



COUNTY COMMISSIONERS

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Diana Hales, Vice Chair
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Established 1771

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A RESOLUTION APPROVING A CONDITIONAL USE PERMIT REVISION REQUEST

BY Apex Nurseries dba Winter Custom Yachts

WHEREAS, Apex Nurseries, Inc. dba Winter Custom Yachts has applied to Chatham County for a conditional use permit revision on Parcel No. 64272, located at 2271 Hollands Chapel Rd, New Hope Township, for a revision to convert the care-taker/security living unit for use of landscaping and grading business and general and professional offices, and;

WHEREAS, the Chatham County Board of Commissioners having considered all of the evidence in the whole record and based upon the competent, substantial and material evidence in the record, including, without limitation, the Applicant's written materials, all of which are incorporated herein by reference, hereby finds as follows:

1. The use/s requested are among those listed as eligible uses in the district in which the subject property is located or is to be located. The proposed uses are permitted within the Light Industrial district and therefore is eligible conditional uses in the CU-IL district.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, The use of the single family dwelling as a caretaker/security residence is no longer needed. In order that the structure be utilized in a capacity that not only benefits this property, it would also allow it to be a productive use to the nearby nursery business operated by the landowner. No additional public improvements will be needed except a revised driveway configuration and permit from NCDOT.
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. There was minimal change needed as the building and work area currently has a semi-opaque view from the public roadway. More landscaping was required between this property and the adjacent property due to its residential zoning classification. No new signage or lighting is proposed and therefore was not reviewed.
4. The requested permit is consistent with the objectives of the Land Development Plan by, Due to the existing screening from the public roadway and adjacent properties, the form and function of rural character is preserved. Employment opportunities are being provided and continues to support balanced growth that consists of a mix of different types of development. Due to the other business located on this property, the fire station, and the nursery, continued business in the clustered area is being supported. The property is also located in the Chatham County – Town of Cary Joint Land Use Plan and is designated as "Existing Industrial Zoning". The joint plan also includes the following "Light Industrial: This land use category is typically limited to uses that were previously zoned and approved by Chatham County prior to development of the Joint Plan. The Light Industrial classification describes a wide range of employment-generating office, light industrial, research and

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development, and “clean” light manufacturing uses. This classification also includes flex office/light industrial uses, warehousing and distribution, transportation related uses, automotive and boat repair and bodywork, trade schools, and so forth. Light Industrial areas should be development in a manner compatible with nearby properties to minimize potential nuisances or damage to the environment.”

The increase of impervious surface is proposed to be .11 acres which will bring the total to 11.8% which is below the 36% allowed.

5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided through the proposal consistent with the County's plans, policies and regulations and confirmed through any additional conditions placed on its approval as seen below. Water and wastewater are being provided by on-site well and septic. A septic revision to change from residential to commercial will be required.

A new driveway permit will be needed from NCDOT due to a realignment off the adjacent property. No other changes or upgrades are needed.

The applicant has self-imposed an additional condition noted as condition No. 1 below due to concerns raised by the CCAC. All agreed to the condition.

NOW, THEREFORE, BE IT RESOLVED BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS, as follows:

That a revision to the Conditional Use Permit be, and it hereby is, approved for the reasons hereinabove stated subject to the additional stipulations and conditions set forth hereinafter; and

BE IT RESOLVED FURTHER, that the Chatham County Board of Commissioners hereby approves the application for the revision to the conditional use permit in accordance with the plan submitted by the Applicant and as shown in “Attachment A”, Apex Nurseries, Inc. dba Winter Custom Yachts, and incorporated herein by reference with specific conditions as listed below;

Site Specific Conditions

1. No parking, storage or maintaining of large equipment or large vehicles with more than two axels will be allowed on the site.
2. All conditions approved with the original conditional use permit, and subsequent revision in 2008, will remain in effect and enforceable on the project property, except as modified by this revision.
3. Required plantings shall be installed and maintained to live and thrive at the next planting season following this approval date.

Standard Site Conditions

4. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take



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place. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.

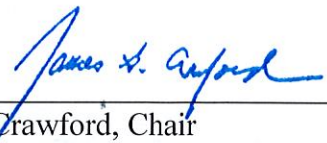
5. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, Environmental Health Division, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department to the initiation of the operation/business.

Standard Administrative Conditions:

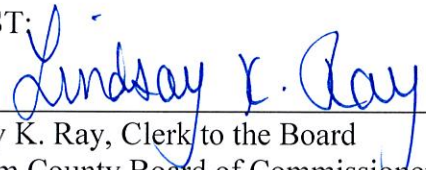
6. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
7. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditional listed above.
8. Non-Severability – If any of the above conditions is held to be invalid, this approval in it's entirety shall be void.
9. Non-Waiver – Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

BE IT FURTHER RESOLVED, that the Board of Commissioners of the County of Chatham hereby approves the application for a revision to the conditional use permit in accordance with the plans and conditions listed above.

Adopted this, the 15th day of August 2016

By: 
James Crawford, Chair
Chatham County Board of Commissioners

ATTEST:


Lindsay K. Ray, Clerk to the Board
Chatham County Board of Commissioners





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ATTACHMENT "A"

Being Parcel No. 64272, approximately 11.54 acres, located at 2271 Hollands Chapel Rd., New Hope Township, adding an additional commercial use as described above.

