

# CONDITIONAL USE PERMIT

## APPLICATION FOR NEW CUP OR A REVISION TO AN EXISTING CUP

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Chatham County  
Planning Department

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

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### **Section A.** APPLICANT INFORMATION

**[Information begins on following page.]**

NAME OF APPLICANT: Apex Nurseries, Inc.

MAILING ADDRESS OF APPLICANT: 2925 NC Hwy 751, Apex, NC 27502

PHONE NUMBER/E-MAIL OF APPLICANT: 919-422-7862 wrcapex@gmail.com

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

Name(s) Same

Address: \_\_\_\_\_

\_\_\_\_\_ ZIP \_\_\_\_\_

Telephone: \_\_\_\_\_ FAX: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

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

ADDRESS OF SUBJECT SITE: 2271 Hollands Chapel Road, Apex, NC 27523

CHATHAM COUNTY PROPERTY PARCEL NUMBER (AKPAR #): 64272

CURRENT ZONING DISTRICT/CLASSIFICATION: Conditional Use Light Industrial (CU-Ind L)

TOTAL SITE ACRES/SQUARE FEET: 11.54

PROPOSED USE(S) AND PROPOSED CONDITIONS FOR THE SITE: **Please select the use/s category from Section 10.13 of Zoning Ordinance**

The only change from the existing conditional use permit is to change the permitted use of the existing house on the property from "living quarters for a 'care-takers/security' facility" to "Landscaping and grading business and general and professional offices."

It is important that the applicant provide information to explain how the permit request or revision satisfies the following required five findings. **All applications shall contain the following information.** Please use attachments or additional sheets in order to completely answer these findings if necessary. If there is a finding that you feel does not apply to this submittal, please mark with "N/A" for not applicable. **Please use the "Materials Checklist" to complete each 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.**  
See attached.  
\_\_\_\_\_  
\_\_\_\_\_
2. **The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare.**  
See attached.  
\_\_\_\_\_  
\_\_\_\_\_
3. **The requested permit or revision to the existing 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.**  
See attached.  
\_\_\_\_\_  
\_\_\_\_\_
4. **The requested permit will be or remain consistent with the objectives of the Land Conservation and Development Plan.**  
\_\_\_\_\_  
See attached.  
\_\_\_\_\_
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.**  
\_\_\_\_\_  
See attached.  
\_\_\_\_\_

## STOP!

**You must meet with the Chatham County Appearance Commission and hold the Community Meeting BEFORE you can submit the application to the Planning Department. Please check the boxes below once these meetings have been held:**

- |  |                                       |
|--|---------------------------------------|
| <input checked="" type="checkbox"/> Chatham County Appearance Commission | Date of Meeting <u>April 27, 2016</u> |
| <input type="checkbox"/> Held Community Meeting                          | Date of Meeting <u>Not required</u>   |

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## Section B. SUBMITTAL INFORMATION AND PROCEDURE

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- (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. A digital copy of the application packet shall be submitted pursuant to the Planning Department Digital Document Submission Guidelines.
  - (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.
    - a. 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.
    - b. The Planning Department shall take no further action on the application until the applicant submits the required information.
    - c. 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.
    - d. 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

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**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:
    - > ☐ a. Information showing the boundaries of the proposed property as follows: **See site plan.**
      1. If the entire parcel will be zoned, a GIS or survey map and parcel number of the subject property. **GIS attached. Parcel number 64272.**
      2. 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,
    - > ☐ b. Legal Description of proposed conditional zoning district; **Unchanged.**
    - > ☐ c. All existing and proposed easements, reservations, and rights-of-way; **Unchanged.**
    - > ☐ d. Proposed number and general location of all building sites, their approximate location, and their approximate dimensions; **Unchanged.**
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- > ☐ e. Proposed use of all land and structures, including the number of residential units and the total square footage of any non-residential development; **Unchanged except that existing house can be used for "landscaping and grading business and general and professional offices."**
- > ☐ f. All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant; **(SECTION 12 LANDSCAPING & BUFFERING REQUIREMENTS) Unchanged except as shown on site plan.**
- > ☐ g. All existing and proposed points of access to public and/or private streets; **See site plan.**
  - 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; **N/A**
- > ☐ j. Generalized traffic, parking, and circulation plans; **(SECTION 14 OFF STREET PARKING) Unchanged except as shown on site plan.**
- > ☐ k. Proposed provision of utilities; **Unchanged.**
- > ☐ 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; **Unchanged.**
- > ☐ m. The approximate location of any cemetery; **Unchanged.**
- > ☐ n. Proposed number, location, and size of signs; **(SECTION 15 SIGN REGULATIONS) Unchanged.**
- > ☐ 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) Unchanged.**
- > ☐ p. The location of existing and/or proposed storm drainage patterns and facilities intended to serve the proposed development, and impervious surface calculations; and **Unchanged except as shown on site plan.**
- > ☐ q. Environmental Impact Assessment pursuant to **Section 11.3** of the Zoning Ordinance, if applicable. **If you are or will be disturbing two or more acres in connection with this application, you are required to submit and EIA with this application. Failure to do so will result in the delay of scheduling your request for public hearing or may be returned completely for re-submission.**

**N/A**

**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 Patrick E. Bradshaw and Bradshaw & Robinson, LLP 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.

Apex Nurseries, Inc.

Signature: William R. Copeland  
William R. Copeland, President

Date: May 6, 2016

**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.

Apex Nurseries, Inc.

Signature: William R. Copeland  
William R. Copeland, President

Date: May 6, 2016

**OFFICE USE ONLY:**

DATE RECD: _____	
BY: _____	
APPLICATION #: PL20 _____	
FEE PAID \$: _____	<input type="checkbox"/> Check No. _____
	<input type="checkbox"/> Cash <input type="checkbox"/> CC <input type="checkbox"/> Money Order

## **General Application Requirements (from Submission Materials Checklist)**

1. Location: See site plan.
  - a. Public highways serving site. Unchanged—Hollands Chapel Road, S.R. 1750.
  - b. Private roads serving site. Unchanged—None.
  - c. Current Zoning. Unchanged—Conditional Use Light Industrial (CU-Ind L).
  - d. Watershed designation and impervious surface % allowed. WS-IV-PA; 36% impervious surface allowed; 11.8% impervious surface proposed, an increase of 0.11 acres.
  - e. Major Wildlife Areas. Unchanged--None.
  - f. Size of Site. Unchanged—approximately 11.54 acres.
  - g. Current utility or other easements assigned to the site. Unchanged.
  - h. Current Use of Site. Light manufacturing or processing with associated retail for boat assembly and boating and fishing supplies.
  - i. Description of current contents of site. Boat manufacturing and retail facilities and existing house per 2008 conditional use permit modified in 2014.
  - j. Other Conditional Use Permits for the site. Conditional use permit was originally approved in 2008 and modified in 2014.
2. Description of Use. The currently approved uses will continue. The only change requested is to change the permitted use of the existing house on the property from “living quarters for a ‘care-takers/security’ facility” to “landscaping and grading business and general and professional offices.”
3. Start and Completion Projections. Minor modifications to driveway and parking areas should be complete approximately six months after approval. Landscaping will be installed at the first seasonally appropriate times to maximize the health of the new plants.
4. Reference to Existing County Plans. Unchanged from the 2008 conditional use permit application for the property, which is incorporated herein by reference. Existing plans are addressed more specifically in Finding #4 below.

## **Specific Conditional Use Permit Application Requirements (Five Findings)**

All information and evidence submitted in support of the five findings required for the issuance of the conditional use permit for the property in 2008 and the modification of the conditional use permit in 2014 is incorporated herein by this reference. The only change proposed to the conditional use permit by this application is to change the permitted use of the existing house on the property from “living quarters for a ‘care-takers/security’ facility” to “landscaping and grading business and general and professional offices” and minor changes to a portion of the site plan. The “care-takers/security” facility has turned out not to be needed. Allowing this modification will have no negative impacts to adjoining properties and will allow the existing structure to be put to productive use that is consistent with other nearby industrial, business and institutional uses.

**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.

Landscaping and grading businesses and general and professional offices are permitted uses in the Light Industrial district and would, therefore, be eligible conditional uses in the Conditional Use Light Industrial District.

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

- A. Need and Desirability: The “care-takers/security” facility use of the existing house has turned out not to be needed. Allowing this modification will have no negative impacts to adjoining properties and will allow the existing structure, which was on the premises prior to the issuance of the original conditional use permit, to be put to productive use that is consistent with the boat manufacturing and retail operations on the property and the nearby nursery businesses and fire department use. The revision does not otherwise change the need and desirability analysis of the existing approved conditional use permit.
- B. Survey of Similar Uses: There are no known nearby similar uses that will be negatively impacted by the proposed change in use. As noted, the proposed uses are consistent with nearby uses, especially the nearby nursery operations. There is substantial demand in the area for landscaping services.
- C. Public Provided Improvements: No additional public improvements are needed to support the requested revision to the conditional use permit.
- D. Employment. Initially, the proposed office use is expected to provide employment for approximately three persons and coordination of activities for several employees who provide services off-site.



**Finding #3: The requested permit or revision to the existing 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.**

This application does not propose to add any land to the conditional use district or to substantially change the impact of the permitted uses. The proposed revision will have no negative impacts to adjoining properties. The revision will have no adverse impact on emergency services, traffic, visual impacts and screening, lighting, noise, chemicals and biological and radioactive agents or the signage for the community. To the extent that the revision results in productive use of an existing building that would otherwise be unused and will modify driveway access and landscaping in a positive way, it might cause marginally positive impacts on several of these considerations. The existing building is surrounded by substantial existing vegetation that will be supplemented by the additional landscaping shown on the site plan. No new exterior lighting or signage is proposed, and no noise or hazardous material impacts are anticipated.

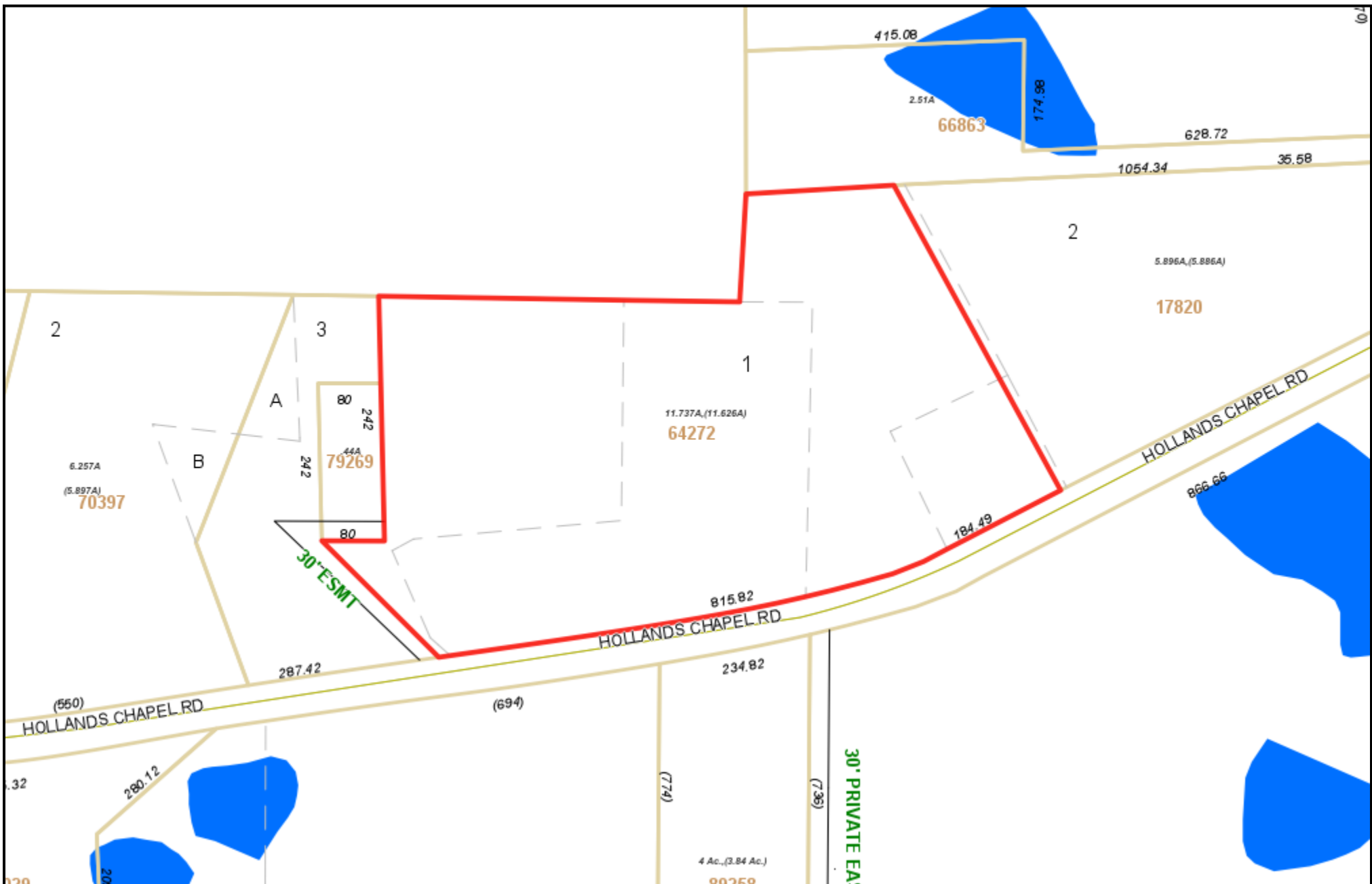
**Finding #4: The requested permit will be or remain consistent with the objectives of the Land Conservation and Development Plan.**

As this application requests a minor change in use of an existing building, it does not change the relation of the already-approved conditional use permit to the Land Conservation and Development Plan, nor does it change watershed or flood considerations. Because the use is well-screened from the roadway and other properties, it preserves the form and function of rural character. It supports employment opportunities in Chatham County and encourages balanced growth that consists of a mix of different types of development. The proposed uses fit well with other nearby business and institutional uses, especially the nearby Apex Nurseries businesses. The property is an area well-suited for landscaping and office uses, it is located just off NC Highway 751 and it has convenient access to US 64. The uses will not place financial burdens on the County and will provide employment opportunities. The property is located near a major highway and is clustered with other businesses. The property is in the WS-IV-PA Watershed Area, in which the maximum built-upon area for projects without curb and gutter is 36%. The proposed increase in impervious surface is only 0.11 acre, to a total of 11.8% impervious area.

**Finding #5: Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.**

As the requested revision does not add land to the conditional use district or any new structures, and only adds 0.11 acre in impervious surface, it will cause no change in water requirements, wastewater capacity requirements, water or sewer impacts, access roads or stormwater runoff. The property is in the WS-IV-PA Watershed Area, in which the maximum built-upon area for projects without curb and gutter is 36%. The proposed total impervious area is 11.8%. Water and wastewater management are provided by on-site well and septic. A driveway permit will be required for the driveway location serving the house, and obtaining that permit would be an appropriate

condition of approval if it is not in hand at the time of approval. To address a concern raised at the Appearance Commission, another appropriate condition would be that there will be no storage, parking or maintenance of heavy equipment or trucks with more than two axles on the property.



## 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 title search, property appraisal, survey, or for zoning verification.

Parcel Number: 64272  
Map Number: 0704-90-8606.000  
Owner Name: APEX NURSERIES INC  
Owner Address: 2273B HOLLAND CHAPEL RD  
Owner City: APEX  
Owner State: NC  
Owner Zip: 27523  
Tax Year:  
Description: LOT 1

Deed Book: 1036  
Deed Page: 0914  
Plat Book: 2009  
Plat Page: 0266  
Deed Acres: 11.737  
Physical Address: 2271 HOLLANDS CHAPEL RD  
Improvement Value: 451491  
Land Value: 284390  
Fire District: 108  
Township Code: 11

One Inch = 200 Feet



# Apex Nurseries, Inc.

Holland's Chapel Road  
Chatham County, North Carolina

Parcel Number 64272

DESCRIPTION OF PROPOSED USES:  
Apex Nurseries, Inc. ("Applicant") is applying to Chatham County for approval of a Conditional Use Permit to allow for the existing house on the property to be used for a landscape contracting business. The application includes the request to construct a driveway to, and parking for, the proposed use. No new buildings are proposed.

START AND COMPLETION PROJECTION:  
Construction will commence within one month of approval and will require approximately one month to complete.

EXISTING COUNTY PLANS:  
The site is not specifically mentioned in any existing county plans.

GRADING:  
No substantial grading will be required for the construction of the drive/parking. A concrete pipe will be installed as shown in the existing ditch along the public road.

SIGNAGE:  
All site signage shall conform to the Chatham County sign ordinance. No new signage is proposed.

LIGHTING:  
No new lighting is proposed.

## SITE TABULATION

public highways serving the site:

current zoning

watershed designation

Major Wildlife Area

site area

current easements

current use

other Conditional Use permits

area to be disturbed

percent impervious surface allowed

percent impervious surface existing

additional impervious surface proposed

total percent impervious surface proposed

parking required (1 space per 200sf of nra)

parking proposed (1 space per 1 employee)

Holland's Chapel Road (SR 1750)  
NC 751

CU-IND-L

WS-IV-PA

none

11.54 acres

none

yacht building, landscaping

issued 2009

0.11 acres

36% (non-C&G)

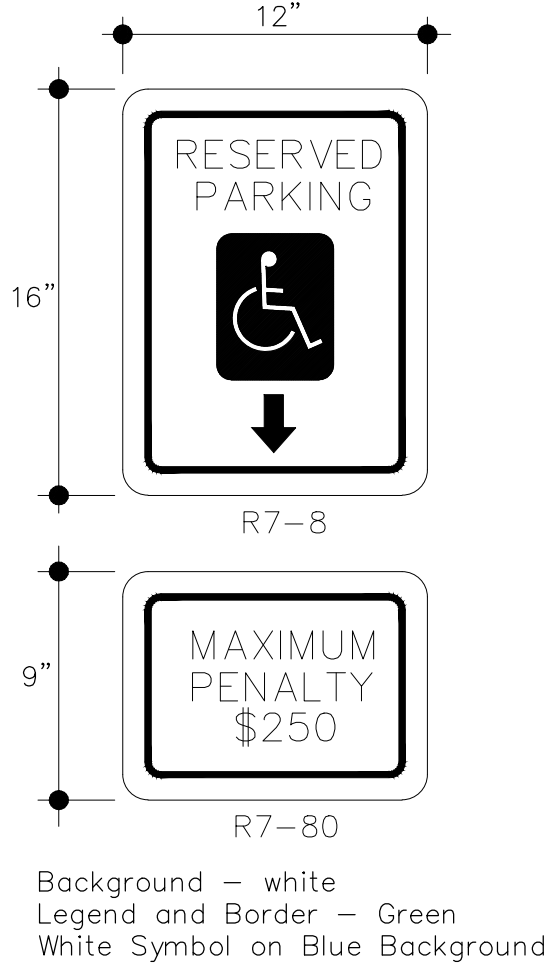
10.8%

0.11 acres

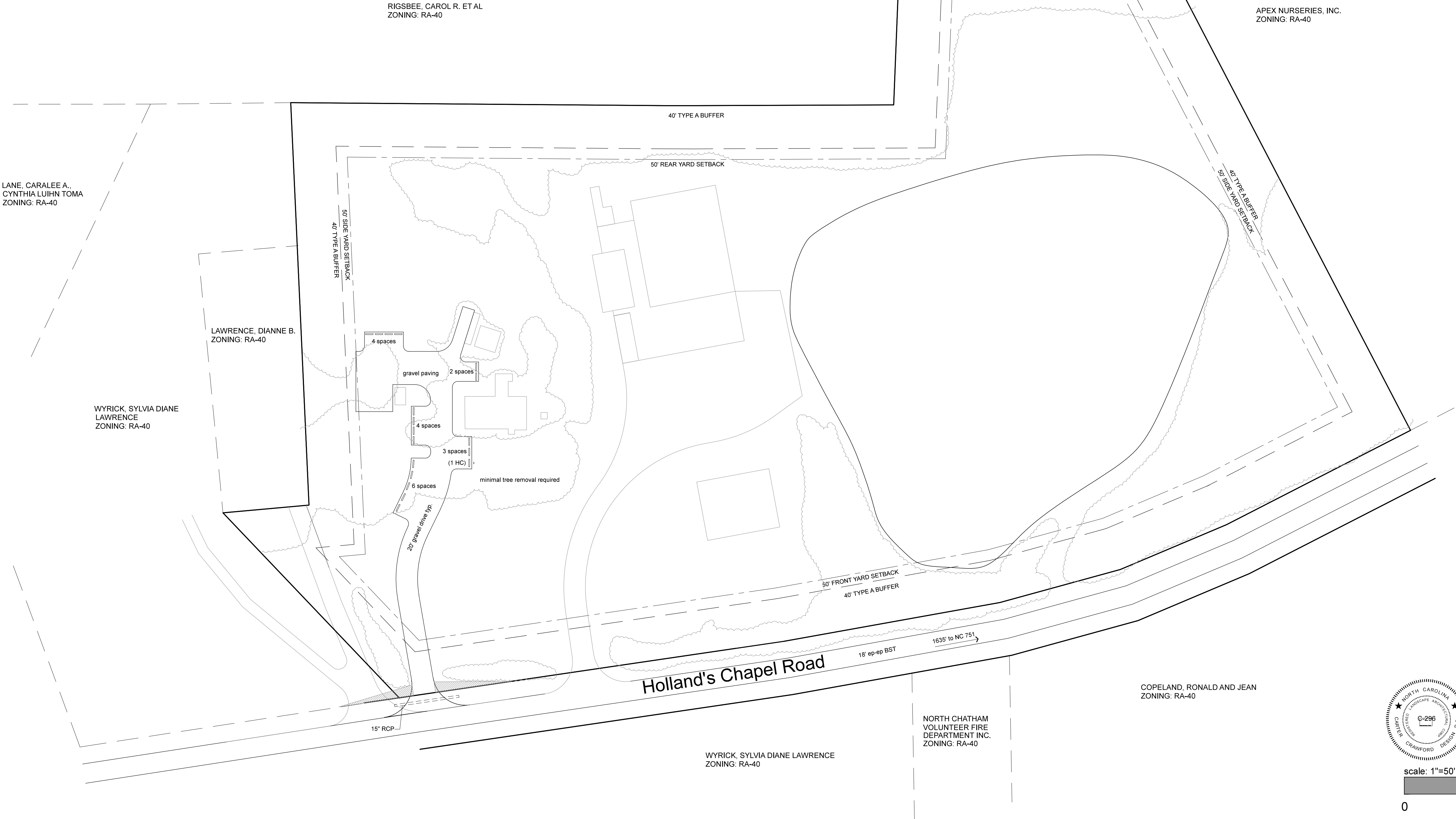
11.8%

8 spaces (1 HC)

19 spaces (1 HC)

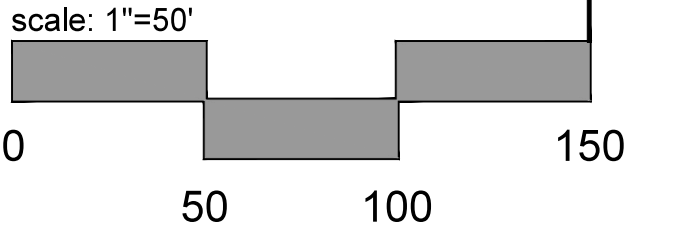


HC Parking Signage



Site Plan

April 20, 2016



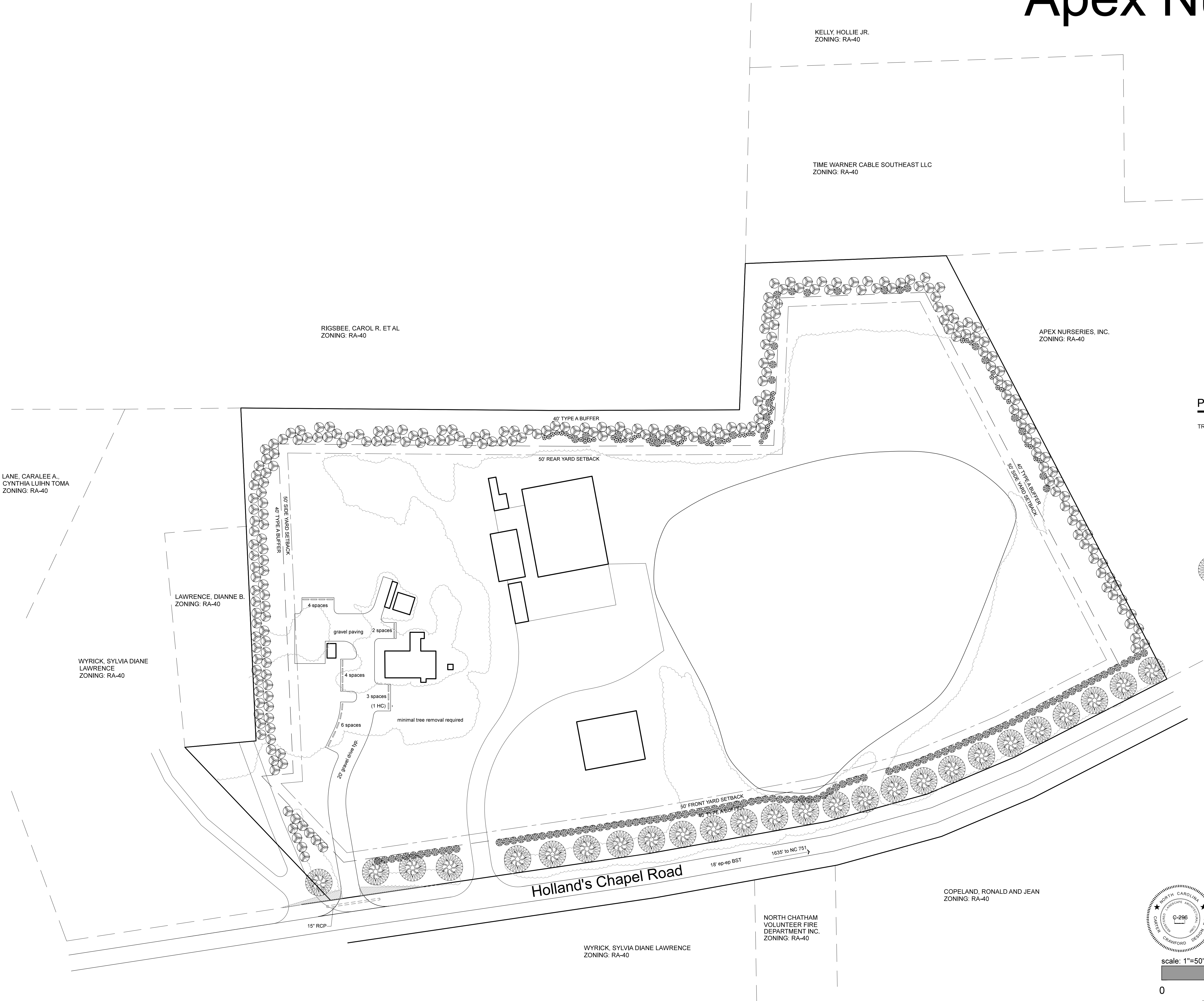
**CCD**  
**Carter Crawford DESIGN**  
Land Planning Landscape Architecture Urban Design  
101 Country Club Drive Greensboro, NC 27408  
919 819 1400  
CarterCrawfordDesign.com

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# Apex Nurseries, Inc.

Holland's Chapel Road  
Chatham County, North Carolina

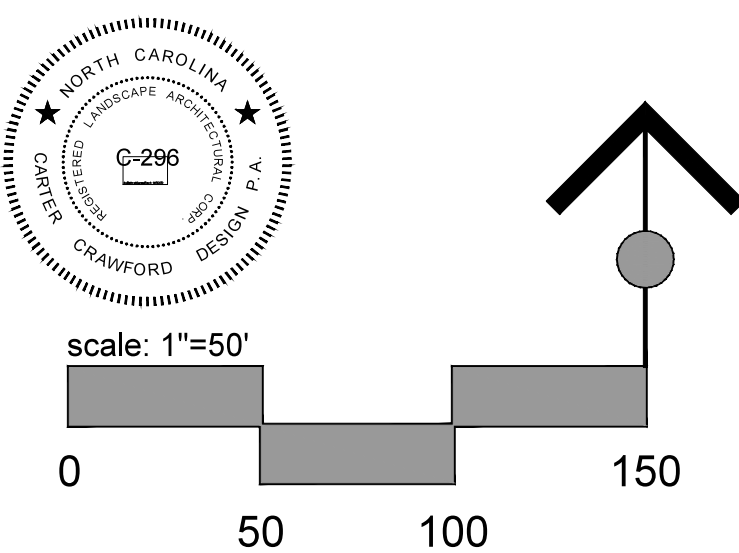
Parcel Number 64272



Plant List and Legend				
symbol	botanic name	common name	size	container
TREES				
	Ilex opaca	American Holly	3' ht.	3 gal.
	Juniperus virginiana	Red Cedar	3' ht.	3 gal.
	Myrica cerifera	Wax Myrtle	3' ht.	3 gal.
	Osmanthus fragrans	Fragrant Tea Olive	3' ht.	3 gal.
	Quercus phellos	Willow Oak	2.5' cal.	B&B

## Planting

April 20, 2016



**CCD**  
**Carter Crawford DESIGN**  
Land Planning Landscape Architecture Urban Design  
101 Country Club Drive Greensboro, NC 27408  
919 819 1400  
CarterCrawfordDesign.com

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**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. Carol R. Riggsbee, et al  
3538 NC Hwy 751  
Apex, NC 27523  
Parcel No. 17850
2. Time Warner Cable Southeast LLC  
7820 Crescent Executive Drive  
ATTN: Real Estate Department  
Charlotte, NC 28217  
Parcel No. 66863
3. Ronald Copeland  
Jean Copeland  
3003 NC Hwy 751  
Apex, NC 27523  
Parcel No. 17821
4. North Chatham Volunteer Fire Department, Inc.  
45 Morris Road  
Pittsboro, NC 27312  
Parcel No. 89258
5. Sylvia Dianne Lawrence Wyrick  
2260 Holland Chapel Road  
Apex, NC 27523  
Parcel No. 17793
6. Dianne B. Lawrence  
2260 Holland Chapel Road  
Apex, NC 27502  
Parcel No. 79269
7. Apex Nurseries Inc.  
2925 NC Hwy 751  
Apex, NC 27502  
Parcel No. 17820

Chatham County Appearance Commission  
April 27, 2016  
Meeting Minutes — S. Jacobs, Secretary

In attendance for the meeting were:

William “Bill” Causey, Chair  
Grimsley Hobbs  
Shelly Jacobs  
Dan Sundberg  
Davis Andrews  
Mary DeAngelo  
Sarrane Wilson

Angela Birchett, Staff Support, Planning Dept.

### **1st and only Presentation:**

#### **Patrick Bradshaw for Apex Nurseries Inc.**

Request for change of use for existing house on east side of property and construction of new driveway and parking lot to accommodate use as a landscape contracting business.

Committee members agreed that plants specified in plans for buffer zone were all good choices. There was discussion about best placement of new plants and suggestion they follow the natural existing growth and not be placed in linear manner. It was agreed that new plants would be placed in spaces between existing vegetation to provide maximum coverage.

Concerns about the types of vehicles to be stored on property were voiced by committee stressing that it be limited to trucks only and not be extended to heavy equipment. Mr. Bradshaw agreed that no heavy equipment would be stored on the property now or in the future.