

**BAYCORP DEVELOPMENT, INC.**

**REQUEST FOR CONDITIONAL USE DISTRICT AND  
PERMIT**

**4.61 ACRE PARCEL LOCATED AT SOUTHWEST  
QUADRANT OF U.S. 15-501  
AND MANNS CHAPEL ROAD**

**August 22, 2005**

## **DEVELOPMENT TEAM**

Sean McCall Baycorp Development, Inc. 146 Second Street North Unit 302 St. Petersburg, Florida 33701 (727) 823-7219	Developer
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Piver & Associates, P.A. 8009 Creedmore Rd. Suite 200 Raleigh, NC 27613 Telephone (919) 844-9060 Contact: Bill Piver, P.E.	Civil Engineer
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Bradshaw & Robinson, LLP Post Office Box 607 Pittsboro, North Carolina 27312 Telephone: (919) 542-2400 Contact: Nicolas P. Robinson	Attorney
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Ramey Kemp & Associates, Inc. 4928-A Windy Hill Drive Raleigh, North Carolina 27609 Telephone: (919) 872-5115 Contact: Rynal Stephenson	Traffic Consultant
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Blakely Design Group 700 Exposition Pace, Suite 105 Raleigh, NC 27615 (919) 870-1868: Contact: Taylor Blakely	Landscape Architect
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Soil & Environmental Consultants 11010 Raven Ridge Rd. Raleigh, NC 27614 (919) 846-5900 Contact Person: Rick Pontello, N.C. Licensed Soil Scientist	Soil Scientists
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## **STATEMENT OF PURPOSE**

Baycorp Development, Inc. (“Applicant”), is applying to Chatham County for approval of a conditional use district and a conditional use permit for use of a 4.61 acre property for restricted business purposes. The property is located at the intersection of U.S. 15-501 and Manns Chapel Road – an intersection that is a commercial crossroads, ideally located for commercial use. The property is currently permitted for a business use as it was previously granted a conditional use permit to allow its use for small appliance repair purposes. This request is to convert the property to a conditional use district for restricted B-1 uses (delineated below) and to grant a conditional use permit for those uses. No specific tenant or purchaser has been finalized at this time.

It is possible that the property will be occupied by a bank branch and an illustrative site plan for that use is submitted herewith. Irrespective of the actual, ultimate tenant, the driveway locations and minimum exterior buffers and minimum landscaping will be unchanged. Applicant specifically requests that, if the ultimate tenant requires a different site plan or if additional structures are proposed in the future, Applicant be allowed to request site plan revision only (review by Planning Board and approval by Commissioners) in lieu of being required to submit for an amendment to the conditional use permit. Because the site plan process will affect only the interior of the property, the exterior landscaping and driveways having already been approved, it is suggested that site plan review will be more than sufficient. The request is made pursuant to Sections 5 and 15 of the Chatham County Zoning Ordinance. As is set forth in detail in this application, the proposal is consistent with the current nearby uses, the provisions of the zoning ordinance and the County Land Conservation and Development Plan.

The illustrative bank branch site plan shows a building approximately 4,000 square feet in size with on-site parking and landscaping consistent with the requirements of the zoning ordinance. The requested use, if approved, will make a positive contribution to the welfare of the citizens of Chatham County in the form of accessible products and/or services and will do so with minimum impact on neighboring properties.

INSERT APPLICATION

## LEGAL DESCRIPTION OF PROPERTY

All that 4.61 acre tract of land located at the southeastern corner of the intersection of U.S. Highway 15-501 South and Manns Chapel Road, as the same is depicted on the attached survey as shown on Page C-2 of **Exhibit C** attached hereto.

**SCHEDULE OF  
ADJACENT LAND OWNERS**

1. The Pantry, Inc.  
Post Office Box 1410  
Sanford, NC 27330
2. Ridgely W. Cook, Jr  
Julia Ann Cooper  
126 Estes Drive Ext.  
Carrboro, NC 27510  
(Owned by Allene Campbell until 1/11/05 when conveyed by deed, Book 1152, Page 283, Chatham County Registry)
3. David Curl  
1364 Mt. Olive Church Rd.  
Pittsboro, NC 27312
4. Jean Williams  
Post Office Box 429  
Carrboro, NC 27510
5. Glenwood Triangle Co., LLC  
16740 Birkdale Commons Parkway  
Suite 306  
Huntersville, NC 28078
6. Chatham Crossing, LLC  
16740 Birkdale Commons Parkway  
Suite 306  
Huntersville, NC 28078

## DESCRIPTION OF THE PROJECT

The Applicant intends to develop the parcel generally in accordance with the site plan attached hereto as **EXHIBIT A**. Because the precise and specific uses of the property are not fully known at this time, the request is for establishment of a conditional use district that would allow certain restricted B-1 uses. Applicant requests that all B-1 permitted uses be allowed other than the following which would not be allowed on the property:

1. Amusement enterprises such as pool, bowling, roller rink when housed entirely within a permanent structure
2. Bus passenger stations
3. Funeral homes, embalming, crematoria
4. Fur storage
5. Hotels, motels, inns
6. Laundries, laundromats and dry cleaning
7. Mobile home sales and service
8. Pawnshops
9. Radio and television stations and their towers.

Upon establishment of the B-1 conditional use district, Applicant requests a conditional use permit approving any of the allowed uses generally in accordance with the site plan attached as **EXHIBIT A**. Because it is anticipated that the property may be used as a bank branch parcel (although that is not definitive at this time) the site plan shows a representative building plan for a bank branch. The building plan is illustrative only as to the configuration of the building and parking area which would both be subject to change. Once the actual use is finally determined (if it is different from the bank site plan attached), a site plan conforming to applicable impervious surface, stormwater, landscaping and set-back regulations will be followed. It is requested that, in such case, the Applicant be required to submit for site plan review rather than for an amendment to the conditional use permit.

### ***Location:***

- (1) Public Highways. The property adjoins US 15-501 South and Manns Chapel Road.
- (2) Private Roads. There are no private roads involved. The attached site plan shows approved driveway entrances to the property.
- (3) Current Zoning. The current zoning of the site is RA-40 with a conditional use permit for small appliance repair.

(4) Watershed Classification. The watershed classification is WS-IV-PA. The property is situated along the border with the WS-II –BW which is defined in the ordinance as “the portion of Chatham County draining to University Lake . . . that is bounded on the east by U.S. 15-501 and on the south by S.R. 1532 (Manns Chapel Road) . . .” This property lies to the south of Manns Chapel Road and, after grading will drain away from the University Lake watershed. Attached hereto as **Exhibit B**, is the project engineer’s certification that the property will be graded and designed specifically to ensure that it drains away from University Lake. Because this project does not have a curb and gutter street system, up to thirty-six percent (36%) impervious surface or “built-upon area” is allowed. The actual projected impervious surface (using the illustrative bank parcel plan) is 21.2 %.

(5) Major Wildlife Areas. This site is not in or adjacent to any area designated as a natural area according to the “Inventory of the Natural Areas and Wildlife Habitats of Chatham County, North Carolina.”

(6) Size in Acres of Site. The size of the site is approximately 4.61 acres.

(7) Utility or Other Easements. Rights of way for US 15-501 south serve the site as well as easements to BellSouth and CP&L for utilities.

(8) Current Use. The site is currently used as a residence for the owners and has been used as a small appliance repair center.

(9) Current Contents of Site. The site currently contains a two mobile homes (each with a nearby small storage shed). The site also contains a small cement block building formerly used as a small appliance repair center.

(10) Other Conditional Use Permits Granted for the Site. The site was previously granted a conditional use permit for small appliance repair.

***Description of Use:***

The proposed use of the property is grounds and facilities the specified B-1 uses.

***Site Plan and Drawing:***

The preliminary site plan and boundary survey attached as **EXHIBITS A and C**, respectively, describe the site in detail. An illustrative building plan is shown for reference. The driveway locations and exterior landscaping, however, will be as shown on the attached **Exhibits A and D**.

(1) Existing Buildings. The existing structures will be removed.



(2) New Buildings. The proposed new building is to be located generally as shown on the site plan attached hereto as **EXHIBIT A**. The footprint of the anticipated building will be approximately 4,000 square feet.

(3) Landscape Plan The attached landscaping plan calls for an appropriate landscaping buffer between the building and the residential uses to the south. The existing natural wooded area to the west of the building will more than fulfill any screening or buffering requirements for the residential property to the west. To the extent that the site plan is changed dependent upon the use or number of uses, at a minimum, the minimum required buffers shown on the landscaping plan will remain. In addition, the Chatham County screening and buffering requirements from Table 6-A of the Design guidelines will be followed with respect to all adjoining properties. The parking lot landscaping also meets the Zoning Ordinance requirements set forth in Section 12.2. Please see the Landscape Plan site plan attached as **EXHIBIT D**.

(4) Screening/Buffering Plan, Setbacks. As to screening and buffering, see above. As to B-1 setbacks, all such setbacks, including the 50 foot front set back will be complied with as indicated on **Exhibit A**. The parking lot will be more than 10 feet from the public right of way as required by section 12.2 of the Zoning Ordinance.

(5) Natural Preserved Areas. A majority of the total acreage will be preserved in its existing natural condition.

(6) Site Boundaries with Adjacent Properties. The boundaries between the site and adjacent properties are shown on the site plan. The names and addresses of adjoining land owners are provided with this application.

(7) Parking. The proposed parking areas for employees and customers are shown on the draft site plan. Section 12 of the zoning ordinance requires at least 1 space per 200 feet of gross floor area. Thus, for a 4000 square foot building, at least 20 spaces would be required. The site plan shows 28 spaces. All stacking requirements will be complied with if needed for the ultimate business user.

(8) Sign Location, Type and Size. Signage at the two entrances will comply with Section 13.7 of the Zoning Ordinance. The main sign, at the 15-501 entrance will be no larger than two square feet per lineal foot of frontage on 15-501. The secondary sign will be no larger than one square foot per lineal foot of road frontage on Manns Chapel Road. Neither sign will exceed a size of 150 square feet.

(9) Areas Reserved for Future Development or Improvements. The balance of the property is reserved for possible future development.

(10) Lighting Plan. The drafted but as yet unapproved Chatham County Lighting ordinance will be followed.

(11) Percentage of Impervious Surface. The plan, including the parking lot, driveway and building, contains a proposed impervious surface of 21.2% — substantially below the 36% impervious surface ratio allowed under the watershed ordinance.

(12) Topographical Description of Site. A topographical map is provided as part of the site plan attached as Exhibit A.

(13) County Road Map. A county road map identifying the location of the property is provided as **EXHIBIT E**.

(14) County Tax Map. A copy of the county tax map of this site is provided as **EXHIBIT F**.

***Start and Completion Projections:***

The projected start date for construction of the structure is estimated to be in the spring of 2006. Depending on the start date, the projected completion date is estimated to be spring of 2007.

***Adjoining Property Owners:***

The names and addresses of the adjoining property owners are on the attached schedule.

***Reference to Existing County Plans:***

Because of its location at the commercially strategic and convenient crossroads of U.S. 15-501 and Manns Chapel Road, the project meets and conforms to the Chatham County Land Conservation and Development Plan (the “Land Use Plan”).

At the outset of the Land Use Plan, two fundamental policies are set forth, both of which are met by this proposal. The first general policy is that land development will reflect balanced growth by, in part, ensuring that development is “guided to suitable locations and is designed appropriately.” *Land Use Plan, p. 1*. This proposal is certainly in a suitable location in that it is at the critical commercial intersection in Northeast Chatham County. Commercial development exists on all quadrants of the intersection at this time. This “wrap-around” parcel with frontage on both U.S. 15-501 and Manns Chapel road is ideally suited for business uses. The location is suitable and the design will conform to or exceed all County standards set forth in the design guidelines and other applicable ordinances.

The second general policy of the Land Use Plan is that development be open, pro-active and cooperative. Because the process involved is a request for a conditional use permit, a public hearing will be held after a public advertisement is published. The property will be posted with signs giving notice of the public hearing on the matter. The project has been designed specifically to take into account nearby residential areas and to fold it nicely into existing commercial/business uses.

In addition to conforming to the general policies of the land Use Plan, the proposal meets with the relevant Major Recommendations of the Land Use Plan as well. The proposed development meets squarely with recommendations 9, 12 and 17 which are the recommendations that relate specifically to commercial development. The property is located in what would certainly be an “economic development center” and a “cross-roads commercial center” under the Land Use Plan although those zones have never been formally adopted.

The Land Use plan also states the following objectives that are met by the current proposal:

1. “Site commercial uses along major highways in clusters at specific, designated locations. . .” *Land Use Plan, p. 10.*
2. “Site commercial clusters so that they might be able to be served by transit in the future, especially along U.S. 15-501 north of Pittsboro.” *Land Use Plan, p. 10.*
3. “Site commercial clusters so that they extend up side roads off main thoroughfares . . .” *Land Use Plan, p.10*
4. With respect to economic development centers, the Land Use Plan specifically highlights locations “in the northern part of the County within the U.S. 15-501 corridor.” *Land Use Plan, p. 33.*

### **FINDINGS REQUIRED BY ZONING ORDINANCE**

The Chatham County Zoning Ordinance requires that the Board of Commissioners make five affirmative findings in establishing a conditional use district and in granting a conditional use permit. All five findings are supported by this application.

***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.*

(1) Validation of Use in Zoning Ordinance: The requested uses are all allowed uses within the requested B-1 conditional use district and, as such, are eligible conditional uses within the district.

(2) Land Development Plan Reference: This application is consistent with the Land Use Plan. Please see the discussion under "Reference to Existing County Plans" above.

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

(1) Need and Desirability: The proposed business uses will be beneficial to the County by providing necessary goods or services to the local citizenry, by increasing ad valorem real and personal property tax revenue and by adding to the number of local jobs available to County residents.. With the widening of the intersection and the widening of both U.S. 15-501 and Manns Chapel Road, the continuing viability of this site as a residential parcel has been considerably diminished. In addition, the location of commercial uses in virtually all directions leads to the conclusion that conversion of the property from residential to commercial is appropriate. Further, given the significant residential growth in the area, including the approved Briar Chapel subdivision, commercial and business uses will certainly be in demand in this location.

(2) Survey of Similar Uses: The anticipated use as a bank property is needed in the area. The only bank branch located between the County line and Fearrington Village is the new State Employees Credit Union located at Old Lystra Rd. and U.S. 15-501. Many people travel to Chapel Hill for branch banking services. Otherwise, the market will dictate desirability of other allowed B-1 uses.

(3) Public Provided Improvements: No additional public improvements will be needed for this project.

(4) Tax Considerations: Although it is difficult to predict with precision the tax revenue benefit to Chatham County, it is expected that this project will result in an increase in assessed value of the subject property. Tax revenue will be generated by improvements made to this real property, which is now being taxed as residential real property. The current prorated ad valorem real property tax revenue generated by the 4.61 acres at issue is approximately \$1,543.55 annually. The proposed business use and the attendant new commercial structure(s) will add property tax revenues. Assuming a very conservatively estimated post-construction combined value of the land and improvements of \$2,565,000.00 and using the current combined tax rate of \$ .657 per \$100 dollars of assessed value, the ad valorem real property tax revenue alone would increase to approximately, \$16,852 annually, a ten-fold increase. The value and the associated tax revenue will only increase with time. Demands on County services will be minimal. This use will not increase

the County school population, will not require infrastructure improvements from the County and will have no significant impact on County fire, law enforcement or rescue services.

(5) Employment: After the property is built-out and operational, it is expected that there will ultimately be several full-time employees. If a bank is the ultimate user, approximately 10-15 employees are anticipated. Construction of the structure will provide temporary employment for a number of persons involved in the building trades and professions. Although it is not currently possible to describe the salary ranges of those employees, some of the personnel will be professional skilled employees who will be appropriately compensated. Compensation of all employees is expected to be competitive in the local market.

***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.*

Generally speaking, there could hardly be a more appropriate location for a b-1 district in the entire northeast quadrant of the County. The parcel is adjacent to other commercial uses and, where residential uses adjoin, more than adequate buffering is proposed. The proposal is certainly in character with the existing uses. The proposal will not be detrimental in any way to the health safety or welfare of the community.

(1) Emergency Services: The office is expected to make very limited demands on fire and police protection and emergency services. This is certainly true as compared to other possible uses of the subject property, such as residential.

(2) Traffic: The site will have no significant impact on area traffic. With two ingress and egress driveways, traffic impacts will be minimized. A traffic study performed by Ramey Kemp & Associates, Inc. for the parcel that contemplates two uses on the parcel concluded that the intersection will function at an acceptable level of service whether or not the proposed site is developed. The DOT has made a site visit and has concluded that the driveways proposed will be acceptable with certain improvements. See **EXHIBIT E**. Applicant will perform all improvements required by the NCDOT.

(3) Visual Impact and Screening: This project is designed as much as possible to have a minimal impact on neighbors. The attached landscape plan **EXHIBIT D**, evidences compliance with applicable buffering and screening requirements.

(4) Lighting: Exterior lighting will be down-lighting with direct glare shielded from adjoining roads and properties. The lighting will be in compliance with the draft Chatham County Lighting Ordinance.

(5) Noise: The proposed uses will produce ordinary levels of noise. No industrial or significant noise-generating activities or uses are proposed.

(6) Chemicals, Biological and Radioactive Agents: Given the proposed uses, none are anticipated.

(7) Signs: Signage at the two entrances will comply with Section 13.7 of the Zoning Ordinance. The main sign, at the 15-501 entrance will be no larger than two square feet per lineal foot of frontage on 15-501. The secondary sign will be no larger than one square foot per lineal foot of road frontage on Manns Chapel Road. Neither sign will be larger than 150 square feet.

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

(1) Land Development Plan Reference: This application is consistent with the Land Use Plan. Please see the discussion under "Reference to Existing County Plans" above.

(3) Watershed Considerations: The watershed classification is WS-IV-PA. Because this project does not have a curb and gutter street system, up to thirty-six percent (36%) impervious surface or "built-upon area" is allowed. The actual projected impervious surface is about 21.2% -- well below the allowed limit.

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

(1) Water Source and Requirements: The improvements will rely on the County water system. The proposed uses will not appreciably tax the County's water resources.

(2) Wastewater Management: Wastewater will be disposed of by conventional septic methods. Soils testing has been performed by Soil & Environmental Consultants. Adequate soils exist to serve the property. Submitted with this Application is the soils report dated March 30, 2004. The report was done by Applicant's soil scientist for a prior potential developer of the site proposing a drug store for the site. The report is based on a proposed drug store use employing 15 people. The drug store would be an allowed use. The report reveals that soils are sufficient for a conventional, below-ground septic system to support a 15 employee business use. If a business use employing more than 15 people is later proposed, Applicant will submit an updated soils report.

(3) Access Roads: The subject property directly adjoins US 15-501 and Manns Chapel Road.

(4) Stormwater Runoff: A dry detention basin measuring 30' x 60' x 3' will capture the first 1" of impervious runoff. The basin is sized sufficiently to absorb the "one year, 24-hour storm" (approximately 3" of rain). The basin will be located so as to minimize flow from the site during rain events. Neighboring properties should not experience increases in runoff except in unusual rain events.

## CONCLUSION

The proposed application is consistent with the five necessary findings and will enhance the area by adding needed, attractive commercial uses. The applicant respectfully requests that the request for a conditional use district and permit be granted.