

**APPLICATION FOR
CONDITIONAL USE PERMIT
For MICHAEL GRESS
Submitted: June 2011**

**OVERVIEW
AND SUMMARY**

In June of 2003, Michael and Amanda Gress purchased Lot #11 of Weaver Creek Subdivision in New Hill.

In the years since their purchase of the 5.490 acre lot, they have constructed their 5,000 square foot custom home, a pool, terrace and a 4,000 square foot brick structure, originally intended as a horse barn/stable on their lot.

The purpose of this Conditional Use Permit Application is to seek approval of the 4,000 square foot brick building as a Contractor's Plants or Storage Yards and Staging Areas under Section 10 of the Zoning Ordinance. This conditional use is permitted in R-1 residential areas.

The Applicant/Owner, Michael Gress, is the President of Gress, Inc., which is an incorporated business for building pools and landscaping. Mr. Gress is a Licensed General Contractor (unlimited), Certified Master Pool Builder and Certified Landscaper.

Although the business is located in Wake County, Mr. Gress does pool design and installation as well as landscaping in Chatham and throughout Central North Carolina. He needs to utilize a small portion of the lot at his private residence, which lies near the Wake/Chatham line, for storage of business related products. Storage for tools and equipment will be within the 4000 brick building which he built originally as a horse barn/stable, and now wishes to convert to his storage for his business. In addition, to the materials and equipment stored inside the brick building, Mr. Gress will store sand, gravel, mulch and soil conditioning materials as well as some small pieces of equipment outside the building.

Since Mr. Gress is in the landscaping business, he will place berming and appropriate plantings which will provide screening and buffering from the view of the other homeowners in the Weaver Creek Subdivision.

Mr. Gress's company currently employs an average of 10 people in his business, some of whom are from Chatham County. Gross sales for Gress, Inc. in 2010 was approximately \$1.8 million dollars. Since 1998, Gress, Inc. has been an important member of the corporate community.

- (1) Dalma Bright Jones
314 Howland Avenue
Cary, NC 27513
(Parcel #67231)
- (2) Troy R. Williams
4886 Pea Ridge Road
New Hill, NC 27562
(Parcel #67320)
- (3) Lydia Smith
430 Lower Thrift Road
New Hill, NC 27562
(Parcel #61056)
- (4) Clarence E. Adams and Mary S. Adams
432 Lower Thrift Road
New Hill, NC 27562
(Parcel #67232)
- (5) Ronald Joseph Rice
492 Lower Thrift Road
New Hill, NC 27562
(Parcel #62390)
- (6) Edith Ann Mitchell Thrift
800 Lower Thrift Road
New Hill, NC 27562
(Parcel #5771)
- (7) John Claus and Amy Claus
88 Weaver Trail
New Hill, NC 27562
(Parcel #80116)
- (8) Merquiades N. Cespedes and Danica Hancock
7704 Jenks Road
Apex, NC 277523
(Parcel #80108)
- (9) John R. Lechner, Sr., Living Trust
53 Weaver Trail
New Hill, NC 27562
(Parcel #61833)

Gress Adjoining Property Owners (Continued)

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- (10) Glenn E. Hardee and Rhonda N. Hardee
4900 Pea Ridge Road
New Hill, NC 27562
(Parcel #67229)

- (11) L. Edward Sayre and Cathleen M. Sayre
4000 New Yarmouth Parkway
Apex, NC 27502
(Parcel #80109)

WRITTEN LEGAL DESCRIPTION:

As contained in Deed Book 1027, Page 230, Chatham County Registry:

BEING all of Lot #11, containing 5.49 acres, more or less, as shown on the plat entitled "WEAVER CREEK," prepared by Stout Surveying Services, dated October 11, 2002, and recorded in Plat Slide 2002-506, Chatham County Registry, reference to which is hereby made for a more particular description.

FIVE FINDINGS
For
CONDITIONAL USE PERMIT
For
MICHAEL GRESS

The Zoning Ordinance requires the Planning Board and County Commissioners to make the following five (5) findings for Michael Gress's request for a Conditional Use Permit for Contractor's Plants or Storage Yards and Staging Areas.

- 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.**

This application is for a Conditional Use Permit for Contractor's Plants or Storage Yards and Staging Areas, which are allowed by our Zoning Ordinance as a Conditional Use in R-1 Districts.

This request is for storage of Mr. Gress's business-related tools, equipment, and product associated with his master pool building and landscaping businesses. Mr. Gress's personal residence is located on a 5.49 acre lot (Lot #11) in Weaver Creek Subdivision in Southeastern Chatham County. Mr. Gress built a 4,000 square foot brick building which is an ancillary building on his residence lot, which is the subject of this application. This application seeks to use this 4,000 square foot building and one (1) acre around it for storage, for an office and for an employee rest room. No retail sales nor public traffic will be associated with this site. No bulk storage of hazardous materials will on site, other than small quantities of petroleum products, pool and landscaping materials such as baking soda, fertilizer and weed sprays in amounts that would be standard in a residential setting.

Section 10.4 of our Zoning Ordinance specifies the uses allowed in the R-1 zoning district in which Mr. and Mrs. Gress' personal residence is located, and allows a Conditional Use Permit with specific setbacks and parameters.

This proposal meets all of the criteria required by our Ordinance. Table 1 of Section 10.13 of our Zoning Ordinance lists Conditional Uses within the R-1 zone and includes the Contractor's Plants or Storage Yards and Staging Areas Conditional Use Permit for which this application is submitted.

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

Eastern Chatham County has a leading role in providing products and services to the Research Triangle Area, and Gress, Inc. has done just that regarding design and installation of master pools and landscaping of residential and commercial sites in a multi-county area.

It is both essential and desirable for the general public to have access to the services of a company such as Gress, Inc. By allowing this use on the Gress's personal residential lot, a considerable savings is generated over renting a similar space in either Wake or elsewhere in Chatham Counties. That savings can be passed on to the general corporate budget, allowing the company to grow in ways that contribute to the community.

As Gress, Inc. grows, so do the number of employees, payroll and the general reverberation into the economy of Chatham and surrounding counties.

Given the current state of the economy, growing small business is an important stimulus to the general local economy. A recent article in the News & Observer indicated that for every home built, two full time jobs are created. Homebuilding, landscaping and pool construction, such as Gress, Inc., does, are vital to the Chatham economy as well as Statewide.

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.

The public welfare is served by the benefits which flow from this project, as stated in Finding #2 above. The fact that Gress, Inc. employs members of our community speaks to the important impact this company has over the economic well-being of our community.

The health and safety of the community are served by Gress's pool and landscaping products, done in a professional and environmentally appropriate manner.

The storage area itself will be a well-buffered and landscaped area inside a 5+ acre tract, situated at the far back of the Gress lot, which is the first lot within the Weaver Creek subdivision, approximately 400 feet from the nearest residential neighbor. Many of the neighbors to the storage area will not even know or see the area from their subdivision lots. All outdoor areas are limited to storage. Noise will not be an issue since all State and County regulations will be complied with.

This amendment request is for the existing 4000 square foot brick building to service as an office, storage and rest room for Mr. Gress's company. All access to this site will be done off Lower Thrift Road, and no truck traffic serving this site will enter the subdivision. On the average of once a month (and less often in the winter), Gress will receive a delivery of mulch product. Gress utilizes pick up trucks and F-550 trucks (smaller than a dump truck) which will make occasional trips into the site for supplies.

Gas and oil will be stored on site, but not in commercial quantities, as will baking soda, fertilizers and weed sprays for the use of the business and his personal residence. Amounts will be in keeping with residential uses.

There will be no impact on property valuations, no new visual impact, lighting appropriate to the site, no noise, no signs and no manufacturing as a result from this request. Parking and lighting will be installed adjacent to the building, in accordance with the regulations.

4. The requested permit will be consistent with the objectives of the Land Development Plan.

This application is consistent with the Land Development Plan for the following reasons:

This tract lies within the Southern portion of our County and the goals for such include the promoting of industry to improve employment and the County's tax base, and to act as a vehicle for discouraging intense and inappropriate development in other areas of the County.

Under our Plan, an underlying and fundamental policy calls for balanced growth (page 10 of The Plan), achieved through open, pro-active and cooperative action. The vision of The Plan contains the concept of balanced growth, giving a mix of different types of development at appropriate locations (page 10 of The Plan)

In this area of the county, the Land Development Plan calls for "Economic Development Centers." Certainly the Moncure/New Hill/US #1 area is such an economic development center and was the first such center to be developed in Chatham County, even prior to the promulgation of a Land Use Plan for Chatham County.

Closely linked and frequently mentioned in the Conservation and Land Development Plan is the concept of sustainability in our economic development process. Page 12 of The Plan speaks to the idea of encouraging "Green" industries to locate in the County and to ensure that this kind of development is self-sustaining and environmentally sound.

Since this proposal is made as a CUP supporting a company which provides a diverse number of personal services, but is located in a residential area, many aspects of the Land Development Plan are fulfilled. By allowing a small ancillary business use on the personal residence by CUP, we are preserving the rural character of the area. The buffering and typography of this tract will keep the use as a discrete but important part of the business of the landowner.

Our Plan also wishes to encourage home based businesses, and although this is not the small office located in a subdivision, it is a rural area which allows for performance based standards to apply to ancillary buildings which support both business development, expansion of business base and yet keeps the rural character of Chatham County.

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.

Utilities:

Water: This site is served by a private well, previously approved by the County. No additional water source is needed for this proposal.

Septic: The Septic Permit issued by Chatham County was approved in for the Gress residence. An additional permit will be sought for the rest room in this request, and granting of this permit should be conditional upon such additional waste permit.

Access Road: This request will include a gravel entrance from Lower Thrift Road, contingent upon an approved commercial driveway permit. The access road will need to travel only 50' to the site of the building and have an area around the building for the purpose of moving stored materials in and out of the area to the job site. The driveway will be buffered by a 50' vegetative buffer and no sign is required since this is a non-public use.

Storm Water: The addition of the proposed office building will not require any additional storm water and erosion control protections, since a minimal amount of land is to be disturbed.

Impervious Surface Limitations: The project will continue to have an impervious percentage below 36%, as required by our Ordinance.

Recreation. There is no requirement for recreational set aside for this project.

Open Space: Over 70% of this tract remains in open space and the building is fully buffered from the adjacent tracts. The nearest residential structure is over 400 feet from the site. All Zoning Ordinance buffers and setbacks are fully complied with.

