

**..TITLE**

Vote to approve a legislative request by Manns Chapel II, LLC and Circle K Stores, Inc., to rezone Parcels 2642, 2641, 2562, 2564, 2563, 2542, 2560 from B-1 Business and CU-B1 to CD-NB to redevelop the convenience store site and allow for additional retail and personal services commercial building, located at 11399 US 15-501 N, Baldwin Township.

**..ABSTRACT**

**Action Requested:**

Vote to approve a legislative request by Manns Chapel II, LLC and Circle K Stores, Inc., to rezone Parcels 2642, 2641, 2562, 2564, 2563, 2542, 2560 from B-1 Business and CU-B1 to CD-NB to redevelop the convenience store site and allow for additional retail and personal services commercial building, located at 11399 US 15-501 N, Baldwin Township.

**Introduction & Background:**

A legislative public hearing was held August 21, 2023. Attorney Nick Robinson and others presented the request.

*Current zoning map of the area*



**Discussion & Analysis:**

When determining whether a rezoning request should be approved under Section 5 Conditional Zoning Districts, the following findings must be supported.

- 1. The alleged error in the Ordinance, if any, 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.** The applicant is not claiming any errors in the Ordinance pertaining to this request.

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 original convenience store site was deeded in 1951 and has been used for commercial activity since the 1960s. At that time and until around the early 2000s, US 15-501 N was a two-lane road. As part of the widening project, additional right-of-way was acquired by the NC Department of Transportation which restricted the layout of the gas station (see google earth image below from 2005).

The conditional use rezoning on the adjacent parcel #2641 was approved in October 2005 for the Baycorp Corporation and was intended for a bank. This was never developed, and the conditional use permit is now void and there are no permitted uses for the site.

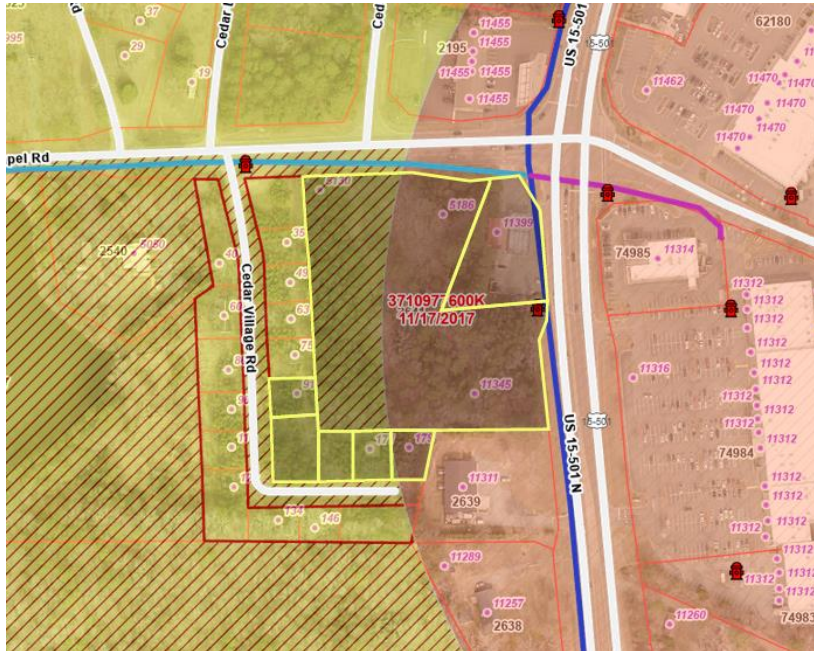
The combination of all the parcels will allow the convenience store to be rebuilt and a layout that provides for safer vehicular movements. The redevelopment of the gas station will provide improved access from Manns Chapel Rd. and 15-501 and allow for one outparcel for other retail use.



3. **The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.**
  - a. Chapter 2 – Creating in-county jobs and maintaining retail sales within the county. This area is shown as one of the proposed locations for commercial suitability (pg. 21-22).

- b. Chapter 3 – Goals and Objectives- area is within the Neighborhood Center node of the land use plan.
- c. Chapter 4 – the re-development of the project will bring approximately 12-15 jobs (Economic development, p 53). This is an area within the planned growth designations per Land Use pg. 62 and Strategy 2.1

*Screenshot of the Future Land Use and Conservation Plan Map showing the properties split between the Neighborhood Center and Compact Communities nodes*



**4. The requested amendment is either essential or desirable for the public convenience or welfare.** As previously noted, the redevelopment of this retail site will provide for safer access drives at the intersection of US 15-501 N and Manns Chapel Road. The Appearance Commission reviewed the landscaping plan and new landscaping will be installed as indicated in the application. The gas station has been in this location for many decades and provides a needed service within the northeastern portion of the county. Additionally, the redevelopment of the station will provide additional services without the need for a new station at a new location.

**5. All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.** The NC Department of Environmental Quality, along with the Board of Commissioners reviewed a revision to the Watershed Protection Map and approved revising the boundary between the WSII-BW and WS-IV PA districts. Field surveys were prepared indicating the drainage on the property was different than as shown on the watershed



projection map. The amendment was adopted by the Board of Commissioners on August 21, 2023 and this will allow more use of the property.

### *New and old Watershed mapped lines*



- Additional information in support of the amendment request is county water will be used and Aqua NC will continue to serve the store site for wastewater. The new out-parcel will be served by an on-site septic system. Stormwater will meet all current regulations and will be sized to accommodate all anticipated uses. All other regulations regarding lighting and signage will meet all current regulations.

### **How does this relate to the Comprehensive Plan:**

- Chapter 2 – Creating in-county jobs and maintaining retail sales within the county. This area is shown as one of the proposed locations for commercial suitability (pg. 21-22).
- Chapter 3 – Goals and Objectives- area is within the Neighborhood Center node of the land use plan.
- Chapter 4 – the re-development of the project will bring approximately 12-15 jobs (Economic development, p 53). This is an area within the planned growth designations per Land Use pg. 62 and Strategy 2.1

**The Planning Board reviewed the request during their regular meeting on September 5, 2023. Discussion revolved around public awareness of the rezoning, relocation of access drives, safety, and increased traffic. The minutes of the meeting show that public notification followed all Ordinance requirements, and no comments were received in opposition to the redevelopment of the site. Staff commented that three public hearing signs were posted on the property, letters were mailed to adjoining property owners, and a legal ad was placed in the local newspaper. It was also noted that the applicant held a community meeting**

and invited adjoining property owners to attend, and the same public hearing notice was provided several months ago for an amendment to the watershed protection map for this property.

Although the Traffic Impact Analysis has not been completed, NCDOT is in favor of the new access points stating it would provide a safer intersection pulling traffic further away from the intersection where vehicles currently access the site and therefore, they support the design layout.

There was also a question about adding EV charging stations to which the applicant stated they are considering adding them, but a final decision has not been made.

A motion was made to table the request to provide the public with additional time to provide comments and the motion failed for lack of a second. The Planning Board then voted 8-1 to recommend approval of the consistency statement and rezoning for the property. A minority report has also been provided from the members who voted against the motions, and it is available on the county website.

**Recommendation:**

The Planning Board, by a vote of 8-1, recommends adoption of a resolution approving the following Consistency statement:

- The rezoning for redevelopment of these parcels will allow the continuation and expansion of an existing business and meets Land Use plan, ED Policy 4, pg 56.

The Planning Board recommends, by a vote of 8-1, adoption of an Ordinance Amending the Zoning Ordinance of Chatham County to approve a legislative request by Manns Chapel II, LLC and Circle K Stores, Inc., to rezone Parcels 2642, 2641, 2562, 2564, 2563, 2542, 2560 from B-1 Business and CU-B1 to CD-NB to redevelop the convenience store site and allow for additional retail and personal services commercial building, located at 11399 US 15-501 N, Baldwin Township with the following conditions:

**Site Specific Conditions**

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and as shown on the revised site plan. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
2. A reduction in the overall impervious surface coverage by changing the amount of parking spaces from 1 space per 200 sf of gross floor area to 1 space per 300

sf of gross floor area is allowed. This information shall be placed on the submitted commercial site plan for approval.

3. 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 becomes null and void.

#### **Standard Site Conditions**

4. 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.
5. 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:**

6. 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.
7. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
8. Non-Severability – If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
9. 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.