

APPLICATION FOR

CONDITIONAL USE PERMIT

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

Tel: 919/542-8204
Fax: 919/542-2698
Email: angela.birchett@chathamnc.org

(1) Applicant Information:

Name: Kenneth Hoyle/Floyd Coleman

Address: 51 Bynum Road

Pittsboro, NC 27312

Phone No: (h) 919-542-1669

(w) 919-968-8375

(m) 919-619-2858

Email: kbhoyle@nc.rr.com
fwcoleman@nc.rr.com

(2) Landowner Information (as shown on deed)

Name: Kenneth Hoyle/Floyd Coleman

Address: 51 Bynum Road

Pittsboro, NC 27312

Phone No: (h) 919-542-1669

(w) 919-968-8375

(m) 919-619-2858

Email: kbhoyle@nc.rr.com
fwcoleman@nc.rr.com

(3) Property Identification:

911 Address: 9555 US 15 - 501 N

Chapel Hill, NC 27517

S.R. Name: US Hwy 15 & 501

S.R. Number: US Hwy 15 & 501

Township: Baldwin

Acreage: 2.285

Flood map #: 3710977500-J

(2-07-2007)

Flood Zone: x

PARCEL#: 2759

Deed Book: 1458 Page: 0238 Yr: 2009

Plat Book: 33 Page: 59

Current Zoning District: R1 - CUP

Watershed District: WS-IV PA

(4) Requested Conditional Use Permit for the following Uses: Section 10 of Zoning Ordinance

All NB zoning columns uses listed as "P" Permitted uses or "CU"
"Conditional Uses" in table #1 on pages 35 - 46, except the following
listed areas. (See next Page...)

(5) Directions to property from Pittsboro:

North on US 15 - 501, from the Chatham Co. court house 9.6 miles.
Located on the left side of the road, adjacent to the entrance to
Briar Chapel.

(4) Continued from Page 1 - Req. Conditional use Permit for
the follwing Uses: Section 10 of Zoning Ordinance

We feel that the following listed areas would not be in keeping
with the Neighborhood Business at this location.

Amusement Enterprises

Appliance Sales & Service

Automobile Service Station

Blacksmith or Horseshoeing Shops

Boarding Kennels - There is one located diagonally across
from the jproperty

Boat Storage Facility

Breeding Kennels

Private Recreation Camps & Grounds

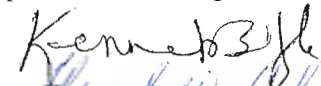
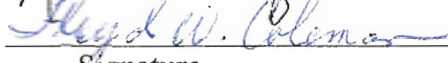
Temporary Construction Trailers or Structures

(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 Conditional Use Permits** 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

10/8/09
10/8/09
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

Adjacent Landowners (property owners across a public or private road, easement, or waterway are considered adjacent landowners)

Legal notices are mailed to these owners, please type or write neatly.

(1) Warren D. & Ana Mitchell
P.O. Box 5022
Chapel Hill, NC 27514

(3) Sean & Carolyn Wilson
79 Margaret Place
Chapel Hill, NC 27516

(5) Bonnie F. Stroud
9515 US 15-501 N.
Chapel Hill, NC 27517

(7) _____

(9) _____

(11) _____

(13) _____

(15) _____

(17) _____

(19) _____

(21) _____

(23) _____

(25) _____

(2) NNP Briar Chapel
13777 Ballantyne Corp. Pl. Suite 550
Charlotte, NC 28277

(4) Patricia Foster Trustee
95 Margaret Lane
Chapel Hill, NC 27516

(6) _____

(8) _____

(10) _____

(12) _____

(14) _____

(16) _____

(18) _____

(20) _____

(22) _____

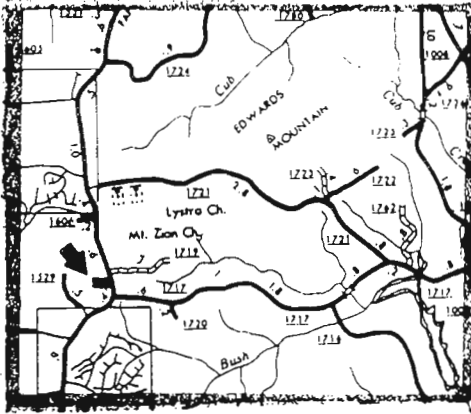
(24) _____

(26) _____

EXHIBIT A

Legal Description

BEGINNING at an iron pipe marked control corner, which iron pipe is located in the western right-of-way of US 15-501 said iron pipe being located approximately South 09 degrees 35 minutes 48 seconds East approximately 421.56 feet from the centerline intersection of US 15-501 and N.C.S.R. 1719 and running thence from said point and place of BEGINNING South 88 degrees 55 minutes 32 seconds West 434.93 feet to an existing iron pipe in the line of now or formerly Pegg; thence with the line of now or formerly Carl Pegg North 08 degrees 19 minutes 7 seconds East 258.29 feet to an iron pipe, corner with Edmiston; thence with the line of Edmiston, North 89 degrees 54 minutes East 355.55 feet to an iron pipe, corner with Edmiston in the western right-of-way of US 15-501; thence South 9 degrees 35 minutes 48 seconds East 251.56 feet to the point and place of BEGINNING, and containing 2.285 acres, more or less, as more particularly described on that plat of survey entitled "Property of Floyd Coleman and Kenneth B. Hoyle", dated January 8, 1985 and prepared by Van R. Finch, Land Surveyors, reference is also hereby made to plat recorded in Plat Book 33, Page 59, Chatham County Registry.

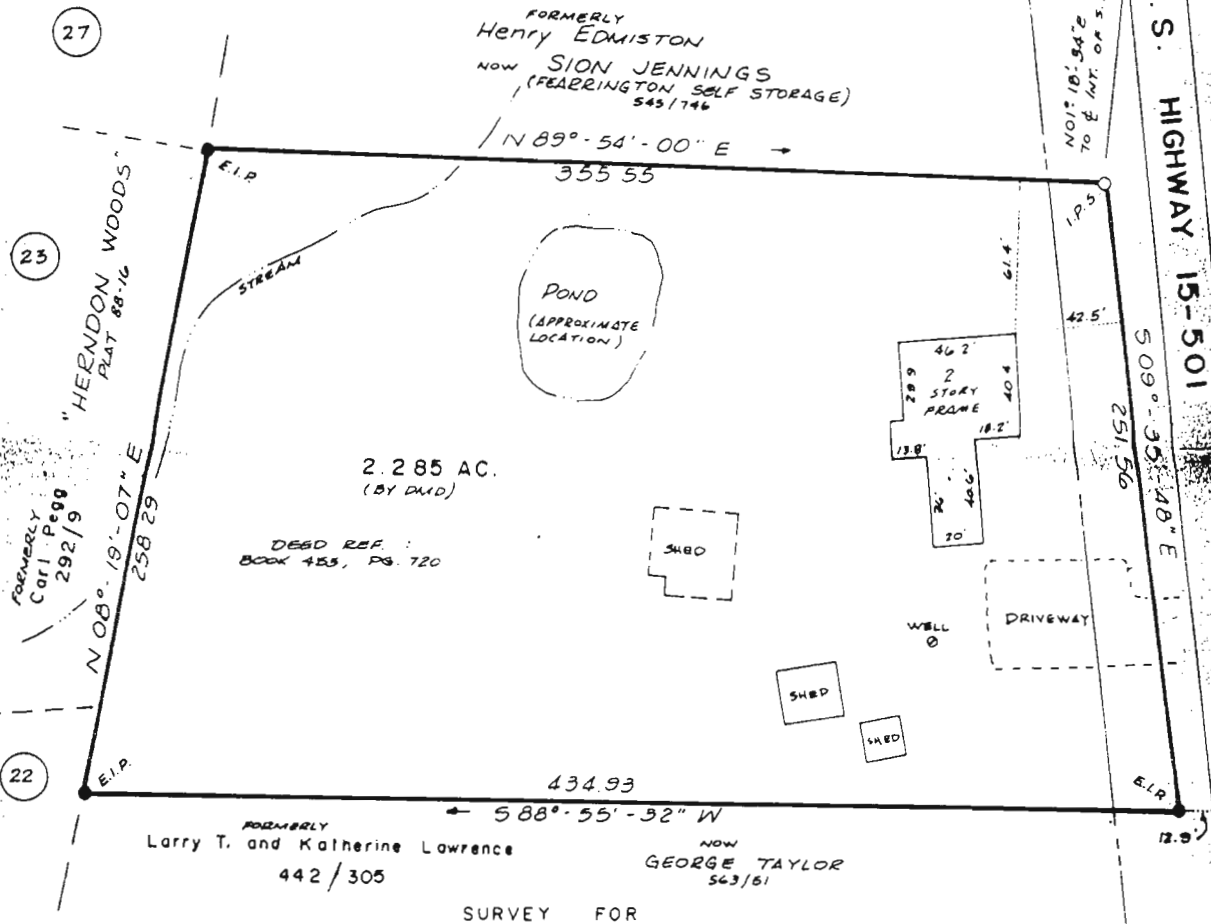


VICINITY MAP

I, Van R. Finch, certify that this plat was drawn from an actual survey made under my supervision. The boundaries not surveyed are shown as broken lines. The error of closure is 1 : 10,000+. Witness my signature and seal this 16th day of September, 1992



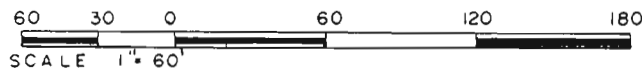
Van R. Finch
Surveyor L-2507



Floyd Coleman &
Kenneth B. Hoyle

BALDWIN TOWNSHIP, CHATHAM COUNTY, N.C.

JANUARY 8, 1985
REVISED SEPTEMBER 17, 1992



VAN R. FINCH - LAND SURVEYS
PITTSBORO, N.C. 27312

Submission Materials Check List: Application for Conditional Use District and / or Conditional Use Permit

(Draft # 5. Last modification : 02-13-03)

(Approved for use by the Planning Board on 07/01/97) – Revision 9/12/00 Finding #5 b. Water/Sewer Impact Statement

Introduction:

The materials required in applications for a Conditional Use District (CUD) and/or a Conditional Use Permit (CUP) are given below. While some areas are optional, depending on the nature of the requested use, other items are required of all applications. Material that must be provided in all applications is designated as **<Required>**. Material, that is not essential due to the type or characteristics of the requested use, is designated as **<Optional>**. The Planning Board may, at its discretion, require the presentation of any of the information designated as optional. The Planning Board may request, due to the unique nature of the application, any additional information not directly listed in this check list.

Completion of all required items by the applicant, **working with the Planning Department**, and others as needed, would be **mandatory** for the application to be considered at public hearing and then by the Planning Board. The Planning Department will not forward incomplete applications to the Planning Board. Substantial amounts of new information will not be last-minute additions to the application at the Planning Board meeting where the application is first considered (e.g. a substantial redesign of the proposal during the review). If a decision on an application is deferred, then clearly, new material may be added to the application for consideration at the next Planning Board meeting.

As the applicant is often requesting, via a CUD/CUP, a zoning change, the development of a complete application should not be considered an unreasonable expectation. It should be considered an opportunity to develop a strong application that clearly identifies the benefits of the requested use.

The original zoning decisions of the Board of County Commissioners are presumed to be correct; there is no requirement to defend existing zoning or prove why it should not change. It is the responsibility of the applicant to prove why a change should be made and the CUD/CUP be granted.

General Application Requirements:

A detailed description of the project, a requirement that is common to all applications, is discussed in this section.

- 1) Location **<Required>**. The location of the site in Chatham County. Including:
 - a. public highway(s) servicing this site; **9555 US Hwy 15-501 N, Chapel Hill, NC 27517**

- b. private road(s) servicing the site; N/A
- c. the current zoning of the site; R1 - CUP
- d. watershed designation, the site classification and % impervious surface allowed; WS-IV PA - Limited to 36%
- e. is the site in or border the "Major Wildlife Areas" identified in the "Inventory of the Natural Areas and Wildlife Habitats of Chatham County, North Carolina", 1992, starting on page 181; (a copy of this inventory is located in the Planning Department)

N/A

- f. the size (in acres) of the site; 2.285
- g. current utility or other easements assigned to this site; None
- h. the current use of the site; antiques business
- i. description of current contents of the site (e.g. buildings, utilities, etc.)
house, 2 garages, restored barn for storage

- j. other Conditional Use Permits that have been granted for this site.
Antiques business

2) Description of Use <Required>. Provide a description of the requested use.

To continue as an antiques business, as it has been since 1983, and add some flexibility and options as listed in this request and which would preserve the rural character of the area.

3) Site Plan and Drawing <Required>. Describe the plans for the site in detail.

Provide drawing(s) at an appropriate of the completed project. This information should be of adequate detail (a drawing done by a licensed land surveyor and design details from a licensed architect are **strongly recommended**) to address the following:

Currently, no changes are planned and the site will remain the same. If in the future the site needs to be changed we would of course go through the required approval process.

- a. existing buildings on site, construction description and size.
- b. proposed new buildings, location on site, size, construction description in adequate detail to determine the general appearance of the building and to establish the architectural design.
- c. landscape plan with materials used.
- d. screening/buffering plan, setbacks.
- e. natural preserved areas that will remain in this condition.
- f. site boundaries with adjacent properties.
- g. parking design.

- h. sign location, type, size.
- i. areas reserved for future development or improvements under this permit.
- j. lighting plan.
- k. percentage of impervious surface, include storm drainage management plan.
- l. topographical description/drawing of current site and after improvements have been made to the site.
- m. designate streams and wetlands and any required water hazard setback areas.
- n. vicinity map showing property location.
- o. county tax map with location of property identified
See Attachment of tax map

4) Start and Completion Projections <**Required**>. Provide a project plan. Provide the approximate start time for the project development. Provide the approximate completion time for the project; when it will be ready for operation.

N/A

5) Reference to Existing County Plans <**Required**>. Is this site specifically mentioned in any County plan (such as the highway plan, watershed plan, etc.?). (If the requested use for the site is specifically counter to existing plan, the application must provide a compelling argument as to why the provisions in the plan should be set aside and the permit granted.)

N/A

Specific Application Requirements:

The following requirements are needed to support the Five Affirmative Findings found in the Chatham County Zoning Ordinance. **All** of these findings must be met to grant the 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 (Zoning Ordinance information: http://www.co.chatham.nc.us/dept/planning/planning_dept/ordinances/documents/Zoning_Ordinance.pdf) <**Required**>. Simply confirm that the requested use is eligible for the requested site.
Reference – uses requested are listed on pages 35 – 46 for NB

2) Land Development Plan Reference <**Required**> (Land Development Plan: http://www.co.chatham.nc.us/dept/planning/planning_dept/ordinances/documents/Land_Use_Development_Plan.pdf)

Provide (in context) references to the Land Conservation and Development Plan that support this application.

See finding # 4 attached

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

1) Need and Desirability <**Required**>. The application should describe why there is a need for the proposed use in this area. Describe how this was determined (for example, an analysis of present or projected demands on existing similar uses).

This is an opportunity for the applicant to establish the benefit to the county that will result from approval of this permit. Why is the proposed use more desirable than other uses permitted under the existing zoning?

For over 26 years we have proven we have a desirable market in this area, with an excellent customer base in Chatham Co., Chapel Hill, the surrounding areas of our state and the US. These customers help our economy and other businesses. We are seeking this zoning change to give us some flexibility with the property as it is presently zoned only for an antiques shop. With the proposed request we will be able to rent or sell the property for other uses, which would be comparable with the current uses in the area. The uses eliminated on page 1, number (4) would result in compatible reuse.

2) Survey of Similar Uses <**Required**>. How many other instances of this use are currently in Chatham or within an adjacent county? Are there similar uses already approved for the requested use on adjacent properties? Provide summary of existing similar uses. If there are already a number of such uses allowed in the County or another similar use in reasonably close proximity to the new requested site, Why is this new instance of this use essential? Are these other instances currently in operation and successful?

There are presently three other antiques shops in Pittsboro and four others in the Chapel Hill/Carrboro area.

3) Public Provided Improvements <**Required**>. Identify any public improvements, services, etc., that the county would be required to provide in support of this site if the use is approved. If no additional public improvements are needed, then state this as the case.

No Change

4) Tax considerations <**Optional**>. If appropriate, or of advantage to the application, provide an estimate of the tax revenue (direct and indirect) to the County that this use would provide over the next five years. Describe how this estimate was determined. What is the net result of expenditure of County services and facilities required VS the tax revenue generated?

The current tax value on this

property is \$307,863. We anticipate an increase in value with the additional uses and growth of other business proposed by Briar Chapel north and south of the property.

5) Employment <Optional>. Discuss the number of jobs that would be created by this use. Designate these positions as full time or part time. If possible, describe the salary ranges of the employees.

No Change

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.

1) Emergency Services <Optional>.

- a. Fire Protection. Document the impact on respective volunteer fire department's ability to service the site with the requested use. This should come from the Chatham County Fire Marshal as a letter. **No Change**
 - b. Police Protection. Document the impact to the Chatham County Sheriff Department's ability to provide protection for the site with the requested use. This should come from the Sheriff in the form of a supporting letter. **No Change**
 - c. Rescue 911. Document the impact to the Chatham County Rescue Squad's ability to provide support to the site; provide approximate arrival time to site after 911 call is placed. **No Change**
-

2) Traffic <Required>.

Document projected traffic generated by the use (this is available for many/most uses from DOT). Document current capacity for the road that serves this site (available for all/most roads from DOT). What kind of traffic will this be (that is car, bus, truck, etc.) and what will be the peak time of day for the traffic? Do you anticipate changes to the speed limit on the principal service road for this site? Are modifications to the road system needed (e.g. a turning lane)? How will these road improvements be financed? A letter of opinion from DOT would be required if introduction of significant new traffic loads was expected or there is already a high accident rate at this location. Will the road(s) included in the County Thoroughfare Plan accommodate these anticipated requirements?

No Change

3) Impact to surrounding Land Values <Optional>. What will be the impact to surrounding land values as a result of the proposed use? Is this impact anticipated to change with time and the possible changes in use of the surrounding properties? Note that if the

applicant does choose to provide this information to support the application, then the basis for the information **must** be provided. For example, if a real estate appraiser's opinion is presented, then the opinion is expected to be derived from an analysis of comparison sites with requested use, some other real estate study or survey. **No Change**

4) Visual Impact & Screening **<Required>**.

Describe the visual presentation of the completed project, in context of the adjoining properties. How will fencing and/or plantings alter the future visual presentation?

No Change – will maintain what we presently have in place

5) Lighting **<Required>**. Will there be lights associated with the use? If so, describe the wattage, type, method of support (if on poles, give height of pole), and times of night the lights would be in use. What considerations and methods have been considered to the shielding of the light from adjacent properties? Are similar lights in use elsewhere that can be evaluated?

No lighting change. However, if so, we will comply with the new lighting regulations

6) Noise **<Required>**. Will there be noise generated by the use? If so, what will the source of this noise. Provide an estimate of the level of noise in decibels at the property lines of the site. Provide the basis for this estimate. If the noise generated is anticipated to exceed the County Noise Ordinance, has a permit been requested or approved to exceed this ordinance?

No Change

7) Chemicals, Biological and Radioactive Agents **<Required>**. Identify types and amounts of chemicals, explosives, biological and radioactive materials that will be utilized by the requested use. What is the estimated amounts of these agents that will be generated as waste; how will they be disposed? Identify the possible biochemical or radioactive hazards that may be associated with this use; how will these be handled? Identify the potential for emissions into the air. Identify the potential for discharges or runoff of liquids that would pollute the surface and/or groundwater sources.

None

8) Signs **<Required>**. Will the use include the display of a sign (advertisement or identification)? If so, describe the method of display, color, size and location on the site.

Existing sign is in accordance with regulations

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

- (1) Land Development Plan:
http://www.co.chatham.nc.us/dept/planning/planning_dept/ordinances/documents/Land_Use_Development_Plan.pdf
- (2) Land Conservation and Development Plan Reference <Required>. Provide information which demonstrates how this request would conform to each relevant provision of the current Land Conservation and Development Plan.

The requested permit will be consistent with the objectives of the Land Conservation and Development plan in the following ways: “Balanced Growth” would be ensured due to the specific location. We will continue to maintain and preserve the rural character of Chatham Co. The location is at the crossroads, or junction, of 15-501, Vickers Road, and the main entrance to Briar Chapel. Briar Chapel also has approved business north and south of their entrance. Adjacent to the property on the south side is “Bathrooms by Bonnie”, across from the property is “Iron Clad Self Storage”, and diagonally across from the property is “Dogwood Veterinary Hospital”. As you can see, we would be at the center of a commercial cluster. Our customer base, for the last 26 years, is from Chatham Co., Chapel Hill and the surrounding areas in the state and other parts of the US. Many of the out of state customers who come to our shop, eat at restaurants, shop and stay overnight locally. The market has proven that this is an excellent location for business. The use of this location will have no adverse affect on the water, flood or watershed protection ordinances found in the Land Use & Development plans of the county. The use of water and traffic will be the same as it has in the past. The area will continue to provide a desirably visible, highly valuable service for the community resulting and continue as a long term asset to the community and county at large.

-
- (2) Water shed and flood considerations: <Required>. Provide information that demonstrates how the requested use conforms to the Watershed Protection Ordinance and the Flood Damage Prevention Ordinance.
http://www.co.chatham.nc.us/dept/planning/planning_dept/ordinances/ordinances.htm No Change is contemplated and the property is not in a flood plane.
-

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

1. Water Source and Requirements >. <Required>. How much water will the use require? What is the source of the water (public or private supply)? If supply is public then

(with the help of the Public Works Dept./ 542-8254) identify how the water connections are to be provided.

Presently, water comes from an onsite well. Public water is available if needed.

2) Wastewater Management >. <**Required**>. What is the wastewater capacity needs for this use? Specify the treatment and disposal methods to be used. If individual septic, provide septic improvements permit letter from the Chatham County Health Department. If other than individual septic systems are to be used, submit a plan for wastewater management. If system requires approval from NCDENR, state progress towards getting approval from NCDENR.

Septic system

Water/Sewer Impact Statement >. <**Required**>. All applications where a public utility is to be utilized, (water or sewer) must state clearly the amount of usage that is anticipated. The usage estimate must be validated by the County Public Works Director, along with an updated usage vs. capacity statement. The impact statement should provide a projection of the demand after the site is fully developed. **No Change**

3) Access Roads >. <**Required**>. Describe the access from the site to public highways. If the requested use will require a new driveway or enhancement to existing highway(s) address the following questions. If a new driveway access is part of the proposal, has NC DOT approved this access (include copy of the commercial driveway permit)? If the Site is located on a road designated as a "major collector", is the site accessed by an existing or proposed service road. Describe any upgrades of public or private roads necessary to serve the property.

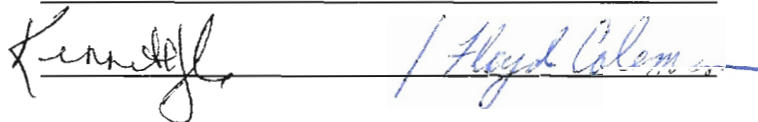
No Change

4) Storm Water Runoff >. <**Required**>. Detail the methods and various structures that will be used to control storm water runoff. This information will detail all points of off site discharge with design techniques used and projected impact on neighboring properties.

No Change

Name of Applicant: **Kenneth Hoyle/Floyd Coleman**

Signature:

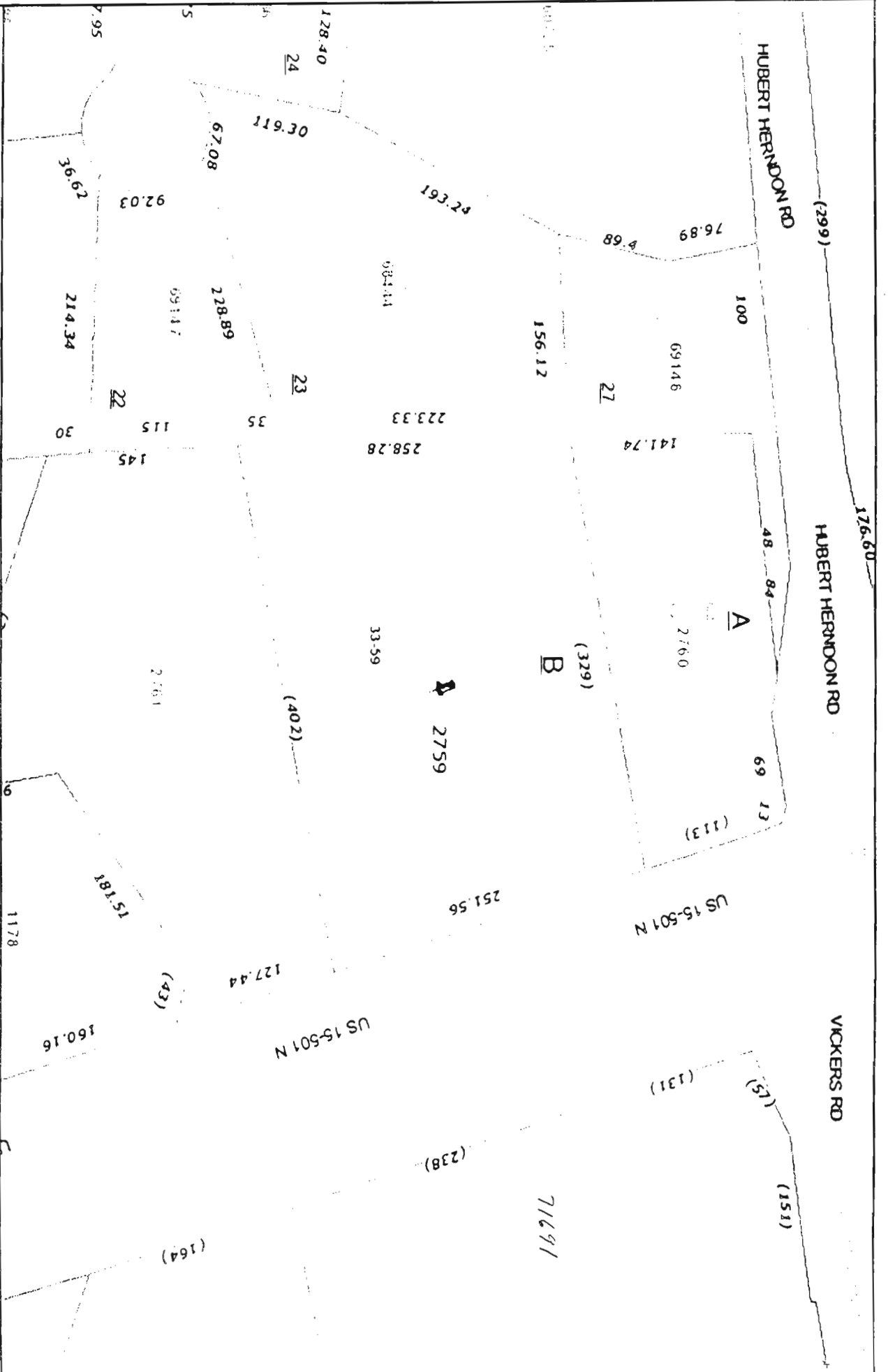




CHATHAM COUNTY, NC

Property Map

Disclaimer:
The data provided on this map are prepared for the inventory of real property owned within Chatham County, NC and are compiled from recorded plans, deeds, and other public records and data. This data is for informational purposes only and should not be substituted for a title insurance policy, a survey, or for zoning verification.



One Inch = 100 Feet









EXHIBIT 'A' - AERIAL CONTEXT

FLOYD COLEMAN & KENNETH B. HOYLE
BALDWIN TOWNSHIP, CHATHAM COUNTY, NC

Map 111	0 100 200 300 400
GRAPHIC SCALE 1" = 50'	
Drawn By	
Checked By	
Date	1 OCTOBER 2004
Sheet	1



1 OCTOBER 2004



EXHIBIT 'B' - SITE CONDITIONS

FLOYD COLEMAN & KENNETH B. HOYLE
BALDWIN TOWNSHIP, CHATHAM COUNTY, NC

North	↓
0	40
GRAPHIC SCALE: 1" = 40'	
80	120
Drawn By	
Checked By	
Date	7 OCTOBER 2004
Sheet	2