

WILLIAMS CORNER  
REQUEST FOR APPROVAL OF A +/- 118 ACRE  
MIXED USE CONDITIONAL ZONING PROJECT  
SECTION 10.12 CHATHAM COUNTY ZONING ORDINANCE

SUBMITTAL DATE: JANUARY 31, 2020

APPLICANT: BOLD DEVELOPMENT GROUP, LLC

OWNERS:

ZR CHATHAM, LLC

WILLIAM E. BURGESS, JR. and DAWN E. BURGESS

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## INTRODUCTORY STATEMENT AND EXECUTIVE SUMMARY

The existing Williams Corner Project Conditional Use Permit was approved in January 2006. In the intervening fourteen years much has changed as is detailed below in Addendum A responding to the changing conditions necessitating the proposed revised plan submitted herewith. In summary, Chatham County has adopted revised zoning and subdivision ordinances, along with a constellation of new development regulatory standards, including updated environmental, stormwater and watershed regulations.

But perhaps the most significant change has been the Planning Staff's and this Board's historic and successful drafting and adoption of a Comprehensive Land Use Plan known as "Plan Chatham," adopted in November 2017 ("Plan Chatham" or "Comprehensive Plan").

Applicant has taken all of these intervening changes, strategies and plans into account as it has worked to envision a new Williams Corner development – one that incorporates the new regulatory documents, the new plans and the existing residential and commercial marketplace.

### PRE-APPLICATION INPUT OF THE SURROUNDING COMMUNITY, APPEARANCE COMMISSION AND PLANNING STAFF

Applicant has held extensive community meetings for input from adjoining. A well-attended community meeting was noticed for and held on December 23, 2019. Based on the turnout and interest and based on comments and issues raised at that meeting, Applicant delayed its original intended filing of January 3, 2020. Applicant immediately began work on site plan revisions to attempt to incorporate some of the concerns raised

by the adjoining neighbors, specifically the neighbors in the Wilder Ridge community to the east and the Legend Oaks community to the North.

After revising the site plan significantly to address setback and other concerns, Applicant noticed and held a second community meeting for all adjoining neighbors on January 29, 2020. In addition, Applicant met with 16 residents of the Wilder Ridge community on January 27, 2020 to review changes specifically addressing their concerns as immediate adjoining neighbors to the east. Based on all of the input, significant changes to the site plan were made and reviewed with the adjoining neighbors in attendance at the second phase of community meetings.

In addition to the community meetings, Applicant met with the Appearance Commission on December 18, 2019. Applicant agreed to incorporate the recommendation adopted by the Appearance Commission at that meeting. That is, in lieu of adding plantings along the landscape buffer area of the site that has no development (the conservation area in the northeastern-most section), applicant has agreed to shift the equivalent of such plantings equitably from that area to portions of the landscape buffers along the to-be-developed areas that adjoin outside residential properties. Also, Applicant has met and consulted numerous times with Planning Staff given that this is the first ever application for a Mixed Use Conditional District project in Chatham County. Many of the considerations raised by Planning Staff have been incorporated and addressed by the applicant.

#### EXISTING APPROVAL

Since 2006, the Williams Corner project (which was approximately 98.5 acres in size) has maintained a valid Conditional Use Permit for a project that included approximately 360,000 square feet of office, retail and medical uses, coupled with 40 residential townhomes. Approximately 54 acres of the property are currently zoned B1-CU. The remaining +/- 44

acres are zoned R-1. The approved site plan (attached behind Tab C after the proposed site plan and landscaping plans) mandated only a 20' setback from adjoining property lines and a 50' landscaped buffer along 15-501.

The currently approved plan includes the potential of two on-site packaged gpd wastewater treatment plants (totaling 200,000 gpd capacity) along with on-site treated effluent disposal and a "sludge basin" for "thickened sludge" to be removed periodically by a "residual biosolids contractor." In addition, treated effluent would be disposed of on-site primarily through land application spraying and "street washing", as well as through "evaporative cooling" and "waterscapes." The plan includes a 120 retention basin located approximately 100' from the boundary shared with the Legend Oaks subdivision to the north.

The existing approval is grandfathered under all of the pre-2008 environmental regulations existing in Chatham County rather than the regulations adopted from and after 2008 such as the revised riparian buffers and stormwater standards. It does not take into account any of the subsequently adopted strategies and goals of the Plan Chatham comprehensive plan.

#### REQUESTED REVISED APPROVAL

Applicant seeks to re-envision the Williams Corner project so as to update it to meet or exceed the post-2008 regulations and to incorporate and meet many of the strategies and goals of the Comprehensive Plan. Specifically, Applicant seeks approval of a Mixed Use Conditional District for the 118 acre tract comprising the Williams Corner property. The Chatham County Zoning Ordinance, in Section 10.12 includes a zoning district called "CD-MU Mixed Use." This zoning district is intended to "permit flexibility" by providing for a mix of residential and commercial uses to be developed on large tracts in accordance with a unified

development plan. The goal is to allow for efficient use of land while simultaneously creating on-site amenities and preserving open space.

**Updated Mix of Uses:** The proposal, set out in more detail below and on the site plan, calls for estimated totals of 90,000 s.f. of office space, 140,000 s.f. of retail space, one southern section of multi-family apartments or residential condos with up to 265 units, one northern section of multi-family apartments or residential condos with up to 275 units (total cap on multi-family units is 540), together with two complementary storage facilities (80,000 s.f. – 120,000 s.f.) to serve the apartment residents and the public at large.

### **Voluntary Tripling of Certain Mandated Building**

**Setbacks/Separations:** The plan calls for 100' mandatory setbacks and, along the boundaries with adjoining residential districts, adds voluntary building/structure setbacks of 100'-200' additional feet, thereby creating a minimum (but in some instances greater than) 300' separation of all buildings from adjoining residential lot lines.

**Doubling of Certain Riparian Buffers:** While the existing approval allows for as little as 25' buffers on intermittent streams and 50' buffers on perennial streams, the proposed plan calls for 50' riparian buffers on each side of the intermittent streams on-site and 100' buffers on each side of the perennial streams on-site. Thus, Cub Creek will enjoy a 200' wide combined riparian buffer (not including the width of the stream).

**Off-site Wastewater Treatment:** The proposed plan calls for off-site treatment of wastewater and off-site disposal of treated wastewater by Old North State Water Company.

**Extensive Conservation Space, Riparian Buffers, Open Space and Common Area:** Approximately 89 acres out of the total 118 acre site will be reserved as a combination of conservation space, riparian buffers, open

space and common area, leaving only approximately 29 acres of developed area.

**Improved Public Amenities:** The proposal will include an extensive trail network, two transit stop facilities, electric charging stations, sidewalks and pedestrian-friendly shopping.

**Updated Impact Analyses:** Given that the original approval was granted approximately 14 years ago, Applicant has commissioned and included new traffic, environmental and rental market analyses to supplement this application, each detailed below and included as exhibits.

## A. APPLICATION FORM



### APPLICATION ACCEPTANCE POLICY

### CONDITIONAL DISTRICT REZONING

Chatham County

PO Box 54, Pittsboro, NC, 27312

Telephone 919-542-8204 | Fax 919-542-2698

Chatham County understands that clear expectations make the application and development review processes easier for both applicants and staff. The policies outlined below will enable Planning Department staff to move the process along in a way that ensures that each application receives the attention it deserves. Staff desires to complete review of projects in an accurate and timely manner. Due to the preparation, reviews, and public hearing schedules, working with incomplete materials detracts from the timely review of applications.

1. Applications are to be reviewed for completeness by staff prior to being officially accepted for review. Applications that are dropped off or mailed in cannot be accepted without prior approval from the Zoning Administrator.
2. Checklists for each type of request are provided with each application package. If the application does not contain all required items on the checklist, it will be considered incomplete and shall not be accepted. **PLEASE REVIEW SECTION 5 FOR CONDITIONAL ZONING IN ITS ENTIRETY TO MAKE SURE ALL AREAS FOR SUBMISSION ARE COVERED.**
3. Upon determination by staff that an application is complete, it will be officially accepted by the Planning Department by accepting payment and issuing receipt. Staff will not hold materials for incomplete applications or any monies associated with the submittal of an application. Application fees must be paid at the time an application is submitted for acceptance.
4. In order to allow time to process fees, applications will not be accepted after 4:00 pm each day.
5. For your convenience, applicants may schedule an appointment with staff to review the application package before the official submission.

The Planning Department staff looks forward to working with you during the application process. If you have questions or need further assistance, please call 919-542-8285



# 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: Bold Development Group, LLC

MAILING ADDRESS OF APPLICANT: c/o Nicolas P. Robinson, P.O. Box 607, Pittsboro, NC 27312

PHONE NUMBER/E-MAIL OF APPLICANT: (919) 542-2400 (Nick Robinson)

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

Name(s): ZR Chatham, LLC\* (see asterisk below with additional owners for whom Applicant is agent)

Address: 2416 East 37<sup>th</sup> Street North, Wichita, KS 67219

Telephone: 316.847.4869 FAX: \_\_\_\_\_

E-Mail Address: Will.bakker@Irico.com

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

ADDRESS OF SUBJECT SITE: 10556 US 15-501 N., Chapel Hill, NC 27516

CHATHAM COUNTY PROPERTY PARCEL NUMBER (AKPAR #): 18901, 18757, 18758, 80023, 65382, 76461\*, 60704, 18789, 18892\*, 18747, 18760, 18889, 18891, and 18748

\*These parcels were not a part of the original Williams Corner approval. Only portions of them are being made a part of this request.

CURRENT ZONING DISTRICT/CLASSIFICATION(S): CU-B1 and R-1

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

TOTAL SITE ACRES/SQUARE FEET: +/-118.00 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: Mixed Use Project containing retail, commercial, office, storage and multi-family residential, trail network and approximately 89 acres of open space/riparian buffers and common area. This project reimagines the Williams Corner Conditional Use Project approved in January 2006 by updating the project to conform to the newly adopted Comprehensive Land Use Plan and also to improve the plan by voluntarily adopting intervening environmental and other regulations and by voluntarily imposing setback/buffer protections for adjoiners. See further details in attached Application materials.

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. **SEE ATTACHED SECTION A ADDENDUM**

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:**

Chatham County Appearance Commission      Date of Meeting: **December 18, 2019**

Held Community Meeting      Date of Meetings: **12/23/19 and 1/29/20\*\***

\* Additional Owners: William E. Burgess, Jr. and Dawn E. Burgess, 645 Lystra Road, Chapel Hill NC, 27517 (The burgesses have designated Applicant and Chris Ehrenfeld as their agent for this application). See Section D of Application below.

\*\* Applicant voluntarily sent notices out and held a second community meeting in order to update adjoiners on modifications made to the site plan based on their prior input.

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**SECTION D. SIGNATURE STATEMENTS**

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**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 Bold Development Group, LLC /Chris Ehrenfeld 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.*

ZR CHATHAM, LLC

Signature: W.R. Blou

Date: 1/30/20

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**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.*

BOLD DEVELOPMENT GROUP, LLC

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

Date: 1/30/2020

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**OFFICE USE ONLY:**

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

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

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 Bold Development Group/Chris Ehrenfeld 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: William E. Burgess Jr. *Chris Ehrenfeld*

Date: 12-11-19

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

**OFFICE USE ONLY:**

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

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

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

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

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