

***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: The subject property would be located within a conditional use district "Ind. L." Light manufacturing and retail sales are allowed uses within such a district. *Chatham County Zoning Ordinance, section 10.6 A.* The uses are not only allowed conditional uses but they are generally allowed uses within the district as well.

(2) Land Development Plan Reference: This application is consistent with the Land Use Plan. Please see the discussion under "Reference to Existing County Plans," above.

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

(1) Need and Desirability: The County has expressed its desire to encourage economic development that is locally born and consistent with a desire to protect the environment. This proposed use squarely fulfills those twin objectives. Apex Nurseries is a great, long-standing employer in Chatham County. This business addition is important because it recognizes the increasing premium on our water assets and allows Apex Nurseries to diversify its business range, insulating it from water shortages that can cripple landscaping business but still providing local jobs and needed revenue to the local market. This kind of contribution to the Chatham economic engine, without commensurate costs of County services is ideal. Providing boat assembly and manufacture to the local tourism market is also desirable and necessary in this County where Jordan Lake is a prime attractor of tourism.

(2) Survey of Similar Uses: The Applicant is aware of no other similar businesses located nearby.

(3) Public Provided Improvements: No additional public improvements will be needed for this project.

(4) Tax Considerations: The addition of two commercial buildings will add at least an estimated \$250,000 to the tax value of the existing property without need of any expenditure of resources by the County. This use will not increase the County school population, will not require infrastructure improvements from the County and will have no significant impact on County fire, law enforcement or rescue services.

(5) Employment: It is anticipated that 12 to 15 new jobs will be created.

Finding #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 and welfare of the community.

(1) Emergency Services: The project is expected to make very limited demands on fire and police protection and emergency services. This is certainly true as compared to other possible uses of the subject property, such as residential.

(2) Traffic: Traffic entering and leaving the site is expected to be minimal. The surrounding area should not perceive any increase in traffic as a result of approval of the requested permit.

(3) Visual Impact and Screening: This project will have a minimal impact on neighbors and passers-by. The landscape plan (attached as **EXHIBIT C**) meets the design requirements set forth in the Chatham County Design Guidelines.

(4) Lighting: The new lighting ordinance provisions incorporated into the Zoning Ordinance (Section 11A) will be followed. See **EXHIBIT F**.

(5) Noise: There should be no significant type of noise associated with this use. The assembly building will be fully enclosed.

(6) Chemicals, Biological and Radioactive Agents: The operation will generate no chemical, biological or radioactive agents. Paints and solvents will be used and properly stored and handled in accordance with the regulations enforced by the Fire Marshall.

(7) Signs: Applicant seeks to have a sign no larger than 10 feet by 10 feet n(well under the allowed size maximum. There may also be minimal directional signage within the parking lot area to direct traffic to the retail portion of the project.

***Finding #4:** The requested permit will be consistent with the objectives of the land development plan.*

(1) Land Use Plan Reference: This application is consistent with the Land Use Plan. Please see the discussion under "Reference to Existing County Plans," above.

(2) Watershed Considerations and Flood: The watershed classification is WS-IV-PA. Because this project does not have a curb and gutter street system, up to thirty-six percent (36%) impervious surface or "built-upon area" is allowed. The actual projected impervious surface is less than 8%. None of the property is within a flood plain. The land is all Zone X on the flood maps.

***Finding #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.*

(1) Water Source and Requirements: All water necessary for the business will be supplied by an on-site well. No exceptional water demand is anticipated.

(2) Wastewater Management: No additional wastewater management is needed in connection with the requested district and permit. The necessary wastewater capacity is met by the existing septic system. It is anticipated that the use will require approximately 300 gallons per day. There is a three bedroom septic system permitted for up to 360 gallons per day.

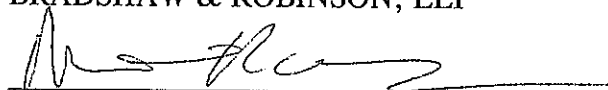
(3) Water/Sewer Impact Statement: Not applicable. No public utility involved.

(4) Access Roads: There are currently two driveway accesses to the property. There will be two replacement driveway accesses once approved by DOT. A commercial driveway permit application has been filed with the NC DOT.

G. (5) Storm water Runoff: The stormwater management plan is set out on **EXHIBIT**

BRADSHAW & ROBINSON, LLP

BY:

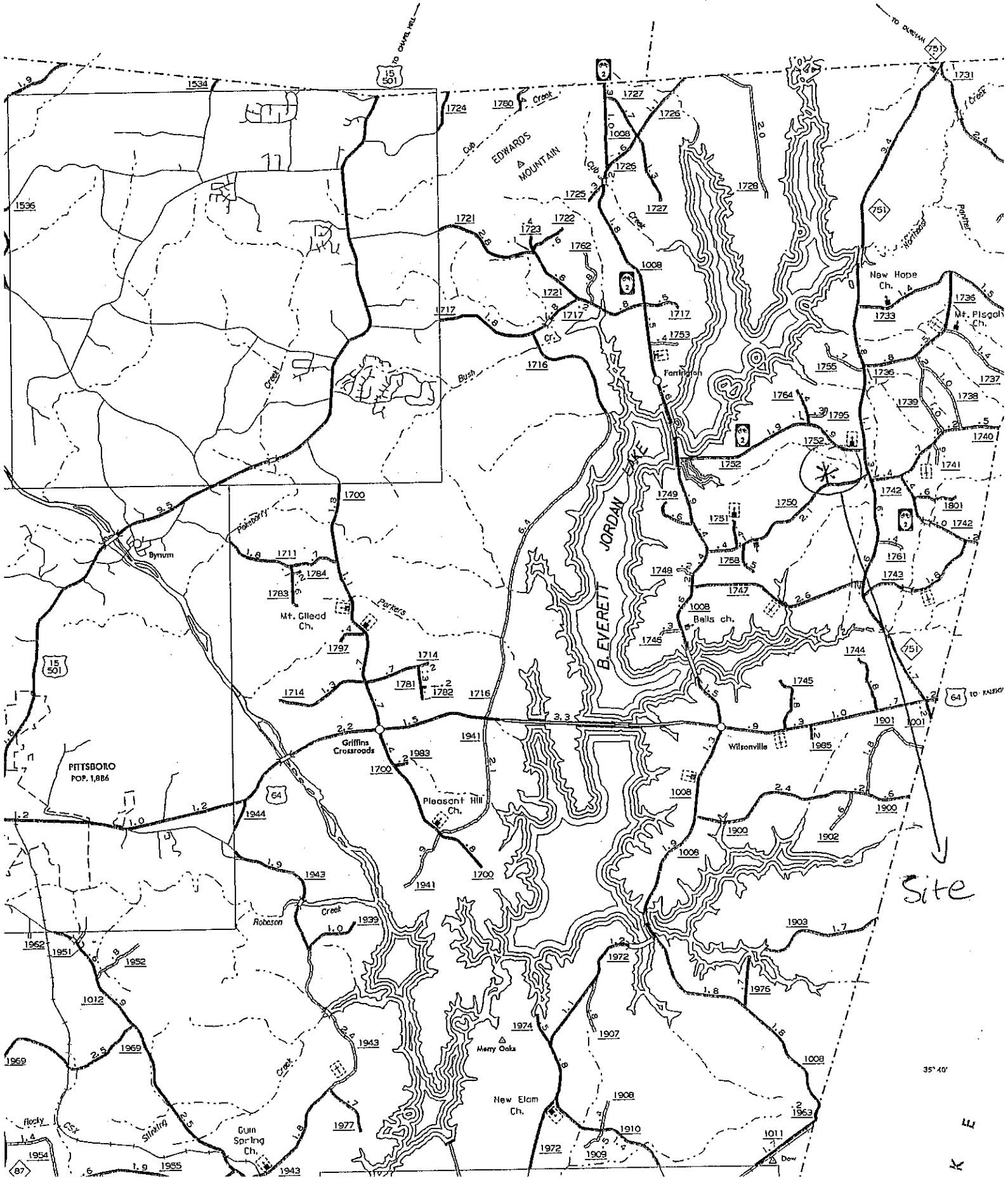


Nicolas P. Robinson
Attorney for Applicant
Post Office Box 607
Pittsboro, NC 27312
(919) 542-2400

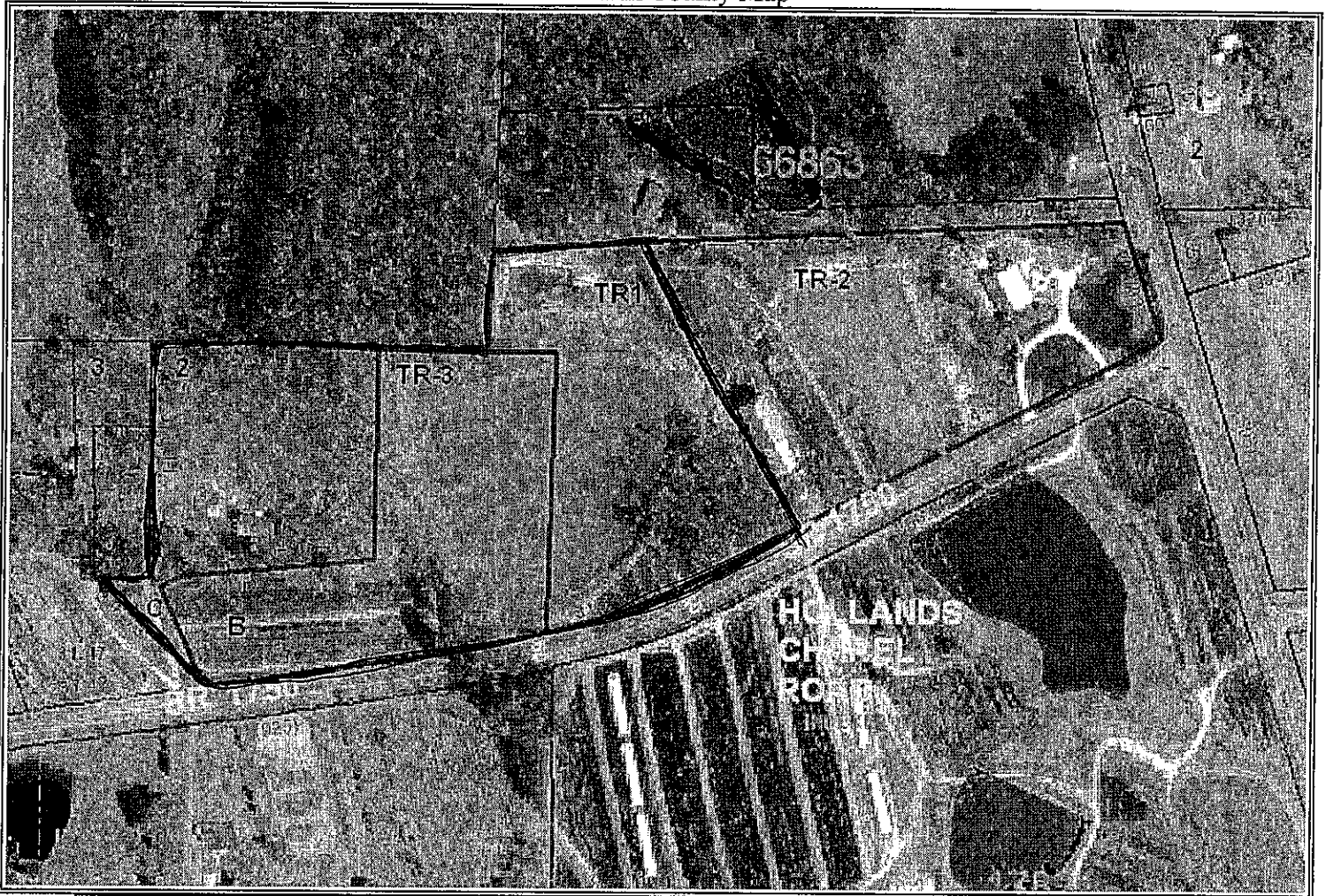
EXHIBIT D

C O U N T Y

D U R H A M C O U N T Y



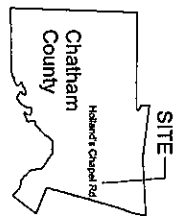
Chatham County Map



PIN	0704-90-7521.000	Property Rec Card	Q4-31B
Parcel Number(AKPAR)	17820	Feature	PARCEL-MATCH
Tax Year	2008	Township	11
Fire District	108	OwnerID	04414
Deed Name	APEX NURSERIES INC	Deed Book	760
Deed Page	0268	Deed Year	1998
Plat Book	A	Plat Page	0434
Legal Descrip	Q4-31B	Land FMV	327720
Improvement FMV	259800	Deeded Acres	14.56
Physical Address	2551 HOLLANDS CHAPEL RD	PIN Map	0714
PIN Submap	00	PIN Map Block	00
PIN Parcel	6836	PIN Subparcel	
Billing Name	APEX NURSERIES INC	Billing Name2	
Billing Name3		Billing Address	2925 NC HWY 751
Billing Address2		Billing Address3	
Billing Address4		Billing City	APEX
Billing State	NC	Billing Zip	27502
Watershed	WS-IV PA	Census Tract	020700
PIN	0714-00-5827.000	Property Rec Card	Q4-31B
Parcel Number(AKPAR)	17820	Feature	PARCEL-MATCH
Tax Year	2008	Township	11
Fire District	108	OwnerID	04414
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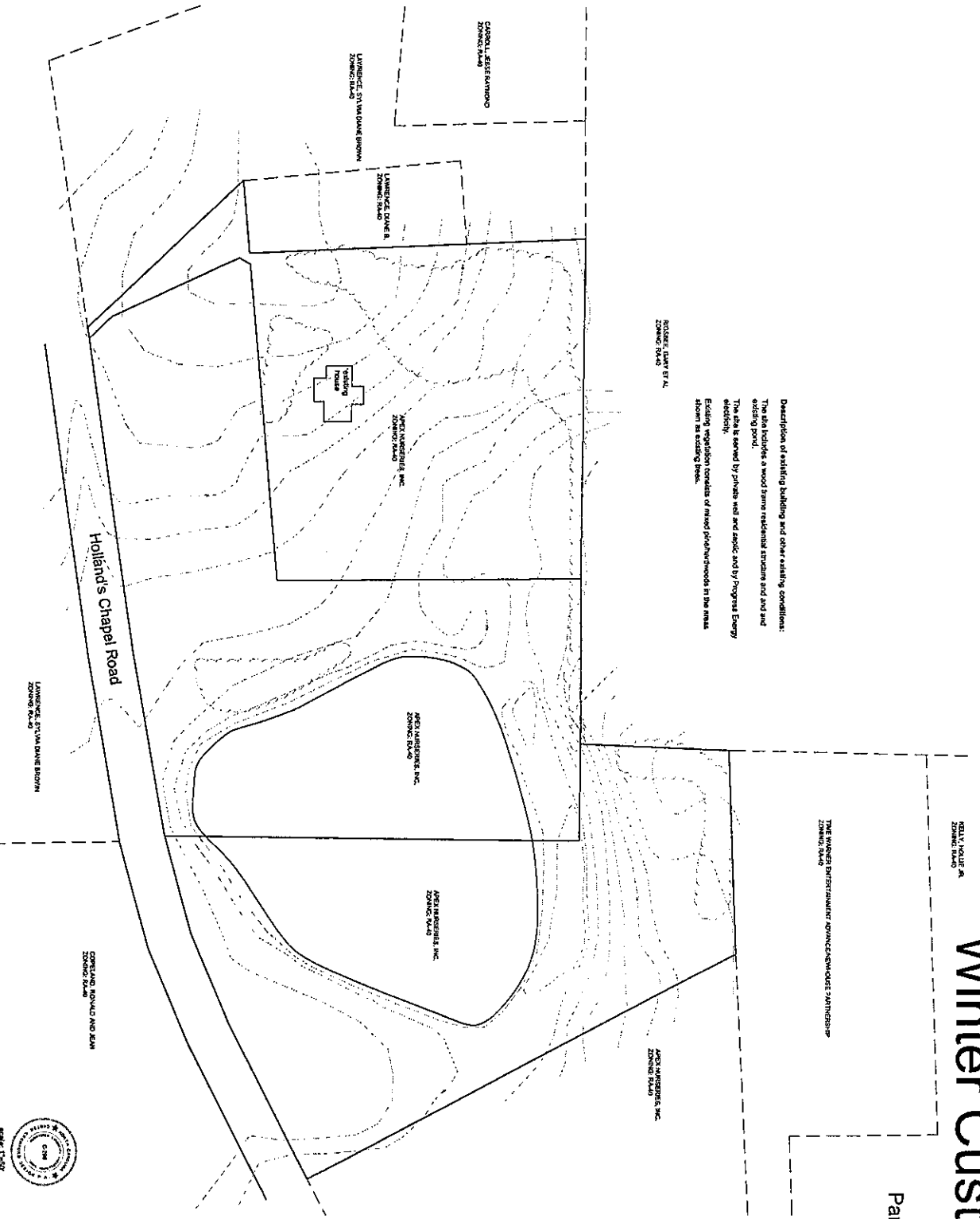
Winter Custom Yachts

Holland's Chapel Road
Chatham County, North Carolina
Parcel Numbers 64272, 17820



Description of existing building and other existing conditions:
The site includes a wood frame residential structure and an existing pond.
The site is owned by private and and owned by Progress Energy electricity.
Existing vegetation consists of mixed pine/hickories in the areas shown on existing plans.

ROCKWELL LANE ET AL.
ZONING B-40



Contents

- Sheet 1 Existing Conditions
- Sheet 2 Site Plan
- Sheet 3 Grading and Drainage Plan
- Sheet 4 Planting Plan
- Sheet 5 Lighting Plan

Existing Conditions

February 15, 2008

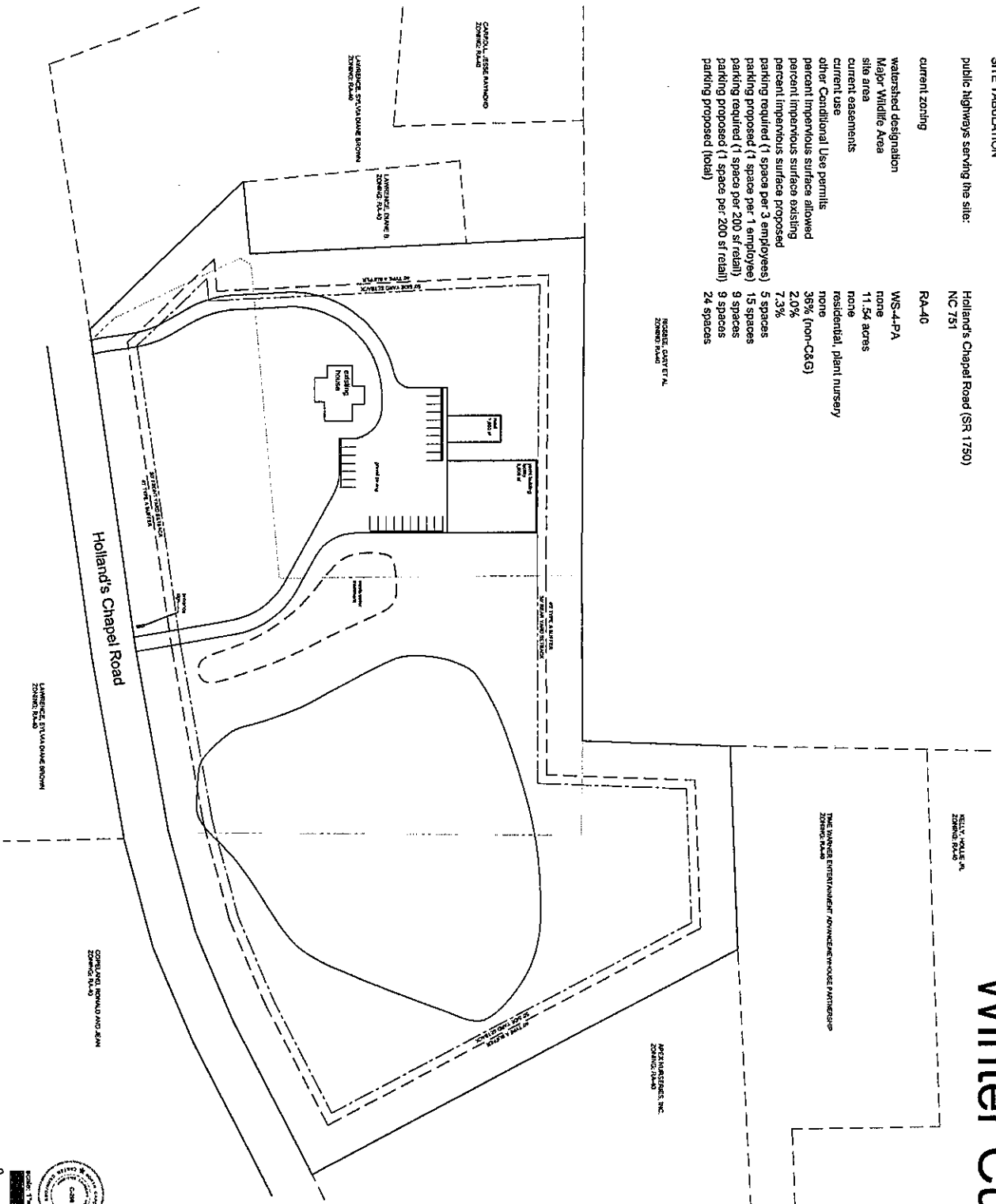
Carter Crawford Design
Carter Crawford Design, Inc.
1400 Peoples Landing, Raleigh, North Carolina
919 287 8238 Mobile 919 287 5518 FAX
www.cartercrawford.com

Scale: 1"=50'
0 50 100 150

EXHIBIT A

SITE TABULATION

public highways serving the site:	Holland's Chapel Road (SR 1750) NC 751
current zoning	RA-40
watershed designation	WS-4-PA
Major Wildlife Area	none
site area	11.54 acres
current assessments	none
current use	residential, plant nursery
other Conditional Use permits:	none
percent Impervious surface allowed	38% (non-C&G)
percent Impervious surface existing	2.0%
percent Impervious surface proposed	7.3%
parking required (1 space per 3 employees)	5 spaces
parking proposed (1 space per 1 employee)	15 spaces
parking required (1 space per 200 sf retail)	9 spaces
parking proposed (1 space per 200 sf retail)	9 spaces
parking proposed (total)	24 spaces



Winter Custom Yachts

Holland's Chapel Road
Chatham County, North Carolina

DESCRIPTION OF PROPOSED USES:

Winter Custom Yachts, Inc. ("Applicant") is applying to Chatham County for approval of a Conditional Use District and Permit to allow for a boat assembly site and small associated retail. Applicant seeks a conditional use light industrial permit for light manufacturing or processing and associated retail sales (CUP-Ind-1). Applicant intends to create a state-of-the-art boat manufacturing shop and to create an attached small retail sales shop for boat sales and sale of associated fishing and boating supplies.

WASTEWATER MANAGEMENT:

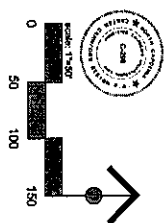
Wastewater is planned to be disposed of through the use of a conventional drain field and repair area as shown on the plan. The anticipated required capacity for the proposed use will be less than or equal to the current capacity.

SIGNAGE:

All site signage shall conform to the Chatham County sign ordinance.

Site Plan

February 15, 2008

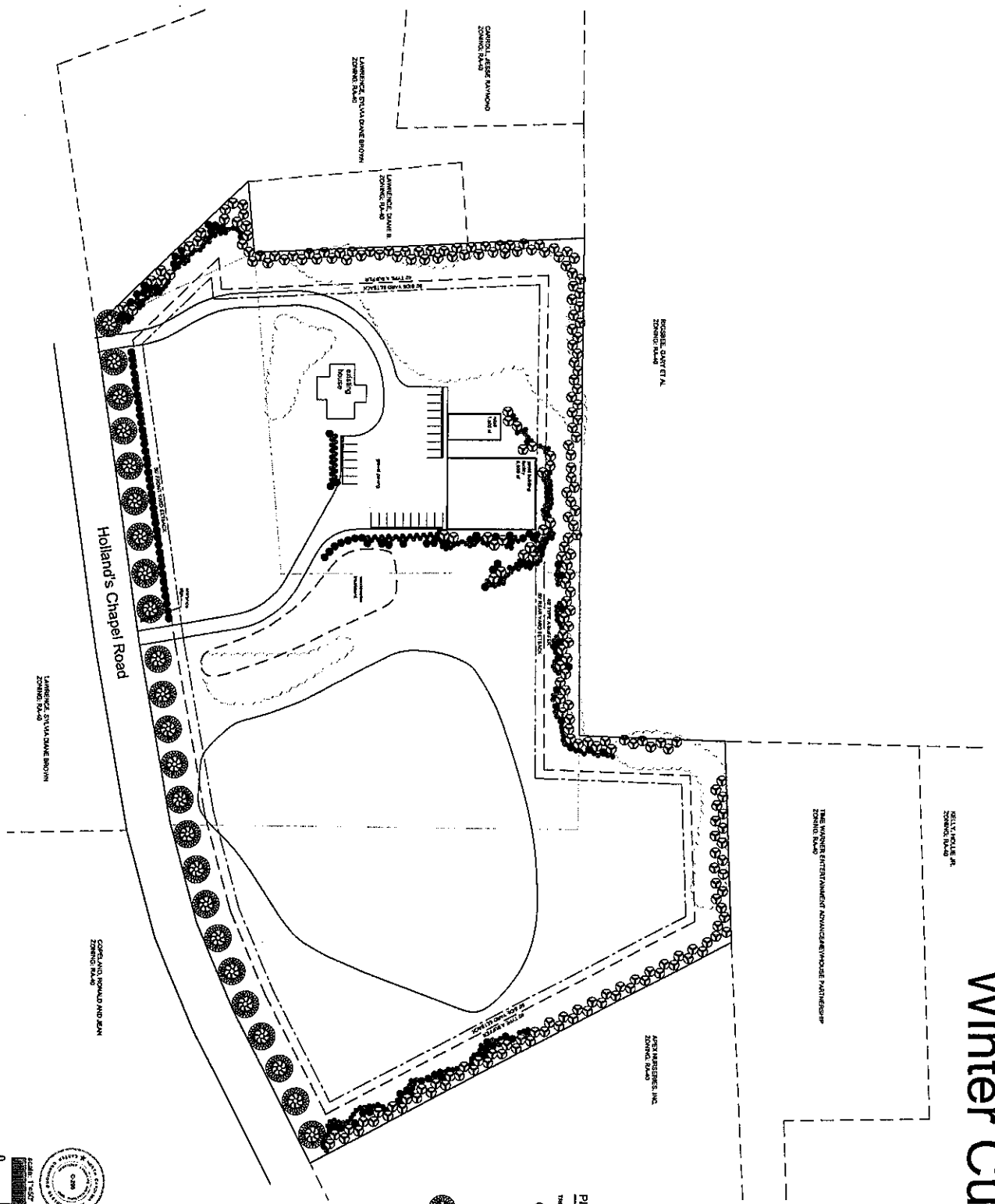


Carter Crawford Design
403 Herring Valley Lane, Suite, NC 27820
810 287 8318 voice 810 287 6548 fax

EXHIBIT B

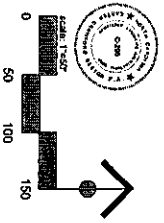
Winter Custom Yachts

Holland's Chapel Road
Chatham County, North Carolina



Plant List and Legend

SYMBOL	PLANT NAME	QUANTITY
⊕	Red Spruce	276, 3 in.
●	Japanese Sycamore	276, 3 in.
○	Hydrangea	276, 3 in.
⊗	Quercus prinus	276, 3 in.
⊙	Quercus prinus	276, 3 in.
⊚	Quercus prinus	276, 3 in.
⊛	Quercus prinus	276, 3 in.
⊜	Quercus prinus	276, 3 in.
⊝	Quercus prinus	276, 3 in.
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⊣	Quercus prinus	276, 3 in.
⊤	Quercus prinus	276, 3 in.
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⊽	Quercus prinus	276, 3 in.
⊾	Quercus prinus	276, 3 in.
⊿	Quercus prinus	276, 3 in.



Carter Crawford Design
 400 Highway 100, Suite 100, Raleigh, NC 27602
 919.876.1111
 www.cartercrawford.com

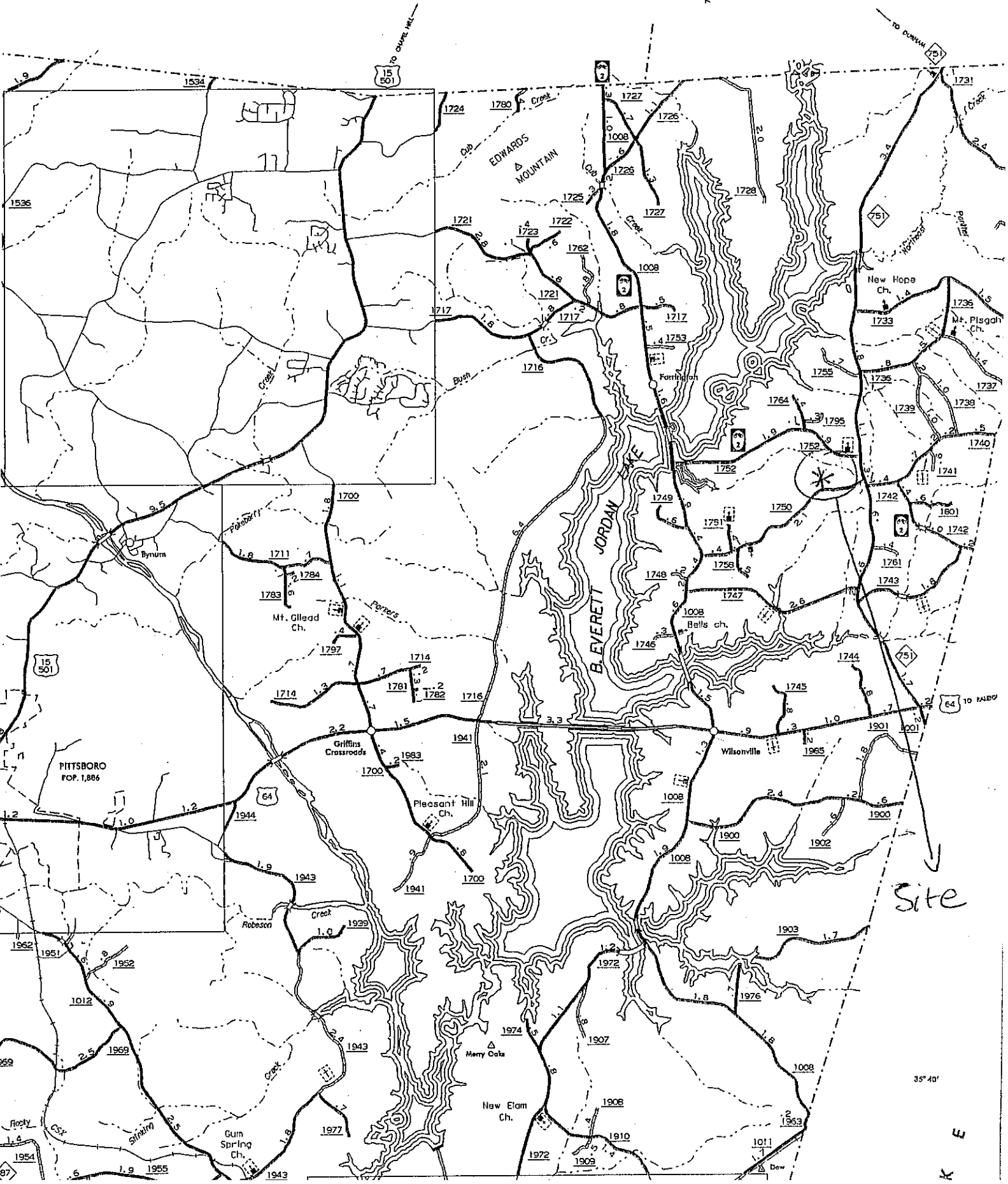
Planting Plan
 February 15, 2008

EXHIBIT C

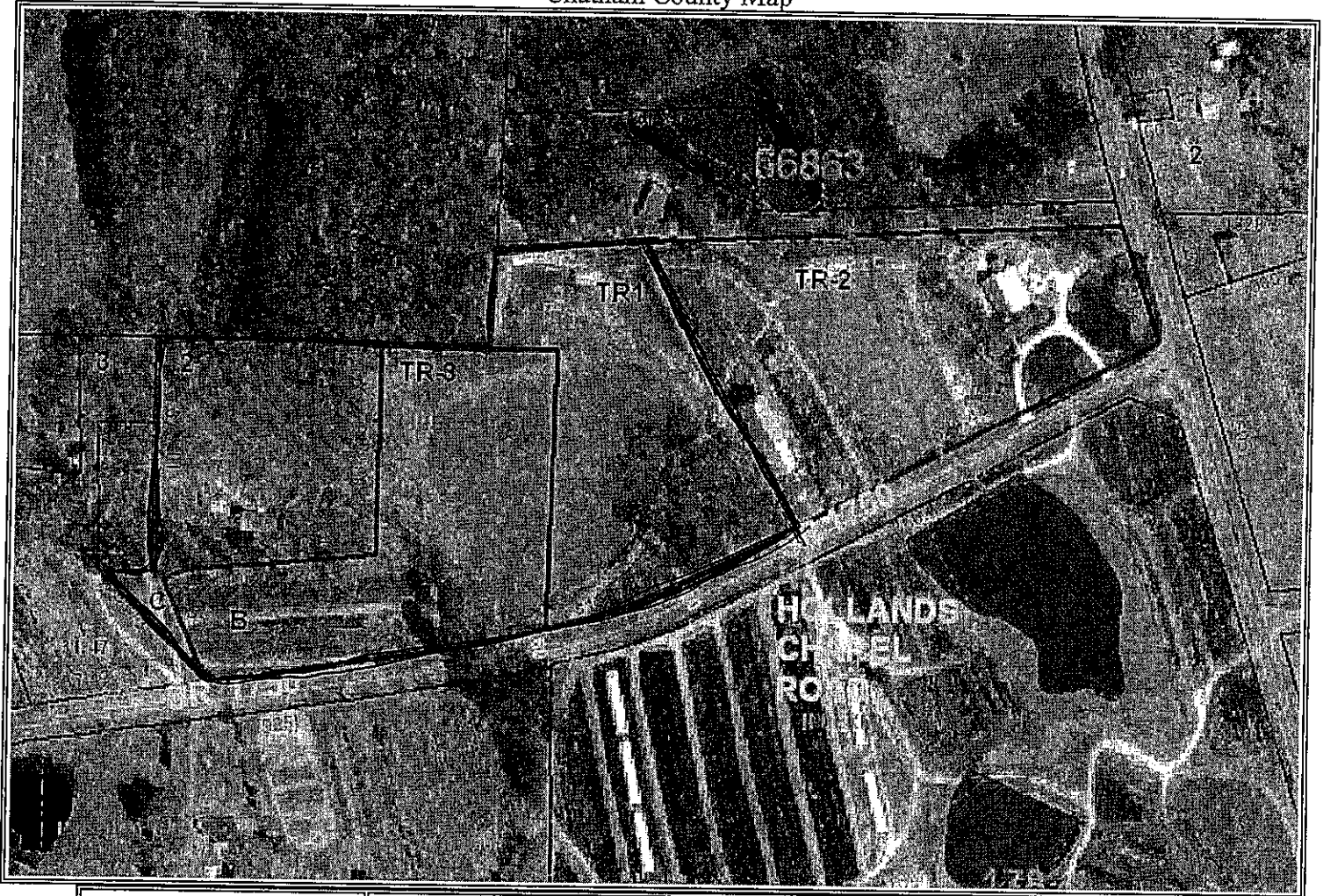
EXHIBIT D

C O U N T Y

D U R H A M C O U N T Y



Chatham County Map

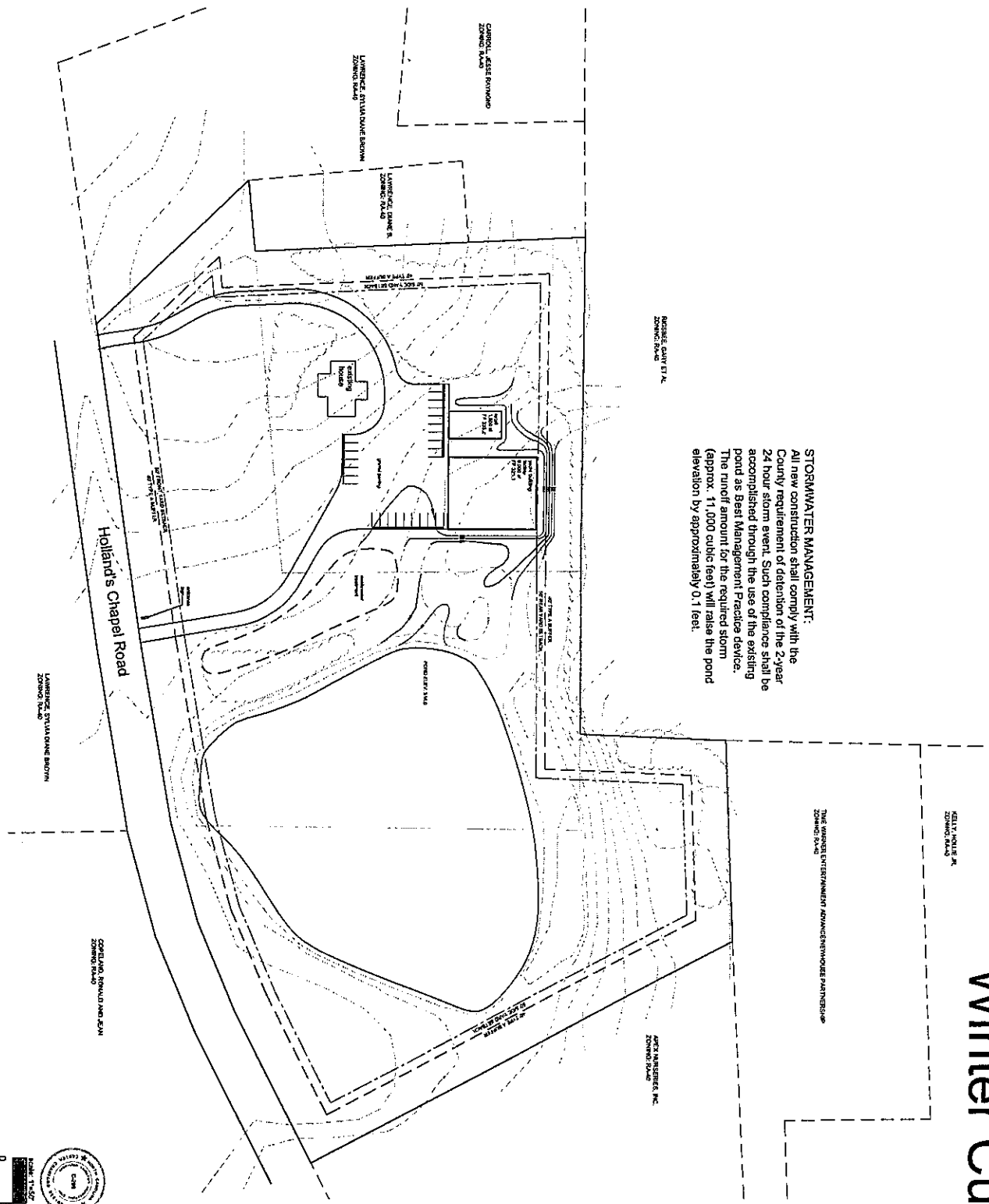


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Plat Book	A	Plat Page	0434
Legal Descrip	Q4-31B	Land FMV	327720
Improvement FMV	259800	Deeded Acres	14.56
Physical Address	2551 HOLLANDS CHAPEL RD	PIN Map	0714
PIN Submap	00	PIN Map Block	00
PIN Parcel	6836	PIN Subparcel	
Billing Name	APEX NURSERIES INC	Billing Name2	
Billing Name3		Billing Address	2925 NC HWY 751
Billing Address2		Billing Address3	
Billing Address4		Billing City	APEX
Billing State	NC	Billing Zip	27502
Watershed	WS-IV PA	Census Tract	020700
PIN	0714-00-5827.000	Property Rec Card	Q4-31B
Parcel Number(AKPAR)	17820	Feature	PARCEL-MATCH
Tax Year	2008	Township	11
Fire District	108	OwnerID	04414
Deed Name	APEX NURSERIES INC	Deed Book	760

Winter Custom Yachts

Holland's Chapel Road
Chatham County, North Carolina

STORMWATER MANAGEMENT:
All new construction shall comply with the County requirement of detention of the 2-year 24 hour storm event. Such compliance shall be accomplished through the use of the existing pond as Best Management Practice device. The runoff amount for the required storm (approx. 11,000 cubic feet) will raise the pond elevation by approximately 0.1 feet.



Grading and Drainage Plan

February 15, 2008

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