

APPLICATION FOR  
**ZONING DISTRICTS** or  
**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@chathamnc.org](mailto:angela.birchett@chathamnc.org)

**(1) Applicant Information:**

Name: \_Kurt Pfeifer, c/o Withers & Ravenel  
Address: \_\_\_111 MacKenan Drive  
\_\_\_Cary, NC 27511\_\_\_  
Phone No: (h) \_\_\_n/a\_\_\_  
(w) \_\_\_919-469-3340  
(m) \_\_\_919-535-5144\_  
Email: \_\_\_kpfeifer@withersravenel.com

**(2) Landowner Information (as shown on deed)**

Name: \_\_\_Jo Ann Davis\_\_\_  
Address: \_\_\_1289 N Fordham Blvd\_\_\_  
\_\_\_Chapel Hill, NC 27514  
Phone No: (h) \_\_\_n/a\_\_\_  
(w) \_\_\_919-484-9759\_\_\_  
(m) \_\_\_n/a\_\_\_  
Email: \_\_\_scott@fgsnursery.com\_\_\_

Note: Landowner representative is Scott Pearce

**(3) Property Identification:**

911 Address: \_\_\_9157 NC Hwy 751\_\_\_  
\_\_\_\_\_  
S.R. Name: \_\_\_NC Highway 751\_\_\_  
S.R. Number: \_\_\_751\_\_\_  
Township: \_\_\_Code: 13\_\_\_  
Acreage: \_\_\_2\_\_\_  
Flood map #: \_\_\_3720071600J\_\_\_  
(2-07-2007)  
Flood Zone: \_\_\_n/a\_\_\_

PARCEL#: \_\_\_19645  
Deed Book: \_\_\_1466\_ Page: \_\_\_0765\_\_\_ Yr: \_\_\_2009  
Plat Book: \_\_\_n/a\_\_\_ Page: \_\_\_n/a\_\_\_  
Current Zoning District: \_\_\_R-1\_\_\_  
Watershed District: \_\_\_Jordan Lake; WS-IV-PA

**(4) Requested Zoning District OR Conditional Use District: Section 10 of Zoning Ordinance**

\_\_\_\_\_ CU-B-1\_ - (convert residence building on site to retail business)

**(5) Directions to property from Pittsboro:** \_\_\_\_\_ Head east on US 67 Business, take US 64 East, Turn left after Jordan Lake onto NC Hwy 751. Travel north for 9 miles – business will be on the left. It is located near the corner of O’Kelly Chapel Rd and NC Hwy 751. \_\_\_\_\_

**(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 19 Amendment to Zoning Ordinance** of the Chatham County Zoning Ordinance
- \_\_\_\_\_  
(All attached)

**(7) Attach Submission Materials Checklist Information (see Submission Materials Checklist form)**  
\_\_\_\_\_  
Attached

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.

\_\_\_\_\_  
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

Form revised 5/20/2009

## Rezoning

For Garden's Sake Nursery

2 Acre Parcel – PIN: 0716-69-1540.000

The owner of the above referenced property requests a Conditional Use Rezoning from R-1 to B-1. The site has been used as a retail garden center and nursery with an adaptive reuse of the former residential building. The purpose of this Conditional Use Rezoning is to recombine this parcel with the larger parcel toward the rear of the site that is currently used for nursery operations and to bring the two-acre R-1 parcel into compliance allowing the use of the residential building as a business.

The two-acre parcel will remain a garden center and will not change its layout, purpose or use. The only changes or additions will be those required to bring the building into compliance with ADA standards and additional planting installed along the roadway to meet Ordinance screening requirements. A meeting with the Appearance Commission is forth-coming.

The owner has submitted a Conditional Use Permit for the larger parcel at the rear of the site concurrently with this application with the intention of recombining the two parcels under the CU-B1 zoning.

1. A 20' Type B Semi-Opaque Street Yard will be provided with the rezoning of the two-acre parcel, per the county zoning ordinance. Please see attached Street Yard planting exhibit.
2. Ms. Anne Lowry with Chatham County Environmental Health conducted a preliminary review of the properties to determine the feasibility of changing the use of the existing residences. Her comments were as follows:
  - i. "Good news is all you want to do is possible, however in order to make it happen you will need to submit an OP Revision application for each of the homes. The application can be found on line at [www.chathamnc.org/environmentalhealth](http://www.chathamnc.org/environmentalhealth) , once on the site go to the bottom of the page to Related Links and Applications and there will be a link to Well and Septic applications."
  - ii. The owner will fill out the necessary applications upon approval of the rezoning and CUP applications;
3. Chatham County Building Inspector, Mr. Al Davis, visited the site.
  - i. Mr. Davis stated that in order to be in compliance with ADA code, the retail building will need to update parking, accessibility to the building and the existing restroom.
  - ii. The owner will make the required upgrades upon approval of the rezoning and CUP applications.

The following points highlight some of the reasons the owner believes this rezoning is in line with the vision and goals of Chatham County.

1. Based upon the *Land Conservation and Development Plan* (LCDP), Chatham County's vision is to "preserve both the form and function of rural character – the landscape, agriculture, and home-based businesses." The LCDP goes on to state that the vast majority of the land within the county shall be designated for agriculture and rural development and that this may be the "single greatest determinant of what kind of place Chatham County becomes a generation from now." Maintaining this site as a horticultural/agricultural based business meets the vision and needs of the county.
2. Two other policies within the LCDP deal with protecting the quality and availability of groundwater and surface water resources and providing infrastructure that supports land use and environmental objectives. The nursery operations utilize on-site ponds for irrigation and the site is graded to allow all surface water to drain into the ponds. This limits the burden on County water, allows groundwater re-charge and creates a sustainable cycle of water use. In addition, there will be no increase in impervious surface, thus adding no additional strain on the County stormwater system. Per the Plan, utilizing ponds on-site for irrigation "promotes more efficient use of water resources by reducing water use and increases re-use of reclaimed water."
3. The LCDP also states that 5-acre lots shall be maintained in the county's watershed, of which this parcel resides. The rezoning of this two-acre parcel will combine it with a larger 17.246-acre parcel.
4. The LCDP designates seven types of preferred places, one of which is "Agricultural and Rural Development Areas". The plan states that this is land designed for farming, forestry, homes and small cross-road commercial businesses that support rural character. The garden center and nursery aptly meet this description, both as agricultural land and a small retail business support the community.
5. In keeping with the vision of Chatham County's rural and agricultural heritage, this site will not be used for strip development, but does provide a viable business for the community. The LCDP states that nurseries and specialty farming are on the rise, representing an economic trend that is creating a niche for Chatham County.

APPLICATION FOR

**CONDITIONAL USE PERMIT**

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

Tel: 919/542-8204  
Fax: 919/542-2698  
Email: [angela.birchett@chathamnc.org](mailto:angela.birchett@chathamnc.org)

**(1) Applicant Information:**

Name: \_\_\_ Kurt Pfeifer, c/o Withers & Ravenel  
Address: \_\_\_ 111 MacKenan Drive  
\_\_\_ Cary, NC 27511  
Phone No: (h) \_\_\_ n/a \_\_\_  
(w) \_\_\_ 919-469-3340 \_\_\_  
(m) \_\_\_ 919-535-5144 \_\_\_  
Email: \_\_\_ kpfeifer@withersravenel.com

**(2) Landowner Information (as shown on deed)**

Name: \_\_\_ Jo Ann Davis \_\_\_  
Address: \_\_\_ 1289 N Fordham Blvd Chapel  
Hill, NC 27514 \_\_\_  
Phone No: (h) \_\_\_ n/a \_\_\_  
(w) \_\_\_ 919-484-9759 \_\_\_  
(m) \_\_\_ n/a \_\_\_  
Email: \_\_\_ scott@fgsnursery.com \_\_\_  
Note: Landowner representative is Scott Pearce

**(3) Property Identification:**

911 Address: \_\_\_ 9197 NC Hwy  
751 \_\_\_  
S.R. Name: \_\_\_ NC Hwy 751 \_\_\_  
S.R. Number: \_\_\_ 751 \_\_\_  
Township: \_\_\_ Code 13 \_\_\_  
Acreage: \_\_\_ 17.246 \_\_\_  
Flood map #: \_\_\_ 3720071600J \_\_\_  
(2-07-2007)  
Flood Zone: \_\_\_ n/a \_\_\_

PARCEL#: \_\_\_ 19644 \_\_\_  
Deed Book: \_\_\_ 1466 \_\_\_ Page: \_\_\_ 0763 \_\_\_ Yr: \_\_\_ 2009  
Plat Book: \_\_\_ 37 \_\_\_ Page: \_\_\_ 14 \_\_\_  
Current Zoning District: \_\_\_ CU-B1 \_\_\_  
Watershed District: \_\_\_ Jordan Lake; WS-IV-PA

**(4) Requested Conditional Use Permit for the following Uses: Section 10 of Zoning Ordinance**

\_\_\_\_\_ Residence building on site to be converted back to residence from business use. \_\_\_\_\_

**(5) Directions to property from Pittsboro:** \_\_\_ Head east on US 67 Business, take US 64 East, Turn left after Jordan Lake onto NC Hwy 751. Travel north for 9 miles – business will be on the left. It is located near the corner of O’Kelly Chapel Rd and NC Hwy 751. \_\_\_\_\_

**(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 Conditional Use Permits** of the Chatham County Zoning Ordinance
- \_\_\_\_\_ (all attached)\_\_\_\_\_

**(7) Attach Submission Materials Checklist Information (see Submission Materials Checklist form)**  
\_\_\_\_\_ (attached)\_\_\_\_\_

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.

\_\_\_\_\_  
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

## **Conditional Use Permit – General Application Requirements**

For Garden's Sake Nursery

17.246-acre parcel – PIN: 0716-59-6723.000

*Please see the attached Existing Conditions plan for the location of the site and on-site amenities.*

Note: This Conditional Use Permit application is being submitted concurrently with a Rezoning application for a two-acre parcel on the road frontage of the site. These two parcels are being used currently as a garden center and nursery and once the front parcel is rezoned to CU-B1, they will be recombined into one parcel. A meeting with the Appearance Commission is forth-coming.

1. The site is located near the intersection of NC Highway 751 and O'Kelly Chapel Road in Chatham County. *Please see the attached Existing Conditions plan.*
  - a. The site is serviced by NC Highway 751 and has two driveway access roads.
  - b. There are no private roads servicing the site, although there are gravel drives within the parcel.
  - c. The site is zoned CU-B-1 to allow for the conditional use of the building in the rear as a sales center.
  - d. The site is within the Jordan Lake Watershed, and designated WS-IV-PA. The low-density nature of the site, along with on-site water retention in ponds to prevent storm water runoff and the large parcel size with a large percentage undisturbed help to preserve the water quality of Jordan Lake. The LCDP states that 5-acre lots shall be maintained in the county's watershed, of which this parcel resides. The rezoning of this 17.246-acre parcel will combine it with a two-acre parcel, creating a 19.246 acre parcel. Approximately 16.4% of the site is impervious and 36% impervious is allowed (no curb and gutter street system). No additional impervious surfaces will be added to the site.
  - e. According to the Inventory of the *Natural Areas and Wildlife Habitats of Chatham County, NC*, the site does not appear to be in any major wildlife areas, however Chatham County GIS indicates the site borders land designated as "Jordan Lake Bald Eagle Habitat". This is land owned by the US Army Corps of Engineers. The portion of property adjacent to the US Army Corps of Engineers land is undisturbed and will remain so.
  - f. 17.246-acre parcel (adjacent 2-acre site being rezoned concurrently for a total of 19.246 acres)
  - g. No known easements are on site.



- h. The current and proposed use of the site will be Nursery Operations and Garden Center with a residence at the rear of the site for the caretaker.
  - i. The 17.246-acre parcel has one residential dwelling on site, two sheds, 8 greenhouse buildings, three ponds, gravel driveways and turn-arounds, and plant staging/growing areas.
  - j. The current Conditional Use of the site is for the building at the rear of the site to be used as a sales center. This Conditional Use Permit is to change that use from business to a residence for the caretaker.
2. The requested use is CU-B-1 to allow for the back building to be used as a residence. The nursery and garden center will still function the same, the conditional use permit and rezoning of the two-acre parcel is to bring the site into compliance.
3. Please see attached "Existing Conditions" plan that shows:
- a. Existing buildings on site
  - b. Proposed new buildings – no new buildings are proposed.
  - c. Landscape plan – see attached Street yard sketch that shows additional planting required along NC Hwy 751 per Chatham County Zoning Ordinance.
  - d. No additional screening or buffering is required
  - e. Natural preserved areas will remain
  - f. Site boundaries and adjacent properties are shown.
  - g. Parking is gravel lot and will be amended to allow for required handicap spaces.
  - h. Sign will remain at corner of gravel drive and NC Hwy 751.
  - i. No areas are reserved for future development.
  - j. No additional lighting is required or proposed.
  - k. The percentage of impervious surface is shown on the Existing Conditions Plan.
  - l. The site will not be graded unless handicap parking and pedestrian access to retail center on two-acre parcel requires detailed grading modifications.
  - m. Road information is on plan.
  - n. Parcel ID and zoning is shown on plan.
  - o. No stream or wetland setbacks are required.
4. Upon receipt of the approved Conditional Use Permit and Re-Zoning approval for the two-acre tract, any required improvements to the garden center building and parking lot to meet building and ADA codes will be conducted.

5. Adjacent Property Owners - shown on plan. Mailing addresses listed below and on attached sheet:
  - a. Charmayne P Delargy  
PO Box 12085  
Research Triangle Park, NC 27709
  - b. Tom C. Thompson Jr.  
9072 NC Highway 751  
Durham, NC 27713
  - c. Doris Clark  
57 O'Kelly Chapel Road  
Durham, NC 27713
  - d. Michelle Lee Vroman Hood and Robin K. Hood  
9295 NC Highway 751  
Durham, NC 27713
  - e. O'Kelly Chapel Christian Church  
9245 NC Highway 751  
Durham, NC 27713
  - f. Michael F. and Elaine M. Brown  
2416 Flints Pond Circle  
Apex, NC 27523
  - g. Sally L. Davidson  
9015 NC Highway 751  
Durham, NC 27713
  - h. John E Booth Farms, LLC  
8794 NC Highway 751  
Durham, NC 27713
  - i. United States of America  
c/o US Army Corps of Engineers  
PO Box 144  
Moncure, NC 27559
6. Reference to Existing County Plans:
  - a. The site is in the Jordan Lake Watershed, and designated WS-IV-PA. The site currently meets the lot size and impervious requirements of this watershed designation and does not plan on adding any additional impervious surfaces.

### **Conditional Use Permit – Specific Application Requirements**

The owner of the above referenced property requests a Conditional Use Permit to allow residential use in the home situated at the back of the property that is zoned CU B-1. The site's conditional use zoning previously allowed for a sales center only on the property, not residential use. The retail garden center has moved to the

building on the two-acre parcel closer to the street (concurrently requesting rezoning on this parcel to B-1). The rezoning

This site has been used as a nursery for the retail garden center located on the adjacent two-acre parcel fronting the street. The home toward the rear of the site will be used for the caretaker to live on-site, but the nursery operations of the site will not change.

The 17.246-acre parcel will remain a nursery and garden center and will not change its layout, purpose or use. The Conditional Use Permit is intended to bring the parcel's current uses into compliance.

Per Section 17 – Conditional Use Permits, the following five findings shall be affirmed:

- 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.**
  - A single family dwelling is permitted within a B-1 zoning designation.
  - The nursery/garden center that already exists on site provides an agricultural amenity that meets the general guidelines and vision for Chatham County.
- 2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.**
  - The use of the site for a nursery and garden center with a caretaker on site, supports the vision of the *Land Conservation and Development Plan* (LCDP) because it is an agricultural business, preserving the farming and rural heritage of Chatham County.
  - The business already exists on site and is desirable as a community resource and convenience and as a viable business supporting the local economy.
  - Although nurseries in the County may be on the rise, per the LCDP, the two closest garden centers are over two miles away and over four miles away. With the development of subdivisions in the vicinity, there is a critical need to provide a garden center and nursery service to the public.
  - No additional public services or improvements are required or needed for the conditional use requested.
  - As a viable business providing retail and property taxes to the County, the garden center is an advantageous use of the property. According to the Owner's records, sales tax

revenue in 2010 was approximately \$13,000 and property taxes are about \$4,000 per year.

- The garden center and nursery provide jobs to local citizens. Owner's records show that the business employs approximately 10 full-time employees, five part-time employees and another five seasonal employees. Average part-time wages are \$9.50 per hour and average full-time salaries are \$40,000 per year.

**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.**

- The garden center and nursery already exists and has been in business for many years. No additional strain or burden will be placed upon Emergency Services by nature of this Conditional Use Permit.
- Traffic patterns will not change and no additional traffic congestion will be anticipated by nature of this Conditional Use Permit.
- The impact to surrounding land values will remain unchanged by nature of this Conditional Use Permit.
- The agricultural and small retail center nature of the business is in keeping with the character and integrity of the surrounding districts. The retail business is located in a former residential dwelling, thus meeting the scale, quality and character of the adjoining residential parcels.
- The nursery makes every effort to utilize sustainable principles, such as reusing water on site for irrigation through the use of ponds and not increasing impervious surfaces.
- The nursery will plant additional evergreen shrubs and trees to meet the screening requirements required by the zoning ordinance along NC Highway 751.
- No additional lighting, noise or chemical use is proposed by this Conditional Use Permit. No complaints of any kind have been received from neighbors.
- The existing sign will remain and is not planned to change.

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

- The following points highlight some of the reasons the owner believes this rezoning is in line with the vision and goals of Chatham County.

1. Based upon the *Land Conservation and Development Plan* (LCDP), Chatham County's vision is to "preserve both the form and function of rural character – the landscape, agriculture, and home-based businesses." The LCDP goes on to state that the vast majority of the land within the county shall be designated for agriculture and rural development and that this may be the "single greatest determinant of what kind of place Chatham County becomes a generation from now." Maintaining this site as a horticultural/agricultural based business meets the vision and needs of the county.
  2. Two other policies within the LCDP deal with protecting the quality and availability of groundwater and surface water resources and providing infrastructure that supports land use and environmental objectives. The nursery operations utilize on-site ponds for irrigation and the site is graded to allow all surface water to drain into the ponds. This limits the burden on County water, allows groundwater re-charge and creates a sustainable cycle of water use. In addition, there will be no increase in impervious surface, thus adding no additional strain on the County stormwater system. Per the Plan, utilizing ponds on-site for irrigation "promotes more efficient use of water resources by reducing water use and increases re-use of reclaimed water."
  3. The LCDP also states that 5-acre lots shall be maintained in the county's watershed, of which this parcel resides. The rezoning of this two-acre parcel will combine it with a larger 17.246-acre parcel.
  4. The LCDP designates seven types of preferred places, one of which is "Agricultural and Rural Development Areas". The plan states that this is land designed for farming, forestry, homes and small cross-road commercial businesses that support rural character. The garden center and nursery aptly meet this description, both as agricultural land and small retail business support to the community.
  5. In keeping with the vision of Chatham County's rural and agricultural heritage, this site will not be used for strip development, but does provide a viable business for the community. The LCDP states that nurseries and specialty farming are on the rise, representing an economic trend that is creating a niche for Chatham County.
5. **Adequate facilities, 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.**
- The garden center and nursery already exist on site. The infrastructure for the site already exists. No additional water resources or wastewater treatment are required as a result of this Conditional Use Permit.
  - No additional access roads or driveways are required. Please see attached NCDOT driveway permit dated February, 2000.

- The site is located with the Jordan Lake watershed and provides water collection in the form of ponds that are used for irrigation on site, thus reducing additional burden on the County storm drainage or water systems. Most of the site's stormwater runoff currently flows into the ponds on-site. No additional stormwater structures or treatments will be necessary.
- The impervious surfaces on site will not be increased and the rural and agricultural nature of the business will remain. Currently, approximately 16.4% of the site is impervious (gravel roads, parking and building structures). This percentage will remain, although some of the parking and sidewalks will be paved in order to be in compliance with ADA requirements. A large portion of the site is still forested and undisturbed, three large ponds are on site and the remainder is used for nursery and retail operations. *(see attached aerial)*
- As a site with over 17 acres (looking to combine with the adjacent 2-acre parcel in the concurrent rezoning request), the site will meet the requirements and vision of the County of larger agricultural parcels and minimizes its impact on the neighboring residential parcels.
- A 20' Type B Street Yard will be provided with the rezoning of the two-acre parcel, per the county zoning ordinance. Please see attached Street Yard planting exhibit.
- Ms. Anne Lowry with Chatham County Environmental Health conducted a preliminary review of the properties to determine the feasibility of changing the use of the existing residences. Her comments were as follows:
  - i. "Good news is all you want to do is possible, however in order to make it happen you will need to submit an OP Revision application for each of the homes. The application can be found on line at [www.chathamnc.org/environmentalhealth](http://www.chathamnc.org/environmentalhealth) , once on the site go to the bottom of the page to Related Links and Applications and there will be a link to Well and Septic applications."
  - ii. The owner will fill out the necessary applications upon approval of the rezoning and CUP applications;
- Chatham County Building Inspector, Mr. Al Davis, visited the site.
  - i. Mr. Davis stated that in order to be in compliance with ADA code, the retail building will need to update parking, accessibility to the building and the existing restroom.
  - ii. The owner will make the required upgrades upon approval of the rezoning and CUP applications.

Adjacent Landowners (property owners across a public or private road, easement, or waterway are considered adjacent landowners)

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

(1) Charmayne P Delargy  
PO Box 12085  
Research Triangle Park, NC 27709

(3) Doris Clark  
57 O'Kelly Chapel Road  
Durham, NC 27713

(5) O'Kelly Chapel Christian Church  
9245 NC Highway 751  
Durham, NC 27713

(7) Sally L. Davidson  
9015 NC Highway 751  
Durham, NC 27713

(9) United States of America  
c/o US Army Corps of Engineers  
PO Box 144, Moncure, NC 27559

(11) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(13) \_\_\_\_\_  
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(15) \_\_\_\_\_  
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(17) \_\_\_\_\_  
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(19) \_\_\_\_\_  
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(21) \_\_\_\_\_  
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(23) \_\_\_\_\_  
\_\_\_\_\_  
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(25)

(2) Tom C. Thompson Jr.  
9072 NC Highway 751  
Durham, NC 27713

(4) Michelle Lee Vroman & Robin K. Hood  
9295 NC Highway 751  
Durham, NC 27713

(6) Michael F. and Elaine M. Brown  
2416 Flints Pond Circle  
Apex, NC 27523

(8) John E Booth Farms, LLC  
8794 NC Highway 751  
Durham, NC 27713

(10) \_\_\_\_\_  
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(12) \_\_\_\_\_  
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(18) \_\_\_\_\_  
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(20) \_\_\_\_\_  
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(22) \_\_\_\_\_  
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(24) \_\_\_\_\_  
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(26)

### 20' Type B Semi-Opaque Buffer

Approximately 325 linear feet of road frontage, excluding driveway.

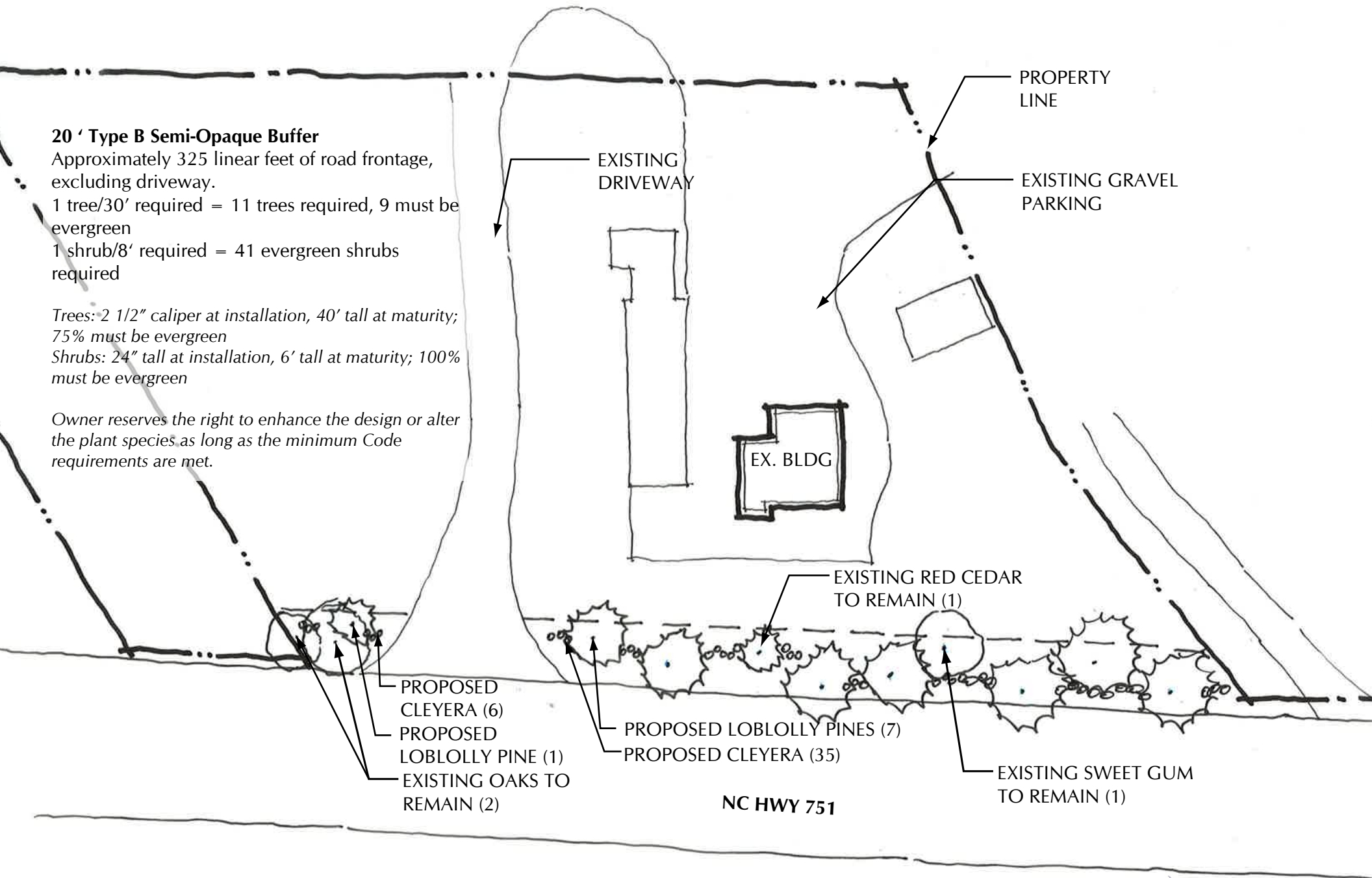
1 tree/30' required = 11 trees required, 9 must be evergreen

1 shrub/8' required = 41 evergreen shrubs required

Trees: 2 1/2" caliper at installation, 40' tall at maturity; 75% must be evergreen

Shrubs: 24" tall at installation, 6' tall at maturity; 100% must be evergreen

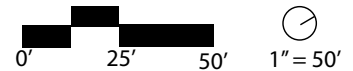
Owner reserves the right to enhance the design or alter the plant species as long as the minimum Code requirements are met.



## For Garden's Sake

**WITHERS & RAVENEL**  
ENGINEERS | PLANNERS | SURVEYORS

Street Yard Buffer Exhibit - 20' Type B Semi-Opaque Screening







RECEIVED

FEB 16 2000

STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS

Division 3  
Department of Transportation

JAMES B. HUNT JR.  
GOVERNOR

DAVID McCOY  
SECRETARY

February 15, 2000

Chatham County

County Driveway Permit File Number 52-456

Subject: Commercial Driveway Permit Applications with Entrance onto NC 751

Ms. JoAnn Davis  
1289 North Fordham Blvd.  
Chapel Hill, N.C. 27514


Dear Ms. Davis:

A review of the permit Application has been conducted by personnel assigned to this office and approval is granted subject to the following stipulations:

1. The entrance onto NC 751 is to be constructed in accordance with the attached detail sheets.
2. The driveway entrance on NC 751 shall require 56' of 15" pipe as shown on plans (either reinforced concrete pipe or corrugated metal pipe is recommended). The driveway pipe is to be furnished by the owner/developers, not the N.C. Department of Transportation. Please refer to the attached detail sheets.
3. The entrances shall require a 35' radius on each side of the driveways as shown on the attached drawing.
4. No parking or outdoor advertising (signs) shall be allowed inside the right of way of NC 751.
5. Any areas inside the right of way disturbed during construction shall be seeded and mulched immediately upon completion of construction.

Attached to this correspondence please find an approved copy of TEB Form 65-04 (Driveway Permit Application - N. C. Department of Transportation). Upon completion of the driveway entrance construction please notify the Chatham County Maintenance Department (Phone 919-742-3431) so a final inspection of the entrance can be made.

Yours very truly,

  
J. L. Picklesimer, P.E., P.L.S.  
District Engineer

WWW:  
Attachment

cc: Mr. W. F. Rosser  
Mr. M.C. Tillman

P.O. BOX 1164, ASHEBORO, NORTH CAROLINA 27204  
PHONE (336) 629-1423 FAX (336) 629-7228

## LOCATION OF PROPERTY:

County Chatham Access to Route No. NC 751Exact Distance 500 ☐ Miles ☒ Feet ☐ N ☒ S ☐ E ☐ WFrom the Intersection of Route No. NC 751 and Route No. SR 1731 Toward SR 1733N. C. DEPARTMENT OF TRANSPORTATION  
STREET AND DRIVEWAY ACCESS  
PERMIT APPLICATION

PROPERTY WILL BE USED FOR: ☐ Special Commercial ☐ Regular Commercial ☐ Residential/Subdivision ☒ Other Nursery  
 PROPERTY ☐ is ☒ is not within Any City Zoning Area.  
 PROPERTY IS LOCATED IN: ☒ Rural ☐ Urban Development Classification

## AGREEMENT

I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location.

I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation.

I agree that no signs or objects will be placed on or over the public right-of-way.

I agree that the driveway(s) or street(s) will be constructed as shown on the sketch on (the reverse side) (the attached plans).

I agree that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary.

I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction.

I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways".

I agree to pay an installation fee for pipe installed by the Division of Highways or pay a \$50 inspection fee for installation by others. Make checks payable to NCDOT. The inspection fee will be reimbursed if application is denied.

I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel.

I agree to provide during construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the Division Engineer.

I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction.

I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction.

I agree to provide a Performance Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system.

I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.

Entrance Width(s)	Pipe Size	Pipe Length	Pipe Installation Costs	Inspection Satisfactory (Yes/No)	AMOUNT RECEIVED	INSTALLATION BY: ( ) NCDOT (X ) OTHERS	
1. 24'	15"	56'	\$		Fifty and no/100		Dollars \$ 50.00
2. _____	_____	_____	\$		<i>Wayne Whorton</i>	TTIV	2-8-2000
3. _____	_____	_____	\$				

INSPECTION BY NCDOT



PROPERTY OWNER		WITNESS	
NAME <u>JoAnn Davis</u>	NAME <u>Jesse A. Faught, Jr.</u>		
SIGNATURE <i>JoAnn Davis</i>	SIGNATURE <i>Jesse A. Faught Jr.</i>		
ADDRESS <u>1289 N. Fordham Blvd, Suite A149</u>	ADDRESS <u>1289 N. Fordham Blvd, Suite A149</u>		
Chapel Hill, NC 27514 Phone No. <u>919 484-9759</u>	Chapel Hill, NC 27514		

APPLICANT		WITNESS	
NAME _____	NAME _____		
SIGNATURE _____	SIGNATURE _____		
ADDRESS _____	ADDRESS _____		
Phone No. _____			



## APPROVALS

APPROVAL BY: Local Governmental Authority (when required)

SIGNATURE	TITLE	DATE
APPLICATION RECEIVED BY DISTRICT ENGINEER		
		2-08-2000
SIGNATURE	DATE	
APPLICATION APPROVED BY DISTRICT ENGINEER		
		2-15-2000
SIGNATURE	DATE	

### COMMENTS:

County Driveway Permit File Number 52-456

### SHOW:

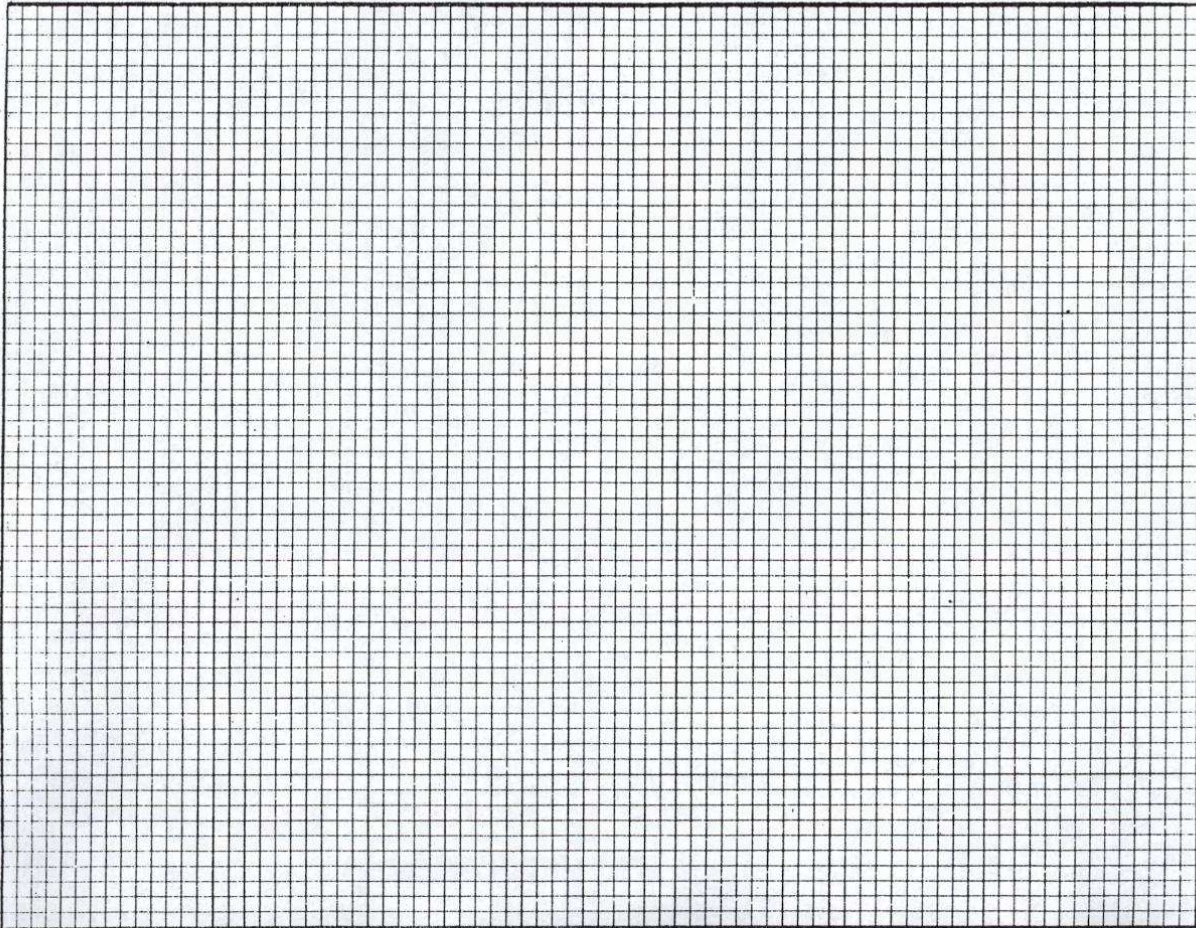
1. LOCATION OF DRIVEWAYS
2. DETAILS OF WORK, INCLUDING PIPES
3. EXISTING BUILDING, WALL, ETC.
4. PROPOSED BUILDING, WALL, ETC.
5. HIGHWAY FEATURES

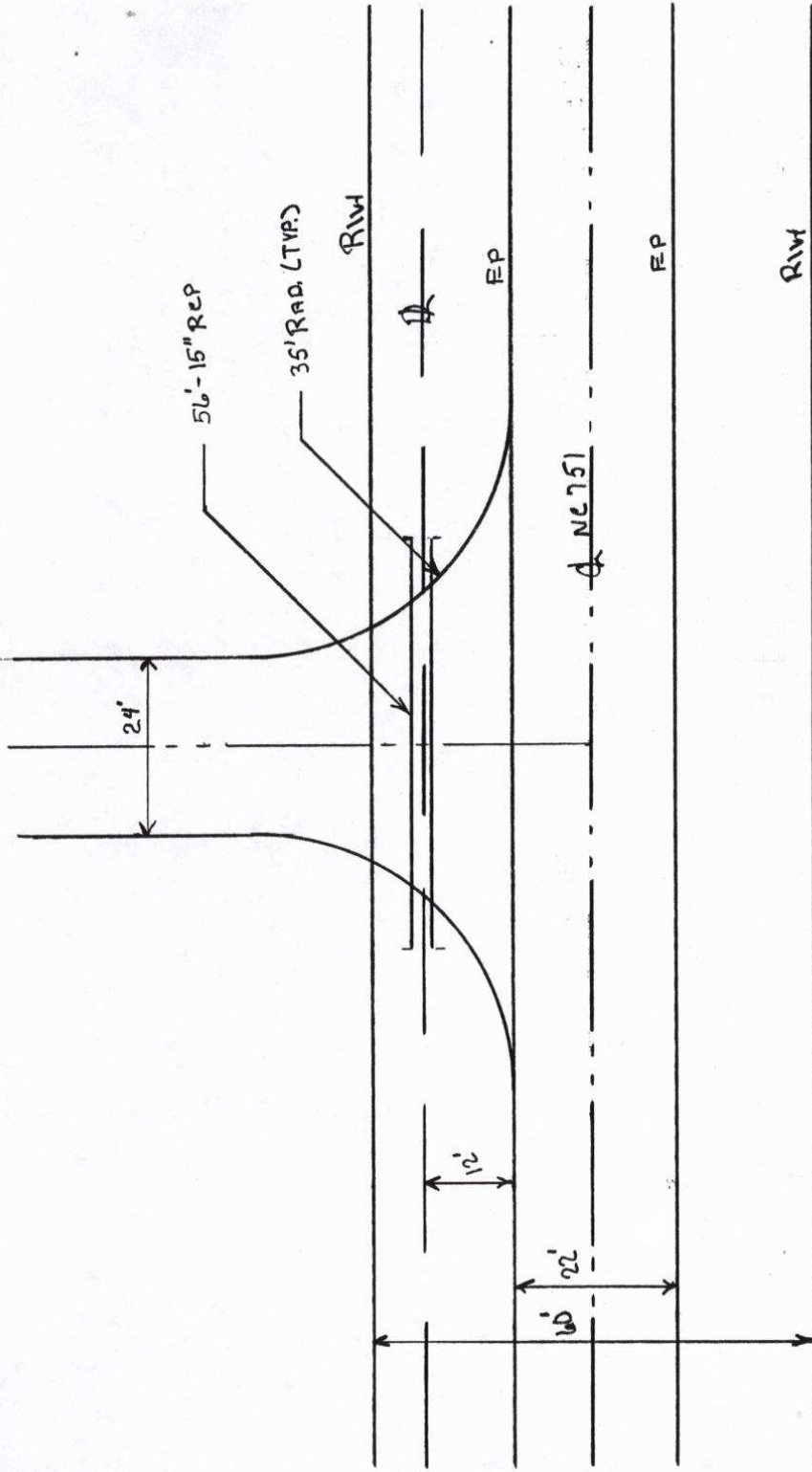
### PROPOSED PLANS

DRAW OR SKETCH BELOW, OR ATTACH  
CONSTRUCTION PLANS FOR STREETS  
OR DRIVEWAYS.

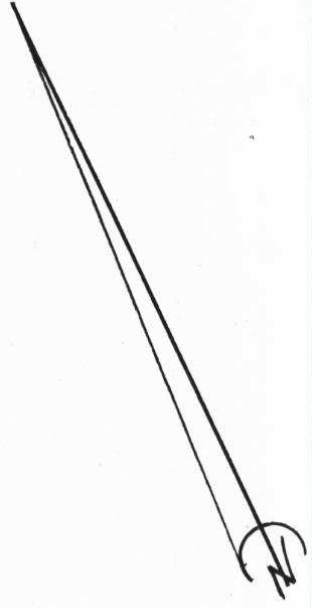


INDICATE  
NORTH





DRAWN BY WWH 2-15-2000  
SCALE 1"=20'

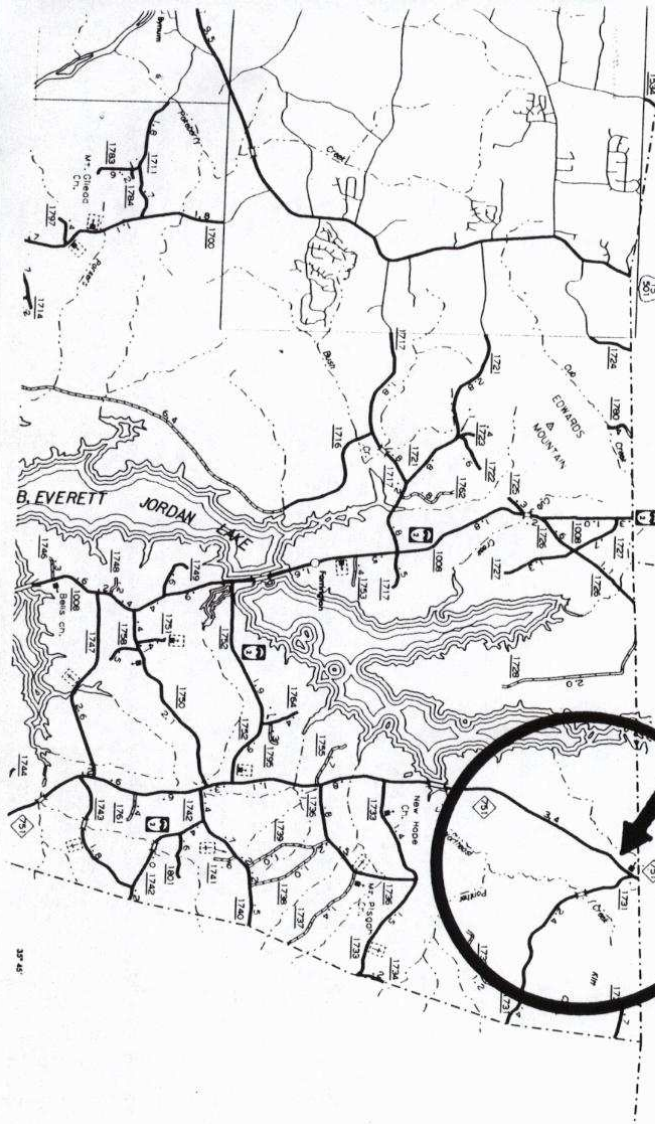




C O U N T Y

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

4



1,980,000'

2,000,000'

2,040,000'



Rosser

STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS

JAMES B. HUNT JR.  
GOVERNOR

DAVID McCoy  
SECRETARY

February 15, 2000

Subject: Form TEB 65-04 - Driveway Permit Fee

County Driveway Permit File Number 52-456


Mr. C. Wayne Stallings  
Controller  
N. C. Department of Transportation  
Division of Highways  
Raleigh, N. C.

Dear Mr. Stallings:

Attached please find your copy of the approved Form TEB 65-04 Driveway Permit and check in the Amount of \$50.00 for the following commercial driveway entrances:

DATE OF APPROVAL: February 15, 2000  
APPLICANT: JoAnn Davis  
ROUTE: NC 751  
COUNTY: Chatham  
DEPARTMENT: 43081  
OBJECTIVE CODE: 954  
WORK ORDER NO: 5.5211  
FUNCTION CODE: 472

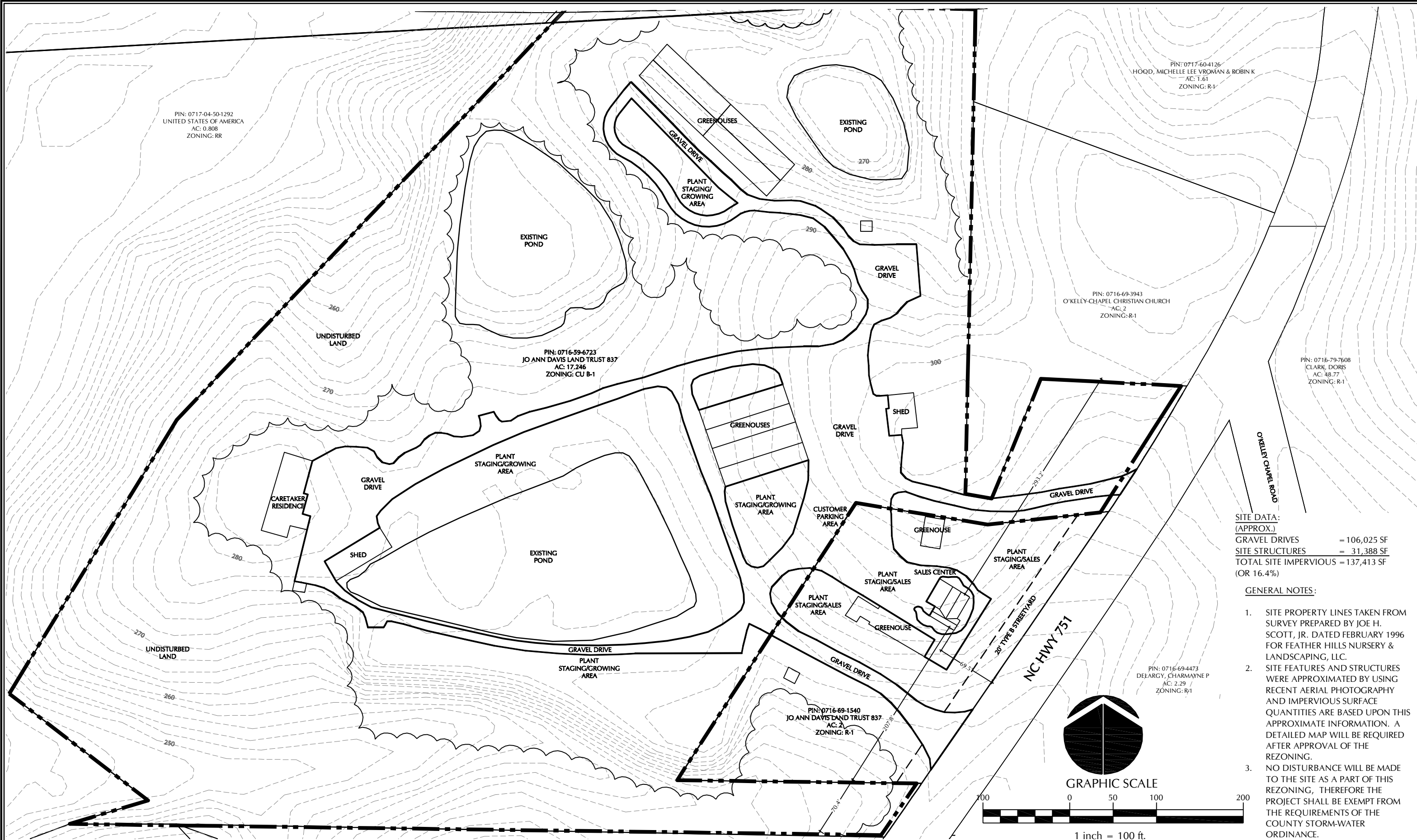
Yours very truly,

  
J. L. Picklesimer, P.E., P.L.S.  
District Engineer

WWW:

✓ cc: Mr. W. F. Rosser

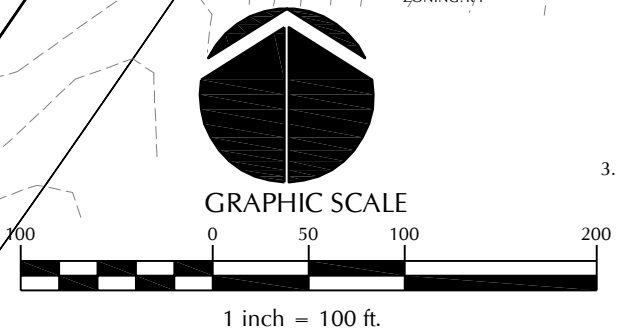
P.O. BOX 1164, ASHEBORO, NORTH CAROLINA 27204  
PHONE (336) 629-1423 FAX (336) 629-7228



**SITE DATA:**  
(APPROX.)

GRAVEL DRIVES	= 106,025 SF
SITE STRUCTURES	= 31,388 SF
TOTAL SITE IMPERVIOUS	= 137,413 SF (OR 16.4%)

- GENERAL NOTES:**
1. SITE PROPERTY LINES TAKEN FROM SURVEY PREPARED BY JOE H. SCOTT, JR. DATED FEBRUARY 1996 FOR FEATHER HILLS NURSERY & LANDSCAPING, LLC.
  2. SITE FEATURES AND STRUCTURES WERE APPROXIMATED BY USING RECENT AERIAL PHOTOGRAPHY AND IMPERVIOUS SURFACE QUANTITIES ARE BASED UPON THIS APPROXIMATE INFORMATION. A DETAILED MAP WILL BE REQUIRED AFTER APPROVAL OF THE REZONING.
  3. NO DISTURBANCE WILL BE MADE TO THE SITE AS A PART OF THIS REZONING, THEREFORE THE PROJECT SHALL BE EXEMPT FROM THE REQUIREMENTS OF THE COUNTY STORM-WATER ORDINANCE.



No.	Revision	Date	By

Designer	N/A	Scale	1" = 50'
Drawn By	KAP	Date	08/18/11
Checked By	KAP	Job No.	205999.9

**FOR GARDEN'S SAKE NURSERY**  
Chatham County, North Carolina

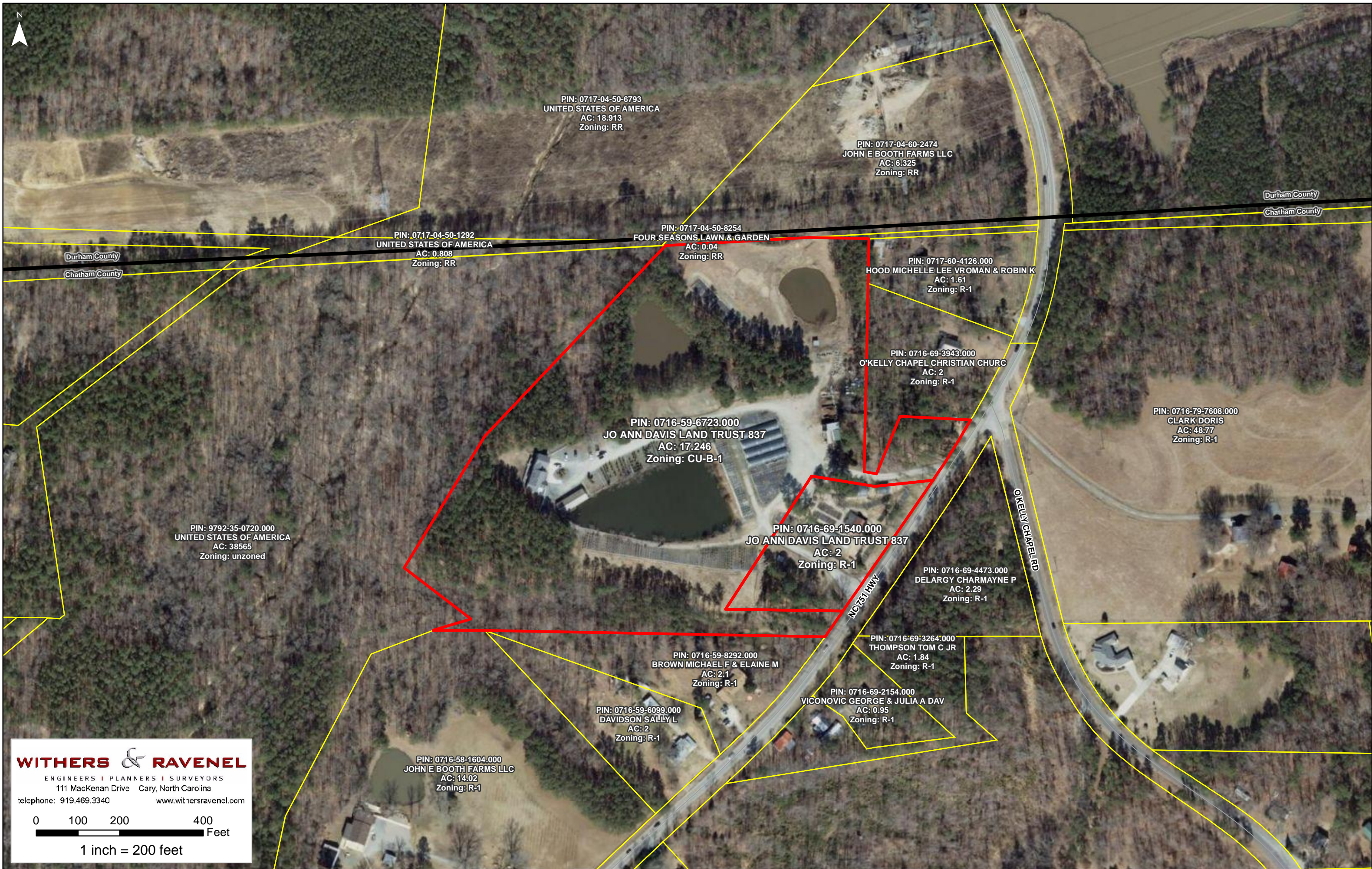
**EXISTING CONDITIONS**

**WITHERS & RAVENEL**  
ENGINEERS | PLANNERS | SURVEYORS  
111 MacKinnon Drive Cary, North Carolina 27511 tel: 919-469-3340 www.withersravenel.com License No. C-0832

Sheet No.  
**EX1**

K:\11\1-0280\110281-For Garden's Sake Nursery\CAD base.dwg - Thursday, August 18, 2011 5:02:22 PM - WAGNER, JENNIFER





**WITHERS & RAVENEL**  
ENGINEERS | PLANNERS | SURVEYORS  
111 Mackenan Drive Cary, North Carolina  
telephone: 919.469.3340      www.withersravenel.com

0    100    200    400  
Feet

1 inch = 200 feet