

CONDITIONAL ZONING DISTRICT

APPLICATION FOR CHANGE OF ZONING OF PROPERTY

Chatham County
Planning Department

P. O. Box 54, 80-A East St, Pittsboro, NC 27312
Telephone: (919) 542-8204 FAX: (919) 542-2698

Section A. APPLICANT INFORMATION

NAME OF APPLICANT: Nina Staples Lloyd, Opus Financial Advisors, Inc.

MAILING ADDRESS OF APPLICANT: PO Box 312 Statesville, NC 28687

PHONE NUMBER/E-MAIL OF APPLICANT: (704) 872-7671 nina@opusfa.com

PROPERTY OWNER INFORMATION (If different from the applicant): *Owner Authorization Signature Required; See end of application.

Name(s) James Staples

Address: 126 E. Water Street, Statesville NC 28677 (Shipping)

PO Box 312 Statesville, NC 28687 (Mailing)

ZIP 28687

Telephone: (704) 872-7671 FAX: (704) 872-7675

E-Mail Address: jim@opusfa.com

PROPERTY INFORMATION: The following information is required to provide the necessary information to process the rezoning request:

ADDRESS OF SUBJECT SITE: 4421 Manns Chapel Road

CHATHAM COUNTY PROPERTY PARCEL NUMBER (AKPAR #): 2516

CURRENT ZONING DISTRICT/CLASSIFICATION(S): R-2 (Parcel Uses – B&B Inn w/ Events)

PROPOSED ZONING DISTRICT(S): ☒ CD-NB ☐ CD-CB ☐ CD-RB ☐ CD-O&I ☐ CD-IL ☐ CD-IH

TOTAL SITE ACRES/SQUARE FEET: 6.053 Acres (263,669 sf)

PROPOSED USE(S) AND PROPOSED CONDITIONS FOR THE SITE: General / Professional Office and Event Center Limited

It is important that the applicant provide information to explain how the rezoning request satisfies the following questions. All applications shall contain the following information. Please use attachments and/or additional sheets if necessary to fully explain and detail this project. If you feel any of the below standards do not apply to this application, mark with "N/A" and explain if necessary.

1. **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.**
No error in this Ordinance is alleged or claimed with this application.

2. **The changed or changing conditions, if any, of 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.**
There has been significant population growth in this area of the County with very little if any increase in Office Development. Property located directly across the street from the subject property has recently been reclassified to house a new civics center—and has historically housed a county water tower. Other recent approved projects within the same area include a new Fire Station and Studio and Special Events venue (The Parlour at Manns Chapel). Opportunities for Office development are limited because of the scarcity of appropriate zoning. The rapid growth taking place on surrounding parcels makes this request a logical modification to accommodate community needs.

3. **The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.**
The Land Conservation and Development Plan states the following: 1. Land development & conservation will reflect balanced growth. Balanced growth means that development is welcomed, but in ways that ensure that: ♦ benefits and burdens of growth are shared, ♦ growth consists of a mix of different types of development, and ♦ development is guided to suitable locations and is designed appropriately. The greatest benefit and contribution of this proposed project is that it reuses an existing site for different use while respecting the site and neighbors by leaving the exterior of the property essentially unchanged. During the meeting with the Chatham County Appearance Committee, the group was pleased to learn that there were no plans to change the existing natural buffers from both the road and to neighboring properties. The property also requires numerous repairs—each of which will be addressed to preserve and increase the future life of the existing facility.

4. **The requested amendment is either essential or desirable for the public convenience or welfare.**

This property operated as a bed and breakfast that closed prior to being purchased by the current owners / applicants. The property houses numerous lodging rooms and the layout isn't suitable for

typical residential use. The property is perfectly suited as an office for Opus Financial Advisors—as the bedrooms will easily transition to offices and a conference room. This purchase and repurposing prevented the property from possible vacancy or further neglect. Adjacent neighbors expressed their satisfaction with the proposed use during a meeting to review plans and future use.

The previous owner had the property approved for use as a Special Events Venue—with 70+ parking spaces. Directly behind the primary building is a large pavilion area with two outdoor half bathrooms. Again, this layout is not conducive for typical residential usage. The applicant plans to maintain the Special Events Venue usage allowing the community continued usage of the space—access to which is important to support the growing population and its subsequent needs. Typical events will include client appreciation events, financial planning workshops, events to promote financial literacy, and non-profit meetings and/or fundraisers. Events will likely include benefit auctions, client appreciation BBQs, holiday parties, etc. The venue may also be made available for a fee to other interested parties.

5. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.

No major changes are proposed for the property. Other than minor renovations inside and much needed repairs around the property, the applicants plan to use the property as is. The existing impervious is less than the low 12% maximum threshold in this watershed (30,683 sf , 11.64%). The property uses public water and a septic system, both of which are adequate for the office use. The existing driveway access is adequate for the proposed office use and no changes are proposed. While there has been commercial growth in this area over the last several decades, there has not been office growth. All uses are important for a vibrant, sustainable community where citizens can work, live and play without needing to travel outside of the community. The applicants also plan to make space available to area non-profit organizations for board retreats, community meetings, and some fundraisers. By allowing charitable organizations access to the space and assisting fundraising efforts, the greater Chatham County Community will benefit indirectly.

STOP!

You must meet with the Chatham County Appearance Commission and hold the Community Meeting BEFORE you can submit the application to the Planning Department. Please check the boxes below once these meetings have been held:

- ☒ Chatham County Appearance Commission Date of Meeting October 28, 2015
☒ Held Community Meeting Date of Meeting September 21, 2015

Section B. SUBMITTAL INFORMATION AND PROCEDURE

- (1) Sixteen (16) completed application packets and all supporting information shall be submitted to the Planning Department at least forty-five (45) days prior to the Public Hearing. **(PLEASE SEE ATTACHED CALENDAR FOR ALL SUBMITTAL AND DEADLINE DATES)** A digital copy of the application packet shall be submitted pursuant to the Planning Department Digital Document Submission Guidelines.
- (2) The Planning Department shall, before scheduling the public hearing, ensure that the application contains all the required information as specified in **Section 5 of the zoning ordinance.**
- (3) The Planning Department shall have fifteen (15) days from the date of submittal to notify the applicant that the application is complete for scheduling the public hearing.
 - a. If the Planning Department determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review.
 - b. The Planning Department shall take no further action on the application until the applicant submits the required information.
 - c. Once the applicant corrects the identified deficiencies, the applicant shall resubmit to the Planning Department at least 45 days prior to the next Public Hearing meeting, and the Department shall have 15 days to review the information and notify the applicant that the information is sufficient for review.
 - d. A determination that an application contains sufficient information for review as provided in this subsection (b) does not limit the ability of other county agencies, the Planning Board or the Board of Commissioners to request additional information during the review process.
- (4) The application is reviewed by the Technical Review Committee prior to the Public Hearing for comments and recommendations from other agencies.

Section C. SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION and REQUIRED INFORMATION TO BE INCLUDED ON THE SITE PLAN

PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF). Please check the list below carefully before you submit:

- (1) The application shall include a **site plan**, drawn to scale, with supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to the predetermined ordinance requirements, will govern the development and use of the property. The following information must be provided, if applicable:

☒ a. Information showing the boundaries of the proposed property as follows:

1. If the entire parcel will be zoned, a GIS or survey map and parcel number of the subject property.
2. If only a portion of the parcel will be zoned, a boundary survey and vicinity map showing the property's total acreage, parcel number, current zoning classification(s) and the general location in relation to major streets, railroads, and/or waterways,

☒ b. Legal Description of proposed conditional zoning district;

☒ c. All existing and proposed easements, reservations, and rights-of-way;

☒ d. Proposed number and general location of all building sites, their approximate location, and their approximate dimensions;

☒ e. Proposed use of all land and structures, including the number of residential units and the total square footage of any non-residential development;

☒ f. All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant; **(SECTION 12 LANDSCAPING & BUFFERING REQUIREMENTS)**

☒ g. All existing and proposed points of access to public and/or private streets;

☒ h. Stream buffers required through this or other Chatham County Ordinances or Regulations, and other Local, State, or Federal regulatory agencies. Delineation of areas within the regulatory floodplain as shown on the Official Flood Insurance Rate Maps for Chatham County;

☒ i. Proposed phasing, if any; *none*

☒ j. Generalized traffic, parking, and circulation plans; **(SECTION 14 OFF STREET PARKING)**

☒ k. Proposed provision of utilities; *existing utilities*

none ☒ l. The location of known sites of historic or cultural significance within or adjacent to the project area, including any structure over 50 years old;

none ☒ m. The approximate location of any cemetery;

☒ n. Proposed number, location, and size of signs; **(SECTION 15 SIGN REGULATIONS)**

☒ o. Location and description of any proposed lighting on the project site with a note that any lighting will comply with Section 13; **(SECTION 13 LIGHTING STANDARDS)**

☒ p. The location of existing and/or proposed storm drainage patterns and facilities intended to serve the proposed development, and impervious surface calculations; and

NA ☐ q. Environmental Impact Assessment pursuant to **Section 11.3** of the Zoning Ordinance, if applicable. If you are or will be disturbing two or more acres in connection with this application, you are required to submit and EIA with this application. Failure to do so will result in the delay of scheduling your request for public hearing or may be returned completely for re-submission.

The above information is required to be shown on the site plan submitted with this application. If, for some reason, any of the required items above are not included on the site plan, reasons for excluding those requirements must be given.

(2) In the course of evaluating the proposed use, the Zoning Administrator, Planning Board, Chatham County Appearance Commission, or Board of Commissioners may request additional information from the applicant. This information may include, but not be limited to, the following:

☐ a. Proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;

☐ b. Existing and general proposed topography;

SECTION D.**SIGNATURE STATEMENTS**

OWNER'S SIGNATURE*: In filing this application, I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate Nina S. Lloyd to act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.

Signature: James L. StaplesDate: 12/3/15

APPLICANT SIGNATURE: I hereby acknowledge that I am making this application on behalf of the above owner's statement or myself as the owner and that all the information presented in this application is accurate to the best of my knowledge, information, and belief. I acknowledge understanding of the requirements set out in this application and in the ordinances and/or guidelines used to determine the completeness of this submittal and to proceed as determined.

Signature: Amad BandDate: 12/3/2015

OFFICE USE ONLY:

Date Application Received: _____

Received By: _____

Fee Paid: \$ _____

☐ Check No. _____ ☐ Cash ☐ Credit Card ☐ Money OrderApplication No. PL 20 _____

**REPORT OF COMMUNITY MEETING REQUIRED BY
THE CHATHAM COUNTY ZONING ORDINANCE**

To: Chatham County ZONING ADMINISTRATOR

Date: September 21, 2015

Proposed Zoning: CD-NB

The undersigned hereby certifies that written notice of a community meeting on the above zoning application was given to the adjacent property owners set forth on the attached list by first class mail on (date) Sept. 3, 2015. A copy of the written notice is also attached.

The meeting was held at the following time and place: 6:00 pm
4421 Manns Chapel Rd. Chapel Hill, NC 27516

The persons in attendance at the meeting were: Nina Lloyd, E. Wesley Lloyd, Warren Mitchell, Megan Straubel and Spouse, James Cowhey, and additional attendee from the development behind the Manns Chapel Property (not an adjacent land owner)

The following issues were discussed at the meeting:

- Plans to apply for property rezoning allowing commercial use – specifically office space/event center limited
- Plans to maintain currently permitted "Special Events" use – maintaining allowance for large events (parking 70+ cars already approved)

	CURRENT	PROPOSED
Jurisdiction	County	Same
Zoning Classification	R-2	CD-NB
Uses on the parcel	B & B Inn w/events	General/Professional Office and Event Center Limited
Watershed Classification	WSII-BW	Same (Needs text amendment to add use to Attach "A")

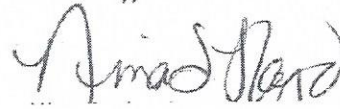
- Nature of financial planning business
- Number of expected employees

As a result of the meeting, the following changes were made to the rezoning petition: N/A

Date: 12/3/2015

Applicant: Nina S. Lloyd

By:

 _____

Please submit this Report to the Chatham County Planning Department located at 80-A East Street, Dunlap Building or mail it to Angela Birchett, Zoning Administrator, PO Box 54, Pittsboro, NC 27312.

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) Megan Straubel
52 Norwood Road
Chapel Hill, NC 27516
*Megan attended the meeting with her spouse
- (2) Lisa Campbell
2396 Briar Chapel Parkway
Chapel Hill, NC 27516
- (3) James Cowhey and Marion Garig-Cowhey
83-A Tall Oaks Road
Chapel Hill, NC 27516
*James attended the meeting
- (4) Bruce Gurganus, Trustee
Jane Wechsler, Trustee
1039 Creston Road
Berkeley, CA 94708
- (5) Dennis and Belinda Brasington
4513 Manns Chapel Road
Chapel Hill, NC 27516
- (6) Frank W Jaeger, Jr and Gael Jaeger
4530 Manns Chapel Road
Chapel Hill, NC 27516
- (7) Moriah Swick
4432 Manns Chapel Road
Chapel Hill, NC 27516
- (8) Robert and Connie Laflamme
142 Norwood Road
Chapel Hill, NC 27516
*Spoke with Robert via phone prior to meeting

In addition, a member of the community behind the property attended—he is not an adjacent land owner. Other phone calls were fielded from local community members. All feedback was positive and supportive.

FILED
CHATHAM COUNTY NC
LUNDAY A. RIGGSBEE
REGISTER OF DEEDSFILED Jul 17, 2015
AT 02:37:34 pm
BOOK 01807
START PAGE 0748
END PAGE 0750
INSTRUMENT # 06788
EXCISE TAX \$1,025.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$1025

Parcel Identifier No.: 0002516 Verified by _____ County on the _____ day of _____, 20____
By: _____This instrument was prepared by: Bagwell Holt Smith P.A.
Grantee's address (return to): James T. Staples and Tobytha Raymer Staples
126 N. Oakwood Drive, Statesville, NC 28677

THIS DEED is made this 17th day of July, 2015, by and between

GRANTOR	GRANTEE
Oscar E. Moncada, an unmarried man.	James T. Staples and Tobytha Raymer Staples, a married couple
P.O. Box 90771 Raleigh, NC 27675	Mailing Address: P. O. Box 312 Statesville, NC 28687 Property Address: 4421 Manns Chapel Road Chapel Hill, NC 27516

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the **CHATHAM County**, North Carolina and more particularly described as follows:

Property description is contained in EXHIBIT "A" attached hereto and incorporated herein by reference.

The property herein does ☒ does not _____ include the primary residence of Grantor.

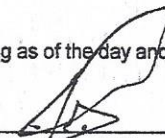
Being same parcel conveyed to Oscar E. Moncada in Deed Book 1301, Page 535, Chatham County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

1. Ad valorem taxes for 2015 and subsequent years.
2. Restrictive Covenants of record affecting the property.
3. Utility Easements and Rights-of-way of record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.



Oscar E. Moncada

(SEAL)

STATE OF North Carolina
COUNTY OF Orange

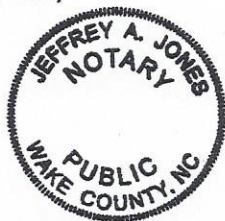
I hereby certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:
Oscar E. Moncada.

Date: 7/17/15


Signature of Notary Public

Jeffrey A. Jones
Printed Name of Notary Public

(Official Seal)



My commission expires: 3/20/2016

EXHIBIT "A"
Property Description

BEING all of Lot 1, Property of H. Ross Norwood, as shown on plat recorded in Plat Book 6, Page 7, Chatham County Registry. See also plat recorded in Plat Slide 2007, Page 228, Chatham County Registry.

Parcel ID# 0002516

TEXT AMENDMENT REQUEST APPLICATION

(1) Applicant Information:

Name Jim Staples, Opus Financial Advisors
Address 126 Water Street
Statesville, NC 28687
Phone No: (H) _____
(W) (704) 8727671
(M) _____

(2) Name of Ordinance for Text Amendment: Watershed Protection Ordinance

(3) Text of Ordinance to be varied:

Section 302 Page 17 Section _____ Page _____

Existing Language: 302.A.1.d "Non-residential development – limited to the permitted uses in Attachment A"

Requested Language Change:

Attachment A: Office – Business and Professional no larger than 4000 square feet gross.

(4) Reasons for the requested text amendment: In the space below and on additional paper if needed, describe the reasons for the request and why you think it is justified.

This proposed office project is requested as a CD – Conditional Zoning District and any future offices will be evaluated on a parcel by parcel basis. This project is low density and meets the 12% impervious limit. This project will have a low traffic volume and should be allowed in the watershed for these reasons.

I hereby certify that I am making application for the landowner or myself and that the information provided is complete and the statements given are true to the best of my knowledge.

James Y. Staples

Signature

Owner/Authorized Agent

12/3/15

Date

The following must be signed by the owner if person other than the owner is making this application.

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

James Y. Staples

Owner's Signature


12/3/15

Date



CHATHAM COUNTY, NC

Property Map



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

Parcel Number: 2516
Map Number: 9766-83-8390.000
Owner Name: STAPLES JAMES T. & ETUX TOBYTHA RAYMER STAPLES
Owner Address: PO BOX 312
Owner City: STATESVILLE
Owner State: NC
Owner Zip: 28687
Tax Year: 2014
Description: M1-44

Deed Book: 1807
Deed Page: 0748
Plat Book: 2007
Plat Page: 0228
Deed Acres: 6.053
Physical Address: 4421 MANNS CHAPEL RD
Improvement Value: 337679
Land Value: 135397
Fire District: 107
Township Code: 2

One Inch = 400 Feet

