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March 26, 2018

via email, jason.sullivan@chathamnc.org

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

Re: Application to Rezone 10 of 31.89 Acres of Parcel 2691
at 4590 Mann's Chapel Road From R-1 Residential
to CD-CB Conditional District Community Business

Dear Jason:

My thanks to you and Janie Phelps for meeting with James O'Mara, Kate O'Mara, Kevin Frazier, Keith Shaw, Diego Munoz (buyer's agent), Amber Flowers and me to discuss O'Mara Landscaping and Lawn Services, Inc.'s ("O'Mara") rezoning application for its landscaping design business. It was a productive meeting and we appreciate Staff's time.

Our meeting focused on Staff's recommendations to the Chatham County Planning Board regarding Items 2, 3 and 4, the standard items in the Zoning Ordinance to be addressed when rezoning is sought. Both Planning Staff and the applicant agree that items 1 and 5 are satisfied.

Item 2 addresses changed or changing conditions which make the proposed amendment reasonably necessary to the promotion of public health, safety and general welfare. A concern was expressed in Staff's analysis regarding traffic arriving and leaving the site daily. The business employs approximately 37 people who come and go during a business day. There are also work trucks traveling from the business to customer sites to provide landscaping work.

After the first Planning Board meeting, Kevin Frazier supplied Chatham County with a copy of an email he received from Justin Richardson, Assistant Director Supervisor, Division 8-District 1, NCDOT. Mr. Richardson had reviewed information provided by Mr. Frazier about number of trips per day generated by the proposed use. The trip information provided was:

37 = Total employee's
29 = Employee vehicles arriving daily
20 = O'Mara Landscaping company trucks
6 = Open and/or enclosed trailers

After reviewing these numbers, Mr. Richardson noted: "I see no major impact to the existing roadway." The NCDOT trip generation rate for single family homes is 6 trips per day per house. Development of the property as compact residential would generate substantially more trips per day than O'Mara's proposed use.

Mr. Richardson reviewed and analyzed the plans and suggested the middle drive be shifted to the crest of the hill to maximize site distance. He also suggested the applicant consider consolidating the middle drive and westernmost drive. Both changes have been made and revised plans were provided to you by Keith Shaw on March 23. This activity meets Strategy 6.4, p. 67-68 of Planned Chatham Comprehensive Plan 2017 ("Planned Chatham") to work with NCDOT in reducing access points on main corridors.

Based on the information provided from NCDOT and the agreement of the applicant to revise the drives, I understand Staff's articulated concern has been addressed. If there are other issues related to Item 2, please let me know. A duplicate copy of the email exchange with Justin Richardson and the driveway plan sheets are attached.

We also talked through Item 4 and I believe we agree this item had been met. Item 4 addresses whether the amendment is essential or desirable for the public convenience or welfare. The Staff Report raised concerns about whether the number of landscaping companies in the area warranted the business. Staff also raised concerns about debris and waste material storage proposed.

During our meeting, we provided copies of photographs showing the bins used to store debris and waste material and a letter from the Chatham County based company that retrieves debris and materials from O'Mara and converts it into mulch. There is no stacking of debris and material. It is carefully collected and timely removed from the site. O'Mara's more convenient location to this Chatham County mulching business promotes the repurposing and recycling of debris and landscape waste. The mulch created is used by the Chatham County community. I have attached copies of the photographs and letter we shared during our meeting.

Another item of note regarding activities on-site is the heavy screening in the plans as proposed. Because of the screening provided, the internal operations of the landscaping business, including the bins

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used for the collection of debris, will not be visible to neighbors or from the road.

Regarding landscaping companies, we checked with Jamie Vaughn, V.P. of the Chatham County EDC. With Mr. Vaughn's help we located information about landscaping companies in the Pittsboro area and outside of Chatham County that advertise and provide services in Chatham County (including O'Mara). Most located are small operations. Only three were within a ten-mile radius of the site. All within the ten-mile radius are small. It is unlikely they compete for the same jobs as O'Mara. Nothing in the information provided suggests there are too many similar businesses in the area. O'Mara is confident that its relocation to this area meets market demands for their services.

Since O'Mara is already providing services in Chatham County from their Durham location, their move to Chatham County will have a positive impact on the local economy. Their move to Chatham County offers the opportunity for Chatham County to receive taxes associated with having this operating business in Chatham County.

O'Mara will use Chatham County retailers such as Lowe's to purchase products such as landscape supplies, rocks, and topsoil formerly purchased in Durham County. It purchases around \$80,000 worth of supplies annually at places such as Lowes and Town and Country. If O'Mara moves to Chatham County, Lowes in Pittsboro and Town and Country would become their primary vendors. \$80,000 in purchases translates to approximately \$6,000 in sales tax.

O'Mara spends approximately \$52,000 per year for gasoline for its vehicles and equipment. This is primarily from gas stations near its operation in Durham. These purchases would shift to Chatham County stores.

Chatham County will also benefit from the property taxes paid on O'Mara's equipment since it will be moved from Durham County to Chatham County. O'Mara's asset value is around \$205,500. Its annual purchases for new trucks/equipment is in the \$60,000 range. If O'Mara relocates to Chatham County, all its equipment will be registered in Chatham County and create an additional \$1200 in new tax revenue for Chatham County through personal property taxes.

These economic benefits are in addition to the increased taxes generated from the investment in updating and renovating the existing house and commercial buildings. The relocation of this business to Chatham County is desirable for public convenience and welfare and provides a positive economic impact for Chatham County and Chatham county businesses.

The economic impact analysis in Item 4 also applies to Item 3. Item 3 requires an analysis of how the proposed zoning amendment will carry out the intent and purpose of any adopted plans or part thereof by encouraging the expansion and support of businesses within the County.

Staff's observation in the Staff Report is because the recently adopted Planned Chatham contemplates the long-term use of this area as compact residential adjacent to a rural designation, the property is not within a node that promotes non-residential uses. Staff cites page 67 of Planned Chatham which states a goal of avoiding strip commercial development along key road corridors.

Planned Chatham is "a guide to the County's future. Section 1.1, p. 2. Because of the unique nature of the property subject to this rezoning request, the proposed rezoning carries out the intent and purpose of the plan as this area transitions.

The property is zoned R-1 but has a valid conditional use permit which allows for a music/publishing business. There is an existing warehouse and office building and a residence. These buildings have been used for a music and music publishing business. For this reason, the rezoning does not "create" a strip commercial development along a key road corridor. The site is already permitted for business.

Land Use Policy 6, p. 67 speaks to "managing the limits of intense commercial development." It also speaks to the importance of improving the aesthetics of commercial development along major corridors. The O'Mara proposal is not an intense commercial development. It is a repurposing of commercial buildings and use of an existing house. Because O'Mara's proposal screens the site and repurposes existing commercial buildings, it promotes the goal of improving aesthetics in this area of the corridor. It preserves existing vegetation as suggested in Strategy 6.2, p. 67.

The tool of conditional rezoning offers flexibility to allow a repurposed use of the existing buildings while controlling and restricting the new use to the specific use proposed. Otherwise, the existing commercial buildings continue to be used as allowed under the conditional use permit or they end up unused and an eyesore. If O'Mara can follow its plan, these commercial buildings will be used in a manner more closely akin to agricultural use (the planned and actual use across Mann's Chapel Road). A landscaping business is more rural than a music/publishing business and more compatible with residential use. With the screening provided and with limited traffic impact, the rezoning has no negative effect on adjacent properties and preserves a rural feel to the property. Only 10 acres of the 32-acre tract are proposed to be rezoned. The remaining acres will be residential. The 10 acres are

part of what is already a commercial use. The additional disturbed area is only 3 acres and is approximately 350 feet from Mann's Chapel Road.

Chapter 4, Economic Development of Planned Chatham (p. 53-60) addresses economic development and is instructive in the analysis of this application for a Conditional District Community Business rezoning. This section of Planned Chatham promotes the concept of the creation of jobs and the goal of increasing high quality in-county jobs to reduce dependence on residential property taxes and to create economic opportunity and to reduce out-commuting. The proposed rezoning meets this goal.

ED Policy 1, p. 54 is to "provide flexibility for rural businesses that have limited impact on adjacent properties and preserve rural character." The rezoning allows this flexibility for a rural business. Because of the site work contemplated, this rezoning begins a smooth transition from the incompatible use allowed under the conditional use permit. It is not inconsistent with the long-term plan for compact residential and agricultural uses. When the time comes for the long-range plan to be realized, it would be an easy transition to remove the landscaping business for compact residential use. Until then, the rezoning allows existing commercial buildings to be used by a business more compatible with the area.

Land Use Policy 7, p. 68 in Planned Chatham is to promote flexibility for rural businesses and to provide support for home-based business. While not a home-based business, the O'Mara proposal does contemplate the O'Mara family living on the 32 acres tract in the existing house and running their business on the same property.

We submit that Item 4 is met by the O'Mara proposal. The proposal carries out the intent and purpose of Planned Chatham by encouraging the expansion and support of businesses within the County. This proposal offers a better business use of existing commercial buildings, a use more compatible with the future vision for this area of the County. It brings a business to Chatham County and creates opportunities for other businesses in the County to provide goods and services to it.

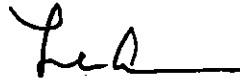
We appreciate the opportunity given to discuss this proposal and look forward to our next meeting with the Planning Board on April 3.

Jason Sullivan, Planning Director
Chatham County Planning Department
March 26, 2018
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Best regards.

Sincerely,

BROWN & BUNCH, PLLC



LeAnn Nease Brown

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Attachments

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