

## INTRODUCTORY STATEMENT AND EXECUTIVE SUMMARY

The proposed Mixed Use Conditional District (“MUCD”) is a creative, practical and environmentally sensitive solution to development of a parcel that has been delayed in development for more than fifteen (15) years by several unique physical and regulatory challenges, despite its excellent location on the western side of US Highway 15-501, just north of Chatham Commons/Cole Park Plaza.

The +/- 59 acres is comprised of two parcels, a +/- 58 acre parcel (#2647) and a +/- 1 acre parcel (#2646) (collectively, the “Property”). The Property was the long-time site of the Womble dairy farm and remains the home of A.J. and Molly Womble. The site also contains a properly closed former land-clearing inert debris landfill on the portion of the Property furthest from the road frontage. The Property is located in the WS II Watershed District and is therefore subject to a maximum impervious surface limitation of 12%. This means only slightly more than seven (7) acres of the Property can be developed with impervious surface. Given that limitation, the parcel is physically and economically unsuited to single-family residential development. An agricultural use is no longer sustainable given that there are dozens of commercial/retail/restaurant uses within a quarter of a mile of the Property along this bustling thoroughfare. The Property is sandwiched between the Cole Park Neighborhood Center and the Walmart Neighborhood Center, so it is logically and practically suited for a development of this type.

In light of all of these constraints, the Applicant has worked closely with the Property and the owners to design a mixed-use district that will, among other things, contribute constructively to the local housing and tax base needs, fit within the 12% impervious limitation, and preserve a significant amount of acreage in riparian buffers and natural open spaces. The Womble MUCD anticipates including a maximum of 250 multifamily

apartments as well as a maximum of 15,000 square feet of commercial space integrated into the larger development.

The improvements will adhere to the 100' building setback mandated by the MUCD regulations but otherwise the improvements will be concentrated toward the frontage side of the Property. The building locations have been designed to obscure the majority of the parking from the roadway and the roadway landscaping has been designed to soften the transition from roadway to multifamily buildings.

## SECTION A ADDENDUM

- 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, other than that the Zoning Map, as incorporated into the Ordinance must be revised. The requested Mixed Use Conditional Use District is allowed under Section 10.12 of the Chatham County Zoning Ordinance. Thus, Applicant seeks to modify the Chatham County Zoning Map to revise the zoning for the Property such that it is shown as MU-CD.

- 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.**

- a. Need and Desirability**

Due to density restrictions mandated by the Zoning Ordinance, Chatham County has historically been lacking in multi-family dwelling options. The Mixed Use Conditional District allows the density necessary to provide for multi-family development along with associated other uses, such as commercial uses. To date, no Mixed Use Conditional District has ever been approved in Chatham County due to a constellation of impediments, including lack of sewer treatment capacity. Advances in environmentally conscious wastewater treatment options in recent years have allowed for a project like this one to be able to have the density needed for a successful multi-family project and also to have a wastewater treatment and disposal solution.

- b. Survey of Similar Uses**

There are no other permitted Mixed Use Conditional Use Districts in the County. There are very few apartment complexes in northeast Chatham County. The only apartment complex along the 15-501 corridor between the Orange County line and Pittsboro is the Blue Heron apartment project within Briar Chapel. A multi-family project

along the 15-501 corridor with easy access to Chapel Hill would help to begin to fill a historic void in the multi-family housing type availability for northeast Chatham County.

**c. Public Provided Improvements**

No public provided improvements are anticipated at this time. Water is available through the County waterline on 15-501.

**d. Tax Considerations**

The property is currently zoned as R-2 and generates residential property taxes. The proposed amendment will generate commercial tax revenue, which brings in a greater net tax benefit as compared to residential taxes. According to the Chatham County Comprehensive Plan (2017) (the “Comp Plan”), 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.

The additional tax revenue to the County for the combined multi-family and commercial structures is estimated to be approximately \$450,000.00 annually.

**e. Employment**

This proposed amendment will result in the employment of hundreds during the building process and once built, the developer estimates that the multifamily community will employ approximately 20-25 full-time employees and the commercial space will employ approximately 20-25 employees.

**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.” (Employment and Income, 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 high quality, in-county jobs for its residents. It is estimated that hundreds of employees will be needed for the development process. Once built, the multifamily community will have approximately 20-25 full-time employees, and the commercial use will, depending on the final uses, create approximately 20-25 employment opportunities.

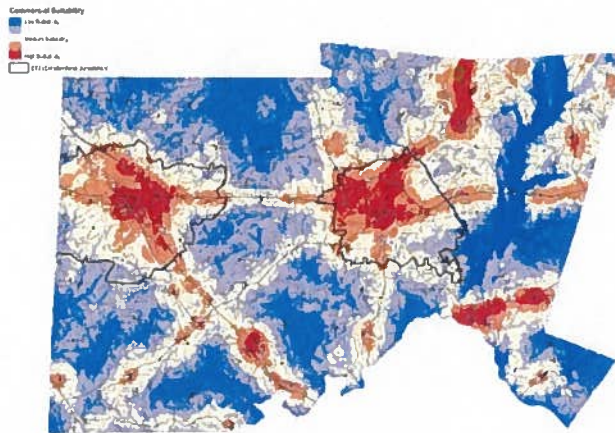
### *Land Use*

The Comp Plan defines "Rural Character" as "the combination of natural and built features that portray the traditional form and preserve the traditional function of the rural landscape... rural character is manifested in a backdrop of forests and fields, dotted with natural features such as creeks and hills and structures such as barns, silos, [and] churches..." (Rural Character, p. 18). The Site Plan shows approximately +/- 52.5 acres of open space, and more specifically, +/- 7.1 acres are designated as wetlands or riparian buffers. Further, the location and orientation of the buildings ensures that a majority of the property retains its rural character.

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 multifamily community and the commercial space.

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

## COMMERCIAL SUITABILITY

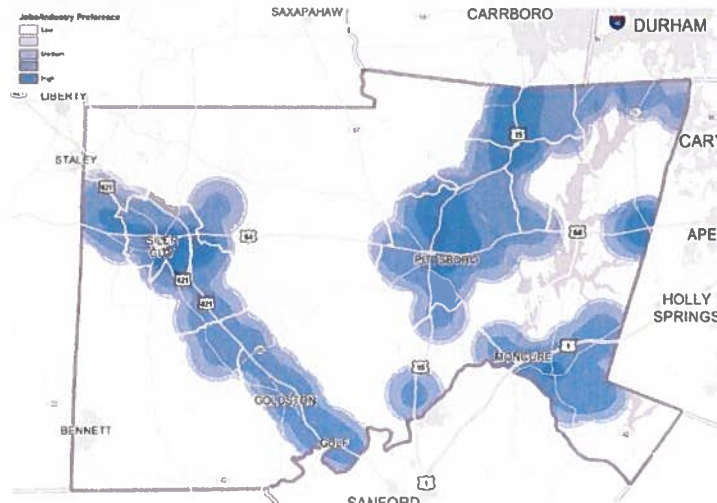


## COMMERCIAL FACTORS

- LANDS NEAR CONCENTRATIONS OF EXISTING RESIDENTIAL DEVELOPMENT
- LANDS PROXIMAL TO EXISTING COMMERCIAL AND SERVICES
- LANDS PROXIMAL TO ACCESSIBLE HIGH TRAFFIC ROADWAYS
- LANDS PROXIMAL TO MAJOR ROADS (EXISTING AND FUTURE)
- LANDS PROXIMAL TO EXITS
- LANDS PROXIMAL TO EXISTING OR APPROVED COMMERCIAL CENTERS
- LANDS PROXIMAL TO SEWER
- LANDS NOT ENVIRONMENTALLY CONSTRAINED

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



The 15-501 Corridor Market Profile and Analysis from 2017 notes that, “there has been steady demand for [...] medical office” along the 15-501 corridor (p. 11). Specifically, the County predicts the “total demand for [medical office] space to be 20,000 to 30,000 square feet annually.” (p. 18). The Applicant believes

that some of the commercial space is likely to be dedicated to medical office uses, helping to meet the acknowledged demand.

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

**b. CHAPTER THREE**

**i. Goals and Objectives**

<b>GOAL</b>	<b>OBJECTIVES MET</b>	<b>COMP PLAN REFERENCE</b>	<b>FEATURE</b>
1. Preserve the rural character and lifestyle of Chatham County.	Preserve open space in the eastern part of the County.	pp. 40-41	+/- 52.5 acres of open space to remain after development
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.	<p>Increase non-residential share of the tax base.</p> <p>Increase high-quality, in-county jobs.</p>	pp. 40-42	<p>The multi-family and commercial square footage will add significantly to the commercial tax base of the County</p> <p>Estimated 20-25 jobs created for the multifamily community</p> <p>Estimated 20-25 jobs created for the commercial community</p>
5. Conserve natural resources.	Maintain and restore the quality and quantity of groundwater and	pp. 40, 42	The wastewater system is anticipated to involve creation of constructed wetlands on the property in

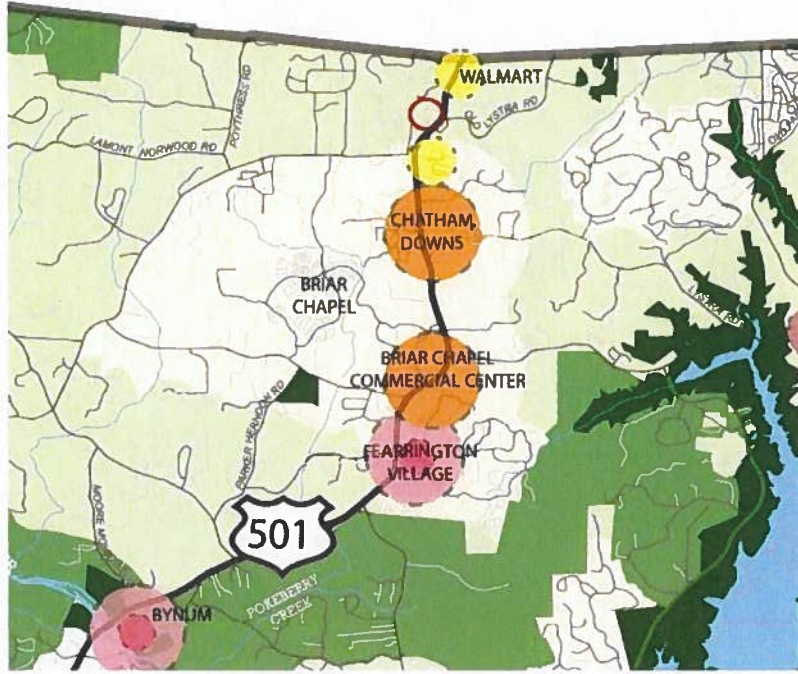
	<p>surface water resources.</p> <p>Preserve and protect the ecosystem services provided by green infrastructure.</p> <p>Avoid or minimize landscape fragmentation.</p> <p>Preserve night skies by minimizing light pollution.</p>		<p>accordance with an approved DEQ permit</p> <p>100' riparian buffer for perennial streams</p> <p>50' riparian buffer for intermittent streams</p> <p>Landscaping plans incorporate native plantings including: Eastern Red Cedar, Carolina Silverbell, Southern Sugar Maple, Foster's Holly, and Sweetbay Magnolia</p>
6. Provide recreational opportunities and access to open space.	Provide expanded recreation opportunities and improve access to parks, community facilities, trails and open spaces.	pp. 40, 42	+/- 52.5 acres of total open space area

**ii. Land Use Descriptions**

The Future Land Use Map designates the property as Rural but in close proximity to Neighborhood Centers. Rural areas encourage “commercial buildings designed to protect the function and form of rural character.” (Rural, p. 48). The mix of uses includes supporting service uses and small-scale businesses. (*Id.*). Neighborhood Centers encourage complementary retail



and service uses as well as office uses, with an emphasis on usable green spaces and courtyards associated with the buildings. (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 wonderful opportunity to employ hundreds during the development process and create an estimated 40-50 jobs once fully built. In addition to adding to the commercial tax base, this development is 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, office and mixed-use developments. (*Id.*) (emphasis added). Although the Future Land Use Map designates the property as Rural, it is in close proximity to Neighborhood Centers.

**iii. Natural Resources**

Chatham's 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 with appropriate buffers around water sources.

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 +/- 52.5 acres are preserved as open space in compliance with the 12% impervious surface requirement imposed by the watershed regulations. Out of the +/- 59 acres, only approximately +/- 6.5 acres are being developed into impervious surfaces for the multifamily and commercial communities, leaving +/- 52.5 acres of green space to be enjoyed.

**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. The Applicant intends for +/- 52.5 acres of open space to be enjoyed by the multifamily community.

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

**a. Traffic**

Gannett Flemming performed a Traffic Impact Analysis for the project, a copy of which is attached separately to this application. The TIA finds that the project will only add 139 morning peak hour trips and 153 evening peak hour trips. Levels of Service for the studied intersections remain stable at buildout and well under capacity.

The TIA concludes that no improvements are needed at the Manns Chapel Road intersection, the Smith Level Road intersection and the Old Lystra Road intersection. The site itself will need right in-right out improvements at Site Access #1 and Site Access #2 along with deceleration turn lanes for each Site Access.

**b. Visual Impact and Screening**

See conceptual elevations attached hereto as Exhibit G to Addendum C.

**c. Lighting**

Lighting plans will satisfy requirements of the Chatham County Zoning ordinance. All lighting will include full cut-off fixtures.

**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 chemical use includes typical pool cleaning chemicals. Any chemical storage or use will be addressed in conformity with all applicable regulations. If a medical office occupies the commercial building, any chemical, biological, and/or radioactive materials will be utilized in conformance with all applicable regulations.

**f. Signs**

All signage will be permitted as required. Applicant intends to incorporate the Womble Farm elements and concepts into the signage, amenities and/or marketing.

**g. Emergency Services**

No unusual demand for emergency services for these types of uses is anticipated.

**h. Impact to Surrounding Land Values:**

Land values are not anticipated to be harmed by the project given that landscaping buffers will be included and significant amounts of existing natural area will be maintained along nearby residential uses.

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

**a. Water Source and Requirements**

Chatham County Water Department has confirmed adequate capacity exists for the projects. See Email from Chatham County Utilities and Water Division, dated August 18, 2023 confirming water capacity for this project attached hereto as Exhibit C to Section C Addendum.

**b. Wastewater Management**

Depending on the soil conditions of this property and the type of water source that might be available for discharge, Applicant's wastewater consultant believes it will likely recommend to NCDEQ a 75,000 gpd sewer plant treating the sewer to the required BOD levels desired by NCDEQ. NCDEQ will also help determine the levels of phosphorus and nitrogen the plant must be capable of treating. Once the speculative limits have been established by NCDEQ, Applicant's engineers will design a system to achieve these discharge goals. Once approved by NCDEQ, Applicant will install a wastewater treatment plant according to all NC State requirements, and those of NCDEQ.

**c. Water/Sewer Impact Statement**

Water and sewer impact will be minimal given that water availability is confirmed by the County Water Division and wastewater will be collected and treated onsite.

**d. Access Roads**

The property will be accessed by U.S. Hwy 15-501 S.

- e. **Stormwater Runoff.** The Property will meet all stormwater capture and discharge requirements imposed by State and local regulatory authorities.

## SECTION C ADDENDUM

See attached Exhibits A-G.