

OFFICE COPY

APPLICATION FOR CHANGE OF ZONING OF PROPERTY

Chatham County
Planning Department

P. O. Box 54, 80-A East St, Pittsboro, NC 27312
Telephone: (919) 542-8204 FAX: (919)542-2698

Section A. APPLICANT INFORMATION

NAME OF APPLICANT: Yanders Landscaping Inc

MAILING ADDRESS OF APPLICANT: P.O. Box 507 Pittsboro NC 27312

PHONE NUMBER/E-MAIL OF APPLICANT: 919-387-7521 yanderslandscape@aol.com

PROPERTY OWNER INFORMATION (If different from the applicant): *Owner Authorization Signature Required; See end of application.

Name(s) Todd and Suzanne Yanders

Address: 70 Roach Ranch Rd

Pittsboro NC ZIP 27312

Telephone: 919-542-2223 FAX: 919-542-2243

E-Mail Address: suzanyande@aol.com

PROPERTY INFORMATION: The following information is required to provide the necessary information to process the rezoning request:

ADDRESS OF SUBJECT SITE: 190 Hatley Rd Pittsboro, NC 27312

CHATHAM COUNTY PROPERTY PARCEL NUMBER (AKPAR #): 17352

CURRENT ZONING DISTRICT(S): R1 PROPOSED ZONING DISTRICT(S): CD-NB

TOTAL SITE ACRES/SQUARE FEET: 8.02

PROPOSED USE(S) AND PROPOSED CONDITIONS FOR THE SITE: _____

See Attached

It is important that the applicant provide information to explain how the rezoning request satisfies the following questions. All applications shall contain the following information. Please use attachments if necessary:

1. **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.**

See Attached

2. **The changed or changing conditions, if any, of 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.**

See Attached

3. **The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.**

See Attached

4. **All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.**

See Attached

Section B. SUBMITTAL INFORMATION AND PROCEDURE

- (1) Sixteen (16) completed application packets and all supporting information shall be submitted to the Planning Department at least forty-five (45) days prior to the Public Hearing. **(PLEASE SEE ATTACHED CALENDAR FOR ALL SUBMITTAL AND DEADLINE DATES)** A digital copy of the application packet shall be submitted pursuant to the Planning Department Digital Document Submission Guidelines.

APPLICATION FOR CHANGE OF ZONING

Yanders Landscaping, Inc

PROPOSED USE AND PROPOSED CONDITIONS FOR THE SITE

It is proposed that Yanders Landscaping, Inc., a landscape design company, will operate out of this location on 190 Hatley Rd., Pittsboro, NC. The landscaping design business will consist of materials and equipment necessary to conduct business such as mulch, plant material, irrigation supplies, mowers and small equipment.

In addition to the existing agricultural designation, which is occupied by Yanders Nursery, it is also proposed that it be zoned as a neighborhood business, to include Yanders Landscaping, Inc. since they are reciprocating businesses.

1. We claim no error in the ordinance.
2. Yanders Landscaping has been in business since 1996, operating in Wake County until 2010, when the property that it was established on was taken by eminent domain for the 540 toll road. The business was then moved to Chatham County. Initially a portion of this parcel was used as a nursery for growing plant material for Yanders Landscaping, Inc., but with the declining economy from 2008 to 2012 building stalemated, and the demand for plant material diminished.
3. With the current growth in the economy and the thoughtful development of Chatham County in the coming years, it is the aspiration of Yanders Landscaping, Inc., to continue to provide quality landscaping design and services to Chatham County and the surrounding areas.
4. By designating this property as a neighborhood landscaping design business, it will be able to operate in full accordance of Chatham County Zoning. Through Conditional Use Zoning, Yanders Landscaping will continue to conduct business and provide employment and services to Chatham County.

Yanders Landscaping, Inc. has made a sincere effort to minimize the impact of the business by situating the operations away from the road, taking advantage of the natural wooded area as buffer. Landscape plants were installed along the drive and at the gate to block the view from the street and create an aesthetic appeal maintaining the rural character. The storage building was designed to mimic a residential style of architecture to assure it enhanced the area and was a good fit for the neighborhood. Yanders Landscaping is a small family owned business that strives to be a good steward and a good neighbor to the community it serves.

Description of Site Proposed for Yanders Landscaping, Inc.

The proposed area for conditional use zoning consists of 2.052 semi wooded acres of the 8.02 acre parcel, located at 190 Hatley Rd., New Hope Township, in Pittsboro, North Carolina. The 250 foot drive meanders to an open area that will be used for parking equipment and loading materials. On the drive is an entry gate that has been planted with evergreen shrubs on both sides to buffer the view from the road and create aesthetic appeal. There is a gravel area, measuring 0.569 acres, to park vehicles, trailers, small equipment and implements. Existing on the property is a 2136 square foot framed building which sits 497 feet from the road. It will be used to store tools and equipment necessary for the landscape and nursery operation. The area is naturally buffered with native evergreen and deciduous trees and plants.

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- (2) The Planning Department shall, before scheduling the public hearing, ensure that the application contains all the required information as specified in Section 5 of the zoning ordinance.
- (3) The Planning Department shall have fifteen (15) days from the date of submittal to notify the applicant that the application is complete for scheduling the public hearing.
- If the Planning Department determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review.
 - The Planning Department shall take no further action on the application until the applicant submits the required information.
 - Once the applicant corrects the identified deficiencies, the applicant shall resubmit to the Planning Department at least 45 days prior to the next Public Hearing meeting, and the Department shall have 15 days to review the information and notify the applicant that the information is sufficient for review.
 - A determination that an application contains sufficient information for review as provided in this subsection (b) does not limit the ability of other county agencies, the Planning Board or the Board of Commissioners to request additional information during the review process.
- (4) The application is reviewed by the Technical Review Committee prior to the Public Hearing for comments and recommendations from other agencies.
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Section C. SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION and REQUIRED INFORMATION TO BE INCLUDED ON THE SITE PLAN

PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF). Please check the list below carefully before you submit:

- (1) The application shall include a **site plan**, drawn to scale, with supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to the predetermined ordinance requirements, will govern the development and use of the property. The following information must be provided, if applicable:
- Information showing the boundaries of the proposed property as follows:
 - If the entire parcel will be zoned, a GIS or survey map and parcel number of the subject property.
 - If only a portion of the parcel will be zoned, a boundary survey and vicinity map showing the property's total acreage, parcel number, current zoning classification(s) and the general location in relation to major streets, railroads, and/or waterways,
 - Legal Description of proposed conditional zoning district;
 - All existing and proposed easements, reservations, and rights-of-way;
 - Proposed number and general location of all building sites, their approximate location, and their approximate dimensions;
 - Proposed use of all land and structures, including the number of residential units and the total square footage of any non-residential development;
 - All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant; (**SECTION 12 LANDSCAPING & BUFFERING REQUIREMENTS**)
 - All existing and proposed points of access to public and/or private streets;
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- h. Stream buffers required through this or other Chatham County Ordinances or Regulations, and other Local, State, or Federal regulatory agencies. Delineation of areas within the regulatory floodplain as shown on the Official Flood Insurance Rate Maps for Chatham County;
- i. Proposed phasing, if any;
- j. Generalized traffic, parking, and circulation plans; **(SECTION 14 OFF STREET PARKING)**
- k. Proposed provision of utilities;
- l. The location of known sites of historic or cultural significance within or adjacent to the project area, including any structure over 50 years old;
- m. The approximate location of any cemetery;
- n. Proposed number, location, and size of signs; **(SECTION 15 SIGN REGULATIONS)**
- o. Location and description of any proposed lighting on the project site with a note that any lighting will comply with Section 13; **(SECTION 13 LIGHTING STANDARDS)**
- p. The location of existing and/or proposed storm drainage patterns and facilities intended to serve the proposed development, and impervious surface calculations; and
- q. Environmental Impact Assessment pursuant to **Section 11.3** of the Zoning Ordinance, if applicable.

The above information is required to be shown on the site plan submitted with this application. If, for some reason, any of the required items above are not included on the site plan, reasons for excluding those requirements must be given.

(2) In the course of evaluating the proposed use, the Zoning Administrator, Planning Board, Chatham County Appearance Commission, or Board of Commissioners may request additional information from the applicant. This information may include, but not be limited to, the following:

- a. Proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
- b. Existing and general proposed topography;
- c. Scale of buildings relative to abutting property;
- d. Height of structures;
- e. Exterior features of the proposed development;
- f. A traffic impact analysis of the proposed development prepared by a qualified professional. The traffic impact analysis shall follow the NCDOT TIA Analysis Guidelines, and shall also include consideration for non-motorized and public transportation;
- g. Any other information needed to demonstrate compliance with these regulations.

NOTE: The Zoning Administrator has the authority to waive any application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.

SECTION D. SIGNATURE STATEMENTS

OWNER'S SIGNATURE*: In filing this application, I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate Angela Birchett to act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.

Signature: Spume Yarden Todd Y...
Date: 9/3/13

APPLICANT SIGNATURE: I hereby acknowledge that I am making this application on behalf of the above owner's statement or myself as the owner and that all the information presented in this application is accurate to the best of my knowledge, information, and belief. I acknowledge understanding of the requirements set out in this application and in the ordinances and/or guidelines used to determine the completeness of this submittal and to proceed as determined.

Signature: Spume Yarden Todd Y...
Date: 9/3/13

OFFIE USE ONLY:

DATE RECD: 9/5/2013

BY: A. Birchett

APPLICATION #: PL 2013 0900

FEE PAID \$: 852.60



PO Box 507
Pittsboro, NC 27312
919-387-7521 or 919-625-2831

Dear Adjacent Property Owner:

August 12, 2013

This letter is to invite you to a community meeting regarding a conditional use permit we are proposing near your property on Parcel Number 0017352. An informal community meeting will be held on August 21, 2013, beginning at 6 pm, at 190 Hatley Rd., Pittsboro, NC and lasting approximately one hour. Our plans to operate a landscape design business and plant nursery will be shown and you will have the opportunity to voice your concerns and ask questions.

This meeting is required as part of the County zoning process; however County staff will not participate in the meeting. We are planning to submit our official plans to the County Planning Department in the near future. You will receive a notice from the County about this submittal once the application has been made.

Should you have any questions prior to the meeting you may contact the persons noted below.

Respectfully,

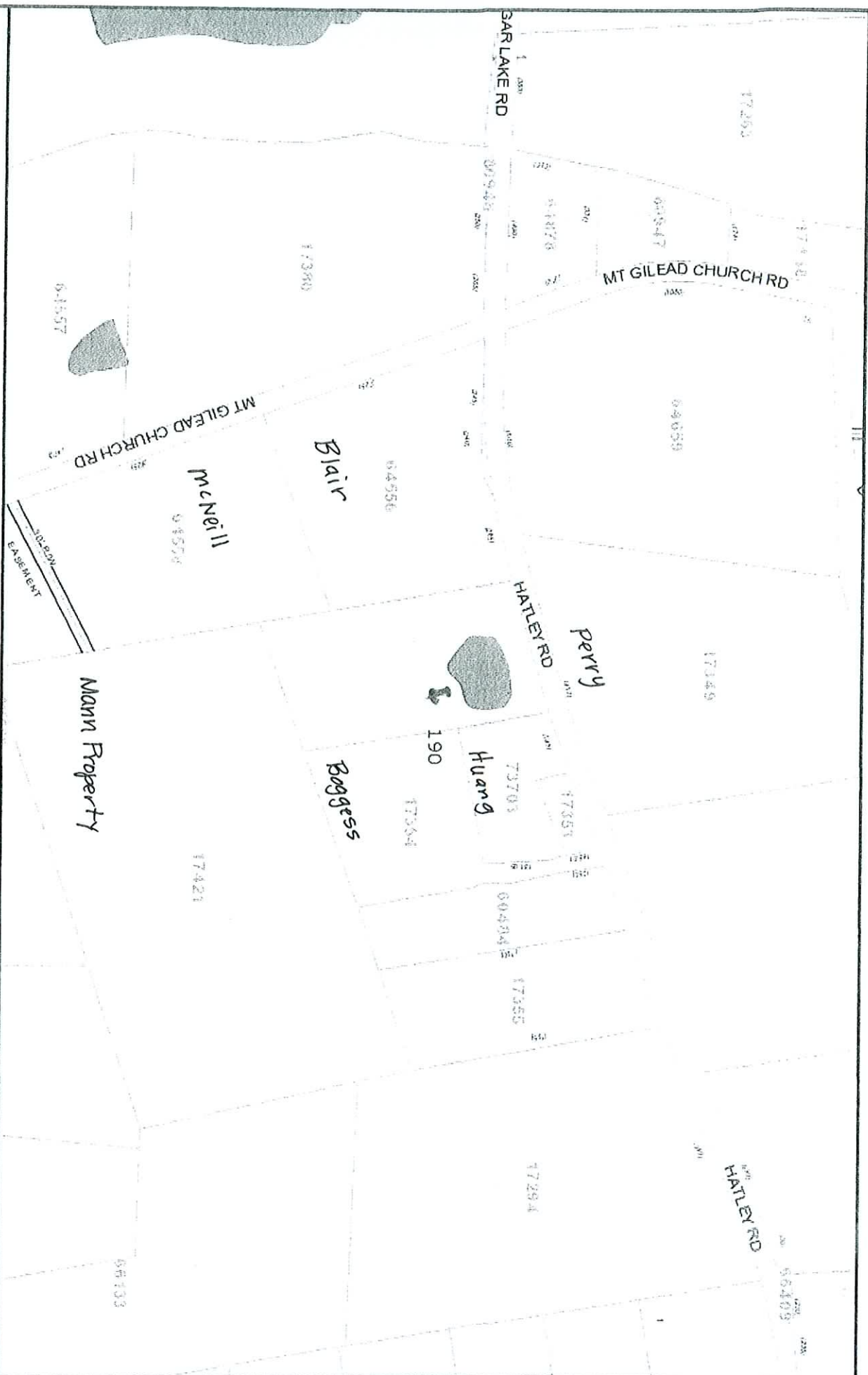
Todd and Suzanne Yanders
Yanders Landscaping, Inc.



CHATHAM COUNTY, NC

Property Map

Disclaimer:
The data provided on this map are prepared for the inventory of real property found within Chatham County, NC and are compiled from recorded plats, deeds, and other public records and data. This data is for informational purposes only and should not be substituted for a true site search, property appraisal, survey, or for zoning verification.



One Inch = 400 Feet



Adjacent/Adjoining Landowners: These are those properties that share a common property line as well as those that are directly across a public or private road, easement, or waterway.

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

- (1) Newton Mann
307 Old Sanford Rd
Moncure, NC 27559
- (3) John Baggess
312 Hatley Rd
Pittsboro NC 27312
- (5) ~~MEM~~ James McNeill
159 Walmsey Place
Mooresville, NC 28115
- (7) _____

- (9) _____

- (11) _____

- (13) _____

- (15) _____

- (17) _____

- (19) _____

- (21) _____

- (23) _____

- (25) _____

- (2) John Blair
PO Box 995
Pittsboro NC 27312
- (4) Shaohua Huang
248 Hatley Rd
Pittsboro NC 27312
- (6) Rena Perry
2592 Pete Roberson Rd
Pittsboro NC 27312
- (8) _____

- (10) _____

- (12) _____

- (14) _____

- (16) _____

- (18) _____

- (20) _____

- (22) _____

- (24) _____

- (26) _____

**REPORT OF COMMUNITY MEETING REQUIRED BY
THE CHATHAM COUNTY ZONING ORDINANCE**

To: ANGELA BIRCHETT, ZONING ADMINISTRATOR

Date: August 22, 2013

Application #: C

Proposed Zoning: CD-NB

The undersigned hereby certifies that written notice of a community meeting on the above zoning application was given to the adjacent property owners set forth on the attached list by first class mail on (date) August 13, 2013. A copy of the written notice is also attached.

The meeting was held at the following time and place: 6:00 pm at 190 Hatley Rd
Pittsboro NC 27312 on August 21, 2013

The persons in attendance at the meeting were: no invitees attended

The following issues were discussed at the meeting: none

As a result of the meeting, the following changes were made to the rezoning petition: none

Date: August 22, 2013
Applicant: Yanders Landscaping LLC
By: Suzanne Yanders

Please submit this Report to the Chatham County Planning Department located at 80-A East Street, Dunlap Building or mail it to Angela Birchett, Zoning Administrator, PO Box 54, Pittsboro, NC 27312.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PATRICK L. MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

September 3, 2013

Chatham County

Yanders Landscaping INC
c/o Todd Yanders
P.O. Box 507
Pittsboro, NC 27312

Subject: Commercial Driveway Permit Application with Entrance onto SR 1714 Completion Letter

Dear Mr. Todd Yanders:

Personnel from the NCDOT Chatham County Maintenance Engineer's office have conducted a final inspection on DR 19.918 on SR 1714 in Chatham County. This driveway has been satisfactory completed. If you have any questions please contact the District Engineers Office at (336) 318-4000.

Sincerely,

A handwritten signature in cursive script that reads "Justin Richardson".

Justin Richardson
Assistant District Engineer

cc:

File
Justin Bullock, P.E.; Chatham County Maintenance Engineer

FILED
CHATHAM COUNTY NC
TREVA B. SEAGROVES
REGISTER OF DEEDS

FILED Sep 22, 2008
AT 03:50:29 pm
BOOK 01423
START PAGE 1137
END PAGE 1138
INSTRUMENT # 10903
EXCISE TAX \$460.00

BOOK 1423 PAGE 1137

Excise Tax: \$460.00

Mail after recording to: Grantees at 70 Roach Ranch Road, Pittsboro, NC 27312

This instrument was prepared by: Paul S. Messick, Jr., Attorney at Law, Pittsboro, NC

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED, made this 22nd day of September 2008 between ROBERT J. GABOR, Executor of the Estate of Clyde M. Ward, deceased, hereinafter referred to as GRANTOR; and TODD J. YANDERS and wife, SUZANNE M. YANDERS, hereinafter referred to as GRANTEE. The designation Grantor and Grantee as used herein shall include parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH

The Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in New Hope Township, Chatham County, North Carolina and more particularly described as follows:

BEGINNING at an iron pipe, said pipe being Newton Mann's corner in J. C. Hatley's line and runs thence with said Hatley's line North 6 degrees West 831 feet to a point in the center line of Secondary Road No. 1714; thence along the old Raleigh road South 72 degrees 15 minutes West 424 feet to a point located 17 feet North of the center line of Secondary Road No 1714, J. R. Taylor's new corner; thence South 5 degrees 50 minutes East 838 feet to a cedar stake, said Taylor's new corner in said Mann's line; thence with said Mann's line South 73 degrees West 420 feet to the point of beginning, containing 8.05 acres, more or less, according to survey of E. C. Smith, RLS, November 13, 1967.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.


And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

The property hereinabove described is the property acquired by Grantor by instrument recorded in Book 328, Page 419 of the Chatham County Registry.

Title to the property hereinabove described is subject to the following exceptions:

Easements and restrictions of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

 (SEAL)
ROBERT J. GABOR, Executor of the
Estate of Clyde M. Ward, deceased