

# 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: MORGAN PROPERTY GROUP

MAILING ADDRESS OF APPLICANT: 13204 BALLANTYNE CORP. PLACE SUITE 500, CHARLOTTE, NC 28277

PHONE NUMBER/E-MAIL OF APPLICANT: 919.590.0377/mpaul@morningstarlawgroup.com

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

Name(s) See Attached – Exhibit A

Address: \_\_\_\_\_

\_\_\_\_\_ ZIP \_\_\_\_\_

Telephone: \_\_\_\_\_ FAX: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

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

ADDRESS OF SUBJECT SITE: See Attached – Exhibit A

CHATHAM COUNTY PROPERTY PARCEL NUMBER (AKPAR #): See Attached – Exhibit A

CURRENT ZONING DISTRICT/CLASSIFICATION(S): R-1

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

TOTAL SITE ACRES/SQUARE FEET: See Attached – Exhibit A

PROPOSED USE(S) AND PROPOSED CONDITIONS FOR THE SITE: Development on the site shall be consistent with the associated site plan. For a more complete description of the project, please refer to Section 2 of the Rezoning Addendum.

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.**

Please refer to Section 3 or the Rezoning Addendum

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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.**

Please refer to Section 4 of the Rezoning Addendum

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3. **The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.**

Please refer to Section 5 of the Rezoning Addendum

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

Please refer to Section 6 of the Rezoning Addendum

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

Please refer to Section 7 of the Rezoning Addendum

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## 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:**

- |  |                                |
|--|--------------------------------|
| <input checked="" type="checkbox"/> Chatham County Appearance Commission | Date of Meeting <u>4/26/17</u> |
| <input checked="" type="checkbox"/> Held Community Meeting               | Date of Meeting <u>4/27/17</u> |

### **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:

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- 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;
  - j. Generalized traffic, parking, and circulation plans; **(SECTION 14 OFF STREET PARKING)**
  - k. Proposed provision of utilities;
  - 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;
  - 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
  - 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;
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- c. Scale of buildings relative to abutting property;
  - d. Height of structures;
  - e. Exterior features of the proposed development;
  - f. A traffic impact analysis of the proposed development prepared by a qualified professional. The traffic impact analysis shall follow the NCDOT TIA Analysis Guidelines, and shall also include consideration for non-motorized and public transportation;
  - g. Any other information needed to demonstrate compliance with these regulations.

**NOTE: The Zoning Administrator has the authority to waive any application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.**

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**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 Jeff Surrency, Morgan Property Group 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: Polly Parrish Wise, Co-Exe

Date: May 1, 2017

**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: \_\_\_\_\_

Date: 5/1 2017

**OFFICE USE ONLY:**

Date Application Received: 5-5-2017

Received By: ABirchett

Fee Paid: \$ 2126.50

Check No. 9868  Cash  Credit Card  Money Order

Application No. PL 20 170775

**SECTION D.**

**SIGNATURE STATEMENTS**

**OWNER'S SIGNATURE\*:** *In filing this application, I/we as the property owner(s), hereby certify that the information presented in this application is accurate to the best of my knowledge, information and I hereby designate \_\_\_\_\_ 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: *x [Signature]*  
Date: *5/4/17*

**APPLICANT SIGNATURE:** *I hereby acknowledge that I am making this application on behalf of the a 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: *[Signature]*  
Date: *5/4/2017*

**OFFICE USE ONLY:**

Date Application Received: \_\_\_\_\_

Received By: \_\_\_\_\_

Fee Paid: \$ \_\_\_\_\_

Check No. \_\_\_\_\_  Cash  Credit Card  Money Order

Application No. PL 20 \_\_\_\_\_

**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 \_\_\_\_\_ 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: *Larry Stuchman*

Date: *5-4-2017*

**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: *[Signature]*

Date: *5/2/2017*

**OFFICE USE ONLY:**

Date Application Received: \_\_\_\_\_

Received By: \_\_\_\_\_

Fee Paid: \$ \_\_\_\_\_

Check No. \_\_\_\_\_  Cash  Credit Card  Money Order

Application No. PL 20 \_\_\_\_\_



**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 \_\_\_\_\_ 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: \_\_\_\_\_

Date: 5-2-17

**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 submission and to proceed as determined.*

Signature: \_\_\_\_\_

Date: 5/2/2017

**OFFICE USE ONLY:**

Date Application Received: \_\_\_\_\_

Received By: \_\_\_\_\_

Fee Paid: \$ \_\_\_\_\_

Check No. \_\_\_\_\_  Cash  Credit Card  Money Order

Application No. PL 20 \_\_\_\_\_

**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 Jeff Surrency, Morgan Property Group 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: *Sisa Parrish Bryant, Co-Exec*

Date: *May 1, 2017*

**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: *[Handwritten Signature]*

Date: *5/1/2017*

**OFFICE USE ONLY:**

Date Application Received: \_\_\_\_\_

Received By: \_\_\_\_\_

Fee Paid: \$ \_\_\_\_\_

Check No. \_\_\_\_\_  Cash  Credit Card  Money Order

Application No. PL 20 \_\_\_\_\_

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EXHIBIT B – DESCRIPTION OF PROJECT

The applicant proposes to develop the site for a commercial shopping center of no more than 100,000 square feet. Initial phase of development will include an anchor tenant of approximately 50,000 square feet as well as approximately 12,500 square feet of inline space. There will be two outparcels available for standalone tenants. New development on the outparcels will submit landscaping, lighting, and signage plans for review by the Appearance Commission, but shall not require a rezoning.

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

To: Chatham County ZONING ADMINISTRATOR

Date: Thursday, April 27, 2017

Proposed Zoning: CD-CB

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) April, 13, 2017. A copy of the written notice is also attached.

The meeting was held at the following time and place: Fearrington Village, on Thursday, April 27, 2017, at 6:00 PM

The persons in attendance at the meeting were: See attached list

The following issues were discussed at the meeting: See attached list

As a result of the meeting, the following changes were made to the rezoning petition: As of April 28, 2017, no changes have been made to the plan as a result of the meeting.

Date:

5/5/2017

Applicant:

[Signature]

By:

Jeff Surrency

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.

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Mack Paul | Partner  
421 Fayetteville St | Ste 530  
Raleigh, NC 27601  
919-590-0377  
mpaul@morningstarlawgroup.com  
www.morningstarlawgroup.com

To: Neighboring Property Owner  
From: Mack Paul  
Date: April 13, 2017  
Re: Notice of meeting to discuss potential rezoning

We are counsel for a developer that is considering rezoning property consisting of about 27 acres near the intersection of Lystra Road and US 15-501. This letter is to invite you to a community meeting regarding the non-residential project that we are proposing near your property on parcel numbers 2508, 60612, 2719, 2720, 69884, and 2721. An informal meeting will be held on Thursday, April 27<sup>th</sup>, beginning at 6:00 PM at McIntyre's Books located at 220 Market Street, Fearington Village, Pittsboro, NC 27312. The meeting will last approximately 1 hour.

Plans of our project will be shown and you will have the opportunity to voice your concerns and ask questions of people knowledgeable about the details of our project. Our plans may be revised based on your input before we submit to the County.

This meeting is required of the developer as part of the County zoning process; however, County staff will not participate in the meeting. Moreover, you are not required to attend, but certainly are welcome. We are planning to submit official plans to the County Planning Department in the near future. You will receive a notice from the County about this submittal once the application has been made.

Please do not hesitate to contact me directly should you have any questions or wish to discuss any issues. I can be reached at (919) 590-0377 or mpaul@morningstarlawgroup.com.

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## EXHIBIT A – PROPERTY OWNERS

Physical Address	AKPAR	Current Owners	Billing Address 1	Billing Address 2	Billing City	Billing State	Billing Zip	Deeded Acreage
10529 US 15-501 N	2719	PARRISH RACHEL K	C/O LISA BRYANT	706 BECKETT ST	DURHAM	NC	27712	2.63
10501 US 15-501 N	2720	PARRISH RACHEL KIRBY	C/O LISA BRYANT	706 BECKETT ST	DURHAM	NC	27712	2.4
10329 US 15-501 N	2721	BERRY JEAN PAUL & BERRY JEAN T	2421 PERKINS RD		DURHAM	NC	27706	5.01
US 15-501 N	69884	PARRISH RACHEL KIRBY	C/O LISA BRYANT	706 BECKETT ST	DURHAM	NC	27712	5
25 POLKS LANDING RD	60612	STURDIVANT JANE WHITAKER	25 POLKS LANDING RD		CHAPEL HILL	NC	27516	2.32
97 POLKS LANDING RD	2508	STURDIVANT LARRY	97 POLKS LANDING RD		CHAPEL HILL	NC	27516	10.17

2.627

**TOTAL (acres) 27.53**  
**(square feet) 1,199,206.8**

## LIST OF ATTENDEES

Name	Address	Email
Rebecca Evans	106 Hidden Valley Dr	<a href="mailto:Revans103@nc.rr.com">Revans103@nc.rr.com</a>
Joe Kinder	112 Hidden Valley Dr	<a href="mailto:jkinder@gmail.com">jkinder@gmail.com</a>
Chris Laood	18 Donald Dr	<a href="mailto:Laood.christine@gmail.com">Laood.christine@gmail.com</a>
Cheryl Richardson	346 Fieldtone	<a href="mailto:Cheryl_richardson@rotmail.com">Cheryl_richardson@rotmail.com</a>
Jim Harshaw	96208 Carteret	<a href="mailto:jimsr@jchars.com">jimsr@jchars.com</a>
Anna Marie Ambrose	217 Holly Ridge	<a href="mailto:amambrose@aol.com">amambrose@aol.com</a>
Christine Consoli	120 Hidden Valley Dr	<a href="mailto:Christineconsoli1@gmail.com">Christineconsoli1@gmail.com</a>
Catherine Clare	653 Spindlewood	<a href="mailto:catferr@gmail.com">catferr@gmail.com</a>
Greg Overmon	109 Hidden Valley	<a href="mailto:Freesolo12@gmail.com">Freesolo12@gmail.com</a>
Marion Blackhorn	107 Hidden Valley	<a href="mailto:cootsieanetals@qmail.com">cootsieanetals@qmail.com</a>
Donna J Kelly	119 Hidden Valley Dr	<a href="mailto:dejamus@earthlink.net">dejamus@earthlink.net</a>
Kathy Hotelling	271 Quad Run	<a href="mailto:kathyhotelling@gmail.com">kathyhotelling@gmail.com</a>
Linda Weaver	113 Creeks Edge	<a href="mailto:lroseweaver@gmail.com">lroseweaver@gmail.com</a>
Wendy Isicson	201 Nodding Oak	<a href="mailto:wisicson@gmail.com">wisicson@gmail.com</a>
Dick Havens	1219 Fearington Post	<a href="mailto:dhavens@geocorp.org">dhavens@geocorp.org</a>
Claudia Rayno	103 Benwall Ct	<a href="mailto:Raincloud79@gmail.com">Raincloud79@gmail.com</a>
Yonique Carter	72 Scarlett oak Lane	<a href="mailto:yoniques@gmail.com">yoniques@gmail.com</a>
Karisa Le Claire		<a href="mailto:leeclair@bellsouth.net">leeclair@bellsouth.net</a>
Dawn Smith	105 Benwall Ct	<a href="mailto:Dmsmith71@gmail.com">Dmsmith71@gmail.com</a>
Brian Pointye	104 Hidden Valley	<a href="mailto:brianpointer@gmail.com">brianpointer@gmail.com</a>
Darren Hunicutt	105 Holy Ridge Rd	<a href="mailto:dhunicutt@gmail.com">dhunicutt@gmail.com</a>
Robyn Casey	117 Hidden Valley Dr	

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## LIST OF ISSUES DISCUSSED

1. Appearance of drain fields
  2. Buffering along property boundary
  3. Possibility of wall, berm, or fence as part of buffer
  4. Traffic safety (particularly at the intersection of Lystra and 15-501)
  5. Sidewalks
  6. Appearance of stormwater facility
  7. Safety of stormwater facility
  8. Stormwater
  9. Design and building placement
  10. Delivery truck routes
  11. Possible uses
  12. Lighting
  13. Need for additional retail along 15-501
  14. Competition
  15. Appropriateness of location
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## LIST OF ISSUES DISCUSSED

1. Appearance of drain fields
    1. The applicant explained that the majority of the drain field area would remain in a vegetative state and that no “active” uses would occur there. The drain field will not have lights, drive aisles, parking areas, or traffic.
  2. Buffering along property boundary
    1. Given the size of the site, the Applicant believes there are good opportunities to provide buffers adjacent to residential areas. The drain field is situated along 15-501 to the south of the project. Based on similar systems, it is anticipated this area would contain no development (e.g., no active uses, no lights, no driveways, etc.). It will largely contain existing trees and open areas. In other words, this area will continue to provide a substantial buffer between the adjacent residents and 15-501.
  3. Possibility of wall, berm, or fence as part of buffer
    1. The Applicant is open to providing a berm, fence, or wall depending on the neighbors’ feedback. The Applicant believes there will be ample space to provide buffering around the proposed stormwater facility to the rear of the commercial area. A wall, for example, could be provided at the property line or between the commercial buildings and the stormwater facility. Neighborhood input will be critical in determining the best approach.
  4. Traffic safety (particularly at the intersection of Lystra and 15-501)
    1. The Applicant has conducted an extensive traffic study conducted by Ramey Kemp & Associates. The study is under review by NCDOT. The study concludes the existing level of service at area intersections remains acceptable (and no worse than current LOS). Further, the study supports several improvements, including a double left leaving the development heading north and a double left headed west on Lystra heading south.
  5. Sidewalks
    1. The applicant explained that sidewalks would be provided, but could not be provided beyond the extent of the property line.
  6. Appearance of stormwater facility
    1. The Applicant believes that the stormwater facility is located in an area on the property where there is not much existing vegetation, thus enabling more existing vegetation to remain. The Applicant is open to providing additional landscaping around the stormwater facility to better buffer or treat the visual impact of it. Additionally, the Applicant explained that a fence may or may not be required.
  7. Safety of stormwater facility
    1. The applicant explained that generally, a fence is used to protect from people inadvertently accessing or interfering with the stormwater facility. Again, it was explained that one might be required.
  8. Stormwater
    1. The Applicant explained that a state of the art stormwater system would be provided behind the main retail area, which would improve conditions in the area. Stormwater from the northern outparcel will be captured on site and drained to the stormwater facility behind the main retail portion. Stormwater from the southern outparcel will be detained on site. The grading and stormwater facilities together are expected to improve are conditions by diverting much of the existing flow of stormwater from the residential areas to the stormwater facility where it can be treated and released at a more appropriate rate.
  9. Design and building placement
    1. The Applicant showed neighbors a layout for the building placement.
  10. Delivery truck routes
    1. The applicant demonstrated the route anticipated of delivery trucks.
  11. Possible uses
    1. The applicant explained that there were limitations on the type of uses that would be allowed here, but noted that a use with a drive-thru facility would be allowed on the outparcels.
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12. Lighting

1. The Applicant is open to using full-cut off lighting in order to avoid spill over.

13. Need for additional retail along 15-501

1. The applicant explained that their market studies have indicated that there is a need for additional retail along the 15-501 corridor. Moreover, with the level of residential development that has been approved elsewhere in the county and neighboring municipalities, the need for additional retail would be even larger.

14. Competition

1. The Applicant noted that competition may be a good thing in this area given that the retail establishments around the area could become overcrowded if more options are not made available.

15. Appropriateness of location

1. In the Applicant's view, the location is ideal for a number of reasons. Primarily, the clustering of non-residential uses along intersections on major thoroughfares is an ideal way to locate such uses. The applicant explained that this line of thinking is in line with the County's recent 15-501 corridor study and feedback received from staff.
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# Chatham County Retail Rezoning Addendum

*Developed by*

Morgan Property Group

Telephone: 704-909-4500

Email: [info@morganpg.com](mailto:info@morganpg.com)

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# 1. Development Team

Developer	Morgan Property Group <i>Project Director: Jeff Surrency</i>
Land Planning & Landscape Architecture	John R. McAdams Company, Inc. <i>Project Manager: Charlie Yokley</i>
Storm Water Engineering	John R. McAdams Company, Inc. <i>Principal Planner: Andy Padiak</i>
Civil Engineering	John R McAdams Company, Inc. <i>Principal Planner: Andy Padiak</i>
Wastewater Design	Diehl & Phillips, P.A. <i>Project Manager: John Phillips</i>
Legal	Morningstar Law Group <i>Project Manager: Mack Paul</i>
Traffic Engineering	Ramey Kemp & Associates, Inc. <i>Project Manager: Caroline Bojarski</i>

## 2. Description of Use

The proposed development is a retail center located in an appropriate area of Chatham County. This type of development is encouraged in this location through the Chatham County Land Conservation and Development Plan. The Chatham Plan supports the clustering of commercial uses, as opposed to strip development, especially along US 15-501 north of Pittsboro. Within the draft Future Land Use Plan, this area is designated as a Community Center within which retail hubs along key roadway corridors are anticipated.

The retail center is planned for an approximately 50,000 square foot anchor tenant with about 12,500 square feet of in-line space that could be configured for several smaller businesses. Additionally, there are two outparcels planned; each of which likely would accommodate a building of no more than 5,000 square feet. In total, the approximate square footage at full build out would be 72,500 square feet.

While there is no way to guarantee specific tenants, Morgan Property Group recognizes that certain businesses would not be appropriate in this location. Thus, the following uses will not be permitted on the site: Bed and breakfast inns; Boarding kennels; Boat, trailer and other utility vehicle sales and service; Boat Storage Facility; Breeding kennels; Contractor's plants or storage yards and staging areas; Funeral homes, undertaking establishments, embalming including crematoria; Hotels, Motels and inns; Mobile home sales and service; Motorcycle sales and service; Pawnshops; Private recreation camps and ground; and Recreational Vehicle Storage Facility.

**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.**

While there is no purported error in the Ordinance being addressed by this request, the Applicant notes that the County is undergoing an update to its Comprehensive Plan. The update includes a recommendation to designate the area where this project is proposed as a Community Center, in recognition of the inadequacy of the current plan's treatment of this area. A more detailed description of how the proposed amendment meets the call of the Community Center designation can be found in Section 7 below.

**4. 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.**

Development along this section of the 15-501 corridor has generally been geared towards non-residential uses, and mostly commercial. Because of this, residential uses fronting onto 15-501 in this corridor are neither practical nor desirable. Moreover, the need for goods and services in this area is growing as more residential neighborhoods are being built in the vicinity. For example, a study conducted by the County regarding the US 15-501 Corridor reveals that since 2000, there has been rapid population growth along the corridor and that residential growth has outpaced non-residential in that same period. The requested rezoning meets these changing conditions by offering more goods and services for nearby residential uses.

## **5. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.**

Morgan Property Group analyzed various plans that have been adopted by the County to assess the appropriateness of this location for non-residential development. The Land Use Strategic Plan lists different goals the County has, but not necessarily a plan to achieve those goals. For example, Part X., Goal 3 of the Land Use Strategic Plan recognizes Chatham County as a desirable site for commercial development. The proposed amendment is in line with this stated goal inasmuch as a commercial district is being requested. The County also has a stated goal of establishing transit service in this area. The Applicant submits that the proposed amendment would help justify transit services in this area by proving a destination for such transit other than merely residential areas.

The County is undergoing an update to its Comprehensive Plan. Though not yet adopted, the Applicant found various items related to the update informative for this project. Perhaps in recognition of a lack of clear guidance for development along US 15-501, the County conducted a corridor study as part of its Comprehensive Plan update. Among other things, the Corridor Study identifies US 15-501 as being the appropriate location for the expansion of non-residential uses that could provide goods, services, and employment opportunities. Consistent with adopted plans, the study recognizes that additional trips to this area stemming from non-residential uses might help justify the establishment of transit service along the corridor. Additionally, the Study suggests that clustering non-residential uses along intersections at major thoroughfares is an appropriate arrangement of land uses that will result in the most efficient use of land.

Finally, in selecting the site, Morgan Property Group reviewed the proposed update to the Future Land Use Map for this area. Under the proposed plan, the area would be designated as a Community Center. A Community Center is characterized as having retail hubs along key roadway corridors to accommodate regional retail tenants. Morgan Property Group submits that the proposed plan meets the call of the scant guidance in other currently adopted plans, the Corridor Study, and the Proposed Land Use Map Amendment.



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

The requested amendment is desirable for public convenience and welfare. By allowing commercial uses, the request expands the ability for retailers to locate conveniently within Chatham County. As expressed in its study of the US 15-501 Corridor, the County has recognized that there is a lack of retail uses on the ground in this corridor. Additionally, the study makes clear that the tax base is unbalanced, with an undue portion of the tax burden falling on residential property owners. Thus, the amendment is essential to the public welfare to help balance the tax burden.

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

The developer of this project, Morgan Property Group, set out to find a suitable location for a retail development in Chatham County in response to the community's growing needs. The subject site was selected due to its ideal location on the "going-home" (southbound) side of US 15-501. What is more, US 15-501 has had significant road improvements which further factored into Morgan Property Group's selection of the site. Proximate to the site is a traffic signal which would facilitate movements at and near the site. These factors, paired with the relatively flat topography and lack of sensitive environmental features on the site ultimately led Morgan Property Group to select the site for the proposed retail development.

Prior to going to Public Hearing, the development team made efforts to gather public and adjacent property owners' input. For example, in addition to having the required neighborhood meeting, the development team had several meetings with homeowners in the adjacent neighborhoods. Not only were those meetings helpful in shaping the various proffers and design elements in the application materials, but they also were very positive.

Chatham County Appearance Commission  
April 26, 2017  
Meeting Minutes — S. Jacobs, Secretary

In attendance for the meeting were:

William "Bill" Causey, Chair  
Shelly Jacobs  
Davis Andrews  
Grim Hobbs

Minutes of January 25, 2017 were unanimously approved by members present.

**1st presentation:**

Request by John R McAdams Co for a potential retail location to include parcels 2508, 2719, 60612, 2720, and 69884 at the corner of Polk's Landing Rd and US 15-501.

Presenting the project, the following were present: Charlie Yokley, McAdams Co., Jeff Surrency, Morgan Property Group, Scott Friedman, Morgan Property Group, John Wilson, Morgan Property Group, Mack Paul, Morningstar Law Group and Andy Padiak, McAdams Co.

The proposed project is for 61,000+ sq.-ft. of retail space and adjacent parking. The parcel to be developed has a well-established growth of trees and existing vegetation that now buffers the property from the 15/501 roadway.

There was much discussion about maintaining this view shed along 15/501 and leaving as much as possible undisturbed. The perimeter is home to many older trees, some of which are quite sizable.

Mr. Yokley and group suggested that the client for the property would like full visibility from the road as per the Harris Teeter.

Appearance Commission members discussed maintaining the existing trees at length and urged the developers to maintain this natural growth area to provide a view shed buffer along 15/501 that maintains the "rural look and feel" of Chatham County.

The plans submitted did not show maintaining of the established trees. The Appearance Commission members unanimously agreed that existing trees be saved as much as possible and that this should be reflected in a more detailed future plan. Mr. Charlie Yokley and his group agreed to revise and review their plans to reflect maintaining the view shed buffer as practically possible and to foster the growth of the established trees.

The signage for the property was also discussed. It was unanimously agreed by the

Commission and the presenting group that an internally lit sign of no more than 16 feet would be used for this property.

The parking lot for this property was of some concern to Commission members. The proposed parking lot is over 30% larger than required by Chatham County. Members has serious concerns about the size of the proposed islands for tree planting within the parking lot. These trees are supposed to provide shade as the trees mature. However if they are planted in inadequate space their growth is slowed and stunted and they never provide much shade. Commission members suggested, and Mr. Yokley and group agreed, to have fewer parking spaces in order to create 20' wide islands for the trees in the center of the lot.

### 2nd presentation:

2nd review request by NNP Briar Chapel for review of perimeter landscaping for SD-East commercial area, Parcel No. 18911

Lee Bowman and Garretson Brown presenting.

More extensive and detailed plans for the project were submitted showing plans for the landscaping along 15/501 and the entryway into the property.

Again there was much discussion about the existing view shed buffer of the high berm along part of the roadway that meets the Andrews Store intersection. Currently there are pines and other trees growing in this berm and while Commission members would rather this be undisturbed they agreed to allow for some grading to lower the berm- but no more than 33% lower, and only if the regraded berm is replanted with hardwood and understory to create the same "wooded type look" that is the goal for the 15/501 corridor.

In exchange for this compromise to lower the berm Mr. Bowman agreed to leave additional footage undisturbed on the other side of this entryway. Currently the plan shows undisturbed footage of approximately 442' along the roadway. The Commission is requiring 600' be undisturbed. Mr. Bowman agreed to make these changes in the plans to reflect these agreements.