



Chatham County Planning Board Agenda Notes

Date: January 7, 2020

Agenda Item: VIII-1

Attachment #: 4

- Subdivision**
 Conditional Use Permit
 Rezoning Request
 Other:

Subject:	A Legislative public hearing request by Pitt Hill X, LLC for a conditional district rezoning from R-1 Residential to CD-NB for retail shopping center, Parcel No. 2721, located at 10329 US 15-501 N, Baldwin Township on approximately 5.01 acres.
Action Requested:	See Recommendation
Attachments:	<ol style="list-style-type: none"> 1. Public hearing comments can be viewed from the Planning Department Rezoning and Subdivisions cases, 2019. 2. Meeting minutes from the Chatham County Appearance Commission meeting September 25, 2019. 3. Emails in support of rezoning. 4. Applicant responses to concerns raised at the public hearing.

Introduction & Background:
 A legislative public hearing was held on November 18, 2019. Planning staff presented the request and Michael Fiocco, representative for the applicant, was available for questions and comments. Five citizens from the adjacent or adjoining properties also spoke in opposition of the rezoning request.

Concerns raised by speakers included concern about an increase in noise from US 15-501 through the site to Polk’s Village residential subdivision, lighting on the rear of the property, the area to be utilized for the wastewater system has not been fully determined and the maintenance thereof, built upon area limits, and general concern about more development along US 15-501. Written comments that were submitted during the hearing and by email are available from the planning webpage as noted in Attachment No. 1.

Discussion & Analysis:
 Conditional Zoning districts are districts in which the development and use of the property is subject to predetermined ordinance standards and rules, regulations, and conditions imposed as part of a legislative decision creating the district and applying it to the particular property.

Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. The review process established in this Ordinance provides for accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with neighboring properties. A conditional zoning district is not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved land use plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available within a reasonable time period.

A community meeting was held on September 13, 2019 and 6 people attended. The attendees had questions about traffic, access, hours, light, and impervious limits. The community report is included in the application packet and no changes were made to the site plan based on the meeting other than a request for a fence along the western property boundary that adjoins a residential property in Polk's Village.

A meeting with the Chatham County Appearance Commission (CCAC) was held on September 25, 2019. Several changes were recommended. They include but are not limited to the following:

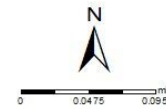
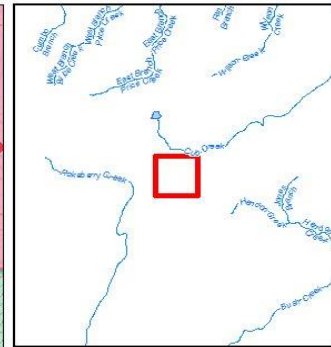
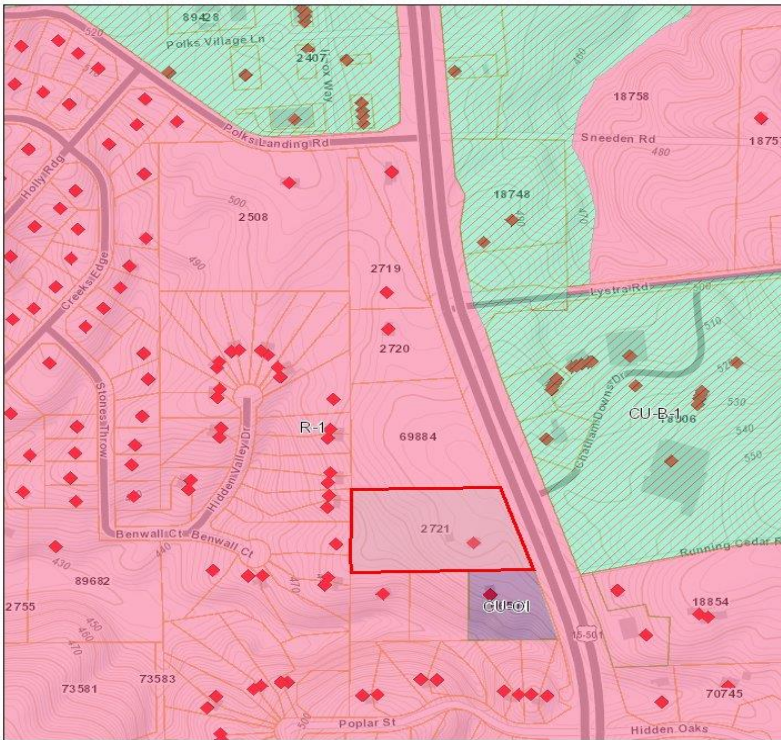
1. Change planting selection for perimeter residential buffer areas specifically the northern and southern boundaries.
2. Pervious material be used parking space around tree islands to help ensure growth and sustainability.
3. Grading to be started further away from the property lines to assist in preserving the existing tree lines.

The minutes with all suggested changes/corrections are attached and referenced in the suggested conditions below.

There are five standard items listed in the Zoning Ordinance that must be addressed by an applicant when submitting a rezoning application. The applicant has addressed those items in the application materials or in supplemental material and they are also discussed below.

The map below shows the current zoning and surrounding zoning district for the property under consideration:

Chatham County Tax Map



Service Layer Credits: Chatham County,
Chatham County GIS



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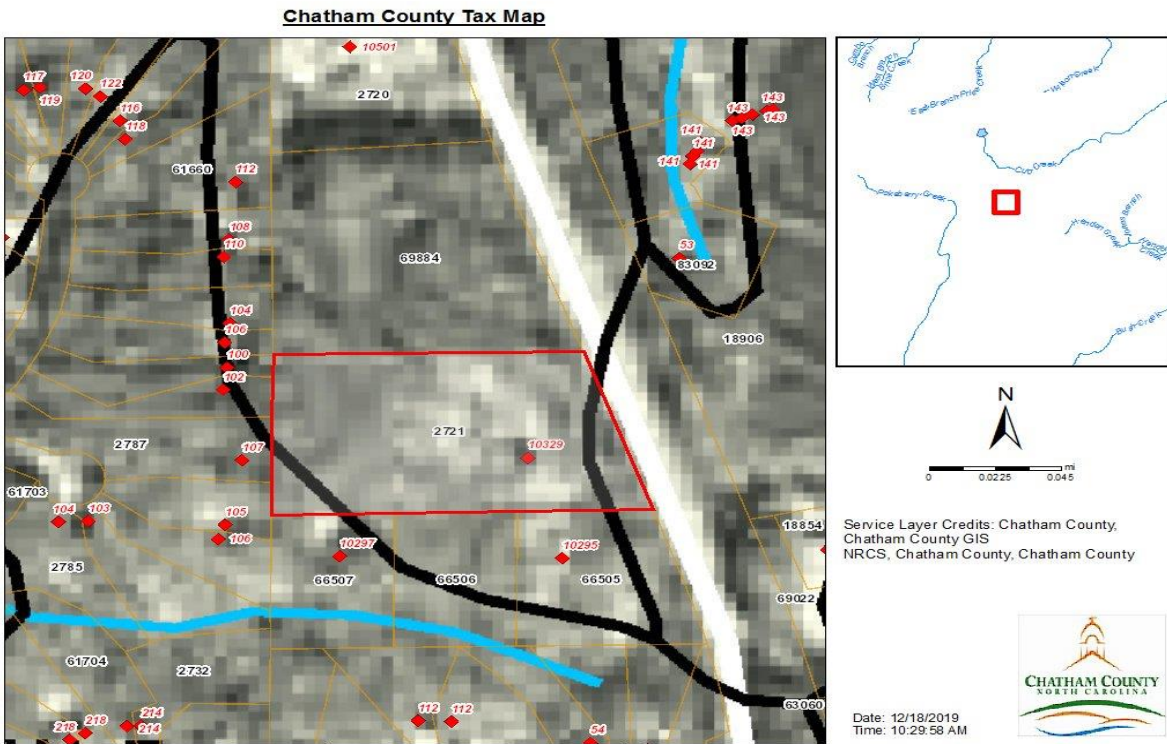
Item #1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed description of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same. The applicant is claiming no errors in the Ordinance.

It is planning staff opinion this finding is met.

Item #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. This area of US 15-501 has been identified as part of the Chatham Downs Community Center node in Plan Chatham. Existing uses in the node include a chiropractor's office, grocery store, bank, retail, restaurants, daycare, and medical facility and therefore is the location adopted by the Commissioners as an area for additional non-residential growth. This site will provide services that enhance residents' access to good and services in an area designated as commercial, helps to keep tax revenue within the county which in turn keeps the tax base healthier and creates jobs.

The property is served by a four-lane highway and NCDOT may require additional improvements to this section of highway by implementing a deceleration lane for traffic heading southbound on 15-501. The drive will offer a right turn out only which keeps traffic flowing in a safer more expedient manner.

The map below from Natural Resources Conservation Service shows no water features that would be impacted by this project. Proper erosion control and stormwater permits will be required before disturbing the site for development and on-going inspections will occur during construction.

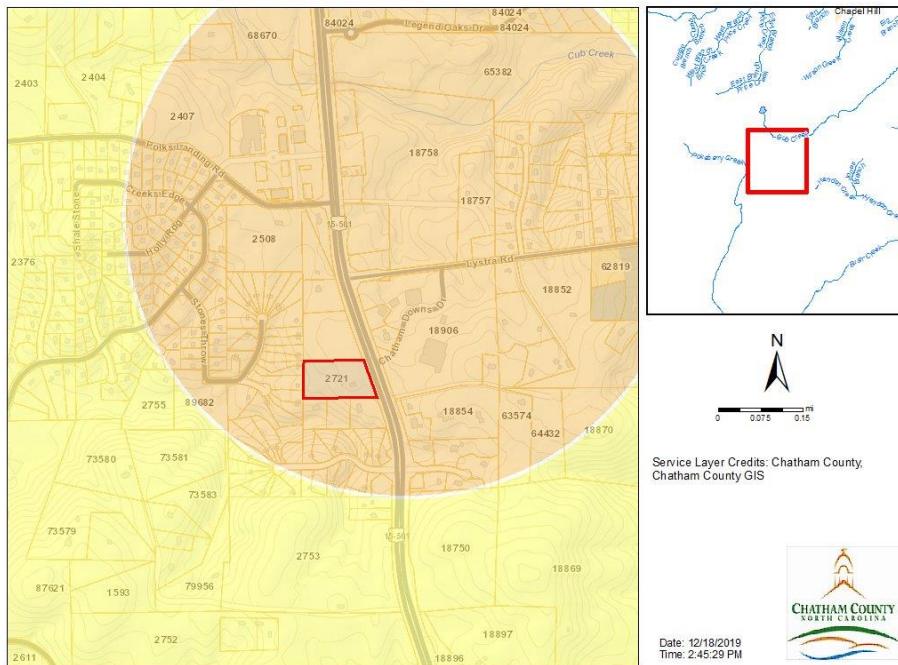


It is planning staff opinion this finding is met.

Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof. Page 47 of the Comprehensive Plan identifies Community Centers as retail hubs along key corridors which accommodate regional retail tenants complemented by local-serving commercial development. This property is located within the community center node identified as Chatham Downs.

Page 67, Strategy 6.4 requires working with NCDOT to plan and implement the best possible access for commercial nodes. It does discourage driveway permits for every parcel by incentivizing shared driveways, cross-access easements, and other measures to reduce the number of direct access points. Medians and deceleration lanes may also be required to be installed by the developer. A condition has been recommended regarding a cross access easement since future development of the northern parcels could occur and this would allow interconnections between the sites. The map below identifies the community node depicted on the Future Land Use and Conservation Plan Map in Plan Chatham.

Chatham County Tax Map

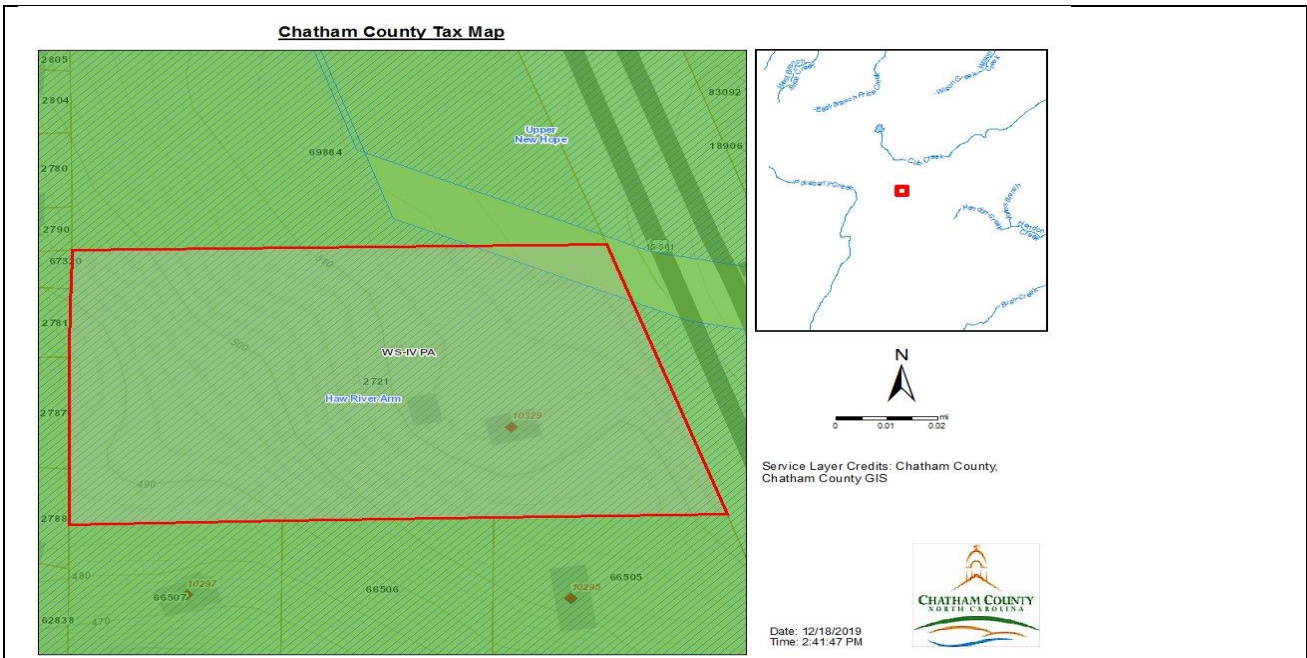


It is planning staff opinion this finding is met.

Item #4: The requested amendment is either essential or desirable for the public convenience or welfare. In 2017, prior to the adoption of the new Comprehensive Plan, a proposal for an approximately 61,000 sq. ft. grocery on approximately 26 acres was submitted and ultimately withdrawn by the applicant due concerns raised by neighboring property owners. This proposal is for 14,400 sq. ft. of retail, office, and restaurants. In order to keep tax revenue in the county, locating non-residential development in areas identified for growth in Plan Chatham is needed. While many residents travel outside of the county for work these retail establishment provide them additional options to obtain goods and services.

This project has been designed with consideration given to the residential area to the west. The buildings and parking areas have been located as close to the US 15-501 as allowed by the ordinances. Lighting and signage will also comply with the regulations so as to not interfere with the residential areas. The developer will maintain as many trees as possible in developing the septic field and stormwater pond areas to the south and west of the property.

The site plant indicates that built upon area will be limited to approximately 34%. The Watershed Protection Ordinance allows up to 36% without curb and gutter therefore keeping over one half of the property undeveloped. The map below depicts the current watershed classification of WSIV-PA within the Jordan Lake Buffer rule area.



It is planning staff opinion this finding is met.

Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include: Since this request is for conditional district rezoning, the applicant has provided a list of prohibited uses. This is to help ensure the businesses that locate on the site cause the least disruption to the adjoining residents. Additionally, the buildings are located in the front of the parcel to help reduce noise from US 15-501. As much as practical, existing vegetation will remain to also act as noise reduction and shielding from direct lighting.

It is planning staff opinion this finding may be met.

Based on all five findings being addressed and complying with current regulations, planning staff recommends approval of the conditional district rezoning request.

Recommendation:

It is the opinion of planning staff that the Planning Board recommend approval of the conditional rezoning request based on all standards being supported. The Planning Board has up to three meetings in which to make a recommendation to the Board of Commissioners.

Should you recommend approval of the request, a consistency statement has been prepared for your consideration.

Parcel No. 2721 located at 10329 US 15-501 supports the goals of by Plan Chatham by being located within a Community Center node.

The following conditions are also provided for consideration:

Site Specific Conditions

1. The list of prohibited uses as shown in Attachment A of the application shall apply to the site. Any deviation from this list will require a revision and approval to the conditional district zoning by the Board of Commissioners.
2. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and a revised site plan is required. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
3. A cross access easement shall be noted on a revised site plan between the parking area on the subject property to the parcel to the north to allow for an internal road connection for any future development. This cross connection shall be approved by the Chatham County Planning Department and the applicant to ensure the location is adequate for future use.
4. Prior to any land disturbing activity a report indicating the exact location and area needed for the septic field and repair area shall be provided to the Planning Department in order to verify that native vegetation is being left undisturbed to further enhance the buffer between the non-residential property and the residential property to the west.
5. A building permit shall be obtained and remain valid at all times within two years of the date of this approval or the site plan and approved uses becomes null and void.

Standard Site Conditions

6. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes to or variations from any requirements of this permit must be approved through the Planning Department or other approving board before any such changes can take place.
7. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, and Environmental Health Division, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process.

Standard Administrative Conditions:

8. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
9. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.

10. Non-Severability – If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

11. Non-Waiver – Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.