

From: Randolph Voller <randy@vrclimited.net>
Sent: Sunday, November 28, 2021 3:52 PM
To: Franklin Gomez-Flores <franklin.gomez@chathamcountync.gov>
Cc: Dan Lamontagne <dan.lamontagne@chathamcountync.gov>; Mike Dasher <mike.dasher@chathamcountync.gov>
Subject: Re: Follow up on the CCO text amendment for Congruus LLC

Dear Commissioner Gomez-Flores,

I hope you had an enjoyable Thanksgiving holiday.

Thank you for your thoughtful reply and questions.

The team for the applicant is available to meet at your convenience to look at full size maps and sketch plans and answer further questions you may have.

We can meet in Pittsboro or in Siler City.

That said, I am answering for the team below in bold:

COMMISSIONER GOMEZ-FLORES: *I hope you all are well. After thorough thinking, I seek information not a meeting. Residents and planning board members have concerns, and I would like to know the applicant's thoughts on the following:*

RV: Understood. We want to provide you with the information you seek in order to move forward with the text amendment process and ultimately a CCO application for your review and input.

COMMISSIONER GOMEZ-FLORES: *Regarding traffic:
The entrances and exits to each parcel and how they are interconnected.*

RV: This information will be available and part of the application for the County staff, advisory boards and commissioners to review. I have attached a draft map for the land currently in the CCO zone and the area the applicant is requesting to add via the text amendment. This map provides insight into the potential road and pedestrian layout. [The map is labeled: 2021-05-18_VRCMRA_CCO-MP-4.0 Circulation]

COMMISSIONER GOMEZ-FLORES: *Does it not concern you that community members and planning board members are saying that the roads within/adjacent to your project get congested?*

RV: Yes. Traffic is always a concern--especially in a growing county. The applicant has already commissioned the Traffic Impact Analysis "TIA" from Kimley-Horne and the draft is now ready for the County staff, advisory boards and commissioners to review during the CCO application process. This review will occur once the text amendment has passed and the applicant submits the CCO application to the County.

COMMISSIONER GOMEZ-FLORES: *Regarding wastewater: What is your plan?*

RV: A plan is not required for a text amendment approval. This information will be available and part of the application for the State staff, County staff, advisory boards and commissioners to review. The applicant supports the new County wastewater task force and will interact and cooperate with the task force.

- **Wastewater options for the property include:** a) regional wastewater treatment [It may be possible that a site could be located on the applicant's property for a new regional wastewater treatment plant.] ; b) unused capacity from a local treatment plant/provider; c) on-site treatment, septic fields, or a combination of any of the listed methods. The options would be evaluated during the CCO process at the same time that density, environmental protection, transportation planning, and economic impact were being assessed by the County, as each aspect informs the other.

COMMISSIONER GOMEZ-FLORES: *Connecting to Briar Chapel or Fearington Village? Do you have the owners' approval? Septic systems? Regional WWTP? Why not wait to learn what the Wastewater study committee says?*

RV: The applicant intends to keep all options open until circumstances dictate otherwise. The system in Briar Chapel and Fearington are private utilities. The property owned by the applicant is clearly within the extended service area "ESA" for North State Utilities which serves Briar Chapel. (The County attorney spoke to this issue in November of 2020.) The applicant will clearly ask the wastewater provider if they intend to provide wastewater before moving forward to other options that may include a regional solution; septic systems and /or a private

system. In addition, the applicant supports the new County wastewater task force and will interact and work with the task force.

- Wastewater options for the property include: a) regional wastewater treatment [It may be possible that a site could be located on the applicant's property for a new regional wastewater treatment plant.] ; b) unused capacity from a local treatment plant/provider; c) on-site treatment, septic fields, or a combination of any of the listed methods. The options would be evaluated during the CCO process at the same time that density, environmental protection, transportation planning, and economic impact were being assessed by the County, as each aspect informs the other.

COMMISSIONER GOMEZ-FLORES: *Lack of detail/inconsistency: How many units per parcel would you ideally and realistically like to have?*

RV: The applicant supports the recommendation of the County Planning staff who have already concurred that the text amendment is consistent with the land use plan and who also recommend approval of the text amendment. The applicant desires to submit all of their land as a "Compact Community" or "CCO" which is two (2) units per gross acre. The applicant would be interested in discussing density bonuses for affordable and workforce housing during the "Compact Community" or "CCO" approval process since the applicant is committed to getting affordable and workforce housing built in this area of the County.

COMMISSIONER GOMEZ-FLORES: *It has been mentioned 2 charter schools to be developed, is that true?*

RV: The applicant has been in substantial dialogue with two different specialized charter schools [SABA and Granite State Academy] who are interested in the area. *Nothing can move forward* without the Board of Commissioners approving the text amendment and the applicant submitting for a "Compact Community" or "CCO" approval.

COMMISSIONER GOMEZ-FLORES: *Any commercial space?*

RV: The approval of the text amendment does not approve any residential or commercial space until a "Compact Community" or "CCO" is

reviewed and approved. That said, the "Compact Community" or "CCO" application will include the required commercial space. (The applicant has been discussing a variety of ideas including, but not limited to, a farmer's market, retail, etc.)

COMMISSIONER GOMEZ-FLORES: *We received two different maps on Nov 15th and that Mr. Voller shared as attachments (CC - 5.0 and CC - 6.0) which one is the legitimate one? Which one are we voting for? The one with or without the parcels labeled commercial space in CC-4.0 owned by Thomas and Fearington Dev.?*

RV: The Board of Commissioners "BOC" is NOT voting on any of the maps. And approval of the text amendment DOES NOT approve any of the maps submitted. The **text amendment approval merely adds the remainder of the applicant's parcels to the CCO map and will allow the applicant to submit a "Compact Community" or "CCO" to the County.** These aforementioned maps have been provided to provide context and information to the County Staff, Planning Board and Board of Commissioners as well as the public at-large.

Below is a description of what the attached maps indicate:

2021-01-14 Chatham Options:

- This map was prepared in January 2021 and submitted to Chatham County. It reflects a 22 acre site that **could** be appropriate for a local or regional wastewater treatment plant. A regional solution has always been an option for the project, but this area could also serve as a site for a spray field or local treatment.
- Our wastewater options for the property include: a) regional wastewater treatment; b) unused capacity from a local treatment plant/provider; c) on-site treatment, septic fields, or a combination of any of the listed methods. The options would be evaluated during the CCO process at the same time that density, environmental protection, transportation planning, and economic impact were being assessed by the County, as each aspect informs the other.

- This plan shows a 36 acre commercial development that is now controlled by Aldo Bartolone which has an existing entitlement that would allow the construction of a commercial center. This parcel is entitled to a similar development standard as a CCO, it has not been included in the Fearington Preserve plan at this time but the owner has expressed interest in writing to the County to add his parcels to the CCO. This parcel could provide a direct vehicular connection to NC 15-501.
- This map shows a 24 acre affordable housing/apartment parcel along Andrews Store Road.
- The map does not include the northern XDS site that is currently under contract.

2021-05-18 MP 4.0 Circulation:

- This map was prepared to show the maximum feasible level of development for the assemblage. It was used by Kimley Horn and Associates to develop a Trip Generation analysis and preliminary Impact analysis.
- This map shows potential intersections and parcel access points. A conceptual road network is shown.
- This map shows maximum development totals for various pods. It reflects the potential for a reduction in commercial space to 50,000 sf and an additional 4.75 acre parcel adjacent to XDS that may be appropriate for additional affordable/workforce housing.
- Floodplains, stream buffers, and isolated areas are dedicated as open space.

2021-09-03 CCO Text Amendment EX 5.0

- This map shows the **existing planned developments** in the area.
- This map shows the Fearington Preserve assemblage and its relationship to the Briar Chapel extended service area "ESA" and proportions in/out of the CCO boundary.
- This map shows parcels that have been added to Briar Chapel as well as parcels that have been added to the Briar Chapel Wastewater system.

2021-09-03 CCO Text Amendment EX 6.0

- This map shows other developments in various states of progress along the 15-501 corridor.
- The approved CU-B-1 master plan parcel to the east of the Congruus assemblage is shown connecting Fearington Preserve to 10-501
- Vickers Bennet, Riggsbee Farm, and Williams Corner are shown on this map.

2021-10-04 CCO Boundary at 500 scale

- Shows a **close up view** of the Fearington Preserve assemblage.
- This includes the CU-B-1 parcel that is **already approved** and potentially a development partner for Fearington Preserve.
- This shows how the Commercial CU-B-1 has already been approved for a master plan, even though it is outside the CCO boundary, and would have been split by the CCO boundary if it had proceeded consistently offset from Andrews Store Road.
- The closeup view shows how the CCO boundary splits numerous parcels and is a flawed zoning boundary and if held as an absolute, would effectively "split zone" a large number of parcels. Typical zoning boundaries **extend to include entire parcels**. Best practices for an absolute boundary would have been a line that follows along roads or environmental features. A line that splits a multitude of parcels would typically be applied as an "approximate area"

Best Regards,

Hon. Randolph Voller
President
Broker-in-Charge
VRC, Ltd.
697 Hillsboro Street, Suite 350
Pittsboro, NC 27312-5535
cell: (919) 949-1274

"We cannot solve our problems with the same level of thinking that created them." Albert Einstein

[VRC Ltd website](#)

[NC Real Estate Commission "Working with Agents"](#)

The information contained in this electronic message is legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named above. If you are not

the intended recipient of this message, you are hereby notified that any use, distribution, copying or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify R. Voller at VRC, Ltd at 919-949-1274 or by return e-mail and purge the communication immediately without making any copy or distribution.

Disclosure Required by Internal Revenue Service Circular 230: This communication is not a tax opinion. To the extent it contains tax advice, it is not intended or written by the practitioner to be used, and it cannot be used by the taxpayer, for the purpose of avoiding tax penalties that may be imposed on the taxpayer by the Internal Revenue Service.



Virus-free. www.avast.com

On Thu, Nov 18, 2021 at 2:52 PM Franklin Gomez-Flores <franklin.gomez@chathamcountync.gov> wrote:

I hope you all are well. After thorough thinking, I seek information not a meeting. Residents and planning board members have concerns, and I would like to know the applicant's thoughts on the following:

Regarding traffic:

The entrances and exits to each parcel and how they are interconnected.

Does it not concern you that community members and planning board members are saying that the roads within/adjacent to your project get congested?

Regarding wastewater:

What is your plan?

Connecting to Briar Chapel or Fearington Village? Do you have the owners' approval?

Septic systems?

Regional WWTP? Why not wait to learn what the Wastewater study committee says?

Lack of detail/inconsistency:

How many units per parcel would you ideally and realistically like to have?

It has been mentioned 2 charter schools to be developed, is that true?

Any commercial space?

We received two different maps on Nov 15th and that Mr. Voller shared as attachments (CC - 5.0 and CC - 6.0) which one is the legitimate one? Which one are we voting for? The one with or without the parcels labeled commercial space in CC-4.0 owned by Thomas and Fearington Dev.?

Best,

From: Randolph Voller <randy@vrclimited.net>

Sent: Tuesday, November 16, 2021 8:47 PM

To: Mike Dasher <mike.dasher@chathamcountync.gov>

Cc: Dan Lamontagne <dan.lamontagne@chathamcountync.gov>; Lindsay Ray <lindsay.ray@chathamcountync.gov>; Lee Bowman <lee@thelegioncompany.com>; Isabel Mattox <isabel@mattoxlawfirm.com>; Daniel Garrett <dan.garrett@chathamcountync.gov>
Subject: RE: Follow up on the CCO text amendment for Congruus LLC

WARNING: This message originated from outside the Chatham County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Chairman Dasher and County Manager LaMontagne,

We are following up from the meeting on Monday night as suggested.

We are open to meeting with Commissioners and staff to provide more input before the next BOC meeting.

Below are my comments that I am submitting from Monday night that I was unable to provide due to time considerations at the meeting with copies to the full BOC:

The application is at its essence a simple text amendment request by Congruus to add a portion of land owned by Congruus to the Compact Community map.

That is all.

In fact, the planning staff opinion was that this text amendment should be approved based on the goals and objectives noted in Plan Chatham for expansion of the compact community area.

Once the text amendment is approved by this Board, then Congruus can apply to the County with a full blown Compact Community application.

That process is the appropriate place for addressing the questions and concerns brought up during this text amendment request.

At the October 5th planning board meeting the District 5 appointee to the planning board, Mr. Andrews, stated during the meeting that “...he does not see how we give up our rights in the decision-making process to include these parcels in the CCO map...”

Mr. Andrews, a professional in the real estate business, also made the point that if the parcels were not added, Congruus could apply for a standard subdivision of one acre lots, which would likely mean homes built in the range of \$700,000 to \$1,000,000prices which are not considered affordable housing.

Given the fact that home construction starts nationwide are down 55% from its high point in 2006---is it any wonder that the average sales price in Chatham County is now up 17.4% to \$584,670, the median sales price is up 20.2% to \$559,310 and the inventory levels are down 48.8% in October of 2021. [See attached building and market information.]

For context when Plan Chatham put forth its “**Big Idea**” for affordable/workforce housing which was to build 100 new affordable or workforce housing units a year this was at a time four years ago when the median home sale price in Chatham County was \$260,500.

This means that the median sales price of a home in Chatham County has **increased by 115%** since Plan Chatham was adopted four years ago.

And with just one month of inventory available it is obvious why we have an affordability crisis.

An integrated Compact Community with a 100 workforce units could move the needle on this "**Big Idea**".

This is a key reason why we respectfully request that you approve the text amendment so the applicant can submit a full blown CCO master plan to the county for review.

To this point, Mr. West, who is also a District 5 appointee, stated during the October 5th meeting that “this is an opportunity to examine on a case-by-case basis and (he) does not see any forgoing of our responsibility by approving this request and allowing it to come forward with a rezoning request.”

He felt that would likely be the best way to “exert the most control over this situation”.

And

Mr. West also said “it makes more sense to me to let them present their application to us under the CCO rather than reject it all together and put them back to square one

We feel this is a reasonable position.

And a position that reflects the guidance of Plan Chatham, which states on **page 45** under the map for the Land Use Plan:

“...though each land use area is geographically delineated on the map, **strict adherence to the Land Use and Conservation Plan in making land use decisions is not recommended. Instead, when making decisions about specific sites or contemplating new initiatives, decision makers are encouraged to use the map as a guide while taking into account economic, environmental, and social factors**”.

And what would some of those factors be?

The economic snapshot issued in August of 2021 by the Budget and Tax Center of the NC Justice Center highlights some these [See attached snapshot of Chatham]:

The living income standard for Chatham County is \$51,800 which is higher than the state by 8.6%.

Median worker earnings are \$41,300 and the median household income is \$67,000.

This means that half of our workers make less than \$41,300 per year and half of the households have income less than \$67,000.

45% of renters pay at least 30% of their income on rent while 20% of our renters pay half of their income in rent.

The fair market rent for a two bedroom home is \$1,134 per month which is 18% higher than the state average.

And if you make minimum wage it will take 120 hours of work per week to afford to rent a two bedroom home in Chatham County.

An integrated CCO application committed to adding more affordable units, allowing for a large conservation easement as well as the economic impact of a typical NC home of \$85,400 would seem to address the guidance offered on Page 45 of Plan Chatham. [See the attached economic information]

Finally, in regards to the simple text amendment request by Congruus to add a portion of land owned by Congruus to the Compact Community map I offer the following points:

- The county staff recommended approval
- The two appointments from District 5 recommended approval as well as the planning board member who lives in Briar Chapel.
- Most of the property is adjacent to the current CCO area which also bisects two of the parcels. [See the attached map]
- The remaining two parcels are on the west side of Parker Herndon Road which is literally across the street. The only reason they are not adjacent on the north side to the CCO area is because the applicant subdivided the property for the Parker heirs during the purchase that closed last July.

- A site plan is NOT required to approve a text amendment to the CCO map
- Nor is consideration of infrastructure
- Or frontage to 15-501. If you look at the current CCO map [attached below] you will notice that dozens and dozens of parcels are 1 to 2 miles to the west of 15-501. They have zero frontage on 15-501.
- In fact, page 45 of Plan Chatham states that "**strict adherence to the Land Use and Conservation Plan in making land use decisions is not recommended**".
- The applicant has made it clear that it will cooperate with the new wastewater advisory board that the County is putting in place, but to get there it needs the text amendment approved.
- Furthermore, the applicant showed the County an area on this property in January of 2021 that could be evaluated for a regional wastewater system. [See the attached map]
- The applicant is merely requesting that the text amendment be approved in order to submit a full CCO plan to the County.
- The applicant owns approximately 6,500 feet of Pokeberry Creek and did not create any of the problems with Pokeberry Creek. In fact the property owner [applicant] is a victim of the issues created by upstream development. The applicant is offering to work with Adam McIntyre and his team at Water and Land Solutions to remediate these issues and create a permanent conservation easement. [An outline attached below] This outcome will only occur if a text amendment is approved and the conservation easement is integrated into a CCO master plan.

The applicant respectfully requests that the County pass the text amendment and give the applicant the opportunity to submit a fully integrated CCO plan for consideration.

Hon. Randolph Voller
President
Broker-in-Charge
VRC, Ltd.
697 Hillsboro Street, Suite 350
Pittsboro, NC 27312-5535
cell: (919) 949-1274

"We cannot solve our problems with the same level of thinking that created them." Albert Einstein

[VRC Ltd website](#)

[NC Real Estate Commission "Working with Agents"](#)

The information contained in this electronic message is legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named above. If you are not the intended recipient of this message, you are hereby notified that any use, distribution, copying or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify R. Voller at VRC, Ltd at 919-949-1274 or by return e-mail and purge the communication immediately without making any copy or distribution.

Disclosure Required by Internal Revenue Service Circular 230: This communication is not a tax opinion. To the extent it contains tax advice, it is not intended or written by the practitioner to be used, and it cannot be used by the taxpayer, for the purpose of avoiding tax penalties that may be imposed on the taxpayer by the Internal Revenue Service.