

As filed 2/15/08

APPLICATION FOR  
ZONING DISTRICTS  
CONDITIONAL USE DISTRICTS

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 acres  
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 District – 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)**

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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: William Ruzyn Lyle I - President Date 02/14/08  
Signature

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] Date 2-14-08  
Signature

## 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

REQUEST FOR ZONING ORDINANCE/MAP AMENDMENT AND CONDITIONAL  
USE DISTRICT  
PURSUANT TO CHATHAM COUNTY ZONING ORDINANCE  
SECTION 17

Applicant's request for a Conditional Use District is a request for an amendment to the Chatham County Zoning Ordinance and map (legislative process). Filed simultaneously with this application for a conditional use district is an application for a conditional use permit. Applicant incorporates by reference herein all of the contents of its Conditional Use Permit application as if fully set out herein.

Pursuant to Section 17 of the Chatham County Zoning Ordinance, the following additional information is necessary for an application for a conditional use district:

1. If the proposed amendment would require a change in the zoning map, a map at a scale of not less than 400 feet to the inch nor more than 20 feet to the inch showing the land which would be covered by the proposed amendment. *See maps attached as EXHIBITS A and B hereto.*
2. A legal description of such land. *See legal description attached as EXHIBIT C.*
3. 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. *The Ordinance currently does not allow the uses simultaneously requested herewith within the property because it is presently zoned RA-40. Establishment of a Conditional Use District for said property as requested will allow for the conditional uses requested simultaneously herewith. The requested Light Industrial Conditional Use District in this location is consistent with the Land Use Plan. See attached EXHIBIT D.*
4. The changed or changing conditions, if any, in 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. *Much of the land nearby is presently in commercial use including the Apex Nurseries conglomeration of land, Jeanne's Strawberry picking commercial venture. This land meets the qualifications for an Economic Development Center. This district is reasonably necessary to the promotion of the public, health, safety and general welfare because it locates a tourism business within proximity to the principal tourist attraction in the County (Jordan Lake) yet it is far enough removed from the lake to be outside the critical area. Approval in this location will create jobs, generate tax revenue and do so in a geographical area where such uses are encouraged.*

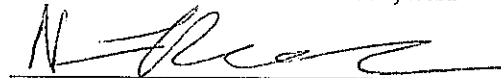
5. The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Development Plan or part thereof. *Applicant incorporates the information regarding the manner in which this request carries out the intent and purpose of the Land Use Plan from its simultaneously filed Application for Conditional Use Permit. This rezoning will make the zoning for this land consistent with the objectives of the Land Use Plan for this area.*
  
6. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. *The amendment is necessary in order to allow for approval of the requested Conditional Use Permit. Applicant incorporates all of the reasoning contained in that application.*
  
7. Information required on the application form received from the Planning Department. *See attached application form.*

#### CONCLUSION

Applicant respectfully requests that the requested Conditional Use District be approved on the basis of the information provided herein and all information submitted or to be submitted as part of the legislative process.

BRADSHAW & ROBINSON, LLP

BY:

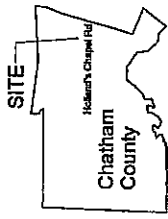


Nicolas P. Robinson  
Attorney for Applicant  
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(919) 542-2400

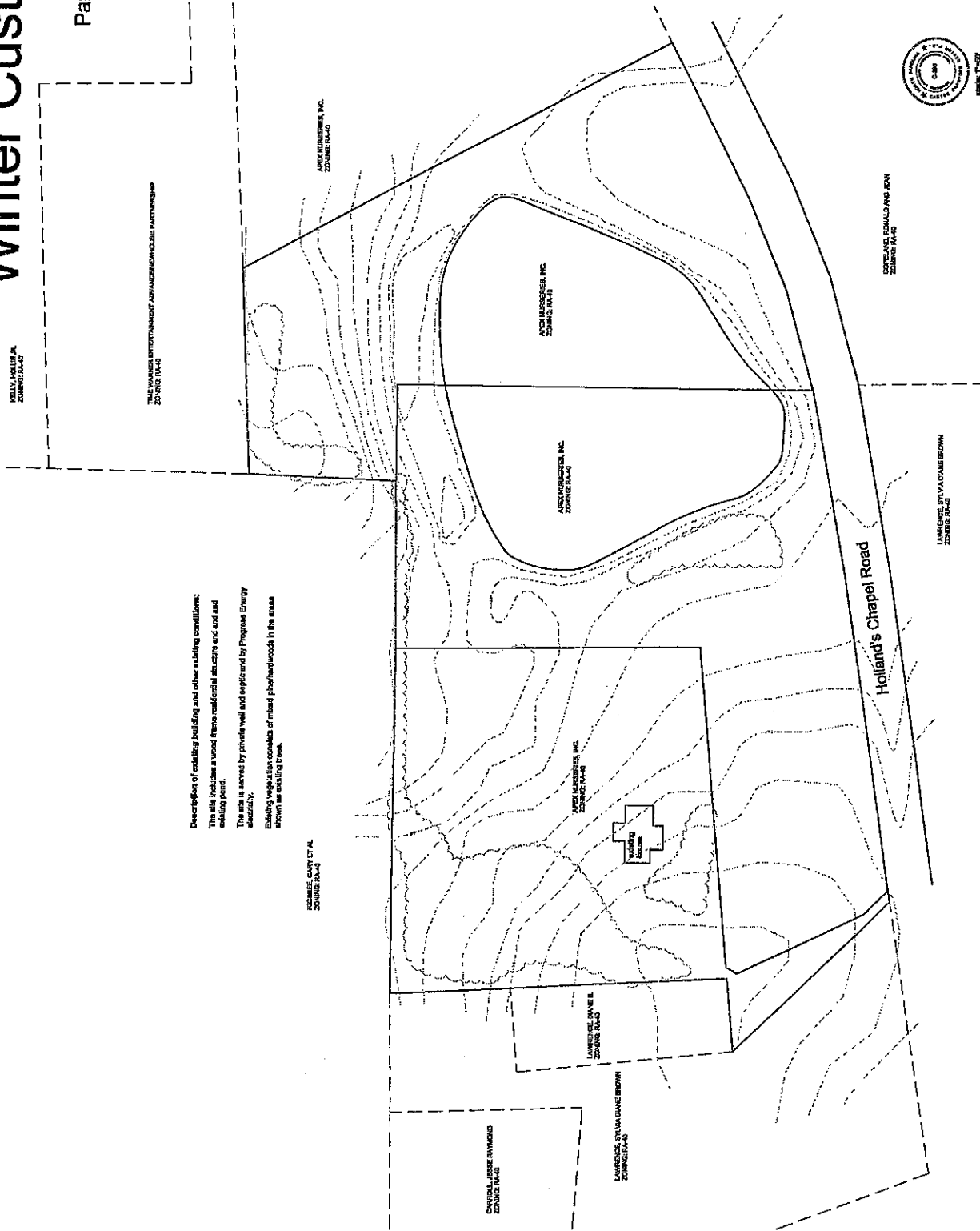
# Winter Custom Yachts

Holland's Chapel Road  
Chatham County, North Carolina

Parcel Numbers 64272, 17820



Vicinity



**Description of existing building and other existing conditions:**  
The site includes a wood frame residential structure and an existing permit.  
The site is served by private well and septic and by Program Energy efficiency.  
Existing vegetation consists of mixed pine/hardwoods in the areas shown on existing trees.

**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

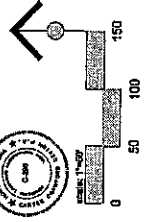
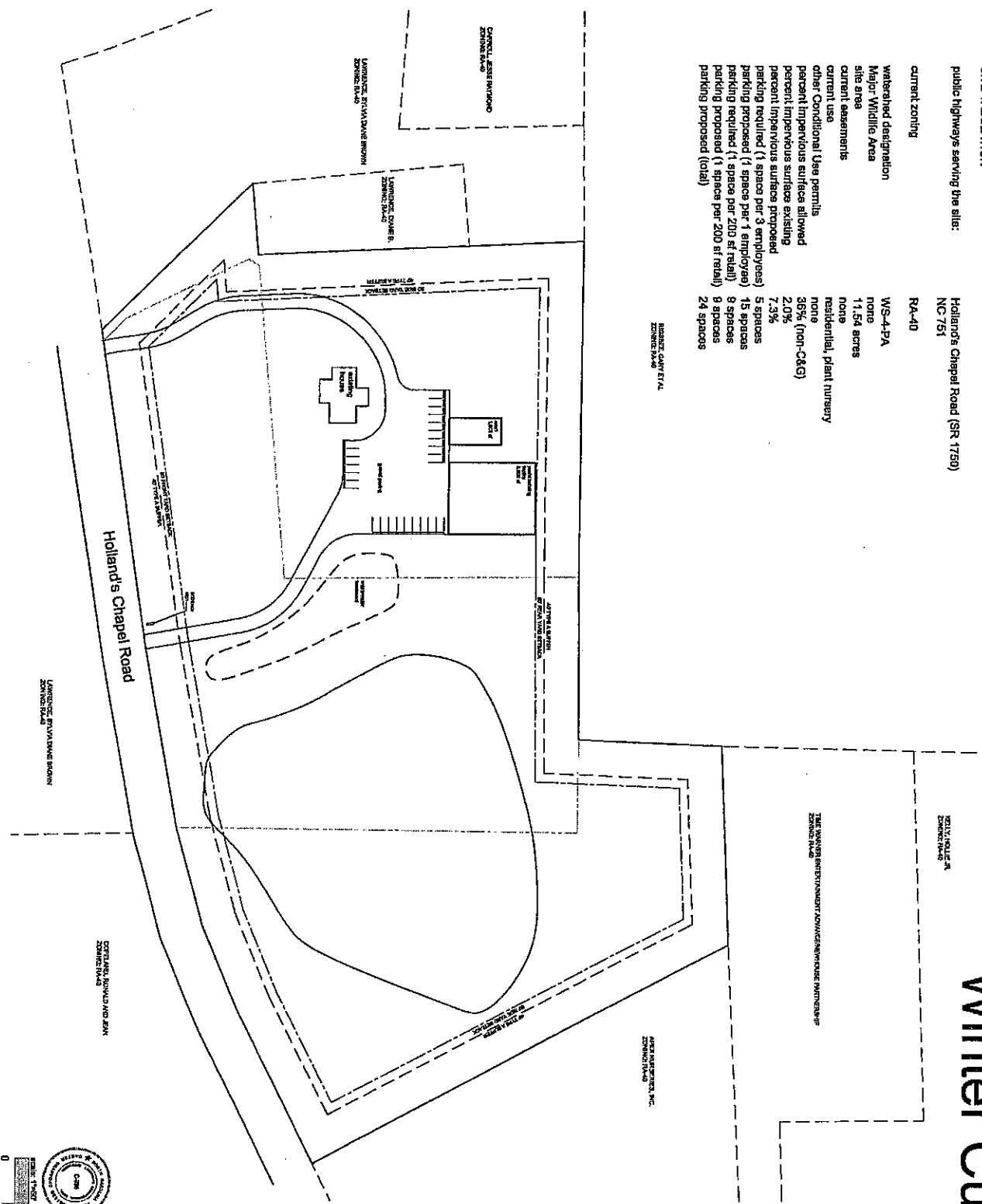


EXHIBIT A

**SITE TABULATION**

public highways serving the site:	Holland's Chapel Road (SR 1750)
current zoning	RA-40
waterflood designation	WS-4-PA
Major Wildlife Area	none
site area	11.54 acres
current easements	none
current use	residential, plant nursery
other Conditional Use permits	none
percent impervious surface allowed	35% (non-C&G)
percent impervious surface existing	2.0%
parking proposed (1 space per 3 employees)	5 spaces
parking proposed (1 space per 1 employee)	15 spaces
parking proposed (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-L1). Applicant intends to create a site-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:**

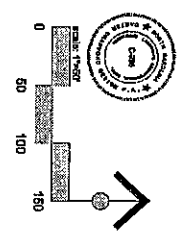
Wastewater is planned to be disposed of through the use of a conventional drain field and repair area as shown on the plan. The anticipated required capacity for the proposed use will be less than or equal to the current capacity.

**SIGNAGE:**

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

**Site Plan**

February 15, 2008



**C&D CONSULTANTS AND DESIGN**  
 4000 Highway 100, Suite 100, Raleigh, NC 27602  
 919.877.8278 FAX 919.877.8284  
 www.canddesign.com

EV 14+RTT D



## 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.**

EXHIBIT C

### *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.*

EXHIBIT D (p. 1 of 2)

- 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.

EXHIBIT D (p. 2 of 2)