

Explanation of Request  
for CHAPEL HILL SPORTSWEAR  
June 20, 2005

This request is for a revision to a Conditional Use Permit in an existing B-1 Conditional Use District for property at 2345 Jones Ferry Road in Baldwin Township, Chatham County. This parcel currently is zoned B-1 Conditional Use District with a Conditional Use Permit for Automobile Repair Garage. This request is for a change of the Conditional Use Permit to: (1) Sporting goods sales; (2) Printing and publishing; (3) Incidental Storage of Goods intended for retail sales on the premises; and (4) Uses and structures customarily accessory to any permitted use.

The owners of this tract are Lynwood and Elizabeth Daniel. Mr. Daniel operated Shorty's Garage on this tract for many years. Due to declining health, the Daniels are no longer able to operate this business. The Daniels own the 1.28 acres which is the subject of the Conditional Use Zoning, as well as much of the surrounding acreage.

The purpose of this request is a change in the conditional use, which will be less intense use than the current use.

The existing building in this B-1 Business District is known as Shorty's Garage. Chapel Hill Sportswear will use this existing building for an office, conference room, bathroom, and an area for the printing of logos and insignia on sporting goods, such as T-shirts, sweatshirts and hats. A new building, similar in style and type to the existing garage building, will be built behind the garage. The new building will contain 5,400 square feet for a distribution center and storage of these sporting goods. There will be a covered walkway joining the two buildings.

Chapel Hill Sportswear sells their sporting goods over the internet and in a retail shop in Orange County. This request is for the facility which will serve as the distribution center for the internet sales, which have become a major portion of their business. All live-customer (non-internet) retail sales will remain in the Orange County shop. All internet sales will be made from the Chatham County facility. Employees will prepare the sportswear items which are ordered over the internet, and will ship those items by a single afternoon pickup by a carrier such as United Parcel Service.

The rezoning of this tract will not impact the community in any way. As a matter of fact, the rezoning will reduce traffic, reduce hazardous materials and reduce noise from the use currently approved, that of a garage for automotive repair.

The site is located adjacent to several other non-residential uses, either through outright industrial or business zoning and/or through conditional use permitting: WUNC towers, Storybook Farm's Metal Fabrication Shop and Greenhouses, Frosty's Store and Frosty's ancillary sale of landscaping materials.

SUPPLEMENT TO APPLICATION FOR  
CONDITIONAL USE PERMIT  
For CHAPEL HILL SPORTSWEAR  
June 20, 2005

The Applicant, Chapel Hill Sportswear, supports its application for a change in the Conditional Use Permit in this B-1 Business Conditional Use District by submitting the following regarding its application and the required five findings:

**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.**

The use requested is for a change in the existing Conditional Use Permit in a B-1 District to:

- (1) Sporting Goods Sales (Section 10.5 (A), Page 33);
- (2) Printing and Publishing (Section 10.5(A), Page 33);
- (3) Incidental Storage of goods intended for retail sales on the premises (Section 10.5(A), Page 32) and
- (4) Use and structures customarily accessory to any permitted use (Section 10.5A, Page 33),

which are all permitted uses within a B-1 Business Conditional Use District.

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

To return this property to a less intensive use, rather than the current Conditional Use for an automotive repair shop, is a desirable result for the adjacent community.

This facility will receive and store clothing items which are then embossed with the team logos for various Universities' sports teams. Chapel Hill Sportswear sells its products in a retail store in Chapel Hill and over the Internet. This site will be the distribution center where product is received, printed, stored and shipped out in the fulfillment of Internet

orders. There will be no live-customer retail sales on site, and there will be no increase in truck traffic as a result of this change of conditional use.

The existing building is the current garage location and is identified as "Metal Garage" on the survey and as "Auto Repair Garage" on the site plan. It is accessed by a single 24-foot wide driveway off of Jones Ferry Road. The site is well landscaped with large oaks, natural buffers and Leeland Cyprus. The 1.28 acres which is within the B-1 Conditional Use District is a portion of a 5.82 acre tract belonging to Lynwood and Elizabeth Daniel and they also own an adjacent .43 acre tract containing a residence, which is currently rented.

If this request is granted, Chapel Hill Sportswear intends to turn the Garage into an office area, conference or break room, bathroom (existing), and an area for the printing of logos on t-shirts, sweatshirts and other sporting goods paraphernalia.

The back building, which will be a new structure, shown on the survey as "Proposed Building 5,400 square feet," will be the distribution center for the internet sales of these sportswear items. This building will be of a similar design and style to the Garage, a metal building. It will occupy the area in the site plan which is designed "Gravel" and "Future Parking Expansion."

The two buildings will be interconnected by a covered walkway.

Parking will be provided in the existing area marked "Gravel Drive" to the East of the "Metal Garage" on the survey. This area is designed as "Future Building Expansion" on the site plan

This proposed use will be a very subtle use, in that it will generate no noise, no large truck traffic on a daily basis, few employees, and no customer traffic. The existing building is visible from the road, but the proposed 5400 square foot building will be behind the current structure and will be completely sheltered from view due to its location and due to the generous landscaping and buffer. The proposed building will be the distribution center for the Internet sales of Chapel Hill Sportswear's goods, storing goods and preparing them for Internet sales.

This is a kind of use and blend which is appropriate in such a community. It is a use friendly to the environment, to neighbors and which fulfills the idea of balanced growth, as advocated by our Land Development Plan.

This project is also desirable for the generation of revenue which it will produce for the County. The entire 5.8 acre tract is currently valued at \$120,800, with the value of improvements of \$60,084 and currently yields less than \$1,400 in property taxes. The applicant will construct a building and other improvements which will be valued at approximately \$500,000.00, which will generate approximately \$3500 in property taxes annually. In addition, the project will generate between 3-8 jobs, depending on sales and seasonal adjustments.

**FINDING #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.**

As to safety, Emergency Services will be provided to this site by the County's EMS provider. The Chatham County Fire Marshall has examined and approved the site plan. The Fire Marshall has copies of the Material Data sheet for the printing inks and other materials used in the printing portion of this application.

Traffic. No new truck traffic will be generated by this use. Each day the UPS truck which already serves this community will come to the site for collection of the day's orders. No other trucks will come on a daily basis. Between once and once a quarter, a transfer-type truck will come to make inventory shifts or adjustments in the distribution center. As stated above, the number of employees will fluctuate between 3-8 as needed for the holiday rush or in instances such as the recent UNC-CH tournament victory.

The Department of Transportation has reviewed the site, and has approved the commercial driveway permit. Jones Ferry Road does not have a DOT imposed weight limit, nor will the truck traffic increase as a result of this use.

During business hours, at least one employee will be on-site at all times, supervising entry to the facility and

assisting in the afternoon pickup from UPS. One single van type truck will pick up outgoing orders each day. Entry to the facility will be off Jones Ferry Road, just inside Chatham County, over an existing commercial driveway permit for the current business. The driveway will be paved from the edge of Jones Ferry Road 50 feet in length and 24 feet wide. Thereafter, the driveway and parking areas will be stone. There are two residences adjacent to this tract which are owned by Lynwood Daniel and leased to third parties. With this project being well buffered and located in the middle of the tract, there will be no impact on the adjoining properties.

Visual impact and screening. The facility itself will be sited on 1.28 acres, adjacent to Jones Ferry Road, and surrounded by property owned by Lynwood Daniel. There is a broad natural tree buffer surrounding the site. The existing building is visible from the road, but the new construction will be on a site in the rear of that building and only the corner of the building will be visible from the road. The site is well shielded from both the road and adjoining property owners by the tree buffer as well as hundreds of feet of existing forestland. There will be no visual impact to neighbors. The Appearance Committee has reviewed and approved the site plan and its ample buffers.

Lighting. There are existing lights on the back and front of the Garage building (see attached pictures). Those lights will remain in place. On the Proposed New Building, there will be additional security area lights to provide zone lighting to the facility: one each on the East and West elevations of the new building and one at the South elevation where the breezeway connects the two buildings. We anticipate that the project will need between three to five new lights. The lighting will be wall pack, full cutoff lighting, and will comply with the Lighting Ordinance's requirements that it will be shielded on top and sides so as to not overflow onto adjacent property owners or impact the community. The lighting may be connected to a motion sensor for security purposes.

Noise. The use will generate no noise, except that a ventilation fan may be present in the printing area, which will not present appreciable noise. At all times, the noise levels will be substantially below the County's noise ordinance.

The only outdoor activity on this site will be the loading of product into trucks for shipping. The daily UPS van will be able to turn around in driveway shown on the site plan. Any

back-up beeper noise will be the brief backing of the truck to the loading door.

This project will require normal operating work hours (7:30 am - 5:30 pm) for the weekdays. Occasional weekend work during peak holiday periods and seasonal demands (like winning a Championship) could extend hours temporarily until orders are fulfilled. Due to the nature of this business, which fluctuates with the holidays, and with the winning nature of the teams for which the sportswear is furnished, it is impossible to fully define "occasional weekend work." Demand for products must be fulfilled during the period in which the demand is high and thus, if a given team wins a national championship, weekend work would be necessary temporarily until the orders and demand are fulfilled.

Chemicals/Hazards. There are a limited number of chemicals which are used in the screen printing process. Material Data Safety Sheets have been given to the Fire Marshall for all of these materials, many of which are environmentally friendly soy-based inks. The Fire Marshall has asked that any highly flammable materials be placed in separate containers and that oxidizers be separated from flammables and combustibles. Spray adhesives and rags will be placed in approved fire containment bins. All requirements of the Fire Marshall will be fully complied with in the final interior arrangements of the buildings.

Odor. This project will create no odor inside or outside of the facility. The soy-based inks do not create an inkey odor. All inks are identified by the attached Material Safety Data Sheets.

Sign. There is a current existing sign which will be recycled and utilized for this use. The sign will contain the address and business name, and will conform with the sign ordinance and 911 requirements. The existing sign is approximately 4' x 5' on wooden posts at ground level and will be located at the driveway entrance.

Parking. A stone parking area adjacent to the pre-fabricated metal office building will accommodate employees. One parking area will be for handicapped individuals. The driveway will terminate at the parking area as shown on the site plan. One parking space will be required for the number of employees as required by the ordinance.

**FINDING #4: The requested permit will be consistent with the objectives of the Land Development Plan.**

This proposal is located nearby to other non-residential projects either by outright zoning and conditional uses. Adjacent to the site are lands owned by: WUNC for their towers, Storybook Farms (Metal Fabricating Shop and Greenhouses), Frosty's store and landscape shop, and nearby gas line.

It is desirable for the County to have "growth (which) consists of a mix of different types of development" which is a quote from the Policies of our Land Development Plan. This is a predominantly residential neighborhood, with single family dwellings and churches, but there are appropriately interspersed in this community small businesses which are a part of the community, such as Frosty's Store, the landscaping business which is directly across from Frosty's and the uses mentioned above which lie on the Orange/Chatham border. This use will be compatible to the community and will produce a desirable mix of uses in accordance with the goals of our Land Development Plan.

The Land Use Plan itemizes its development goals and policies as:

"Preserve both the form and function of rural character - the landscape, agriculture and home based businesses." (page 1) This will be a small business, operated by a small number of employees and will make no greater impact on the community than a residential use.

Section 8, the Land Development Plan states that consideration should be given to "economic development centers to give a wide range of industrial and commercial activities; a portion of the county's economic development efforts will explore the feasibility of pursuing environmentally and community compatible business enterprises." This is an excellent example of an environmentally compatible use within a residential community, offering a mixed use, but in a subtle and community friendly manner.

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

1. Water Requirements. The site has an existing handicapped approved office bathroom which has been



reviewed by the Chatham County Health Department. This bathroom facility is the sole water use on the site, as the project itself does not demand any water usage. There will be an outside water spigot for watering plants. The project will utilize one existing well for office water use.

2. Wastewater Management. The proposal will require a single office bathroom. The septic field as shown on the site plan has been approved by the Chatham County Health Department, and the bathroom will be constructed in accordance with handicap accessible building standards. If an additional bathroom is required in the Proposed New Building, that will be at the discretion of the County at the time of the issuance of the building permit. The septic field has been sized in accordance with this requirement.
3. Access Roads. The site currently utilizes an existing commercial driveway directly off Jones Ferry Road. This driveway has been reviewed and approved by the Department of Transportation. This driveway will be the sole access serving this project. See site plan and other discussions within this application regarding the paved/stone portions of the driveway.
4. Storm Water Runoff. The plan has an existing storm water diversion ditch, storm drainage basin and stone filter as shown on the site plan, and will comply with all state stormwater runoff requirements, retaining the first one-half inch on site as prescribed by State Soil & Erosion Control. See the site plan.
5. Impervious Surface. The maximum amount of impervious surface which may be covered by this project is 36%. Essentially the Proposed New Building will cover an area on the plan which is currently a parking area, and which is already counted as impervious surface. It will add only 2250 additional square feet of impervious surface, and over 12,000 square feet are left unused on this project.

ADJOINING PROPERTY OWNERS:

Kearney H. and Rosalyn I. Andrews  
310 Woodlawn Drive  
Lexington, NC 27292  
Parcel #75479

Ernest Craig Sparrow (Deceased)  
255 Horseshoe Lane  
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Parcel #65048

Elton Edwards  
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