

APPLICATION FOR
ZONING DISTRICTS
CONDITIONAL USE DISTRICTS
CONDITIONAL USE PERMITS

Chatham County Planning Department
P.O. Box 54
Pittsboro, NC 27312

Tel: 919/542-8204
Fax: 919/542-2698
Email: angela.birchett@ncmail.net

(1) Applicant Information:

Name: Irene Faircloth Gattis and Joseph
Mosnier d/b/a "Historic Manns Chapel Event
Center & Café"

Address: 585 Gilmore Road
Chapel Hill, NC 27516

Phone No: (h) 919-942-2754
(w) _____
(m) _____

Email: mosnier@unc.edu

(2) Landowner Information (as shown on deed)

Name: See attached

Address: See attached

Phone No: (h) 919-942-2754
(w) _____
(m) _____

Email: mosnier@unc.edu

(3) Property Identification:

911 Address: 175 Poythress Road, Chapel Hill,
NC 27516 (Mann's Chapel)
248 Poythress Road, Chapel Hill, NC 27516
(Colpitts 3.0 ac.)

S.R. Name: Poythress Road & Lamont
Norwood Road

S.R. Number: 1534 and 1536

Township: Baldwin

Acreage: 4.545 ac. (approx.)

Flood map #: 3710976600J (7-13-2005)

Flood Zone: X

PARCEL#: 62230 (Manns Chapel)

62254 (Colpitts 3.0 acres)

P.I.N #: 9766-22-4900.000 (Manns Chapel)

9766-23-8333.000 (Colpitts 3.0 ac.)

Deed Book: 1346 Page: 84 Yr: 2007 (Manns Chapel)

Deed Book: 1260 Page: 906 Yr: 2006 (Colpitts)

Plat Book: 2007 Cabinet A Page: 355 (Manns Chapel)

Plat Book: 2007 Cabinet A Page: 780 (Colpitts)

Current Zoning District: 0/I (Manns Chapel)

RA-90 (Colpitts 3.0 acres)

Watershed District: WS-IV-PA (Manns Chapel)

WS-II-BW (Colpitts 3.0 acres)

(4) Requested Zoning District, Conditional Use District, OR Conditional Use Permit:

C.U.D. B-1

(5) Directions to property:

Follow Manns Chapel Road (S.R. 1532) westward approximately 2 miles from U.S. 15-501 at Cole Park Plaza. Turn right on Poythress Road. Church property on left. Three acre parcel on right.

(6) Attach the following, if requesting a zoning map amendment:

- List of names and addresses or current adjoining property owners (see Adjacent Landowners form)
- Written legal description
- Map of the property at a scale of not less than 1 inch equals 200 feet
- Explanation of request addressing applicable portions of Section 17.3B of the Chatham County Zoning Ordinance

(7) Attach Submission Materials Checklist Information (see Submission Materials Checklist form)

I hereby certify that I am the owner or authorized agent of said property and that the information provided is complete and the statements given are true to the best of my knowledge.

Signature

Date

The owner must sign the following if someone other than the owner is making the application.

I hereby certify that _____ is an authorized agent for said property and is permitted by me to file this application.

Signature

Date

- List of names and addresses of current adjoining property owners (see Adjacent Landowners form)
- Written legal description
- Map of the property at a scale of not less than 1 inch equals 200 feet
- Explanation of request addressing applicable portions of Section 17.3B of the Chatham County Zoning Ordinance

(7) Attach Submission Materials Checklist Information (see Submission Materials Checklist form)

I hereby certify that I am the owner or authorized agent of said property and that the information provided is complete and the statements given are true to the best of my knowledge.

Irene Faircloth Gattis *Aug. 14, 2008*
Joseph Mosnier *Aug. 14, 2008*
 Signature Date

The owner must sign the following if someone other than the owner is making the application.

I hereby certify that _____ is an authorized agent for said property and is permitted by me to file this application.

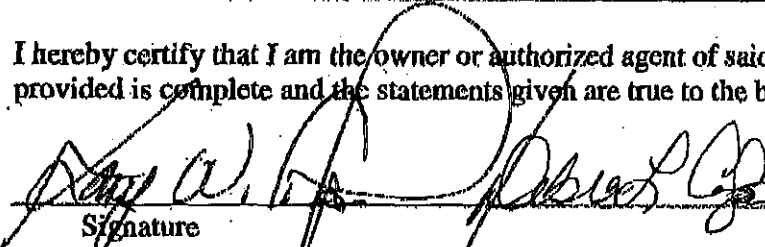
Signature

Date

- List of names and addresses of current adjoining property owners (see Adjacent Landowners form)
- Written legal description
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- Explanation of request addressing applicable portions of Section 17.3B of the Chatham County Zoning Ordinance

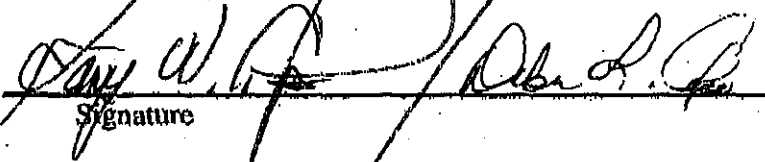
(7) Attach Submission Materials Checklist Information (see Submission Materials Checklist form)

I hereby certify that I am the owner or authorized agent of said property and that the information provided is complete and the statements given are true to the best of my knowledge.


 Signature _____ Date 8/12/2008

The owner must sign the following if someone other than the owner is making the application.

I hereby certify that JOSEPH MANZIE / TRINE GATTS is an authorized agent for said property and is permitted by me to file this application.


 Signature _____ Date 8/12/2008

Landowner Information (as shown on deed)

1. Irene Faircloth Gattis
Joseph Mosnier
585 Gilmore Road
Chapel Hill, North Carolina 27516
(Manns Chapel Property 1.545 acres)

2. Gary W. Colpitts
Debra L. Colpitts
330 Erwin Road
Chapel Hill, North Carolina 27514
(3.0 acre tract)

ADJOINING LANDOWNERS

1. Pittman-Korbin Inc.
7916 Bud Morris Road
Wake Forest, NC 27587
Parcel 85413
2. Melissa and Todd Hill
3156 Lamont Norwood Rd.
Pittsboro, NC 27312
Parcel 73647
3. Kenneth G. Hackney
97 Poythress Road
Chapel Hill, NC 27516
Parcel 86062
4. William B. Hackney, Trustee
Beulah H. Hackney, Trustee
114 Oak Street
Carrboro, NC 27510
Parcel 2627

REQUEST FOR ZONING ORDINANCE/MAP AMENDMENT AND CONDITIONAL
USE DISTRICT
PURSUANT TO CHATHAM COUNTY ZONING ORDINANCE
SECTION 17

Applicant's request for a Conditional Use District is a request for an amendment to the Chatham County Zoning Ordinance and map (legislative process). Filed simultaneously with this application for a conditional use district is an application for a conditional use permit. Applicant incorporates by reference herein all of the contents of its Conditional Use Permit application as if fully set out herein.

Pursuant to Section 17 of the Chatham County Zoning Ordinance, the following additional information is necessary for an application for a conditional use district:

1. If the proposed amendment would require a change in the zoning map, a map at a scale of not less than 400 feet to the inch nor more than 20 feet to the inch showing the land which would be covered by the proposed amendment. *See map attached as **EXHIBIT A** hereto.*
2. A legal description of such land. *See legal description attached as **EXHIBIT B**.*
3. 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. *The Ordinance currently does not allow the uses simultaneously requested herewith within the property because a portion of the property is zoned O/I (the Manns Chapel property) and the other portion is zoned RA-90 (the Colpitts 3.0 acre parcel). Establishment of a Conditional Use District for said property as requested will allow for the conditional uses requested simultaneously herewith. The requested B-1 Conditional Use District in this location is consistent with the Land Use Plan. See attached **EXHIBIT C**.*
4. The changed or changing conditions, if any, in 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. *In the Land Conservation and Development Plan, certain policies, goals and planning objectives were established. A principle objective stated in the Land Use Plan is a desire to retain rural character but also to attract small businesses. The Land Use Plan also strongly promotes preservation of historic structure, culture and tourism. Thus, the County desires to encourage small businesses at cross-roads, which business uses protect and promote rural character. The location of hundreds, if not thousands of residential lots within a few miles of the site argues strongly for an*

amendment to allow business uses at this critical intersection. Further, the current zoning (O/I) would allow certain commercial uses while the change to conditional use B-1 would more appropriately limit the allowed uses of the land. This land meets the qualifications for an Economic Development Center and a Cross-roads Commercial spot. This district is reasonably necessary to the promotion of the public, health, safety and general welfare because it preserves an historic structure, it locates business where business uses are already allowed but also at a critical cross-roads intersection for northeast Chatham County. Approval in this location will create jobs, generate tax revenue and tourism, and do so in a geographical area where such uses are encouraged.

5. The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Development Plan or part thereof. *Applicant incorporates the information regarding the manner in which this request carries out the intent and purpose of the Land Use Plan from its simultaneously filed Application for Conditional Use Permit. This rezoning will make the zoning for this land consistent with the objectives of the Land Use Plan for this area.*

6. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. *The amendment is necessary in order to allow for approval of the requested Conditional Use Permit. Applicant incorporates all of the reasoning contained in that application.*

7. Information required on the application form received from the Planning Department. *See attached application form.*

CONCLUSION

Applicant respectfully requests that the requested Conditional Use District be approved on the basis of the information provided herein and all information submitted or to be submitted as part of the legislative process.

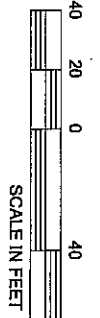
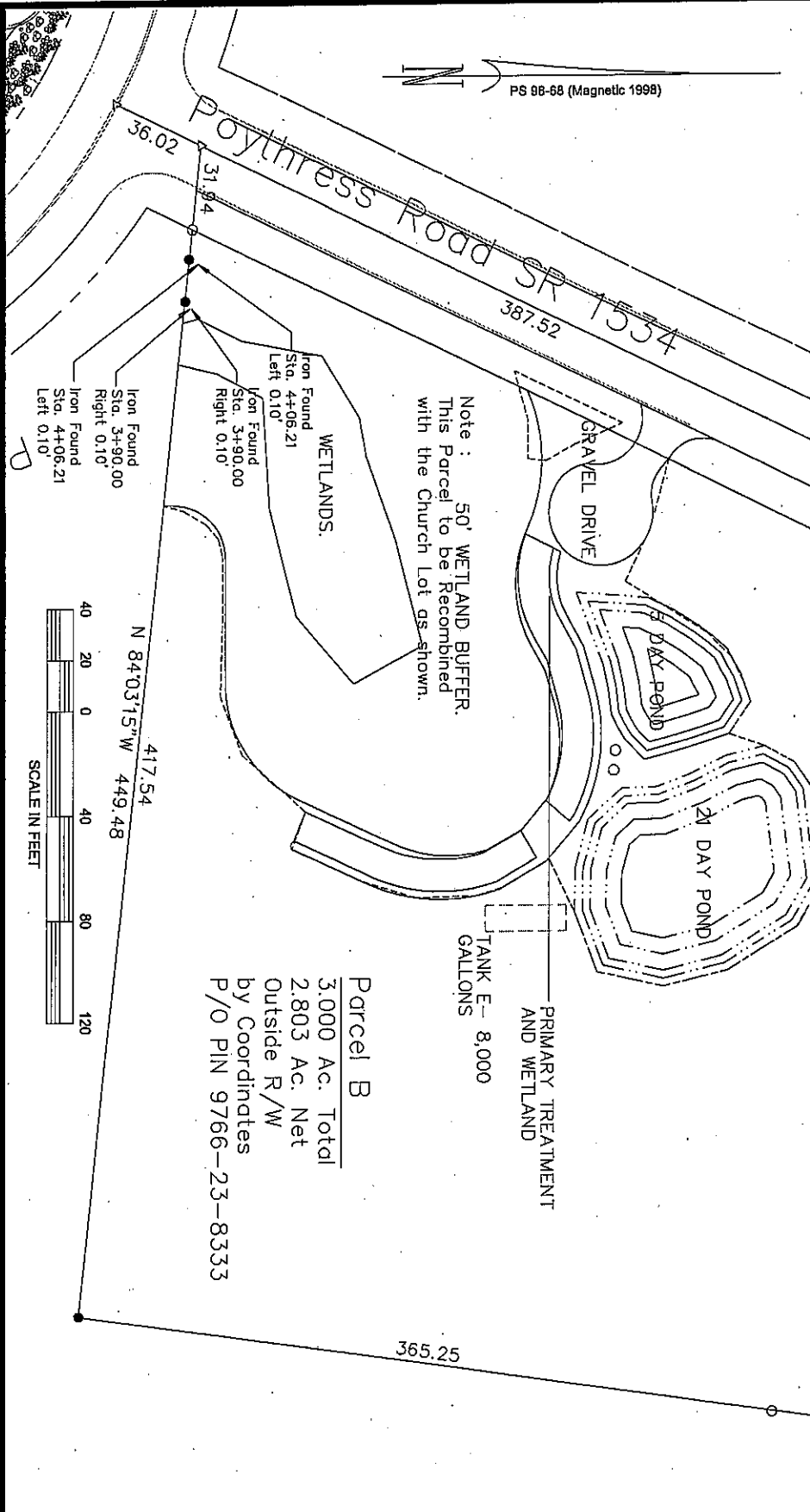
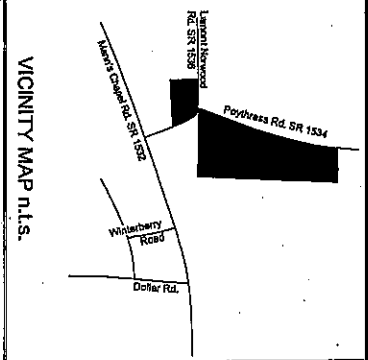
BRADSHAW & ROBINSON, LLP

BY:



Nicolas P. Robinson
Attorney for Applicant
Post Office Box 607
Pittsboro, NC 27312
(919) 542-2400

EXHIBIT A



Parcel B
 3.000 Ac. Total
 2.803 Ac. Net
 Outside R/W
 by Coordinates
 P/O PIN 9766-23-8333

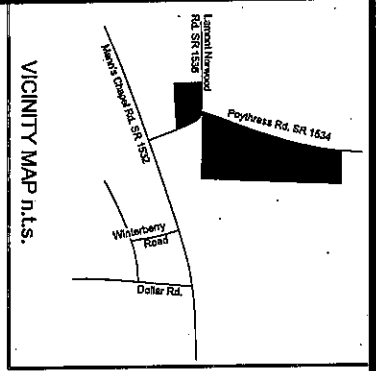
Note : 50' WETLAND BUFFER.
 This Parcel to be Recombined
 with the Church Lot as shown.

Note :
 This Parcel to be Recombined
 with the Church Lot as shown.

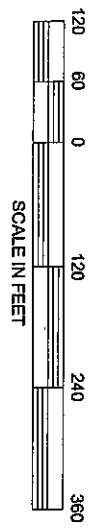
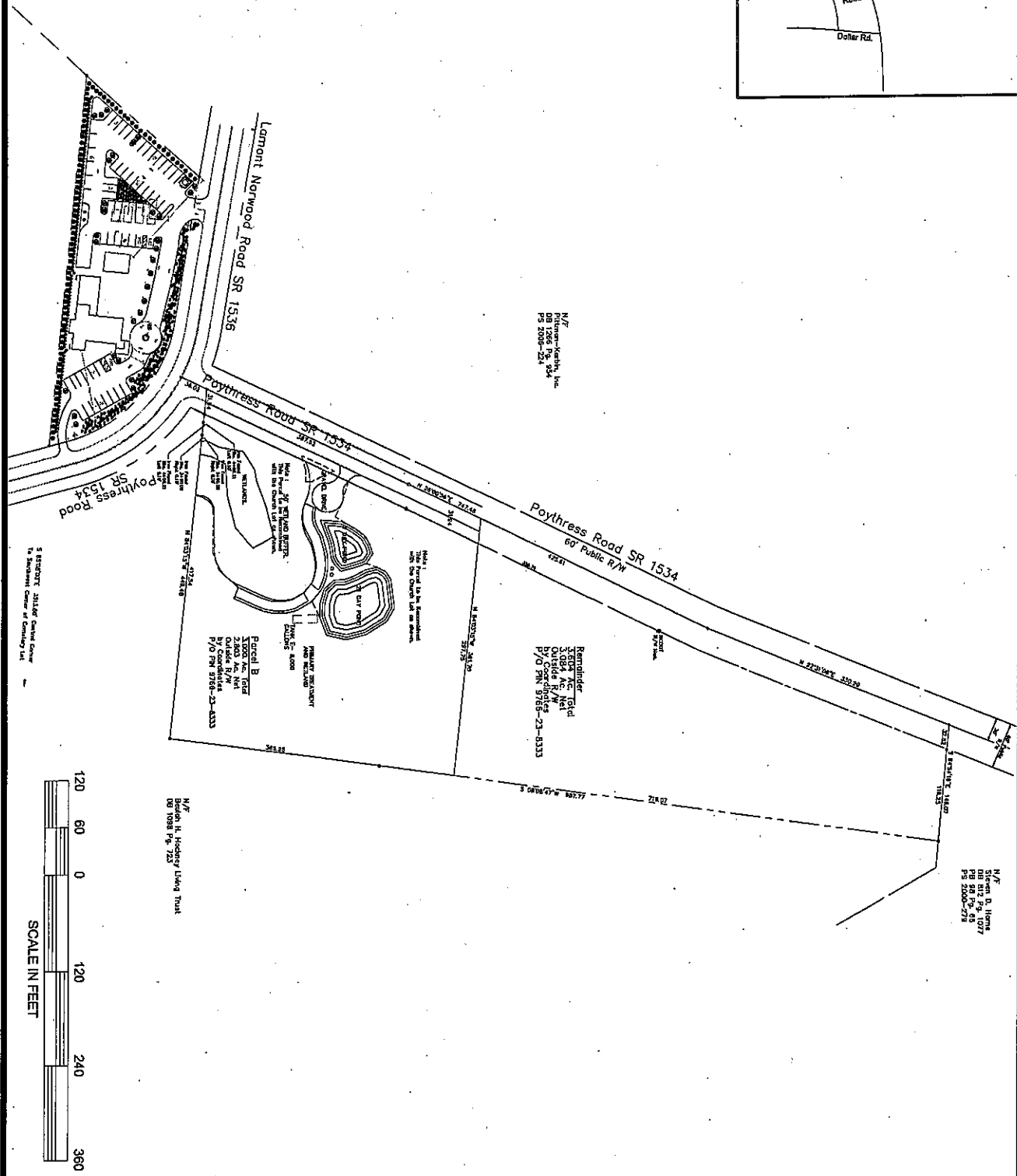
<p>John Gus Beck HD.2008 ENVIRONMENTS INTERACTIVE MEDIA <small>2310 South American Drive, Suite 200 Chapel Hill, NC 27514 Phone: 919.966.8888</small></p>	<p>SEAL</p>	<p>PROJECT/ OWNER MANN'S CHAPEL CHURCH PROPERTY 175 POYTHRESS RD. CHAPEL HILL, NC 27516</p>	<p>REVISIONS</p>	<p>SHEET TITLE SITE PLAN PARCEL B</p>
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C1.2

EXHIBIT A (2 of 4)



PS 98-68 (Magnetic 1998)



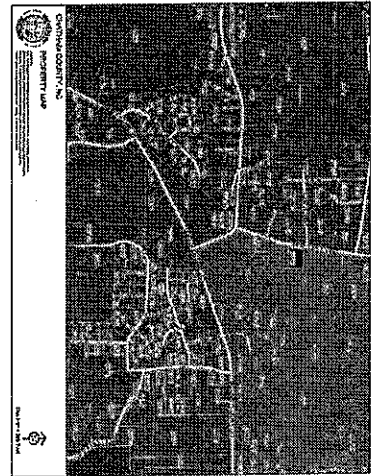
<p>John Gus Beck HD.2008 ENVIRONMENTALS INTERACTIVE MEDIA</p> <p><small>3128 Laurel Avenue, Cary, NC 27513 919.487.1234 jgus@environmentals.com</small></p>	<p>SEAL</p>	<p>PROJECT/ OWNER MANN'S CHAPEL CHURCH PROPERTY 175 POYTHRESS RD. CHAPEL HILL, NC 27516</p>	<p>REVISIONS</p>	<p>SHEET TITLE SITE PLAN PARCELS A & B</p>
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EXHIBIT A (3 of 4)

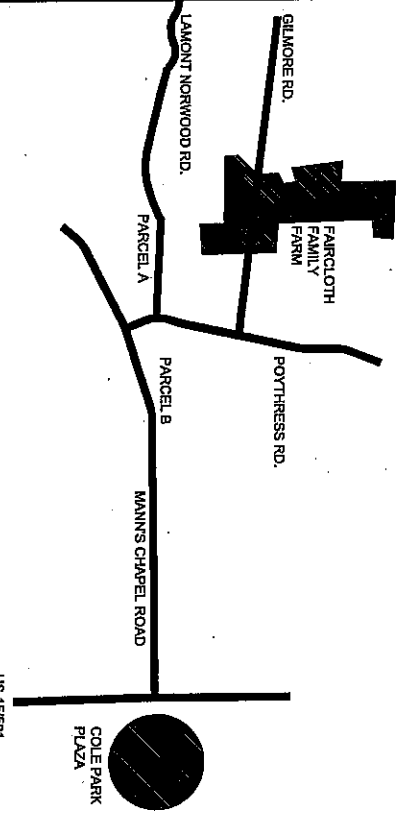
C1.0



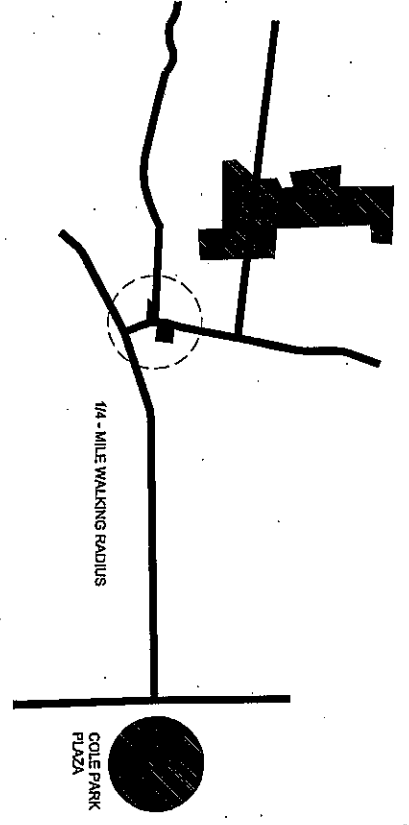
AERIAL IMAGE
N.T.S.



ZONING MAP
N.T.S.



REGIONAL MAP
N.T.S.



1/4 WALKING RADIUS
N.T.S.

<p>John Gus Beck HD.2008 ENHANCEMENTS I INTERACTIVE MEDIA <small>1208 Samuel Alexander Drive, Suite 200 Chapel Hill, NC 27516 Phone: 919-966-4444</small></p>	<p>SEAL</p>	<p>PROJECT/ OWNER HISTORIC MANN'S CHAPEL PROJECT 175 POYTHRESS RD. CHAPEL HILL, NC 27516</p>	<p>REVISIONS</p>	<p>SHEET TITLE LOCAL AREA MAP</p>	<p>C1.3</p>
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EXHIBIT A (4 of 4)

EXHIBIT B

LEGAL DESCRIPTION OF PROPERTY

Conditional Use District/Permit Property:

1. Parcel A: Chatham County PIN 9766-22-4900; Chatham County AKPAR #62230.

1.545 acres, more or less, as more particularly described on that certain Final Plat Survey of Decommissioned Mann's Chapel Church Property and referred to therein as the "Church Lot," by Holland Land Surveying, dated June 26, 2007 and recorded at P.S. 2007-255, Chatham County Registry.

2. Parcel B: Chatham County PIN 9766-23-8333; Chatham County AKPAR #62254 (the southern 3.0 acre portion of this approximately 6.61 acre tract):

3.0 acres, more or less, as more particularly described on the attached site plan and as follows:

The southern 3.00 acres of the property described in Deed recorded in Deed Book 1260, Page 906, Chatham County Registry; such 3.00 acres being bounded on the North by a straight line, parallel to the southern boundary line of the property, from the eastern boundary to the western boundary of the property in such location as to create a 3.00 acre parcel south of such new line.

EXHIBIT C

CONSISTENCY WITH LAND USE PLAN

Cross-roads commercial uses are promoted by the Land Use Plan. The Land Use Plan makes reference to "cross-roads" commercial uses in forms that "support rural character" no fewer than sixteen times. The Plan encourages use of "design standards conforming to traditional rural development." *Land Use Plan, p. 35*. This project meets that objective by placing a commercial/community enterprise at a cross-road that is fed by the northeastern corridor of the County (Poynthress Rd., Gilmore Rd. and Damascus Church Road, leading all the way into Smith Level Rd.) as well as a northwesterly section of the quadrant (Lamont Norwood Rd., Hamlets Chapel Rd., Jones Ferry Rd., Crawford Dairy Rd. and Chicken Bridge Rd.). Patrons from northern Chatham County will be able to visit the project without ever driving on U.S. 15-501. This is the definition of a cross-roads commercial endeavor, fully supported by the Land Use plan.

One of the explicit goals of the Land Use Plan is to ensure that "[h]istoric assets are preserved." *Land Use Plan, p. 10*. Because the project will resurrect the Faircloth farmland for use as a supplier of locally grown produce, the project meets another goal of the Land Use Plan of ensuring that "prime farmland is conserved and protected to ensure that agricultural lands remain in agriculture." *Land Use Plan, p. 9*. Further, the Land Use Plan aspires to establish "tourism . . . as an important component of the County's economy." *Land Use Plan, p. 10*.

The concept of protecting "rural character" is well-defined and prominent in the Land Use Plan. The Plan mentions "rural character" at least 36 times. In fact, "rural character" is defined in the plan to include a backdrop of ". . . barns, churches and silos . . ." *Land Use Plan, p. 16*. Thus, the concept of preserving an historic church falls squarely into line with preserving the rural character of Chatham County while at the same time promotong commerce through small, local businesses.

In referring to "Economic Development Centers," the Plan requires that the County's economic development efforts will "explore the feasibility of pursuing environmentally and community compatible business enterprises." *Land Use Plan, p. 31*. The Plan refers to 8 square miles of economic development centers but never included a map indicating the locations of the same. Thus, our guidance for where economic development centers should be located is supplied by the multiple references to cross-roads community commercial endeavors. This project is ideal for a cross-roads commercial endeavor. In fact, the Plan refers to locations that should be considered as appropriate for economic development as including businesses "in the northern part of the county within the U.S. 15-501 corridor." This cross-roads commercial center is located within two miles of U.S 15-501 at a strategic crossroads. As such it is ideally located to conform to the Land Use Plan.

Further, the Land Use Plan provides that "economic activity can occur almost anywhere in the County, with the exception of conservation areas, but different

activities (or uses) would be appropriate in different locations and might be subject to different performance and design standards.” *Land Use Plan, p. 27*. This economic activity is perfectly matched to the location and in complete alignment with the goals and policies of the Land Use Plan.

- It encourages community compatible businesses. *Land Use Plan, p. 27*.
- A broad range of economic activities should be permitted. *Land Use Plan, p. 31*.

The Land Use Plan also sets out benchmarks for establishing appropriate economic development centers such as (1) areas especially suited for particular businesses (this decommissioned church building has already been dedicated to public gatherings for one hundred years); (2) areas tied to transportation infrastructure (this site is located approximately 2 miles from Cole Park Plaza, the principal commercial intersection in northeast Chatham County); (3) areas minimizing impact of businesses on areas of the county (access to this location as a crossroads commercial location is extensive from all directions but will not burden the major thoroughfares nearby); (4) commercial development that pays for itself (this use will not impose any financial burden on the County but will create jobs and will increase tax revenue and local spending). *Land Use Plan, p. 10*.

There can be no doubt that this proposal fulfills the specific language of the Land Use Plan and is consistent with and promotes the purposes and intent of the Land Use Plan.