



**Chatham County Planning Board
Approved Minutes
November 10, 2020**

The Chatham County Planning Board met in regular session on the above date as a remote meeting due to the current health restrictions for the COVID-19 virus. Members present via GoTo Webinar meeting were as follows:

Present

Absent

- | | |
|----------------------|-------------------------------|
| George Lucier, Chair | Caroline Siverson, Vice-Chair |
| Jon Spoon | Jamie Hager |
| Clyde Frazier | Emily Moose |
| Bill Arthur | Franklin Gomez Flores |
| Gene Galin | Allison Weakley |
| Cecil Wilson | |

Planning Department

Jason Sullivan, Planning Director, Kimberly Tyson, Subdivision Administrator, Angela Plummer, Zoning Administrator, Janie Phelps, Zoning Official, Chance Mullis, Planner I, and Daniel Garrett, Clerk to the Planning Board.

I. CALL TO ORDER:

Chair Lucier called the meeting to order at 6:30 p.m.

II. VIRTUAL MEETING GUIDELINES:

Mr. Sullivan gave an overview of the virtual meeting guidelines provided by PowerPoint.

III. DETERMINATION OF QUORUM:

Chair Lucier stated there is a quorum, 11 members present.

IV. APPROVAL OF AGENDA:

Approval of the Agenda - Chair Lucier asked the board members if there were any issues with the Agenda. There were no objections and the agenda was approved.

V. APPROVAL OF THE MINUTES:

The October 6th minutes could not be provided to the Planning board members because of the cyber-attack, the minutes will be approved during a future Planning Board meeting.

VI. PUBLIC INPUT SESSION:

- Ms. Koblansky stated good evening Planning Board members, my name is Alicia Koblansky, I am a resident of Chatham County and tonight I am speaking regarding the amendments to the zoning and subdivision ordinances proposed by the Vickers Bennet group. The addition of the new section of a mixed used development to include a single-family Cluster residential component within the Compact residential and Community Center as proposed does not sufficiently define their impact on existing surrounding communities. As stated by the Vickers Bennet group, they request that the location limitation of this new regulation be deleted, and the county follow its land use policy when considering a rezoning request. Therefore, the increase in residential density applies to all in the county and not just "Centers" and "Villages" as defined in the current Comprehensive Plan. This proposal at this time does

not address the varied situations across the county. For example, not all areas of Chatham county have access to public water provided by Chatham County, nor a centralized wastewater treatment plant. What would be the impact of 100 new wells that go down 500ft beside adjacent properties that have wells that only go down 150ft.

In the Northeast section of our county, the maximum residential density is governed by the Watershed Ordinance and protecting the Jordon Lake Watershed, which is a massive regional resource that is utilized by 10 counties, 27 municipalities and over 700,000 water customers. Our decisions to increase density in these regions in an uncontrolled way, will affect more than those in our immediate community. In the revised amendment, the Maximum Built Upon Area and Residential Density allowed in a Mixed Use Cluster Residential district shall be no greater than twenty-four percent (24%) of the total project area. However, it is not clear if the developer could divide the project into phases and would the 24% of BUA be for the first phase or for the entirety of a multi-phase project, especially with the removal of the Net Land Area Computation. In addition, section D continues the requirement of at least 20% of the BUA be non-residential with the goal keeping the ratio of residential and commercial balanced, therefore this introduces the possibility of commercial and/or light industry being built directly adjacent to residential districts that have been zone for lower density.

The current Compact Communities Ordinance was implemented to protect Chatham County's character by adequately buffering compact communities from neighboring properties and roadways. In the current proposal, as written, a 100ft setback will be apply to all residential and non-residential buildings and structures along the exterior boundary. There is no information provided to a true vegetative perimeter buffer between the adjacent properties and the proposed new zoning. Within a 100ft setback from a building and/or structure stills allows the possibility of parking lots, lighting, dog parks and waste collection for commercial and light industry being adjacent to established residential zones without optimal buffering.

The Vickers Group refer to the Compact Communities Ordinance throughout their proposed amendment. The CCO provides zoning regulations made in accordance with the comprehensive plan, that was designed to promote public health, safety, and general welfare. We know the CCO is not perfect, that in reality more specific language should have been included. For example, other counties in NC include information in regard to the specific pipes that can be used for removal of wastewater. But even with the CCO faults it provides a starting point for increase residential density; two dwellings units for each acre of gross land in the project and capping the amount of dwellings thereby providing some protection to the existing communities.

The Vickers Group new text amendments, provides a starting point to discuss the addition or a modification to current zoning ordinances to provide a better balance of residential and non-residential for Chatham County. However, as written, the new text amendments are too vague and imprecise to provide correct guidance for this type of zoning. As we have learned from the CCO, we can not afford vague and imprecise language. Also additional consideration must be included in this new zoning due to the particularities of our county compared to our sister counties which provides public water and public wastewater removal to a majority of areas that have increase residential and commercial density.

These are major amendments that will have lasting impacts on the local and surrounding communities. Precedence must be set for these larger developments. These are not simply building a dozen houses. These developers are asking that you change policy, so let's work towards a solution that will not cripple the established communities and an UDO that will be structured to support those existing here now. I thank you for your time and consideration.

- Mr. Esther spoke and stated my name is Charles Esther, and I would like to take a few minutes to express my concerns with the amendments to the Zoning and Subdivision Ordinances proposed by the Vickers-Bennett Group.

These amendments seek to add a new Mixed Use-Cluster Residential zone with higher residential density than existing zones. The applicants' justification states that these amendments are needed to meet the objectives of the Plan Chatham comprehensive plan, which in their view calls for higher residential density within specific areas along the 15-501 corridor. In fact, the applicants were very clear in their presentation to the Board of Commissioners that their proposed zoning would only apply to Compact Residential and Community Center areas as designated by Plan Chatham. However, the applicants were subsequently informed that ordinances cannot utilize a policy statement like Plan Chatham to define geographic regions. To correct this error, the applicants now propose to remove geographic restrictions entirely and allow their proposed zone to apply throughout the county. Their entire rationale for these amendments was the need for higher residential density within specific regions of the county. Without geographic restrictions, almost nothing in their justification still applies.

It is important to note that these amendments are not necessary to permit cluster residential within a Mixed Use Zone. The current Subdivision Ordinance includes several options for clusters within residential zones, including Planned Residential Development and Conservation Subdivisions. Any of these would be available as residential uses within a Mixed Use Zone under the existing ordinances.

What the Vickers-Bennett amendments really seek to do is double the allowable residential density within Mixed Use Zones throughout the County. This is far higher than the 10% density bonus that is allowed for cluster residential within a Conservation Subdivision. Furthermore, the applicants intend for this increased density to apply to all Mixed Use zones, not just the new Mixed-Use Cluster Residential. That is apparent from the fact that the amendment to the Watershed Ordinance specifically mentions increased density for mixed use and mixed use-cluster residential separately. The applicants provide no justification for this wide reaching change or any analysis of its environmental impact.

In short, the proposed amendments are flawed and do not meet the objectives of Plan Chatham. They are not the way to achieve the goals of the Comprehensive Plan. Any changes to the ordinances need to be carefully considered to achieve the optimal balance of economic and environmental needs. Chatham County already has a process in place to do just that: the Unified Development Ordinance. The UDO will allow all stakeholders a voice in modifying the ordinances, not just a developer group. I urge the Planning Board to recommend against adoption of the Vickers-Bennett amendments and let changes to the ordinances take place through the UDO process. Thank you.

- Ms. Mary Mahoney spoke and stated she is speaking from Boston because she lives there, but owns property adjoining the 919 Storage site. She stated she had mailed a letter to the Commissioners back in August voicing her concerns about this project. She has owned this property for 18 years and has never found an issue finding storage and neither has any of her tenants. She stated her leach field for the septic on her property is not accurate on the plot map and knows that because when she had to have the septic tanks cleaned, they had to trace through the plumbing because they were not at all where the plot map showed and neither is the driveway. Ms. Mahoney has concern that the leach field runs over to the property edge and the new facility would only be able to have septic for one person and would have an impact on her property. On a larger scale, the objections in the neighborhood is we all bought this property to have an area that is rural, but close to and not on top of commercial development. Over the years she has had many different kinds of tenants and they appreciate the mix use area and people need to have an area with affordable housing. This storage facility is not needed and it will be an eye sore. Ms. Mahoney stated she has received a lot of calls, even some that are pushy to try and buy her property. She stated she is not going to give into this pressure because she

feels this is a very beautiful neighborhood and see no reason why they need this huge storage facility. This area should be an open area or community park, not a storage facility. Ms. Mahoney also stated she doesn't feel like there has been enough time to review the documents the applicants provided and understands the cyber-attack issue the County has been challenged with. She asked the Planning Board to please not make any decisions on this item tonight because there just has not been enough time to review everything. Ms. Mahoney thanked the Planning Board members for their time.

- Chair Lucier asked the address of Ms. Mahoney's property. She stated 110A and 110B Woodbridge Dr. There was some discussion if the Planning Department had received Ms. Mahoney's comments. There is a link on this item with multiple public comments and Ms. Mahoney's comments are posted. Chair Lucier stated Ms. Mahoney has a good point about not having enough time to review all the added documentation.
- Mr. Michael Mansson will speak after the 919 Storage staff notes.

VII. SUBDIVISION:

No Items

VIII. ZONING:

1. A legislative public hearing was held on February 17, 2020. The A legislative rezoning public hearing for a request by 919 Storage LLC on Parcel No. 3080, located at 72 Marvin Edwards Lane, from R-2 Residential to Conditional Regional Business District (CD-RB) on approximately 7.93 acres out of the 17.64 acre tract for selfstorage mini warehouse facility, William's Township.

Ms. Plummer stated a legislative public hearing was held on August 27, 2020. Planning staff presented the application. Also speaking was Mark Ashness with CE Group, Nick Kirkland to discuss the marketing analysis, as well as adjacent or adjoining property owners Michael Mansson, in opposition, Robert Midair in support, and Marjorie Gates in support. Mr. Mansson stated he had obtained a third party study of the need of the proposed use and noted there are 11 such facilities within five miles. He also stated a petition has been signed by 29 people stating the project does not meet the Land Use Plan. These documents are on the Planning webpage as noted above. Prior to the first scheduled Planning Board meeting, the applicant requested to postpone their review until they could address some of the concerns raised at the public hearing and by staff. The Planning Board agreed to postpone to their November 10, 2020 meeting. Additional information has been provided by the applicant addressing standards 2, 3, and 4. Due to county network closures, staff will review the information and provide their opinion based on support or non-support of the standards at the meeting.

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.

Ms. Plummer also stated on January 22, 2020 the Chatham County Appearance Commission (CCAC) reviewed the proposed site plan. The overall plan satisfied the requirements of the ordinance. The recommended changes were to leave the grassy slopes on the property in a natural state, for lighting to be motion censored, and to move one light on the southern side of the property as to not disturb the adjacent landowner. The applicant agreed. On June 24, 2020 the applicant held the required community meeting. The applicant held a community meeting on January 28, 2020, but due to an error in the first notice filing the meeting had to be held again. The applicant scheduled the second meeting in March but covid related restrictions caused the applicant to hold a third meeting. Several attended the meeting concerns were raised as to need for another self storage facility in the area, lighting, stormwater runoff, hours of operation, building height and square footage, and building colors.

Mr. Ashness noted the following changes to be incorporated into the site plan and referred to them during the public hearing:

- A gate will be installed restricting access to the facility from 11pm to 6am
- The building colors have been replaced with solid neutral colors such as blue or gray
- Building height has been reduced from three-story to two-story and overall square footage is limited to 100,000 sq. ft.
- Trees along US 15-501 N will remain and be supplemented as needed

At the public hearing, Nick Kirkland addressed the findings of the market analysis stating there is harmony between uses with the location being within the typical distance to residential and close to town. He also stated this project would not affect current property values. Planning Board Chair, George Lucier, questioned if CD-RB was the most appropriate zoning classification for the use. Mr. Ashness stated it is consistent with the zoning for the storage facility on the opposite side of 15-501 from this site. Commissioner Jim Crawford asked about a right turn lane or whether widening of US 15-501 would be required by NCDOT. Mr. Ashness stated they will follow whichever method is required by NCDOT.

The standards are addressed as follows:

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. The property is zoned R-2 Residential and an application for conditional district rezoning is allowed. It is planning staff opinion this standard 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. The application includes support from the Comprehensive Plan, but it does not necessarily address the items as described for Standard No. 2. A limited feasibility study prepared by BKB Properties was included with the application and it was noted that they were not aware of any new storage development near this site. On the opposite side of US 15-501 there is a three-story climate-controlled storage facility (Countyline Storage), across the county line approximately 1500 feet is another mini storage facility (Star Point) and approximately .38 miles south is another facility (Akridge) which is located off of Old Lystra Road. Planning staff does not know the existence of other facilities in Orange County in close proximity. As for the public health, safety, and general welfare, the development will only occupy 7.93 acres out of the almost 18-acre tract leaving the remaining R-2 zoned property to be left as open space or used for residential purposes in the future. They will be utilizing a security gate, time restrictions on access, and minimal lighting. No other support was provided by the application for this finding. It is the planning staff opinion that this standard has not been completely supported and request the Planning Board make the determination in support or if additional information is needed.

Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof. The minimums to be addressed for Standard No. 3 as listed on page 3 of the rezoning application have not been addressed or supported. The application does state that Page 47 of the Comp Plan encourages service uses near residential. The front area of the parcel where the storage unit is proposed is located within an Economic Center node. It is the planning staff opinion that this standard has not been met with specific support but does fall within the required node for consideration of the comprehensive plan. It is requested the Planning Board make the recommendation that it supports or does not support.

Item #4: The requested amendment is either essential or desirable for the public convenience or welfare. The limited feasibility study notes that the need for self mini storage continues to rise as more residential development in the surrounding area continues. Chatham County remains one of the fastest growing bedroom communities in the state. With new developments that allow smaller lot sizes, many property owners do not have the space available for accessory structures on their lots. Self mini storage can be viewed as a needed amenity and offers one of the lowest impacts uses that allows a property owner to utilize their property to bring revenue not only for themselves but an increase in the tax base. As noted in the Introduction, Michael Mansson with Starpoint LLC provided a market analysis from Self Storage 101 that included "that the market is at current over-supplied and will become even more so if any new self-storage facilities are developed in the near future." The report also included that "the report relies heavily on written and verbal information provided by others" and "in some cases, these sources are competitors, who may have a vested interest in skewing the data."

The applicant held the required community meeting and attempted to address the concerns regarding landscaping, lighting, security, stormwater and building elevations and modified their proposal accordingly. The plan will comply with all current local, state, and federal regulations pertaining to development. This is a low impact use for the property and over ¾ of the parcel is to remain residential. NCDOT has reviewed the preliminary plans and due to the low traffic intensity, they have no issues with the layout. If any modifications are needed on US 15-501, they will advise and permit accordingly. It is the planning staff opinion this standard can be met, but the Planning Board needs to weigh the application materials against material provided during the public hearing.

Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include the property is located in a split Watershed designation. The road frontage portion of the property, where this proposed business is to be located, is within the WSIV-Protected Area Jordan Lake watershed drainage area and the area to remain residential in the WSII-Balance of Watershed Jordan Lake district. There are no noted water features on this property per USGS and NRCS maps.

There is a small office proposed for an attendant during operating hours so wastewater and county water usage will be low; less than 100 gpd. The layout was reviewed by the Technical Review Committee which included building inspections and the fire marshal's offices. No issues were found. It is the planning staff opinion that this standard is met.

Planning staff finds Standards 2 and 3 have not been sufficient in order to make a recommendation on approval or denial and requests the Planning Board to evaluate whether additional information is needed or if there is sufficient information to make a recommendation to the Board of Commissioners.

Ms. Plummer stated in conclusion, it is the opinion of planning staff that the Planning Board recommend approval or denial of the conditional rezoning request. The Planning Board has up to three meetings in which to make a recommendation to the Board of Commissioners. Should you recommend approval or denial of the request, a consistency statement is required. Should you recommend approval, the following conditions are requested to be reviewed, approved, and modified, if needed:

Site Specific Conditions:

1. 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.
2. 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:

3. 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.
4. 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:

5. 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.
6. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
7. Non-Severability – If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
8. 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.

- Chair Lucier asked if the Wal-Mart across the street is in a Neighborhood Center economic node and not a Regional Center? Ms. Plummer stated the node and the zoning classification are not the same thing. Chair Lucier stated in the Land Use Plan it shows that node as a Neighborhood Center and this item is for a regional conditional use and neighborhood doesn't allow self-storage. Ms. Plummer stated the standards for the Neighborhood Center node in the Comp. Plan is one thing, the zoning classification of neighborhood business, community business, or regional business are all three allowed to be located within a Neighborhood Center node. Chair Lucier stated he does not believe a self-storage use is allowed in a Neighborhood Center. Ms. Plummer stated in neighborhood business zoning district they may not be, but they are allowed in a Neighborhood Center node in the Comp. Plan. Chair Lucier stated that inconsistency is a bit confusing.
- Chair Lucier stated it is his understanding that this could not be expanded beyond the original site plan and the only business that could be there is the self-storage because it is a conditional district. Ms. Plummer stated that is correct. Chair Lucier stated nothing could be done with the back half of the acreage, would the requirement be to have the remaining 7.9 acres surveyed off. Ms. Plummer stated that is an option should they choose to do that later just to make sure their impervious surface numbers comply with the acreage. Mr. Ashness is here and can probably answer that question.
- Mr. Sullivan stated there is some inconsistencies between the current zoning ordinance standards with some of the zoning districts and some of the node designation. Once the UDO is complete there should be a better match between the zoning districts and the designations of the Comprehensive Plan. Chair

Lucier stated right now it is the zoning ordinance that would take priority over the Land Use Plan. Mr. Sullivan stated that is correct and is why for certain uses staff may say this use matches a certain node on the Comp Pan map, and staff works with the applicant because although we don't have a direct match for the appropriate zoning district, we find the best fit. That is why you may see a designation that doesn't really match because of the name, but it is the best match we can find with the tools we have now.

- Mr. Spoon stated there are situations where there are some discrepancies between what we have existing and what we are working towards with the Comprehensive Plan. The Comprehensive Plan is a good plan and people are getting behind it and we should use it while we are working towards the UDO. Chair Lucier agrees.
- Mr. Spoon asked why is there an intense market analysis for a specific business rather than just focusing on the parcel and whether or not the business fits in line with it. It doesn't seem like the role of the Planning Board. Chair Lucier stated this is not what we specifically required, but we do have to ascertain the need, is it necessary for the County and part of that is a market analysis, whether or not it is needed. Is it needed or necessary is one of the five questions that we have to answer when we approve a rezoning, so it is justified. The extent we have received is primarily the result of competing analysis saying different things.
- Vice-Chair Siverson would like to know if the rest of the property were to be developed into residential, how many lots would there be allowed. Ms. Plummer stated it is R-2 and they can't be any smaller than 2 acre lots, it would be about 5 lots depending on septic. Mr. Sullivan stated it would also depend on whether or not the lots that already count on the existing easement. Only 4 subdivision size lots are allowed on an easement and that can further hamper subdivision property. There was some discussion about the current lots on the property.
- Mr. Frazier stated he agrees with Mr. Spoon to be very careful trying to sort through these market analyses, it is not at all clear to me if that is our function. We do need to talk about the need and clearly there is need for self-storage in Chatham County, the people that are proposing it feel that it is a viable need at that location. We don't need to second guess the wisdom of their business decisions. Chair Lucier stated it certainly helps us ascertain whether or not it is needed or necessary. It is true this is more than we usually receive.
- Chair Lucier allowed Mr. Mansson to make his comments now.
- Mr. Mansson stated this morning, the public was provided access to the applicants newest application materials that they produced as a result of County Staff and Public concerns voiced prior to October 6 Planning Board Meeting. In the essence of time as there has not been adequate time for the public (and I am assuming the Planning Board and County Staff) to fully digest, review and analyze the produced materials I offer the following immediate questions and comments on the standards that the applicant was intending to address via their additional information:
- Standard #2, By the virtue of purposely not acknowledging the drastic oversupply of existing self storage within just a 1/2 mile - 1 mile of the facility, the applicant are trying to dismiss what's happening in the immediate surrounding area which is unacceptable and vital to understanding the true "needs" or "essential" aspects of this rezoning request. There is, based on the applicants own information, an approximate 50,000 sf of vacant/available self storage just within 1 mile of the subject site which is the equivalency of nearly one fully unoccupied storage facility. The planning board needs to be able to understand what the applicant and their analyst are presenting in their new study. Based on the inadequate amount of time being able to look at the document, I can already see a surplus of specific questions that need to be asked in order for you to rest assured knowing that there is or isn't an essential need in the County for this type of highly disputed development (I have included these questions to the county staff and planning board chair).

As for the general welfare of the community and community members, how will this development be a positive contribution? More than 3x the number of people in favor of this development have voiced opposition of the proposed development? This proposed development is not providing an essential service that is not already readily available via the surplus of available self-storage space within just a 1/2 mile - 1 mile of the subject site (again there is over 50,000 sf of available storage within just this area). In fact, the approval of such a development would be detrimental to the welfare some of local residents and small business owners. Bill and Judy Akridge moved to Chatham County in 1963 and in 1994 built from the ground up their self-storage facility, Chatharidge Self-Storage which they personally continue to operate to this day. The applicant and their market analyst have deliberately disregarded Bill and Judy along with their small business, as they deemed this storage facility “insignificant in the overall market”, didn’t include them in their analysis associated with calculating supply in the area but will be more than happy to take away their business lifeline of the population they serve to help inflate their demand calculations. Bill and Judy are the rural character that the Comprehensive Plan looked to preserve and their welfare is absolutely on the line when it comes to the approval of this application. I ask, is the planning board going to openly disregard this County resident and small business just as the applicant and their analyst did?

- Standard #3, There is no consistency associated with the comprehensive plan goals of the land use or neighborhood center descriptions and this proposed development. Reference of “service” through the land-use plan and associated corridor market profile describe services associated with general retail uses and mixed-use commercial, such as: insurance, financial and medical businesses (typical professional service uses that would be found in a mixed-use and retail setting).

The applicant references its proposed development being consistent with the existing self-storage facility that is directly across the street from the subject property and states that it also reserved the same conditional rezoning that is being requested by the applicant. What is being left out is that a.) the existing self-storage facility was approved prior to the comprehensive plan being adopted, and b.) at the time of the rezoning of the existing self-storage facility immediate market area had a total of approximately 40,000 sf of self-storage vs the now 189,869 sf of existing self-storage (not including the subject site). To be clear, at the time of the existing self-storage facility being approved there was no comprehensive plan and there was less total existing self-storage in the immediate area than there is now vacancy of self-storage in that same immediate market area.

In closing, concern and dispute of the application pertain to the following:

- The proposed development is not essential or desirable;
- The proposed development will be detrimental to the welfare of the community and will impair the character of the adjoining areas;
- The proposed development is not consistent with the objectives of the land use plan; and,
- The application does not meet all of the standards that must be found in the affirmative to be approved for a rezoning per the County Ordinance.

I respectfully request that the Planning Board not make a vote to approve or disapprove this application at this time until they can fully comprehend all of the data and factual points associated with it and that a public comment period or meeting be able to take place to assure all concerns are discussed and clarified.

As an understanding of the supply and demand in this market is imperative, I implore the County staff and the Planning Board to ask and understand the following as these are all critical aspects to understanding the supply and demand associated with this proposed development:

- What is the analyst saying is the demand square footage per person for this subject property?

- Why is the market analyst NOT including the 1 mile radius in their analysis seeing that all of those facilities are associated with the competition and vital for the understanding of the overall proposed development?
- Why does the market analyst NOT include some of the existing facilities in their supply and demand estimate? All of the facilities that are existing and proposed within the market area should be shown as they are all absorbing some of the market's population.
- Is the analyst basing the "expansion forecast" based on the current household calculations or future?
- Why is the analyst NOT showing the supply and demand outcomes when you incorporate their 100,000-sf planned facility?

The report states that the seasonal demand is due to the local colleges and that the owner of the facility should "plan for significant annual swings in the occupancy related to seasonal demand". Understanding that a driving aspect to the success of the proposed facility is based on occupancy from students (for two seasons each year out of 4), shouldn't vast consideration be given to all of the proposed facilities in the Chapel Hill area be given that are in the planning stages (~180,000 sf between three planned facilities including one that 919 Storage is also working on up there) as students will likely gravitate to a closer facility to their campus vs the 5 mile +/- drive to the subject site? It is easy to understand that all of the facilities to the north of the UNC campus will compete against and likely have a leg up on the immediate micro market and is even more reason that a facility should not be developed relying on a student population filling the facility (also clearly showing that this is not a local County need in this case).

In short, while the applicant has passed along new information, it is critical to understand what the information is that they passed along. The above are some immediate questions that come to mind as there is no clear answer to any of these and there should be as it is a analytical equation based on data set points. I also question some of the information that is contained in the report ie: Chatharidge Self Storage facility SF is short by nearly 6,000 sf, the Farrell Storage facility is short by nearly 20,000 sf.

- Mr. Ashness stated he is here tonight representing the 919 Storage project, we are in a Neighborhood Center zone and feels Mr. Sullivan and Ms. Plummer did a pretty good job explaining the difference, but there is an equal to equal zoning classification between the Comp. Plan and the current zoning ordinance. This type of use at this scale is allowable within the designation of the Comp. Plan and for this local area. The Comp. Plan expects a mix of uses in this area, the Wal-Mart certainly provides quite a bit of mix because of what they already have under their roof. The Extra Space Storage across the street has the same conditional use zoning designation we are seeking for the project.

Mr. Ashness stated the closest they are to the property boundary is 115 feet in any given direction. We did hold a couple neighborhood meeting and as a result of those meetings we did make some substantial changes to the project including a significant reduction of square footage for the facility itself and additional screening, both to the south and north, in addition to the existing trees preservation. Mr. Ashness stated this site will stand on its own for the impervious surface requirements, we are not relying on the back R-2 zoned area to accommodate the impervious. Also, all of this property site drains to the east into the DOT Right-of-Way with the existing storm drain structures that are already present, it does not drain to the west where the R-2 zoning is located.

- Mr. Ashness provided a PowerPoint presentation which is available to view on the Chatham County Planning website. In this presentation Mr. Ashness stated there is a nice stand of vegetation along the 15/501 corridor, and the site is sloping up moderately from east to west. He stated the Chatham County Appearance Commission is very supportive of the measures that we took on the project. At the time CCAC reviewed this plan the building had three stories, but we have elected to reduce that. The way

the site slopes you will notice the building is only a single story in the back. As you are looking at it from some of the neighboring properties you are not seeing a two-story building, you are seeing a series of single-story buildings and it is really only a two-story building in the front facing 15/501.

- Mr. Ashness stated their client owns several other Class A storage facilities and are local to the area living in Chapel Hill. During the presentation Mr. Ashness covered the conditional district rezoning narrative and he stated, 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. No alleged error claimed.
- The changed or changing conditions, if any, in 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. The Chatham County Comprehensive Plan was adopted in November of 2017. As noted above; the plan identifies (Comp Plan Map) this area (including this specific site) as a “Neighborhood Center”. The adoption of the Comprehensive Plan creates a changed condition accommodating the rezoning of this property to “Conditional District-Regional Business”. The proposed conditional use is consistent with the goals and objectives of the comprehensive plan.
- Self-storage facilities are a consistent service use within the Neighborhood Center designation. The conditional use limitations for self-storage facilities as proposed were directly crafted as a result of meetings with the neighbors. The proposed use has less water and sewer demand than a single individual residence. Surface drainage is directed into the NCDOT drainage infrastructure and does not impact neighbors. Feasibility studies undertaken for the applicant demonstrate the general welfare is promoted by amendment to conditional zoning because self-storage is a service in strong demand.
- Further promotes public health, safety, and welfare by:
 - Not impacting ground water sources (water service available from property frontage).
 - Stormwater treated with existing infrastructure on Hwy 15-501
 - Substantial vegetated buffer (natural and planted) between proposed facility and existing residential properties.
 - Adheres to Chatham County lighting standards
 - Generates minimal daily traffic
 - Fenced and gated (limiting activity during overnight hours)
 - Commercial appraiser determined proposed plan will not adversely impact adjacent property values
 - No public provided improvements are required.
- In summary the proposed project promotes public health, safety, and welfare by providing a service respectful of the surrounding uses with specific agreed upon plan elements that provides a low intensity use more compatible than a broader range of possible business uses allowable in the “Neighborhood Center”) description from the Comp Plan.
- Mr. Ashness also stated the manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Use Plan or part thereof. Rezoning of the property to “CD-Regional Business” will allow development of the site for self-storage as described within this submission package. This is an example of a service use referenced on Page 47 of the Comp Plan. The proposed conditional district will meet the objectives of the Land Use Plan.
- In Chapter 2 of the Comprehensive Plan, and as demonstrated in the provided feasibility studies, Chatham County is the 2nd fastest growing county in the State and balancing residential development with job and business development, including meeting the demand for services created by growth, is key to Chatham County’s long-term financial health. Provision of this service in Chatham County

prevents the “leakage” of business revenue to adjoining counties and because of the way the self-service market functions, this facility draws out of county dollars from residents and students in adjoining counties to Chatham County.

- In Chapter 3 of the Comprehensive Plan, objectives identified include promoting compact growth patterns and diversification of the tax base by creating a larger non-residential share. This proposed Conditional Zoning meets these objectives. This development as proposed also meets the objectives in Chapters 3 and 4 of conserving natural resources and limiting unnecessary demand on existing infrastructure. Strategies proposed to address visual impact, lighting, noise, and other factors are included in the plans as proposed that are part of the Conditional Use Application.
- Mr. Ashness stated the Comprehensive Plan recognizes strong residential growth commanding provision of associated non-residential services. Within this specific identified node (County Line) are a Walmart and an existing highly utilized storage facility. The node contains a mix of use (including retail and grocery) with the present facilities. The existing mini-storage facility across the street received conditional rezoning which reflects a prior legislative determination that such a conditional use rezoning is consistent with the Comprehensive Plan and with all findings regarding consistency and appropriateness of use to be considered in the zoning approval process.
- The requested amendment is either essential or desirable for the public convenience or welfare. The demand for high quality self-storage continues to increase as population and residential development occurs in Northern Chatham. The attached consultant’s report indicates the proposed use is desirable for the public convenience. The project is compliant with all County regulations including: Lighting, Landscaping, and Stormwater. Specific care has been taken to listen to the adjacent residential neighbors’ concern and modify the plan accordingly. The project will provide additional tax base with no real burden on schools, water supply, wastewater, traffic impact etc. NCDOT has conducted a preliminary review and has no concerns given the low intensity of the proposed use.
- All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. The location of this parcel surrounded by residential lands on (3) sides provides somewhat of a challenge for developing more intense uses available in the “Neighborhood Center” node. After significant discussion with many of our residential neighbors; the general feedback has been that the proposed self-storage use will be more harmonious with these existing neighbors given the other more intense options allowed. Detailed care has been taken to grade the site in a way to maximize retention of existing vegetation. In addition, we are proposing a significant tree save along the 15-501 frontage. A 3rd story was removed from the building adjacent to 15-501 as a result of comments from adjoiners at the neighborhood meeting (further reducing the scope of the project). Given the low traffic impact of this proposed use and location directly fronting 15-501 (less than 25 peak hour trips); the proposed CD-RB for self-storage can easily be supported at this specific property location. Water and Wastewater demand will be less than 100 GPD. An existing waterline adjoins the project allowing easy access. We plan to utilize the existing septic field from the original residence given our wastewater flows are less than the equivalent of a single-family house. The project meets the watershed requirements for both impervious coverage and treatment of stormwater runoff. These circumstances and existing factors support the rezoning of this parcel to “CD-RB”
- Mr. Ashness showed a map of the project site with all the adjoining property owners and stated as a result of the many months and meetings this map shows all the adjacent property owners in support of this project.

- Ms. LeAnn Brown stated she is an attorney and has been doing land use work for 35 years and was asked to come in and help with this particular application. Mr. Ashness has done a very good job of going through the factors and providing the additional information you need to be able to make the findings that the Board makes under the ordinance. The changed or changing conditions finding is the finding that determines whether the zoning amendment is reasonably necessary and is not a requirement like Mr. Spoon and Mr. Frazier had stated. There is a feasibility study that Mr. Burkhart has completed that provides information to demonstrate this is a use that is reasonably necessary and desirable for the people and Mr. Ashness and staff has pointed out this study shows a use like this is appropriate under the zoning ordinance. Ms. Brown stated Mr. Ben Burkhart is here and if you have questions about how he did his feasibility study and why his study is different than the information you had been given by the owner of the competing business he is happy to answer those questions for the Board. One of the things that is included in the study is the facility across the street was approved under the change in the Comprehensive Plan is operating at almost 98%. 85% capacity is very high in the industry, so when you see a 98% that will show you people buy Class A storage in this area.

Ms. Brown stated one of the values of conditional zoning is it is a tool that allows you to control impact and what this developer has done is agree to a series of conditions after meeting with the neighbors and doing exactly what the process contemplates to find a way to make this a nice transition from residential uses. It is very difficult to please everyone when there is a project like this, but what you see from the information provided is a transitional means to have a business use in what the Comp. Plan anticipates in this area that is able through conditions to be respectful of other surrounding uses. This is a perfect opportunity to create a use that promotes the public health, safety, and welfare and promotes the neighborhood.

Ms. Brown stated this particular zoning carries out the intent and purpose of the adopted Plan and the staff report has also pointed out how this use is consistent with what the Comp. Plan contemplates in this vicinity. Essential services is one thing to define, but desirable for the public convenience is the standard that is really before the Board tonight and there is no question looking at the feasibility study and listening to the information you have been provided that this is a desirable service for the public. Convenience is something people need and something people want and something that brings tax dollars to Chatham County. Ms. Brown stated there is a team of people here tonight to answer any questions the Board may have.

- Chair Lucier stated that Mr. Nick Kirkland did the appraisal whether or not the project would impact the appraisals of nearby properties. Ms. Brown stated Mr. Kirkland did the appraisal and determined that this project would maintain or enhance the value of properties in the vicinity.
- Ms. Weakley stated she had not received her packet for the meeting in the mail and has been reviewing the all of the information on the website, plus more information was just recently provided and feels she has not had an opportunity to review all of the information that has been submitted. Chair Lucier stated that is a good point and one option we have is to defer this item so everyone has a chance to review the materials provided.
- Mr. Sullivan stated a Mr. James Edwards had raised his hand to speak and Mr. Mansson has asked a lengthy question in the question box. The Chair asked for Mr. Edwards to speak, but it seems like he was having some technical issues and he was unable to speak at this time.
- Mr. Mansson asked the following questions:
 - What is the analyst saying is the demand square footage per person for this subject property?
 - Why is the market analyst NOT including the 1-mile radius in their analysis seeing that all of those facilities are associated with the competition and vital for the understanding of the overall proposed development?

- Why does the market analyst NOT include some of the existing facilities in their supply and demand estimate? All of the facilities that are existing and proposed within the market area should be shown as they are all absorbing some of the market's population.
- Is the analyst basing the "expansion forecast" based on the current household calculations or future?
- Why is the analyst NOT showing the supply and demand outcomes when you incorporate their 100,000-sf planned facility?
- Mr. Ben Burkhart stated his firm has been engaged in a couple projects by 919 Storage to measure feasibility and will try to answer all of the questions asked by Mr. Mansson. As a frame of reference, my firm is recognized across the nation as an authority on subdivision storage feasibility and we conduct 150 to 200 feasibility studies on an annual bases and we have been doing this for 15 years with name recognition in the industry. We have been working with 919 Storage for a long time for roughly 5 to 7 years and we have never missed on one of their projects. Mr. Burkhart stated he has been involved in 1500 projects and he only knows of 3 projects that has underperformed the projections and they were only short term under performance, not long term.
- Mr. Burkhart referred to Mr. Mansson question about dramatic oversupply within 1 mile and why we did not measure supply and demand within 1 mile. The answer is, there is only a handful of submarkets in the entire nation where a 1-mile measurement is appropriate, and those markets are in down town Washington D.C., New York City, and Los Angeles, the highest density urban environments is where the 1-mile market analysis would be appropriate and this is certainly not one of those markets. When we did feasibility studies within the Triangle the study is between 3 and 5 miles, we went with 5 miles as the appropriate analysis geographical boundary because of where the population density is located and we are well informed to where the demand comes from in terms of location relative to a specific facility. Across the street there is the Extra Space facility which is operating at 98% occupancy and is higher than it was just six month ago. Their tenant base would be about 80% within 5 miles of the site, within 1 mile their tenant base may be 15% and that is very standard in this part of the world and North Caroline.
- Mr. Burkhart stated it was mentioned that there was a miss in the feasibility study of another self-storage location being planned by 919 Storage, that is not within the 5-mile radius it is actually 8 miles away. At 8 miles that would be far enough away to not have any adverse effect on our analysis. It was asked, how is this good for general welfare. Self-storage is like a lot of businesses you are familiar with in that competition among different operators is generally good for the market and good for the consumer. A new facility will also give customers options locally with newer industry standards at an affordable rate. Self-storage will always have a demand because of critical life events, such as divorce, marriage, estates, nursing home, or death.
- Mr. Burkhart stated the new facility that 919 Storage asked us if it was feasible or not, our gage of feasibility is based upon need in the market and the investment analysis. 919 Storage has a good reputation and a solid track record delivering a good product for a good price and that is good for the consumer. Our ultimate determination is the market will absorb addition storage based on a strong growth dynamic, strong income, and a strong market analysis where competitors across the street are operating at near capacity with rising rental rates.
- Mr. Arthur asked how do they know the storage facility across the street is operating at 98% capacity and what are the condition of some of these older facilities. Mr. Burkhart stated they visited the market and visited that specific competitor and talked to the manager who stated they were mostly full. They also received a specific report from Extra Space Storage Corp. who they have a very good long-standing relationship with and stated they were 98% occupied and gave us their full rental rate and

occupancy analysis, we know because they told us. As far as the condition of the other facilities in the market, they are from tired or basic facilities, all the way up to modern industry standard facilities which is what 919 Storage builds and newer stores attract new consumers.

- Chair Lucier asked if they visited and or communicated with all these facilities. Mr. Burkhart stated they visited every single store, and in some cases, they rented units from them. Chair Lucier stated you graded them in the analysis as well. Mr. Burkhart stated yes, and the store to the north of this site, Public Storage, it has changed flags two or three times in the last year or so and it has some issues with accessibility, security, curb appeal, and it is big and blue. They are currently going through some changes to presumably trying to mitigate some of those site weaknesses and that is why that store is at 60% rather than the 90% to 95% which is the market as a whole. Chair Lucier stated there were 10 facilities within the 5-mile radius. Mr. Burkhart states yes and they visited every one of them.
- Ms. Weakley referred to a letter posted on the Planning website that was provided to the County Commissioners on August 27th by Carolina Storage Partners who are the owners of Extra Space Storage across the street. In this letter they consider to be an oversupply of self-storage and they give some reasons why in the letter. Ms. Weakley stated she is a little confused about Mr. Burkhart's comments saying Extra Space Storage is at capacity, yet this letter on August 27th suggests that is not the case. Mr. Burkhart stated there are only two true measurements of the status of supply and demand in a market. It is what is happening with the rental rate and where are occupancies. In this market we have recorded, stated, and shared that occupancies not only are strong, but they are increasing and rental rates are stronger than other nearby submarkets. So, the rental rate at Extra Space across the street is higher now than it was a year ago and so is the occupancy, that underscores the demand in the market as the driving forces of rising rental rates and occupancies.

Ms. Weakley stated she appreciates Mr. Burkhart's expertise in this field, but she is just pointing to a letter that states, "At the current rate of demand, the area has enough storage to supply the submarket for 5+ years. And this does not take into account other projects that are pre-approved for storage, like Briar Chapel." Mr. Burkhart stated it might not surprise you that a competitor would state that information. Ms. Weakley stated that Mr. Burkhart has a great relationship with them and the manager told you they were 98% at capacity. Mr. Burkhart stated yes, they did say they are at 98% capacity. Ms. Weakley stated the owners don't share that opinion apparently.

- Chair Lucier asked who signed the letter. Ms. Weakley stated Mr. Warren Mitchell and Mr. Jim Anderson. Chair Lucier stated Mr. Mansson is affiliated with Extra Space Storage, but apparently, he was not one of the signatures on the letter. Ms. Weakley stated she personally feels there are too many storage units at the gateway to Chatham County. Mr. Burkhart stated choices and competition is good for consumers. If you can get a nice, cleaner, more modern, more secure storage facility option for less money, that is good for the consumer. Ms. Weakley stated she does not disagree at all with that statement, she is talking about the gateway to Chatham County from Orange County has a Wal-Mart and a bunch of storage units. This site is surrounded by residential with many neighbors objecting to the project and in that area of the County we should have more diversity of services and should not have the entire gateway be a Wal-Mart and storage units. Ms. Weakley stated she is looking to the feasible analysis to help her determine as a Board member of the essential or desirable need, and will need more time to look over the materials.
- Chair Lucier stated that is a reasonable request and asked how the other Board members feel about tabling this item until next month. Ms. Moose stated she agrees and this will also allow the public to

review the information as well. Chair Lucier stated he appreciates the market analysis that Mr. Burkhart put together and it looks very complete.

- Mr. Galen stated he will make a motion to table this item until next month. Ms. Hager stated she agrees and for the next discussion to move away from the market studies and focus more on how it fits in the Land Use Plan. Mr. Spoon agrees as well and we need to focus on the parcels and if it is appropriate under guidelines from the Land Use Plan and discuss based on that.

Motion made by Mr. Galen to table this item until the next Planning Board meeting on December 1, 2020, second by Ms. Moose.

- Vice-Chair Siverson stated she would like to hear from Mr. Edwards if we can. There still were some technical issues with Mr. Edwards audio. Vice-Chair asked if Mr. Edwards could provide some written statements or attend the next month's meeting for his input.

Chair Lucier completed a roll call vote and this item passed to be tabled 10-1, opposed by Mr. Arthur.

- Ms. Weakley asked about the picture that was up on the screen with the different adjoining property owners who are not opposing this project and what the two different shades of green are representing. Ms. Weakley stated she would like a clear understanding and information on the adjacent property owners because in the October notes provided by the staff it said there was a signed petition of 29 people stating the project does not meet the Land Use Plan. She stated she saw a handful of letters for support, but did not see the petition of the 29 people. Mr. Ashness stated the dark green are people that attended the community meetings and signed a letter supporting the project and the light green are people that came to the meeting and did not sign the letter, but indicated they are not against the project to their understanding.
- Mr. Frazier asked if the people who objected to the plan indicated on the map. Mr. Ashness stated that is not their business to determine who objected, obviously our client has been working hard to meet with all the property owners and see if there was common ground, but you also need to respect people's decisions and not badger them.
- Chair Lucier stated it would be good to get the petition of the 29 people in opposition posted on the website.

IX. ORDINANCE TEXT AMENDMENTS:

1. A Legislative public hearing for a request by Vickers Bennett Group, LLC to amend the language in the Zoning Ordinance, Sections 5.2, 7.2, 10.12 to accommodate language for Conditional District Mixed Use Cluster Residential (CD-MU-CR).

Ms. Phelps stated a legislative public hearing was held on August 27, 2020. Multiple comments were made from the public with concerns of septic, setbacks, water quality, and the viability of having up to 2 dwellings per acre. Due to recent networking issues, original notes for the project are unavailable.

Once the network is operable, we will distribute the original notes. A Legislative public hearing for a request by Vickers Bennett Group, LLC to amend the language in the Zoning Ordinance, Sections 5.2, 7.2, 10.12 to accommodate language for Conditional District Mixed Use Cluster Residential (CD-MU-CR). Please visit the

Planning Department webpage, Rezoning and Subdivision cases, 2020 for public comments that have been received. Recommendation: Please review the attachments and application provided.

2. A Legislative public hearing for a request by Vickers Bennett Group, LLC to amend the language in the Subdivision Regulations, Section 7.7, to add MU-CD-CR.

Ms. Phelps stated a legislative public hearing was held on August 27, 2020. Multiple comments were made from the public with concerns of septic, setbacks, water quality, and the viability of having up to 2 dwellings per acre. Due to recent networking issues, original notes for the project are unavailable.

Once the network is operable, we will distribute the original notes. A Legislative public hearing for a request by Vickers Bennett Group, LLC to amend the language in the Subdivision Regulations, Section 7.7, to add MU-CD-CR, and as a new section. Please visit the Planning Department webpage, Rezoning and Subdivision cases, 2020 for public comments that have been received. Recommendation: Please review the attachments and application provided.

- The Planning Board decided to keep these two items together as they discuss.
- Chair Lucier asked Ms. Phelps based on the fact that the staff notes had been unreachable, is postponing the decision of these items until next month like we did the last item a good idea. Ms. Phelps stated that is up to the Planning Board and how you feel about the items.
- Mr. Sullivan stated the applicant has a presentation that they want to provide and the Watershed Review Board will be meeting Thursday night of this week as well for the Watershed Ordinance component of the text amendment so if there are questions for the applicant, we can start gathering that now for the next meeting.
- Mr. Antonio McBroom stated as a country kid from Chatham, born and raised in Goldston, this is a humbling privilege for me tonight. My job as a business leader and time as a Morehead scholar has given me the opportunity to travel all around the globe, but the County we call home is very special place and it is because of the passionate diverse citizens that make up Chatham as well as the leadership we have been blessed with. The County's leadership has recently approved a visionary Comprehensive Plan and envisions a future in which so much of what is beautiful and unique about Chatham's charm will be forever preserved while the community will also be able to grow and thrive. A mix of uses with an array of residential and commercial footprints, outdoor leisure, and conserved natural space. The Comprehensive Plan calls out for three different mixed-use zoning districts to achieve the County's vision, our team, the Vickers Bennett Group are here to offer a way to update the existing Chatham County ordinances to allow a clearer path forward for all of us.
- Mr. McBroom stated here with him tonight is Mr. Warren Mitchell and Mr. Andrew Greene and both share an enthusiasm and eagerness for all things Chatham County. We started as land neighbors and Mr. McBroom said he always wanted to do single family with my property and they thought about doing some commercial with theirs, so when we decided to work together it was clear that mixed use was the right fit for us to partner together, but we couldn't find anything in the ordinance to make it happen in the way that the Comp. Plan envisioned. Mixed use cluster residential is basically commercial mixed with single family. The Comp. Plan calls for mixed use to be significant in land use designation and the Plan calls for zoning districts that accommodate mixed use development at various scales and it also calls for an update through the ordinances in order to implement its goals and objectives. Meanwhile the community center large areas are continuing to develop, however there has been no medium size, 50-250 acres, mixed use conditional districts with single family and is simple because mixed use single family residential is not allowed under the current ordinance. Unless a mixed-use single-family district is

created soon, all of the land in those areas will be consumed for other uses and many of the Comprehensive Plan objectives will be prevented, this is the last thing any of us want to Chatham.

- Our trusted advisor and lawyer Mr. Wade Barber are here with us tonight as is Mr. Mark Ashness, both of these gentlemen are very knowledgeable of Chatham County's past, present, and future plan land use. At this time the presentation will be passed over to Mr. Barber to talk more specifically about the application.
- Mr. Barber invited the Planning Board members to look at the justification that was filed with the County and you will see on three pages of that we site the Comp. Plan, "to promote a comprehensive compact growth pattern in designated, well planned walkable mixed-use centers" also, "concentrate future growth in compact walkable development as well in existing and planned growth areas". As Mr. McBroom stated the Comp. Plan says we must have compact communities and let's have communities of varying scales. In the compact community ordinance, it has that, but just for very large developments and the one we proposed would be between 50 to 250 acres. We reviewed at length the text amendments we were making and after we met in August we took note of the public comments and had a very good phone call with the Planning staff to discuss their concerns and as a result of that in early October we filed a revision of our proposed zoning text amendments to address those concerns.
- Mr. Barber used a PowerPoint presentation to address the concerns and the resolutions to those concerns. This PowerPoint presentation can be found on the Chatham County Planning department website.
- Mr. Barber reported, **the revisions to the Zoning Text Amendment for a Conditional District, Mixed Use with Compact Residential addresses three concerns:**

Maximum Built Upon Area and Residential Density: (Sec. 10.12(b)C.)

Concern: The "built upon area" and "units per acre" calculation overlap, risking exceeding the base level watershed protections.

Resolution: **Maintain the existing base level of watershed protection, limit impervious surface to 24% of the total project area.** -- the same as in the Compact Community Ordinance.

In addition to the 24% limitation, limit the number of cluster residential units to two units per gross acre in the project. -- also, the same as in the CCO.

NOTE: A minimum of 40 percent of the single-family cluster residential area must be preserved as Conservation Space.

Location: (formerly Sec. 10.12(b)F. Location)

Concerns: The location was by reference to the land use "plan"—that is only a policy, not an ordinance. Also, the existing CD-MU is not limited by location.

Resolution: **Delete the location limitation.** Location and the Comprehensive Plan will guide this Board and the Commissioners when considering a rezoning request.

Setback: **Concern:** Variance of the setback based upon across the road zoning is not justified when fronting a very wide divided public highway (i.e. 15-501), and the zoning may change.

Resolution: **Provide for a continuous 50' building setback where the boundary fronts on a 100-foot-wide public road right of way.**

The edits are as follows: Section D is corrected by using the term "Conservation Space" (see section 7.8 of Subdivision Regulations ...) rather than "Open Space" "Conservation Space" is defined in the Subdivision Ordinance and the Conservation Guidelines, to include both Open Space and Natural Space, and limits Open Space to 20% of the Conservation Space.

Also, Section D continues the requirements that at least 20% of the BUA be non-residential, and that non-residential not exceed the residential area; but deletes the requirement that one be built before the other. The original language was from the CCO for a very large development where the commercial is far from the residential. For a CD-MU-CR district, the goal of keeping those ratios in balance is best established on the site plan. The developer and the County are not burdened with tying the time of construction and permitting to the ratio.

Miscellaneous corrections, such as inserting “Compact Residential” where omitted and deleting a hyphen in “Mixed Use” (to be consistent with the Zoning Ordinance usage).

- Chair Lucier stated what it sounds like is being proposed is a mixed use, conservation subdivision, that is kind of like a compact community ordinance because you will have a density of two residences per acre. Mr. Barber stated that is correct. Chair Lucier stated it is different than the conservation subdivision which has to be one house per acre, did you ever consider just trying to modify the Compact Community Ordinance. Mr. Barber stated he knows that was considered and others may be able to respond to that question. Basically, the Compact Community Ordinance envisions a large-scale project like Briar Chapel and it was designed for Briar Chapel and when it comes down to the scale of 75 or 100 acres it just doesn't work.
- Mr. Ashness stated Mr. McBroom and Mr. Barber did a great job explaining the hybrid project by taking the conditional mixed-use district which right now doesn't apply to detached single family housing and marring that to the conservation subdivision which provides some open space requirements and also identifies high quality areas to put into conservation within a specific property. Putting those together to come up with the CD-MU-CR designation. Our view as to how that might look, the mixed use closer to a major corridor and then feathering back into a cluster of various single-family type residential units and you move back into the property. The conservation area and open space would be intermingled between the two areas so that it would not just be in one location.
- Mr. Warren Mitchell stated he would like to summarize this proposal and the basis is very simple. The existing mixed-use zoning does not allow or envision single family, but all the mixed-use projects that we know in the area has single family, Fearrington, Southern Village, Briar Chapel, all have single family. We know that the Planning Board, staff, and Commissioners had approved and liked the way the conservation subdivision guidelines turned out, so we basically adopted those guidelines for this project. It basically is following the guidelines you have already approved.

Mr. Mitchell stated at the beginning of the meeting there were some concerned citizens that spoke during the public input and I would like to address some of those concerns. The Comp. Plan has a medium density zone, which is separate from the R-1 which is low density in the County. Low density is one unit per acre and you can add a 10% bonus with conservation subdivision. We chose two units per acre because it is still low density per the States watershed rules and that is why we have to have something higher than the existing R-1 zoning. Additionally, it is going to be merged with a mixed use non-residential as part of the project. We are proposing 40% conservation land for the entire project boundary and existing mixed use has zero conservation land and can be anywhere in the County. This goes way above putting a conservation subdivision behind a commercial project, it adds this additional conservation space for the entire project boundary and it fixes some of the issues the current mixed-use zoning has.

Mr. Mitchell stated the other thing that was mentioned was the light industrial, that is part of the existing mixed use and could probably be removed from mixed use zoning in Chatham County. Our envision is to have a commercial component not light industrial. Mr. Mitchell feels this is the mixed-use project that Chatham needs and is the right size.

- Chair Lucier asked this scenario, if you had 100 acres, you could put 200 single family residences on it even though 40 of those acres would be taken up by open space, 25 acres could be commercial, so the density would be on 35 acres with about 6 residences per acres, is that right? Mr. Mitchell stated that is correct and it would be a cluster design much like the conservation subdivision. Who would have ever imagined that Briar Chapel is less than 24% when you drive through it? Chair Lucier stated he was part of writing that ordinance along with Vice-Chair Siverson and the intent of that was to make it like what you are trying to do, but on a much larger scale. The intent was to have commercial activities mixed in with the residential rather than all by 15/501.

Mr. Spoon stated this is a nice concept to have, a nice house in a reasonably sized neighborhood and have a little shop you could own, operate, and even walk to it. Chair Lucier stated he is a big fan of the mixed use; we just need to make sure we do it right with the ordinances. Mr. Spoon stated this seems like this could be a stop gap with some flexibility on the way to developing the UDO that would answer all those questions completely. It does seem like the scale of Briar Chapel is excluding small business ownership from that kind of development and that is a shame in Chatham County and believes this is a good concept.

- Chair Lucier assumes this would permit commercial businesses on the bottom floor with residences on the next floor. Is that type of thing envisioned in this? Mr. Mitchell stated yes. Mr. Arthur stated there are a lot of places like that now and are becoming popular again. Ms. Hager stated residential over retail is happening here and when it comes to green developments and green community standards, this is mirroring that very closely. She agrees with Mr. Spoon and particularly likes the 40% of open space balance. Ms. Hager would like to look at this further, likes what she sees and is in agreement with this idea.
- Chair Lucier stated as a Board we are interested in the idea and like it, but we need to dig into the details and we are probably not prepared to do that tonight. Mr. Arthur stated his worry would be water and sewer and how are they going to handle that.
- Vice-Chair Siverson stated the one compact community we have is large, and the compact community ordinance limits how big they can be, but it doesn't limit how small it can be. Why couldn't the current compact community ordinance be applied to a smaller development. Mr. Mitchell stated we started on this about a year and a half ago and looked at the compact community ordinance very closely and even if we drop the minimum, the details as they are written, there would need to be a lot of changing to make this work.
- Mr. Sullivan stated the Planning Board will probably be receiving a public hearing packet for the January BOC meeting for a small compact community submittal on 15/501 and the CCO does not fit well with small projects, so there will be a lot of waiver requests to make it work. There are parts of the CCO that is outdated as it relates to other regulations we have in the County. We did advise the applicants here tonight to look closely at all of the aspects of the compact community ordinance and see what could be transferred in to a small mix-use development. Mr. Sullivan stated since they are looking at higher residential density that needs to be part of the Planning Board evaluation and a really thorough analysis of what is in the Comprehensive Plan and how it relates to the different types of mixed-use districts that would be envisioned, particularly as we work through the UDO process.
- Mr. McBroom stated he wanted to address the valid concerns brought up about water quality and sewer. As Chatham County residence our water quality is very important to us and as we are creating this text solution for medium size growth, this is just the beginning and as a community we need to continue to come together and figure out solutions for water and sewer as our County grows. We have great leadership in this County with checks and balances, we hear and understand the concern about water quality and we do not have not deaf ears to that concern.

- Ms. Weakley had some concern about the measurements regarding net land area and the measurements of streams and stream buffers. Mr. Barber stated that part of the text amendment has been deleted and is not on the current revision because of concerns raised by Watershed Protection. Ms. Weakley stated she is working off of an old version of the text amendments. Mr. Sullivan stated the printing has been hampered in the department and we will make sure you receive current text amendments for the next meeting.

Ms. Weakley stated under the subdivision ordinance text amendment she wanted to be clear about “D – permitted uses in conservation space”, it says that water, septic, and sewer systems are allowed in open space, but not in natural space unless approved by the environmental quality department. In terms of utility easements and stormwater management it doesn’t specify if they will be within conservation space as a whole. In other words, are you going to be using all the natural space with those uses? Mr. Barber stated most of 7.8 is a cut and paste from 7.4 which is the conservation subdivision requirements, so we defined the permitted uses of the conservation space. Where those uses would go would come down to the conditional use permit and the site plan as opposed to being in the zoning ordinance. They don’t have any plans to putting anything in the conservation space at this time.

Ms. Weakley stated the subdivision conservation guidelines include riparian buffers in the primary area and doesn’t want to see one of these developments use the already required regulatory stream buffers to satisfy most of their natural space because you would be required to do those buffers anyway. Mr. Mitchell stated if we did a traditional subdivision a lot could include a stream in someone’s backyard and it would be hard to restrict that unless you put it in a conservation area, so that is why the conservation rules have it so a stream isn’t in the back of someone’s yard as a playground, it was considered and why the Board approved these rules and it makes sense. Chair Lucier stated in Briar Chapel it was either 9% or 11% of their property was taken out by stream buffers.

- Mr. Barber stated the goal we are trying to achieve here is a nice mixed-use walkable community that someone will in fact develop in the County. What we have seen is areas that are under development people are putting in commercial areas on one hand and then on the other hand cutting up the land into lots. They are doing one-acre lot developments and are not required to set aside any conservation area, they can let the lot consume the whole acre, rather than saying we don’t need that big of lots, lets separate out the lots and put the homes clustered closer together. Our objective is to make something desirable by the County and will in fact be developed.
- Chair Lucier stated there is a sense of urgency because the UDO will be a long process. Mr. Barber stated yes, and as Mr. McBroom had stated if we wait, all the land will be chopped up. Mr. McBroom stated that is correct and our County has a leakage problem and if we don’t address this County revenue will continue to go to neighboring counties and as we try and move forward with achieving what the Comp. Plan envisions, waiting for a UDO to address some of leakage challenges and other land use challenges could be detrimental and take the County a long time to recover from.
- Ms. Hager stated for these smaller developments between 50 to 250 acres, even if the 40% does include riparian buffers we are still getting a lot of conservation space. Ms. Weakley stated that is why she asked what would be allowed in the conservation space because if 40% is the target, and stream buffers, septic, wells, and stormwater management those things would have to happen anyway, so is it really conservation. Ms. Hager stated she understands and is in agreement that this needs to be discussed now and not wait for the UDO. Chair Lucier stated the open and natural space needs to be well defined and take a look at this in more detail. Ms. Weakley stated this is something I don’t feel comfortable rushing into.
- Chair Lucier stated the Planning Board has three months to discuss these text amendments and we need to look at it in detail and do our best to get it right.

Motion made by Mr. Arthur to table both the zoning and subdivision ordinance text amendments until the December 1st meeting, second by Mr. Frazier.

Chair Lucier completed a roll call vote and these items passed to be tabled 11-0, unanimously.

- Mr. Spoon stated we do need to put some thought into this and if we can, provide questions to the applicant so they can have a chance to respond to our requests as we think through it. Chair Lucier agrees and we need to look hard at the changes and the additions that are made and provide questions to allow us to at least finish this by our third meeting and have something we are confident that will work and address the issue that has been raised, how do we stimulate mixed-use developments in Chatham County.
- Mr. Sullivan stated we have already received the written comments from the public input and we will get those posted on-line as well.

X. NEW BUSINESS:

XI. BOARD MEMBERS ITEMS:

Update from the Planning Board liaisons.

- Chair Lucier stated he did not attend the Pittsboro Planning Board meeting for November. Chair Lucier stated he will be the liaison for the Planning Board attending the ERAC meetings and will be attending the meeting Thursday night where they will be discussing the Watershed Protection Text Amendment for the Vickers Bennett Group.
- Mr. Bode the Chair of the ERAC Board stated he will be the liaison for the ERAC to the Planning Board and look forward to the two committees working together as we share the same concerns and being productive moving forward.
- Vice-Chair Siverson did not attend the Siler City Planning Board meeting, but did look over their agenda and they were not talking about anything with great importance and will not have a meeting in December.
- Ms. Moose stated the Agriculture Advisory Board had a presentation from Dr. Osmond from NCSU on agriculture conservation practices about protecting water quality. There is general support of the well subcommittee. Vice-Chair Siverson stated there have been two well subcommittees and the third meeting will be this Friday. There have been a couple presentations about ground water features. The meetings have been recorded and once the problem with the County's servers they will be available for anyone to view.
- Ms. Weakley stated the Chatham Conservation Partnership had a fantastic meeting in October on spiders and that meeting was recorded as well. There was about 130 people present all on a Zoom conference call and there is a link if you are interested in viewing. The steering committee met yesterday to talk about plans for 2021 and it looks like we are going to try and do some more virtual meetings and coming up with topics.

XII. PLANNING DIRECTOR'S REPORTS:

Mr. Sullivan reported on the following:

1. UDO Update

