

SECTION A ADDENDUM

Commented [SC1]: "FIVE FINDINGS"

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.

No error in the Ordinance is alleged apart from the fact that Applicants seek to revise the Zoning Map integrated into the Ordinance so as to change the existing zoning from B-1/CU-B-1 and R-1 to one coherent CU-NB District. The requested Neighborhood Conditional Use District is allowed under Sections 5.2 and 10.6 of the Chatham County Zoning Ordinance.

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.

Commented [SC2]: Finding Number 2 has not been met in this application.

See comments in minority report

- a. Need and Desirability

This assemblage of parcels is in an ideal location for commerce in northeastern Chatham County at the intersection of U.S. Highway 15-501 South and Manns Chapel Road. The existing Circle K store is currently squeezed on an irregularly shaped +/- .848 parcel with awkwardly spaced driveway entrances/exits. In the past years, Highway 15-501 was expanded to four lanes from Chapel Hill to Pittsboro which cramped the Circle K parcel significantly. In the last three months the intersection has been improved as part of a DOT-approved project. As such, a redesign of the Circle K parcel will allow for conformity of the parcel to the revised roadway/intersection configuration and the redesign of the driveway entrances will conform to the roadway and increase safety and functionality at the intersection. Implementation of the landscaping planting program recommended by the Appearance Commission will improve the appearance of the intersection.

Commented [SC3]: See minority report for description of all parcels, including the rezoning of FIVE (5) R-1 parcels

Commented [SC4]: This description is incomplete and misleads by omission. This expansion requires a separate TIA that was not provided to the Planning Board at the time of the public hearing. These assertions, particularly with respect to safety, are unsupported by independent assessments or facts in the application.

Additional comments in minority report.

Further, expansion of the Circle K Store will provide for a more appropriately sized commercial use at a strategic intersection, in the

heart of the Neighborhood Center designated on the Future Land Use Map.

b. Survey of Similar Uses

The property to the immediate north (across Manns Chapel Road) is zoned B-1 and currently has the BP station with a handful of retail shops alongside. The Property to the northeast is the Cole Park Plaza shopping center with the McDonald's restaurant, a Dollar Tree retail store and other retail shops and restaurants. The property to the southeast is Chatham Commons shopping center which includes the CVS store and the Lowe's grocery store, among others. Immediately to the south is a CD-NB district which has a furniture store business in place. To the southwest are abandoned legacy small lot rental houses that have been unoccupied for over 10 years.

Commented [SC5]: Incomplete and misleading by omission. See minority report for additional details concerning the scope of similar uses within very short distances which do not appear in the application.

c. Public Provided Improvements

No public provided improvements are anticipated at this time.

Commented [SC6]: This description of "abandoned legacy" residential units manages to be simultaneously inaccurate and false, and furthermore, this dismissive description obscures a problem with the application concerning the proposed expansion of commercial use into residential zoning that was historically small rentals-- and potentially, affordable housing.

First, none of the R-1 zoned property is abandoned, as evidenced by the Chatham County tax records reflecting that all taxes are current on the R-1 properties along Cedar Village Road.

There are nineteen small lots/parcels along that private road that are currently zoned R-1. Five of those R-1 parcels are part of the rezoning application.

See the minority report for further discussion/analysis.

d. Tax Considerations

The proposed amendment, expanded modern current and future improvements will generate additional commercial tax revenue to the County. The vast majority of this assemblage has been vacant for over 15 years. According to Plan Chatham, for every \$1.00 invested by Chatham County, commercial land uses return \$3.01 to the County compared to \$0.87 for residential land uses.

Commented [SC7]: The current principals associated with the MC2 LLC acquired equitable interests via various deeds in lieu of foreclosure from the antecedent entity Mann's Chapel LLC in 2018 per the Chatham County register of deeds. The majority of the vacant property appears to have been under control of the principals and their associates of the current owner or its antecedent entity since at least 2006.

e. Employment

This proposed amendment will result in construction-related jobs for the redevelopment of the site as well as construction on the out parcel. It will also result in an anticipated additional 15-20 new permanent jobs in the Circle K and 12-15 employees if the outparcel materializes as the anticipated auto parts store.

Commented [SC8]: Construction jobs are temporary. Twenty-seven to thirty-five retail jobs, many of which likely will be part time, and most of which will be at or near minimum wage, does not meet the county mandate for "high-quality" employment opportunities. In fact, those retail jobs are highly susceptible to future automation.

3. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.

a. CHAPTER TWO

i. Issues and Opportunities

Economics and Growth

Chatham County "enjoys one of the lowest unemployment rates in North Carolina and in the region." (Plan Chatham, p. 15). Reportedly, 57% of the workforce in Chatham commutes out of the county for work. (*Id.*, p.16). **This proposed rezoning amendment supports the County's goal of generating in-county jobs for its residents.**

Retail Sales

An estimated 58% of potential total value of sales within the County "leak" out to other communities, resulting in the County missing out on an estimated \$207 million in lost retail sales. (Plan Chatham, p. 16). Plan Chatham specifically notes that approximately **79% of motor vehicle and parts sales** leak into other communities. (Plan Chatham p.16)

Land Use

Chatham's tax base is heavily reliant on residents at 84%. (Tax Base, pp. 20-21). In contrast, 8% of the tax base is commercial or industrial. (*Id.*) This proposed rezoning supports a diversified tax base by increasing commercial tax revenue through the **expanded retail opportunities** in a critical neighborhood business zone.

The Land Use Suitability Map shown below highlights the property's ideal location for commercial development. (Land Use Suitability, pp. 21-22).

Commented [SC9]: Critical aspects of this finding are not met.

Commented [SC10]: There's no evidence in the application to support that a small number of low-wage retail positions, many likely to be part-time, would even remotely allow those employed in them to afford the average housing costs in Chatham.

Commented [SC11]: The real reason for the size of the automotive "leak" in retail sales to other counties is not, as the applicant appears to suggest, a dearth of auto parts stores, but rather, the absence of major car dealerships that generate vehicle sales within the county. The propose rezoning will have a negligible effect on the automotive retail sales "leak".

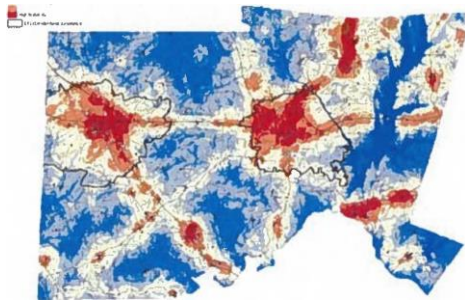
Commented [SC12]: The "expanded retail opportunities" are almost entirely dependent on fossil fuel-related business; that is not a diversified tax base in terms of existing business, and it is not sustainable for the future and should not be encouraged or approved given the climate crisis.

Commented [SC13]: The land use suitability map DOES NOT INCLUDE ANY R-1 PARCELS on Cedar Village Road for inclusion in the commercial node. The R-1 parcels should not be included in the rezoning.

This will create a patchwork of adjacent R-1 lots and is inconsistent with the land use maps and could have negative implications for future development.

Breaking up the existing R-1 cluster along Cedar Village will make it difficult for consistent treatment and result in "commercial creep" into adjoining residential.

COMMERCIAL SUITABILITY

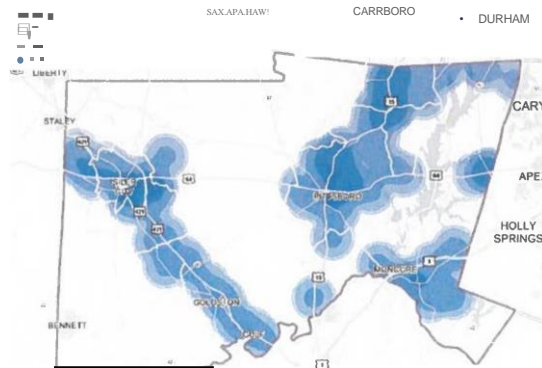


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The Jobs and Industry Suitability Map shows a high preference specifically where the property is located on 15-501. (*Id.*). Further, the area surrounding 15-501 "is more urbanized than the remainder of the County." (US 15-501, p. 22).

JOBS AND INDUSTRY



With these findings in mind, the property is located in an ideal area for mixed used development.

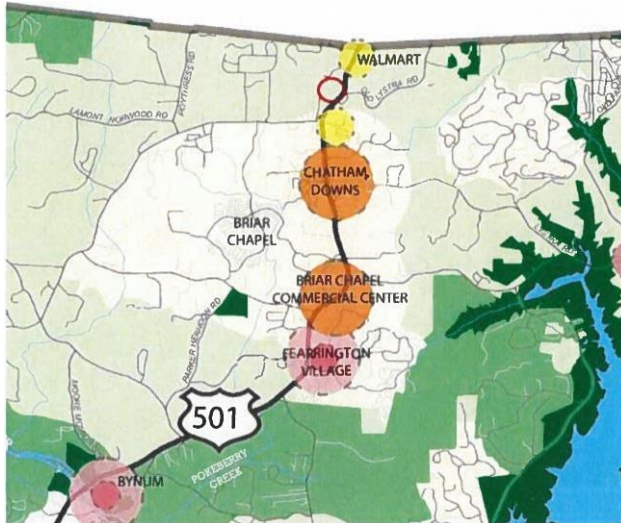
b. CHAPTER THREE

i. Goals and Objectives

GOAL	OBJECTIVES MET	COMPLAN REFERENCE	FEATURE
3. Promote Compact Growth Pattern.	Strive to locate 70% of new development within ... designated County centers.	p.41	This project is located in the heart of the Manns Chapel Road Neighborhood Center
4. Diversify the tax base and generate more high quality , in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting.	Increase non-residential share of the tax base. Increase high-quality, in-county Jobs NOT MET	pp. 40-42	Estimated _ jobs created for the Circle K. Estimated _ jobs created for outparcel. Increase in commercial tax base. In-commuting vs. out-commuting residents

ii. Land Use Descriptions

The Future Land Use Map designates the property as directly within the Manns Chapel Road Neighborhood Center. Neighborhood Centers encourage complementary retail and service uses as well as office uses. (Neighborhood Business, p. 47).



c. CHAPTER FOUR

i. Economic Development

Chatham's primary economic development goal is to "diversify the tax base and generate more high quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting." (Economic Development, p. 53). Recommendation 02 is to "increase employment opportunities across the County." (*Id.*, p. 55).

This proposed amendment presents a project in a highly suitable location for commercial activity on the 15-501 corridor.

ii. Land Use

Chatham's Land Use Policy 2 aims to "direct development of any intensity requiring public utilities and other urban services to planned growth areas." (Land Use, p. 62). The accompanying Strategy 2.1 allows for the areas within and *near* Community and Neighborhood Centers, as shown on the Future Land Use Map, to be developed for larger scale commercial. (*Id.*)

iii. Natural Resources

A primary goal is to **conserve natural resources**. (Natural Resources, p. 103). Recommendation 01 is to "maintain and improve water quality." This proposed amendment **maintains water quality** by adhering to the maximum impervious surface **limits** and also by treating stormwater on-site so as to not increase the post-development amount of offsite stormwater over the pre-development amounts.

Commented [SC14]: According to the US EPA, leaking underground fuel storage tanks are a leading cause of groundwater contamination. The expansion of fossil fuel storage tanks, as would be necessary to support the application, amplifies the risk to local groundwater conditions, including nearby Cub Creek watershed.

Recommendation 05 to "**improve access to natural areas** and support outdoor recreation-based tourism" (*Id.*, p. 109) **is also met** with this proposed amendment, as **it is anticipated that approximately 1.15 acres will be preserved in its undisturbed condition as open space**.

Commented [SC15]: How will public access be permitted?

iv. Parks and Recreation

Chatham's goals to "provide recreational opportunities and access to open space" and to "foster a healthy community" (Parks and Recreation, p. 117) are also met with this proposed rezoning. **While this project does not directly create recreational opportunities**, the fuel sales and anticipated auto parts retail uses certainly indirectly facilitate use of the natural spaces in Chatham County, including Jordan Lake and the American Tobacco Trail.

4. The requested amendment is either essential or desirable for the public convenience or welfare.

Commented [SC16]: This aspect has not been met. See minority report.

a. Traffic

See attached Trip Generation Memorandum. TAB 3(C).

Commented [SC17]: The trip generation memo indicates that 4491 daily trips will be generated to the site, and that a traffic impact assessment (TIA) will be required. A TIA was not provided to the planning board.

b. Visual Impact and Screening

The properties will be screened in accordance with the County Landscape regulations and in accordance with the planting recommendations of the Appearance Commission. TAB 3(A).

c. Lighting

Lighting plans will satisfy requirements of the Chatham County Zoning ordinance, to be specifically approved at site plan approval. TAB 3(A)

d. Noise

Noise levels are not expected to increase significantly due to development but, in any event, noise levels will be compliant with applicable regulations.

e. Chemicals, Biological and Radioactive Agents

Anticipated chemicals involve typical petroleum products in gasoline sales. Any chemical storage or used will be addressed in conformity with all applicable regulations.

f. Signs

All signage will be permitted as required.

g. Emergency Services

It is not anticipated that the proposed uses will increase significantly demand for fire, police or rescue services.

h. Impact to Surrounding Land Values

It is not anticipated that there will be any negative impact on adjoining property values.

5. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.

a. Water Source and Requirements:

Chatham County Public Works confirms sufficient water capacity at the site. See TAB 3(D).

b. Wastewater Management

Circle K site will continue be served by Aqua for wastewater.

Outparcel will be served by on-site septic (See Site Plan as well as TAB (D)).

c. Water/Sewer Impact Statement

Water and sewer impact will be minimal with infrastructure being easily sufficient to manage water and sewer demand for the anticipated uses. TAB 3(0).

d. Access Roads

The property will be accessed by U.S. Hwy 15-501 S and Manns Chapel Road by three driveways as approved by NCDOT. The current .848 acre Circle K site is already accessed by three driveways. The improvements will separate the driveways further for more convenient access and also for safer access.

e. Stormwater Runoff

Stormwater will be regulated in strict conformity with applicable regulations. The stormwater pond shown on the site plan is sized to accommodate all anticipated uses. TAB 3 (G).

PROPOSED CONDITION: Applicants propose to reduce the overall impervious surface coverage by changing the minimum required number of parking spaces for the entire project from 1 space per 200 square feet of gross floor area (Zoning Ordinance Section 14.1.C) to 1 space per 300 square feet of gross floor area.