



APPLICATION ACCEPTANCE POLICY

CONDITIONAL DISTRICT REZONING

Chatham County
Planning Department

PO Box 54, Pittsboro, NC, 27312
Telephone 919-542-8204 | Fax 919-542-2698
www.chathamnc.org/planning

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 is reviewed thoroughly to avoid unnecessary delays. Staff desires to complete review of projects in an accurate and timely manner. Due to the planning staff sufficiency review, Board of Commissioners and Planning Board set 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 note that there are some items listed that are only required in special circumstances, along with requests from the planning department to include additional information if needed. **PLEASE REVIEW SECTION 5 FOR CONDITIONAL ZONING IN ITS ENTIRETY TO MAKE SURE ALL AREAS FOR SUBMISSION ARE COVERED.**
3. Application fees must be paid at the time an application is submitted for acceptance. **Please provide ONE complete set of the application and all supporting materials when submitting.** More copies will be requested by the Planning Department (16 sets) once the sufficiency review period has been completed.
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 REZONING DISTRICT APPLICATION

APPLICATION FOR CHANGE OF ZONING OR MODIFICATION OF EXISTING CONDITIONAL DISTRICT REZONING PROJECT

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: Herndon Farms One, LLC

MAILING ADDRESS OF APPLICANT: 1506 East Franklin Street, Suite 300 Chapel Hill, NC 27514

NUMBER/E-MAIL OF APPLICANT: info@herndonfarms.com

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

Name(s) James B. Riggsbee, M. Travis Blake, M. Travis Blake for Herndon Farms One, LLC

| | | | |
|------------|--|---|---|
| Address: | James Riggsbee <u>PO Box 2872</u> Cashiers, NC 28717 <u>(828) 200-9611</u> jimriggsbee@yahoo.com | M. Travis Blake <u>9668 US HWY 15 501 N</u> CHAPEL HILL, NC 27517 <u>919.260.4881</u> info@herndonfarms.com | Herndon Farms One, LLC <u>1506 East Franklin St., Suite 300</u> Chapel Hill, NC 27514 <u>919.260.4881</u> info@herndonfarms.com |
| Telephone: | | FAX: | |

E-Mail Address: _____

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

ADDRESS OF SUBJECT SITE: 9780 US Hwy. 15-501 N. Chapel Hill, NC 27517

CHATHAM COUNTY PROPERTY PARCEL NUMBER (AKPAR #): 2752, 18750, 18897, 18896, 93852, 18909

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

PROPOSED ZONING DISTRICT(S): ☐ CD-NB ☐ CD-CB ☐ CD-RB ☐ CD-O&I
☐ CD-IL ☐ CD-IH ☐ CD-MU ☒ **CD-CC (Compact
Communities must follow the Compact Community Ordinance requirements)

TOTAL SITE ACRES/SQUARE FEET: 97.86 Acres

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

PROPOSED USE(S) FOR THE SITE from Section 10.13 Table of Permitted Uses: _____

Al uses allowed in the Compact Community Ordinance

It is important that the applicant provide information to explain how the rezoning request satisfies the intent and purpose of various ordinances. All applications shall contain the following information. **Please use a separate attachment and/or additional sheets to fully explain and detail this project.** If you feel any of the below standards do not apply to this application, mark with "N/A" and explain if necessary.

1. **The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.**

2. **The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.** Please address the following:
 - A. **Need and Desirability <Required>** The application should describe why there is a need for the proposed use in the area being applied for. Describe how this was determined (for example, an analysis of present or projected demands on existing similar uses). This is an opportunity for the applicant to establish the benefit to the county that will result from approval of this permit. Why is the proposed use more desirable than other uses permitted under the existing zoning?
 - B. **Survey of Similar Uses <Required>** How many other instances of this use are currently in Chatham or within an adjacent county? Are there similar uses already approved for the requested use on adjacent properties? Provide summary of existing similar uses. If there are already a number of such uses allowed in the County or another similar use in reasonably close proximity to the new requested site, why is this new instance of this use essential? Are these other instances currently in operation and successful?
 - C. **Public Provided Improvements <Required>** Identify any public improvements, services, etc., that the county would be required to provide in support of this site if the use is approved. If no additional public improvements are needed, then state this as the case.
 - D. **Tax considerations <Optional>** If appropriate, or of advantage to the application, provide an estimate of the tax revenue (direct and indirect) to the County that this use would provide. Describe how this estimate was determined. What is the net result of expenditure of County services and facilities required vs. the tax revenue generated?
 - E. **Employment <Optional>** Discuss the number of jobs that would be created by this use. Designate these positions as full time or part time. If possible, describe the salary ranges of the employees.

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. **In support of the Comp Plan, include the following references at a minimum:**

CHAPTER TWO: (begins on page 13)

- Issues and Opportunities

CHAPTER THREE: (begins on page 39)

- Goals and Objectives
- Land Use Descriptions – select the correct designation for your submittal and support the various bullet points as outlined.

CHAPTER FOUR: (begins on page 51)

The minimum strategies to address are the following. You may include others as you deem supportive of your application.

- Economic Development (page 53)
 - Land Use (page 61)
 - Natural Resources (page 103)
 - Parks and Recreation (page 117)
-

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)

A. Traffic <Required> Document projected traffic generated by the use. Document current capacity for the road that serves this site (available for all/most roads from NCDOT). What kinds of traffic will this be (car, bus, truck, etc.,) and what will be the peak time of day for the traffic? Do you anticipate changes to the speed limit on the principal service road for this site? Are modifications to the road system needed (e.g. a turning lane)? How will these road improvements be financed? A letter of opinion from NCDOT would be required if introduction of significant new traffic loads were expected or there is already a high accident rate at this location. Will the road(s) included in the County Thoroughfare Plan accommodate these anticipated requirements?

B. Visual Impact & Screening <Required> Describe the visual presentation of the completed project in context with the adjoining properties. How will fencing and/or plantings alter the future visual presentation?

C. Lighting <Required> Will there be lights associated with the use? This includes but is not limited to pole lights whether for security or decorative post mounted lights, lights on buildings/structures, landscape lighting, flood lights, etc. If so, describe the wattage, type, method of support (if on poles, give height of pole), and times of night the lights would be in use. What considerations and methods have been considered to the shielding of the light from adjacent properties? Are similar lights in use elsewhere that can be evaluated?

D. Noise <Required> Will there be noise generated by the use? If so, what will be the source of this noise? Provide an estimate of the level of noise in decibels at the property lines of the site. Provide the basis for this estimate. If the noise generated is anticipated to exceed the County Noise Ordinance, a permit must be requested and approved to exceed the ordinance requirements.

E. Chemicals, Biological and Radioactive Agents <Required>. Identify types and amounts of chemicals, explosives, biological and radioactive materials that will be utilized by the requested use. What is the estimated amounts of these agents that will be generated as waste; how will they be disposed? Identify the possible biochemical or radioactive hazards that may be associated with this use; how will these be handled? Identify the potential for emissions into the air. Identify the potential for discharges or runoff of liquids that would pollute the surface and/or groundwater sources.

F. Signs <Required> Will the use include the display of a sign (advertisement or identification)? If so, describe the method of display, lighting, color, size, number and location on the site.

G. Emergency Services <Optional>

1. Fire Protection - Document the impact on respective volunteer fire department's ability to service the site with the requested use. This should come from the Chatham County Fire Marshal as a letter.

2. Police Protection - Document the impact to the Chatham County Sheriff Department's ability to provide protection for the site with the requested use. This should come from the Sheriff in the form of a supporting letter.

3. Rescue 911 - Document the impact to rescue and ambulance ability to provide support to the site; provide approximate arrival time to site after a 911 call is placed.

H. Impact to surrounding Land Values <Optional> What will be the impact to surrounding land values as a result of the proposed use? Is this impact anticipated to change with time or create possible changes in use of the surrounding properties? Note that if the applicant does choose to provide this information to support the application, then the basis for the information must be provided. For example, if a real estate appraiser's opinion is presented, then the opinion is expected to be derived from an analysis of comparison sites with requested use, some other real estate study or survey.

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.)

A. Water Source and Requirements <Required>. How much water will the use require? What is the source of the water (county water or private well)? If the supply is to be supplied by the county, then with the help of the Public Works Dept. (542-8270) identify how the water connections are to be provided.

B. Wastewater Management <Required>. What is the wastewater capacity needs for this use? Specify the treatment and disposal methods to be used. WWTP, public (i.e. Aqua of NC), or private septic. If individual septic, provide septic improvements permit letter from the Chatham County Environmental Health Department. If other than individual septic systems are to be used, submit a plan for wastewater management. If system requires approval from NCDENR or Aqua of NC or any other state or public source, please provide preliminary approval towards getting approval.

C. Water/Sewer Impact Statement <Required>. All applications where a public utility is to be utilized, (water or sewer) must state clearly the amount of usage that is anticipated. The usage estimate must be validated by the County Public Works Director, along with an updated usage vs. capacity statement. The impact statement should provide a projection of the demand after the site is fully developed.

D. Access Roads <Required>. Describe the access to and from the site to public highways or private roadways. If the requested use will require a new driveway or enhancement to existing highway(s), address the following questions. If a new driveway access is part of the proposal, has NCDOT approved this access (include copy of the preliminary approval for a commercial driveway permit)? If the site is located on a road designated as a "major collector", is the site accessed by an existing or proposed service road? Describe any upgrades of public or private roads necessary to serve the property.

E. Stormwater Runoff <Required>. Detail the methods and various structures that will be used to control stormwater runoff. (If disturbing more than 20,000 square feet of area, a stormwater management plan must be submitted with this application) This information will detail all points of offsite discharge with design techniques used and projected impact on neighboring properties.

STOP!

You must meet with the Chatham County Appearance Commission and hold the Community Meeting BEFORE you can submit the application to the Planning Department. Please check the boxes below once these meetings have been held:

| | |
|--|--|
| <input checked="" type="checkbox"/> Chatham County Appearance Commission | Date of Meeting <u>July 24th, 2019</u> |
| <input checked="" type="checkbox"/> Held Community Meeting | Date of Meeting <u>March 7th, 2019</u> |

Section B. SUBMITTAL INFORMATION AND PROCEDURE

- (1) Sixteen (16) completed application packets and all supporting information shall be submitted to the Planning Department upon approval of the sufficiency review by staff. **(PLEASE SEE ATTACHED CALENDAR FOR ALL SUBMITTAL AND DEADLINE DATES)** A digital copy of the application packet shall be submitted pursuant to the Planning Department Digital Document Submission Guidelines at the time of the original submittal to the Planning Department.
 - (2) The Planning Department shall, before scheduling the public hearing, ensure that the application packet contains all the required information as specified in **Section 5 of the zoning ordinance.**
 - (3) The Planning Department shall have fifteen (15) days from the date of submittal to notify the applicant that the application is complete for scheduling the public hearing.
 - a. If the Planning Department determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review.
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- b. The Planning Department shall take no further action on the application until the applicant submits the required information.
 - c. Once the applicant corrects the identified deficiencies, the applicant shall resubmit to the Planning Department at least 45 days prior to the next Public Hearing meeting, and the Department shall have 15 days to review the information and notify the applicant that the information is sufficient for review.
 - d. A determination that an application contains sufficient information for review as provided in this subsection (b) does not limit the ability of other county agencies, the Planning Board or the Board of Commissioners to request additional information during the review process.
- (4) The application is reviewed by the Technical Review Committee prior to the Public Hearing for comments and recommendations from other agencies.

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

PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF). Please check the list below carefully before you submit:

- (1) The application shall include a **site plan**, drawn to scale or as accepted by staff, with supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to the predetermined ordinance requirements, will govern the development and use of the property. The following information must be provided, if applicable:
 - ☒ a. Information showing the boundaries of the proposed property as follows:
 - 1. If the entire parcel will be zoned, a GIS or survey map and parcel number of the subject property.
 - 2. If only a portion of the parcel will be zoned, a boundary survey and vicinity map showing the property's total acreage, parcel number, current zoning classification(s) and the general location in relation to major streets, railroads, and/or waterways,
 - ☒ b. Legal Description of proposed conditional zoning district;
 - ☒ c. All existing and proposed easements, reservations, and rights-of-way;
 - ☒ d. Proposed use of all land and structures, including the number of residential units and the total square footage of any non-residential development;
 - ☒ e. All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant; **(SECTION 12 LANDSCAPING & BUFFERING REQUIREMENTS)**
 - ☒ f. All existing and proposed points of access to public and/or private streets;
 - ☒ g. Stream buffers required through this or other Chatham County Ordinances or Regulations, and other Local, State, or Federal regulatory agencies. Delineation of areas within the regulatory floodplain as shown on the Official Flood Insurance Rate Maps for Chatham County;
 - ☒ h. Proposed phasing, if any;
 - ☒ i. Generalized traffic, parking, and circulation plans; **(SECTION 14 OFF STREET PARKING)**
 - ☒ j. Proposed provision of utilities;
 - ☒ k. The location of known sites of historic or cultural significance within or adjacent to the project area, including any structure over 50 years old;
 - ☐ l. The approximate location of any cemetery;
 - ☒ m. Proposed number, location, and size of signs; **(SECTION 15 SIGN REGULATIONS)**
 - ☒ n. Location and description of any proposed lighting on the project site with a note that any lighting will

comply with Section 13; **(SECTION 13 LIGHTING STANDARDS)**

- ☒ o. The location of existing and/or proposed storm drainage patterns and facilities intended to serve the proposed development, and impervious surface calculations; and
- ☒ p. Please be sure to address all of **Section 11.2.A through I** in your application.
- ☒ q. Environmental Impact Assessment pursuant to **Section 11.3** of the Zoning Ordinance, if applicable.
If you are or will be disturbing 10 or more acres in connection with this application, you are required to submit and EIA with this application. Failure to do so will result in the delay of scheduling your request for public hearing or may be returned completely for re-submission.
- ☒ r. Please check if a Special Study is required for certain Heavy Industrial uses as described in the Table of Permitted Uses in the Zoning Ordinance, Section 10.13. **The study is required to be submitted with this application.**

The above information is required to be shown on the site plan submitted with this application. If, for some reason, any of the required items above are not included on the site plan, reasons for excluding those requirements must be given.

- (2) In the course of evaluating the proposed use, the Zoning Administrator, Planning Board, Chatham County Appearance Commission, or Board of Commissioners may request additional information from the applicant. This information may include, but not be limited to, the following:
 - ☐ a. Proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
 - ☒ b. Existing and general proposed topography;
 - ☐ c. Scale of buildings relative to abutting property;
 - ☒ d. Height of structures;
 - ☐ e. Exterior features of the proposed development;
 - ☒ f. A traffic impact analysis of the proposed development prepared by a qualified professional. The traffic impact analysis shall follow the NCDOT TIA Analysis Guidelines, and shall also include consideration for non-motorized and public transportation;
 - ☐ g. Any other information needed to demonstrate compliance with these regulations.

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

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 M. Travis Blake 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: M. Travis Blake

Date: 4/1/2021

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: M. Travis Blake

Date: 7/26/2021

Application Fee Calculation: \$750 + \$50 per actual acreage. DO NOT ROUND UP ACREAGE

OFFICE USE ONLY:

Date Application Received: _____

Received By: _____

Fee Paid: \$ _____

☐ Check No. _____ ☐ Cash ☐ Credit Card ☐ Money Order

Application No. PL 20 _____

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

Please See Exhibit K

To: Chatham County ZONING ADMINISTRATOR

Date: _____

Proposed Zoning: _____

The undersigned hereby certifies that written notice of a community meeting on the above zoning application was given to the adjacent property owners set forth on the attached list by first class mail on (date)_____. A copy of the written notice is also attached.

The meeting was held at the following time and place: _____

The persons in attendance at the meeting were: _____

The following issues were discussed at the meeting: _____

As a result of the meeting, the following changes were made to the rezoning petition: _____

Date: _____

Applicant: _____

By: _____

Please submit this Report to the Chatham County Planning Department located at 80-A East Street, Dunlap Building or mail it to Angela Plummer, Zoning Administrator, PO Box 54, Pittsboro, NC 27312.

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

**OWNER AUTHORIZATION AND CONSENT
(SUBDIVISION AND ZONING APPLICATION – HERNDON FARMS)**

THIS OWNER AUTHORIZATION AND CONSENT ("**Authorization**") is made and entered into as of the date set forth below, by James Bunn Riggsbee ("**Owner**"), for the benefit of Saprolite Development Company, LLC ("**Buyer**"), and CHATHAM COUNTY, NORTH CAROLINA (the "**County**");

RECITALS

A. Owner is the owner of that certain real property located in Chatham County, North Carolina, bearing PIN Numbers as follows (the "**Property**"):

- 18896 – 9775-44-6300.000 – 6.3 Acres
- 18897 – 9775-54-2463.000 – 25.47 Acres
- 18750 – 9775-45-5619.000 – 18.35 Acres
- 02752 – 9775-14-7758.000 – 34.82 Acres

B. Buyer has an option contract to purchase the Property and in connection therewith has made and/or intends to make certain applications to the County for zoning, subdivision approval and permits necessary in connection with the proposed subdivision and development of the Property by Buyer for a subdivision known as Herndon Farms (the "**Subdivision and Zoning Application**") (See Exhibit A).

C. Owner has agreed to provide this Authorization to authorize and consent to the Subdivision and Zoning Application.

AUTHORIZATION AND CONSENT

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner hereby authorizes Buyer to make the Subdivision and Zoning Application and hereby consents to the Subdivision and Zoning Application. Buyer and the County shall be authorized to rely on this Authorization as to the Subdivision and Zoning Application for Herndon Farms and the Property made by Buyer.

IN WITNESS WHEREOF, Owner has caused this Authorization to be executed as of the date set forth as of the date indicated below.


James Bunn Riggsbee

Date: November 3, 2020