

# 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: Pitt Hill X, LLC

MAILING ADDRESS OF APPLICANT: 50201 Governors Drive Chapel Hill, NC 27517

PHONE NUMBER/E-MAIL OF APPLICANT: (919) 883-5500

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

Name(s) BERRY JEAN PAUL & BERRY JEAN T

Address: 2421 PERKINS RD

DURHAM, NC

ZIP 27706

Telephone: 919 880 5454 FAX: \_\_\_\_\_

E-Mail Address: jpberry60@hotmail.com

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

ADDRESS OF SUBJECT SITE: 10329 US 15 501 N

CHATHAM COUNTY PROPERTY PARCEL NUMBER (AKPAR #): 2721

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: 5.01 Acres

**(Do not round up acreage. Use exact acreage amounts from tax records or as a recorded survey)**

PROPOSED USE(S) AND PROPOSED CONDITIONS FOR THE SITE: See Attachment A and attached Site Drawings.

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 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.**
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.**
3. **The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.** (I.e. Comprehensive Plan, Chatham/Cary Joint Land Use Plan, etc.) You must note specifics from the plan/s giving reference to page number and section.
4. **The requested amendment is either essential or desirable for the public convenience or welfare.** (i.e tell how and for what purpose/s the amendment would provide to the county as a whole)
5. **All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.** (i.e. watershed classification, impervious surface, utilities, infrastructure, etc.)

**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>9/25/2019</u>
<input checked="" type="checkbox"/>	Held Community Meeting	Date of Meeting <u>9/13/2019</u>

**Section B. SUBMITTAL INFORMATION AND PROCEDURE**

- (1) Sixteen (16) completed application packets and all supporting information shall be submitted to the Planning Department upon approval of the sufficiency review by staff. **(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 packet 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.

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

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**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 or as accepted by staff, 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 use of all land and structures, including the number of residential units and the total square footage of any non-residential development;
    - e. All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant; **(SECTION 12 LANDSCAPING & BUFFERING REQUIREMENTS)**
    - f. All existing and proposed points of access to public and/or private streets;
    - g. 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;
    - h. Proposed phasing, if any;
    - i. Generalized traffic, parking, and circulation plans; **(SECTION 14 OFF STREET PARKING)**
    - j. Proposed provision of utilities;
    - k. The location of known sites of historic or cultural significance within or adjacent to the project area, including any structure over 50 years old;
    - l. The approximate location of any cemetery;
    - m. Proposed number, location, and size of signs; **(SECTION 15 SIGN REGULATIONS)**
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- n. 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)**
- o. The location of existing and/or proposed storm drainage patterns and facilities intended to serve the proposed development, and impervious surface calculations; and
- p. Please be sure to address all of **Section 11.2.A through I** in your application.
- NA  q. Environmental Impact Assessment pursuant to **Section 11.3** of the Zoning Ordinance, if applicable. **If you are or will be disturbing 10 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.**
- NA  r. Please check if a Special Study is required for certain Heavy Industrial uses as described in the Table of Permitted Uses in the Zoning Ordinance, Section 10.13. **The study is required to be submitted with this application.**

**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;
  - 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.

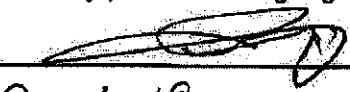

**NOTE: The Zoning Administrator has the authority to waive any application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.**

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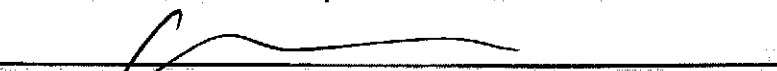
**SECTION D. SIGNATURE STATEMENTS**

**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 Michael Fiocco 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: 9-26-19

**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: 9/30/19

**OFFICE USE ONLY:**

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

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

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

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

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

## **501 Landing**

### **Attachment A**

#### **Conditional Zoning District - Neighborhood Business**

As a condition to the 501 Landing Conditional Zoning District – Neighborhood Business application the following list of uses designated as Permitted or allowed as Conditional Uses in the Neighborhood Business zoning district of the Chatham County Zoning Ordinance Table of Permitted Uses are hereby prohibited from use on the property.

- Automobile service stations including tune-ups, minor repairs, tire service, washing facilities both manual and automatic and similar services
- Bait and tackle shops
- Blacksmith or horseshoeing shops
- Boat Storage Facility
- Breeding kennels with a minimum lot area of three acres and provided that all buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement for the district in which it is located
- Congregate care facilities
- Furrier, retail sales (can include storage)
- Hotels, motels and inns
- Lock and gunsmiths
- Minor Utilities (Any noise producing equipment must be stored within a structure, or must be setback a minimum fifty (50) feet from any public right of way or property line)
- Mixed Use Building
- Natural gas compressor station
- Oil and Gas Exploration, Development and Production
- Open-air sales or displays from a temporary building or structure
- Private recreation camps and ground with a minimum lot area of 10 acres and provided that all buildings, structures, spaces, and high intensity activity areas shall be set back a minimum of fifty (50) feet from all property line/boundary areas except in the Haw River Township, which shall meet the minimum setback requirements of the base zoning district
- Public utility transmission lines

- Recreational vehicle storage facility
- Concealed fireless Facilities one hundred fifty (150) feet or less in height but greater than sixty (60) feet in height
- fireless Support structures that are less than one hundred ninety-nine (199) feet, but greater than sixty (60) feet in height
- fireless support structures that are greater than one hundred ninety-nine (199) feet, but no more than three hundred (300) feet in height
- Temporary construction trailers or structures

## **501 Landing**

### **Conditional Zoning District - Neighborhood Business**

The property upon which this proposed re-zoning and development is located is within the area identified in the Plan Chatham comprehensive plan as the Chatham Downs Community Center. The Plan Chatham document took several years to develop and was adopted in 2017. The Chatham Downs Community Center is one of the few areas within the County envisioned, and so designated, as a node for commercial activity.

Accordingly, rezoning this property will enable the stated goal of development for the area that would otherwise not be possible with the current zoning of R-1.

Proposed as a shopping center with a mix of retail, office and restaurant uses the re-zoning and development achieves many of the other stated goals of the comprehensive plan.

It is located along the major north/south corridor of 15-501 where upwards of 27,000 vehicles a day pass by. It is in relative close proximity to Orange County and a major employment center of the University of North Carolina at Chapel Hill and the UNC Hospital system. As such it is well situated to help correct the commercial leakage that occurs within the county as a result of the daily out-commuting.

It will increase non-residential ad valorem tax revenue and thereby reduce the County's reliance upon the residential tax base.

It will create jobs within the county.

It proposes to incorporate a storm water management strategy that will manage both peak discharge and water quality treatment parameters.

It will utilize drought tolerant landscape materials.

It will utilize low flow plumbing fixtures.

It incorporates "public open space" by way of the outdoor dining/gathering plaza.

It incorporates traffic safety features that include a deceleration lane and right turn lane storage on 15-501 with a wide sweeping radius and an additional driveway stem of approximately 160 linear feet that provides for unencumbered flow for vehicles entering the property.

It is designed as a neighborhood scale node within the larger envisioned Community Center that respects the adjoining neighborhood by pushing the development as close to the roadway as possible.

For these reasons the proposed re-zoning and development fulfills the vision of the Plan Chatham comprehensive plan and responds to the changed condition established by the Plan.





civilconsultants

LAND DEVELOPMENT CONSULTANTS

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

To: Chatham County ZONING ADMINISTRATOR

Date: October 4, 2019

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) 08/23/2019. A copy of the written notice is also attached.

The meeting was held at the following time and place: 6:00 pm September 13, 2019 at 10100 Governors Drive, Chapel Hill, NC 27517

The persons in attendance at the meeting were: See Attached Sign In Sheet  
\_\_\_\_\_  
\_\_\_\_\_

The following issues were discussed at the meeting: See Attachment B.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

As a result of the meeting, the following changes were made to the rezoning petition: No changes were made to the application. A request for the project to include a fence along the western property line for security reasons is under consideration and if included will be shown on the plans at the Site Plan stage.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Date: 9-30-19

Applicant: 

By: Chris Brentfeld PTH HIX, LLC

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.

A receipt or stamp from the US Postal Service that shows the date of the mailings shall also be provided with this application.



501 Landing

Attachment B

Conditional Zoning District - Neighborhood Business

Community Meeting Discussion

It was explained that the project is within the Chatham Downs Community Center designation of the Chatham County Comprehensive Plan.

The designation is intentional and was the result of years of work on the Plan Chatham document. There are few areas designated for non-residential in the plan and those that are so designated are done so with the view of reducing the residential tax burden. Commercial development is seen as desirable in these areas.

The current zoning of the property is R-1 and the project is proposing to re-zone the property to Conditional Zoning Neighborhood Business in order to develop the property as proposed.

The following drawings and maps were mounted for display (folks were free to approach the maps and many took photos):

Comprehensive Plan Future Land Use Map

Color Site Plan

Color Building Elevations for Building A

The project was presented as such:

The parcel is 5.01 acres

There are two buildings proposed; each 7,200 SF for a total of 14,400 SF

There are 99 parking spaces proposed; a ratio of 7 spaces per 1,000 SF which is helpful with restaurant(s) tenants as they tend to have greater demand for spaces

The project has 34+% impervious surface

Bio-retention is the proposed method for stormwater management

County water is proposed for potable and fire protection demands

On-site septic is proposed

NCDOT has required a turn lane and agreed the configuration shown on the plan is acceptable

Discussion:

Folks acknowledged commercial development was likely to occur in the area and thought the scale of the proposed project was more suitable and better than the previous failed re-zoning application that included the Publix supermarket. Some expressed support for the concept and indicated they may be



present at the public hearing to state such. At their request we agreed to advise them of the scheduled P<sup>2</sup>.

There was concern about increased stormwater run-off. The bio-retention device was discussed and assurances were made that the protocol would adhere to the Chatham County standards for water quality and quantity.

There were questions regarding the required clearing for the septic field and we advised the field did not necessarily require full clearing of trees and that studies to date have only identified the general location and likely performance standards for the system. Not until actual permitting and design of the system and some field location work will the requisite clearing be fully known.

There were questions about lighting and glare and we explained the system would need to meet County standards for light trespass and that current proposed designs indicated light levels would be zero foot candles at the property line and that all parking lot lights would direct light downward to minimize glare.

It was explained that the project purposefully located the buildings, parking and appurtenances as close to 15-501 as possible for better visibility along the major arterial as well as to provide greater separation from the neighborhood with the intent to minimize impacts to the neighborhood.

Landscape buffer requirements were discussed and the standards were explained and assurances were presented that where existing buffer clearing occurred replacement plantings would be required.

The meeting was very cordial and lasted approximately 45 minutes.