



## Chatham County Planning Board Minutes December 5, 2023

The Chatham County Planning Board met in regular session on the above date and the meeting were as follows:

### Present

Tony Mayer  
Mary Roodkowsky  
Clyde Frazier  
Elizabeth Haddix  
Norma Hernandez

Jon Spoon, Vice Chair  
Shelley Colbert  
Amanda Roberson  
Eric Andrews

### Absent

### Planning Department

Jason Sullivan, Director, Angela Plummer, Zoning Administrator, and Dan Garrett, Clerk to the Planning Board.

### I. CALL TO ORDER:

Vice-Chair Spoon called the meeting to order at 6:30 p.m.

### II. DETERMINATION OF QUORUM:

Vice-Chair Spoon stated there was a quorum, 9 members were present.

- Vice-Chair Spoon stated prior to this meeting we had some questions about outreach from representatives for development groups and whether or not it is okay for Planning Board members to have conversations with them. It is important to understand we have three different processes. Administration, which is specifically for our subdivision reviews and for our rezoning applications there is legislative or quasi-judicial process, it is mostly our special use permits that require the quasi-judicial process. If we are in a quasi-judicial process all evidence needs to be on the record and no outside communication is allowed, so if a representative were to reach out during that process, please do not engage with them and forward that to us. In a legislative process a representative for developers is free to reach out to board members and board members are free to have one on one conversations with them just as a neighbor or an adjoining property owner can reach out to you and have conversations with them as well. We will discuss this in more detail in January when we have the closed session with the county attorney. There are four situations we do want to hear about if they were to ever happen, such as if we are in a quasi-judicial process and you receive outreach from a community member or a representative from the development group, we want you to forward that to the Planning department and do not engage. Secondly, if you feel that you are being harassed by a development representative, we would like to know about that as well. We would also want to know about any quid pro quo situation, if you get offered anything for your vote, we want to know about that. We would immediately forwards that the Sheriff's Office and start that process. Lastly, if you do have conversations with a representative and feel undo pressure, like if they were to ask what can we do to change your mind, we would like to know about that. Those are the four instances where a line has been crossed and we need to know

about it and address it. Otherwise, you are free to discuss with a representative as long as we are in a legislative process, or if you do not want to that is okay as well.

III. APPROVAL OF AGENDA:

Approval of the Agenda – Motion made by Ms. Roodkowsky, seconded by Mr. Mayer. The agenda was approved, 9-0, unanimous.

IV. APPROVAL OF THE MINUTES:

Consideration of the November 7, 2023 meeting minutes. Minor edits were noted. Motion by Ms. Robertson to approve the November 7, 2023 minutes and seconded by Ms. Haddix, the minutes were approved 9-0, unanimous.

V. PUBLIC INPUT SESSION:

There were no public speakers signed up to speak at this time.

VI. ZONING ITEMS:

1. A legislative request by Viridian Holdings LLC to rezone a portion of Parcel 19522 (approximately 21 ac) from R-1 Residential to CD-NB Neighborhood Business for a boat and RV storage facility located at 2649 Farrington Point Rd, Williams Township.

Ms. Plummer said a legislative public hearing was held November 20, 2023. Planning staff presented the request. Tracy Ayotte, attorney for the applicant, also presented. Also, present were several representatives of their design team. No one from the public spoke about the matter. 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. No errors are being claimed.
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 public health, safety, and general welfare.

A survey of similar uses was provided in the application documents. Noted were the number of major subdivisions that have been approved or going through the major subdivision process as the County continues to grow. That many of these subdivisions have restrictive covenants that do not allow this type of storage and that the lots themselves are not large enough to accommodate boat or RV storage. Only one development incorporated a storage area for the residents and that is The Preserve at Jordan Lake located on Big Woods Rd.

The application also notes that other storage facilities near this location have no covered space available and the site is near Jordan Lake which has an average visitation of 2 million people per year. Due to the lake makes this area enticing for this type of development and it is also approximately 2 miles from the boat ramp on Farrington Point Rd. The tax base will increase for commercial occupancy and tax revenue for the boats and RVs will be collected. One permanent and one part-time position will be created to staff the facility and the majority of booking will be done through online services.

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

The application includes references to the following section of Plan Chatham

Chapter Two – Issues and Opportunities

Recreational uses and tourism are strongly encouraged throughout the county and Jordan Lake draws millions of people each year. Having storage facilities near the lake and boat ramps helps to keep them off the main highways.

Chapter Three – Goals and Objectives

Goal 4 is supported by diversifying the tax base.

Goal 6 is supported by allowing more access to recreational opportunities and access to open space with a specific draw to Jordan Lake

The Land Use Plan map shows this area within the Rural node which does allow for supporting neighborhood and community non-residential with the approval of rezonings. This property is ½ miles from a noted Crossroads Community node to the south and a Compact Residential node to the north. Both of those nodes also encourage compact residential with smaller lots which generally cannot support the storing of these types of recreational vehicles.

#### Chapter Four – Economic Development

ED Policy 6 states that the County should support new businesses that diversify the local economy and capitalize on the unique assets of the county. This use brings little to no noise and traffic is minimal.

The County 2023-2024 budget includes plans to reinvest in Jordan lake with the consideration of a shared western intake and water plant which has been submitted for rezoning to be reviewed at the January BOC meeting. The parks and rec department have also dedicated approximately \$1.5 million worth of capital improvement to Jordan Lake. This will hopefully draw even more people to come to visit the lake and surrounding economically viable areas of the county.

The application also references the Future Land Use and Conservation Map which shows the property being in a Rural land use designation (see screenshot of the land use designation description and map below). The application includes that this parcel is approximately ½ mile from the Crossroads Community node located at the intersection of Farrington Point and Lystra Road (see screenshot below). The board will need to consider whether the Crossroads Community node designation is appropriate for properties along Farrington Point Road between the intersection and this parcel.

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

The application includes the following items to address this standard.

- Low traffic generator and noise significant increase in noise
- Visual screening designed to foster the rural character of the area and the landscape
- Lighting will meet full-cutoff fixtures and downward facing.
- 345 units are proposed

During the Technical Review Committee meeting with county staff, Nick Robinson, attorney, stated the design of the site is set up to obscure the boats and RVs from the viewshed on Farrington Point Road and this location is about a mile away from a boat ramp. The applicant is also in conversation with the solar farm adjacent to the parcel about using solar panels on this site to generate more energy.

Per conversations with NCDOT, a 20-foot deceleration lane is to be constructed as well for traffic heading south on Farrington Point Rd. There was a concern from one commissioner about traffic being stopped on Farrington Point Road when vehicles would stop to turn left into the facility. NCDOT did not think a left turn lane would be necessary.

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

The application includes the following information to address this standard.

- There will be no washing of boats or RVs permitted on the property.
- There will be no RV dumping stations.
- Any existing wells or septic systems will be abandoned and if any new services are required, all required permitting will be obtained.
- Signage will consist of an entryway sign on the end of the streetside building and the applicant proposes to use the name of the previous long-time owner of the property to pay respect to the Parker family.
- No water or septic will be required as this will be an unmanned facility with a passcode gate for entry.

Ms. Plummer said in closing the Planning Board has up to three meetings in which to make a recommendation of approval or denial to the Board of Commissioners.

Should you recommend approval, a consistency statement is provided below for consideration.

“The development is low activity and has been designed to keep in the spirit of the Rural designation and is located within ½ mile of a Crossroads Community activity node.”

The following conditions are also provided for consideration if the recommendation is for approval of the rezoning.

**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 site plan. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
2. 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**

3. 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.
4. 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:**

5. 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.
6. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
7. Non-Severability – If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
8. 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.

- Ms. Tracy Ayotte, the representative for the applicant gave a presentation about the project and stated Viridian Holdings, LLC is a Chatham- based business, owned and operated by Chatham County residents. Parcel 19522 is located on Farrington Point Road (S.R. 1008) in Chapel Hill. Convenient access to Jordan Lake boat ramps and campgrounds. The Applicant is seeking a Conditional District – Neighborhood Business zoning amendment to transform this property from an old farm to a boat and RV storage facility with a park-like landscape that respects the rural character of the area. The site plan highlights include a 200’ deceleration right-turn lane per NCDOT requirement the impervious surface is 32.1% with building setbacks – 50’ front, side, and rear. The landscape type and setback – 20’ Type B buffer within 50’ building setback and the native trees and plantings are water oaks, red oaks, sweet bay magnolias, American hollies, wax myrtles, and Shenandoah switch grass to name a few. The total number of units is 345.
- In Finding 1, ordinance, there is no claim of error in the ordinance other than to conditionally rezone the property to Neighborhood Business (“CD-NB”) to allow for boat and RV storage, which are permitted uses in the Neighborhood Business zoning district. The Applicant believes Finding 1 is met. Finding 2, changed, or changing circumstances, In 2022, Jordan Lake was one of the most popular state parks in North Carolina with over 2 million visitors. Jordan Lake offers a variety of recreational amenities for the community including camping, boating, and swimming opportunities. With this ever-growing demand for recreation comes a parallel demand for boat and RV storage. The overwhelming majority of new subdivisions are bound by restrictive covenants which prohibit boat, RV, and trailer parking; therefore, many boat and RV owners seek storage facilities for their vehicles year-round. In Chatham County, many boat and RV storage facilities are located near Jordan Lake along U.S. Hwy 64. Based on the nature of

these storage facilities, the availability of covered and uncovered units varies greatly, and some facilities have a waitlist. Since a majority of boat and RV storage facilities in Chatham County are located on or near U.S. Hwy 64, the subject property is distinguished by its location on the northwestern side of Jordan Lake. Also, the property will generate more tax revenue for the County as commercial property rather than residential property. The Applicant believes Finding 2 is met.

- Ms. Ayotte said for Finding 3, Comprehensive Land Use Plan, we are in the “green heart” of North Carolina. Expanding accommodations supports recreational tourism and brings positive attention to Jordan Lake. Encourage the use and enjoyment of Jordan Lake. Chatham County can reinvest the commercial tax revenue generated from this proposed rezoning into Chatham Parks and Recreation. The Future Land Use Map designates this area as rural, but it is located about half a mile from a Village area. This property is immediately neighbors with Strata Solar, which is zoned CU-IL. Supporting services such as boat and RV storage will have minimal impacts on the neighboring properties. This proposed rezoning will diversify the tax base and encourage tourism. It is consistent with local and state investment in Jordan Lake. The Applicant is sensitive to the rural landscape of the property. The buildings were designed with a rustic exterior and landscaping to mimic a state park. The Applicant intends to name the facility after its former owner to pay homage to the property’s history and is working with the Historical Association to preserve some of the structures on the old farm. The proposed rezoning encourages the use and enjoyment of Jordan Lake. The proposed rezoning supports the County’s goals of fostering a healthy community by providing a unique access point to Jordan Lake’s numerous trails and open spaces. The Applicant believes Finding 3 is met.
- In Finding 4, Essential or Desirable Public Convenience or Welfare, Bolton & Menk, Inc. performed a trip generation and traffic count report. NCDOT turn lane requirement is already built into the site plan. The applicant is dedicated to building a safe entry/exit. The daily traffic trip summary identifies only 61 trips per day. Ms. Ayotte showed the members the landscape plan that was suggested by the Chatham County Appearance Commission and their approval. All lighting will be full cutoff fixtures, downward facing. All lighting will be unobtrusive. No noise will be anticipated. As far as chemicals, biological and radioactive agents – none are anticipated. The entryway sign will be located on the building nearest the entry/exit gate as shown on the conceptual renderings. No anticipated issues with Emergency Services and no impact to surrounding land values. The Applicant believes Finding 4 is met.
- Ms. Ayotte said in Finding 5, Other Circumstances, Factors, and Reasons, the water source and requirements will be permitted and inspected well on site, however, this proposed rezoning does not require a water source. A permitted and inspected septic system on site, however, this proposed rezoning does not require a septic system. In the event one is required, the applicant will seek appropriate permitting. The site plan includes a stormwater control measure area on the western side of the site and such measures will be planned as required by the County and NCDEQ. The applicant believes Finding 5 is met. The proposed rezoning is conditioned on approval of the permitted use as a boat and RV storage facility. Ms. Ayotte thanked the Planning board for their time and consideration.
- Vice-Chair Spoon asked what is the relationship between this applicant and Strata Solar? Ms. Ayotte stated, unfortunately Strata Solar is not currently seeking contracts in North Carolina at this time, but the applicant is open-minded in the future to working with them to have roof-mounted solar panels on the top of the buildings. Vice-Chair Spoon stated there will not be any water or septic provided on the site, so will that mean there will not be a bathroom provided for the temporary employee? Ms. Ayotte stated that is correct.
- Ms. Robertson asked about the trees on the two separate landscape plans. The original plan has trees located in the field on the right-hand side, but on the amended plan the trees have been removed, does that mean the trees will not be planted there? Mr. Brandon Moore with the Site Group stated we focused on the perimeter landscaping based on the feedback from the Appearance Commission, it does not mean there will not be trees in that area because we have buffer requirements that need to be met. Mr. Frazier

asked where will people empty out their waste from the RV if a septic is not provided? Ms. Ayotte said that Jordan Lake offers dumping stations and hosing areas so people can clean or dispose of their waste at the park and just store the vehicle at this facility. Ms. Colbert asked what is the height of the roofline for the buildings and where will the fencing be located. Ms. Ayotte said she does not know the exact height of the building, but it will be within the county regulations. Mr. Rocky Smith stated the fencing will be behind the landscaping and integrated with the building and it will not be chain linked, but 8-foot black vertical fencing so it is pleasing to the eye. The only fencing you will see is the 20-foot entry gate. On the left side of the property there are three tobacco sheds that were built in the 1800's that we have plans to make structurally secure, which you will be able to see once we clean that area up on the project.

- Ms. Roodkowsky said the other storage facilities are mainly located on Hwy 64, which is designed for more commercial traffic. This facility will be located on a more rural road, even though it may not be a lot of traffic it certainly is an increase, and could you speak to that? Ms. Ayotte stated the trip report shows a total of 61 trips per day and 9 of those will be during peak hours. We are not anticipating much of an increase in traffic for this road. Mr. Josh Rankey said they met with NCDOT district office and because there will be larger vehicles using this area, we wanted to make sure we were meeting safety issues not just capacity. A typical TIA will be conducted with 3000 trips per day, this is significantly less and a very low traffic area. Regardless, we are going to provide a 175-foot turn lane for safety, it is not because of capacity. Mr. Frazier stated the use pattern at this facility could be different than a mini facility because it will be more concentrated on weekends and even more on nice weather weekends who are going to the Lake. Mr. Rankey said we worked closely with NCDOT and the data they provided was from other jurisdictions around lakes in season and what would align with our project. Mr. Mayer asked if there are plans to ever expand the project. Ms. Ayotte stated the impervious surface currently is 32% and the maximum we are allowed is 36%, but there are no plans for expansion at this time.

#### Board Discussion:

- Vice-Chair Spoon stated his major concern is the zoning designation and it is going into a rural designation, plus it is ½ mile away from a node. If we are inclined to support this project, I would like to enhance the consistency statement to particularly state why this would fit into a rural designation. Ms. Colbert stated she agrees and what can happen is we get scope creep of the two nodes. This is a nice rural area, and we may open the floodgates for that whole 2-mile area. The rural feel in that area is nice and that is why I asked about the roof height, because it could stick out easily in that area. Ms. Roodkowsky said this road has a lot of bicyclists on the weekends and it is difficult to pass them, the traffic concern gives me hesitation, but there is a need for storage, and it is difficult to balance those issues. Ms. Colbert said we need to evaluate the need for storage, not case by case basis with facilities, but on the context of other parts of the county. There is a lot of storage of various kinds of storage. What we have not heard is what is the actual percentage of people in the county who own RVs and boats, are we really serving Chatham County residents or are it the residents of surrounding counties? It would be a good analyses to know what the true demand for boat and RV storage is in the county. I also have a problem with people who buy into a compact community and know they are not allowed to store their boats or RVs but expect to store it in an area at other people's expense bothers me.
- Ms. Robertson stated she is a boat owner and can relate to the difficulty of not having a place to store it. Not having a place to store a boat does impact your ability to use the boat, whether you are going to take it out or not and how often. What stood out the most to me is the location of this proposed facility because there is a lot of storage facilities along Hwy 64, but if you live in the northeast part of the county, they will not want to drive all the way down to Hwy 64 and back track to go the other way. If you are living up there, that is the facility they will use, and it is on their way to go to Jordan Lake. Our residents will pay their money to a Chatham County owned facility, the people in that area will use this facility not from out of county. There are a lot of places to take your boat into Jordan Lake and they will want to use the ramp near where they live, preferably not having to drive all the way down to Hwy 64. If they were to have to store

their boat on Hwy 64, they would most likely not use it as often. I can see the use and need for this facility, and I am impressed by the landscaping and if we can plant some good sizable trees, it will help block the buildings. Ms. Robertson also said she agrees with the Vice-Chair that we do not want to set a precedent, so we would want to craft a consistency statement that would be specific for this project.

- Mr. Andrews said the applicant and the Planning department has showed us the need for this type of facility and I understand the desire to place these facilities on Hwy 64, but in my experience all land costs on Hwy 64 is becoming cost prohibited for these types of facilities and boat storage need to be near the lake. They have shown us that the location is close to a boat ramp and if I am a resident with a boat, I would use this facility and that makes it a minimal impact in traffic. Ms. Roodkowsky stated we have not heard from any adjacent property owners either, so it seems everyone is okay with this project.

Motion made by Ms. Robertson to approve the consistency statement, “The development is low activity and has been designed to keep in the spirit of the Rural designation and is located within ½ mile of a Crossroads Community activity node. Additionally, the property is designed for very low traffic volume and is landscaped for virtually no visibility from the road.” Seconded by Mr. Mayer. There was a vote, and the consistency statement was approved 7-2, opposed by Vice-Chair Spoon and Ms. Colbert.

Motion made by Mr. Mayer to approve this rezoning item, seconded by Ms. Robertson. There was a vote, and the rezoning item was approved 7-2, opposed by Vice-Chair Spoon and Ms. Colbert.

2. A legislative request by Catalyst Capital Partners LLC to rezone Parcels 2647 (58.03 ac) and 2646 (1 ac) from R-2 Residential to CD-MU Mixed Use for apartments with amenity building and pool and 15,000 sf commercial space located at 11785 US 15-501 N, Baldwin Township.

Ms. Plummer said a legislative public hearing was held November 20, 2023. Planning staff presented the request as well as the attorney for the applicant, Nick Robinson. No one signed up to provide input. One letter was received from an adjacent landowner, Mary Ellen Seate, who owns property at 296 Cedar Terrace Rd, a duplex, which is used as a rental property. She had concerns about certain aspects of the development including grading and landscaping. She did not express opposition to the project as a whole but did provide a list of concerns and her comments are available for review on the webpage for this item.

When determining whether a rezoning request should be approved under Section 5 Conditional Zoning Districts, the following findings must be supported. The purpose of a mixed-use district is to allow flexibility by providing for a mix of residential, commercial, and light industrial uses, although this project proposes no light industrial use. This zoning district does require a minimum of 50 acres to be eligible to apply and this development is 59 acres total with only 7 acres to be developed. Multi-family dwellings are a permitted use within the mixed-use district.

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. No errors in the Ordinance are being claimed. A revision to the current official Zoning Map, if approved, would reflect a new designation of CD-MU.

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 public health, safety, and general welfare.

The application packet includes the following information to address this standard.

- Currently, there are no other mixed-use districts approved in the county’s jurisdiction.
- One apartment complex has been approved and constructed within the last two years located within the compact community of Briar Chapel which is regulated under the Compact Communities Ordinance.

- The multi-family community will host about 20-25 full-time employees and the commercial space will employ approximately 20-25 employees.
- More than 50% of this project will remain in open space keeping the developed area on US 15-501 with easy access to and from the site.
- A multi-family development will produce approximately \$450,000 additional tax revenue dollars annually.
- In 2017 when the Plan Chatham was adopted, this area specifically was noted as an area suitable for future commercial development as shown on the below map

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

- Chapter 2 – Issues & Opportunities – pg. 18 Rural Character, approximately 52.5 acres of open space with about 7.1 acres in designated wetlands or riparian buffer areas help to maintain the rural character of the area. The orientation of the proposed buildings ensure that most of the property remains in rural character.
- Chapter 3 – Goals & Objectives – pg. 40-41, preserve open space. 52.5 acres of the parcels to remain undeveloped. Pg 40,42, conserve natural resources by the creation of constructed wetlands for the wastewater system as approved by NCDEQ. Preserve and protect the ecosystem through green infrastructure with 100 ft perennial stream buffers and 50 ft riparian intermittent stream buffers, minimizing light pollution, and avoiding/minimizing landscape fragmentation with the use of native plantings. A 20ft Type A opaque buffer will be maintained on the southern boundary of the property to ensure maintaining a rural landscape and protection to the adjoining properties. There is currently existing vegetation that will remain and if needed, supplemental plantings may be added.
- Chapter 4 – Land Use – Policy 2 aims to direct development of any intensity requiring public utilities and other urban services to planned growth areas, pg. 62. The property will utilize the county water system and a private wastewater plant will be permitted through NCDEQ.

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

- The Chatham County Appearance Commission reviewed the site plan, landscape plan, parking, and signage location plans on August 23, 2023 and recommended approval with some planting modifications and species.
- The applicant held a community meeting on July 25, 2023. Questions included traffic, total development footprint, the landscape buffer on the southern side of the development, types of commercial uses, parking, the old landfill area, and tax implications.
- Building setbacks from property lines will be a minimum of 100 ft as required for mixed-use developments under this zoning district.
- There was a question about preserving the existing milk barn and silo and the applicant commented that a structural engineer inspected the structures and did not think preserving or moving them was possible.
- Gannett Flemming provided a Traffic Impact Analysis which states the levels of service needed will remain stable at buildout and well under capacity.
- A review by NCDOT states a requirement for a “bulb-out” across from Old Lystra on the parcel they own so vehicles can make a U-turn to travel south. They will not approve a pedestrian crosswalk from the development to the sidewalk at the park and ride lot across the highway.
- The applicant plans to incorporate the Womble farm elements and concepts into the signage, amenities and/or marketing.

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

- County Water and a private wastewater treatment system (to be permitted through NCDEQ) will provide service to the site.
- Access directly from US 15-501 with a commercial driveway permit to be issued by NCDOT.
- All other required permits will be reviewed and submitted to all required departments.



- The parcels are located within the WSII-Balance Watershed due to being located within the University Lake watershed area. This allows for no more than 12% impervious, built upon area to be developed.
- Per FEMA flood map 3710977600K, dated 11/17/2017 there are no floodable areas on the parcels.
- Stormwater is planned to manage the site based on current regulations by improvements to the existing pond.

The site plan is designed for the development footprint to be as close to 15-501 as possible. The 12% built upon area limit is the most stringent of any of the limits in the county and impacts outside of the development footprint will be limited to stormwater management and on-site wastewater treatment.

Ms. Plummer stated the Planning Board has up to three meetings in which to make a recommendation of approval or denial to the Board of Commissioners.

Should you recommend approval, a consistency statement is provided below.

“The development is consistent with the Comprehensive Land Use Plan by being located within an area noted as future commercial development.”

The following conditions are also provided for consideration if the recommendation is for approval.

**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 site plan. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
2. 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.
3. A report on any requirements or mitigation on acceptance to the Brownfields program shall be provided to the Planning Department prior to approving a commercial zoning compliance permit.
4. A review and report by the Watershed Protection Department to determine buffering of the existing pond shall be provided to the Planning Department prior to approving a commercial zoning compliance permit.

**Standard Site Conditions**

5. 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.
6. 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:**

7. 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.
8. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
9. Non-Severability – If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
10. 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.

- Mr. Nick Robinson, the representative of the applicant, introduced the application team, provided a presentation for the board, and stated this property is zoned R-2 and is located in the WS-2 watershed district and drains towards University Lake. This property is close to a 60 acres and has a 12% impervious

surface cap, and what that means is we can only develop 7 acres of the entire parcel, leaving approximately 53 areas undeveloped. Mr. Robinson pointed out on the site plan the area on the property where the land-clearing and inert debris (LCID) dump where trees and tree stumps were disposed of until it was closed in accordance with state procedure about 21 years ago. This property does have some challenges not only because of the existing LCID but also because it is subject to only 12% impervious surface, but across the street they are allowed to have 24% to 36%. The applicant has exceeded those limitations just like they are and living up to the challenges to designing something that will function within those limitations. They are not asking for any special favors or waivers for any aspects from any ordinances, or asking for any rule changes, they are just seeking a mixed-use district entirely within the existing rules of the county.

- Mr. Robinson showed a slide with the current zoning uses of the parcels near the proposed project along Hwy 15/501 and demonstrated that there are a lot of commercial and residential uses surrounding this property. The concept of this mixed-use proposal is that there are commercial and residential uses, so it fits with the existing uses in that environment. Catalyst has been working on this project for more than two years prior to filing the zoning application. Meetings with Staff date back to September 2021. Great effort has been expended on arriving at a plan that will work from all standpoints, zoning, comprehensive plan, watershed, utilities, and the like. A Community Meeting was held on July 25, 2023. Attendance was sparse and friendly. One couple who lives north of the property and a non-resident owner of rental property to the south. We met with the Appearance Commission on August 23, 2023 and were willing to take their recommendations and apply them to the landscape plan. The Application was filed on October 6, 2023, reviewed by Planning staff, and deemed complete. ERAC reviewed the EIA on November 9, 2023. At our request Applicant was sent a copy of the ERAC report on November 14. Applicant submitted revised EIA on November 20, 2023, for the public hearing and there were no public speakers on the project.
- Mr. Robinson stated if you were to start at the top of the county by the Wal-Mart there is only one apartment complex on Hwy 15/501 and that is the one that just opened at Briar Chapel. This will be a multifamily project along the corridor with easy access to Chapel Hill. This will generate significant commercial tax revenue for the county with an estimated to be \$450,000 per year in ad valorem revenue. 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. Mr. Robinson showed a commercial suitability map, jobs and industry map, and the Land Use map to illustrate why this parcel is a perfect location and in compliance with the desired uses for that area.
- Mr. Robinson stated a project of this size will raise traffic concerns and Gannett Fleming preformed the Traffic Impact Analysis (TIA) for this project and is well respected in this area. Their conclusions for the proposed development will generate approximately 1,653 total trips per day, 139 trips in the AM peak hour, and 153 trips in the PM peak hour. The TIA was submitted to the NCDOT and was reviewed at three levels, by the district engineer's office, division traffic engineer's office, and the congestion management unit. The NCDOT reviewed and approved, but made four recommendations all in which the applicant accepted and will complete such as right-in and right-outs only for 2 access points on U.S. Hwy 15-501, prohibit left turns from the westbound Collection Center, prohibit U-turns from southbound, and no recommendations for Smith Level Rd and Manns Chapel Rd.
- Mr. Robinson stated this project will have county water provided and an on-site wastewater package plant for sewer which will be permitted through NCDEQ. Stormwater will have a treatment plan and meet all the stormwater control requirements. The parking for the project is designed to be behind the buildings so they will not be seen from the road. There will be just a small parking lot in front of the commercial area. Mr. Robinson stated the EIA was reviewed by ERAC and one of the issues of concern was that phase 1 of the study called out two recognized environmental conditions (REC). The applicant applied to the NCDEQ

Brownfields Program, and it will require that an extensive study be conducted coordinated by NCDEQ about the LCID site and even the ground water that may need to be mitigated from the old gas station tanks on the NCDOT parcel. They will design an environmental management plan that will be signed off by the developer and NCDEQ which will mandate remediation and future monitoring for all issues that may be revealed by the advanced investigation on those two issues. In order to clean up the LCID issue and any remnant issues from the former gas station you need somebody to develop this tract because only a developer can afford the program and the mitigation that is required to fix it. If there is no development on this property, then whatever impacts that are occurring will remain. This is a win-win situation because we are creating more housing in a bracket that is needed and the environmental impacts will be rectified.

- Mr. Robinson stated in closing that the W on the front door of the Womble Farm will be used in the branding of the project. They are also going to renovate a few pieces of equipment from the farm and stage them on the property as a reminder that this used to be a dairy farm and always remember the Womble name. The only condition we ask is that we request a 4-year building permit rather than a 2-year building permit timeframe because the phase 2 of the Brownfields project and the package plant will take quite a long time to complete before we can obtain a building permit.
- Vice-Chair Spoon stated because this is a large project with a lot of possible discussions we will structure the questions for the applicant in two parts, site design and commercial space first, and then questions about environmental and wastewater.
- Mr. Andrews said his main concerns are pedestrian crossing, there is the park and ride and a McDonalds, plus other attractive things to interest people across the street, will they have the means to safely cross Hwy 15/501? Mr. Robinson stated there had been a lot of discussion about that because originally, we wanted to have a crosswalk from one of the entrances of the apartment complex to the other side of Hwy 15/501, unfortunately NCDOT controls this small piece of land, and that is where the crosswalk would need to be located, but they have other plans in the future that does not involve a crosswalk. Mr. Mayer stated he is disappointed with NCDOT because he does not like all the U-turns and the fact that they do not want to install a crosswalk. Mr. Sullivan stated the NCDOT has secured the funding for a huge road improvement for Hwy 15/501 to make it into a superstreet which will take place from 2028 to 2031.
- Ms. Colbert asked if what is shown on the plan is all the 12% of the planned impervious surface? Mr. Robinson stated the wastewater package plant is not shown, but it is calculated in the 12% maximum impervious surface. Ms. Colbert said there will be 250 apartments and there are no amenities for kids, no playgrounds, and she has concerns this does not address the needs and safety of the residents. Mr. Kerry Finley the architect of the project stated what we are showing is incompliance with the impervious surface, the amenity areas such as a playground, open space, and green spaces will be pervious and why it is not shown at the moment on this drawing. Those are things we would develop as we move forward with a more detailed site plan. Mr. David Lee stated we plan to have a pool, clubhouse, and perhaps a tot-lot for the children. We have not gotten into that kind of detail for the project yet at this stage, but those amenities are accounted for in the calculations for the impervious surface. Ms. Colbert wanted to make sure there would be amenities provided for families. Mr. Lee confirmed those kinds of amenities will be provided.
- Vice-Chair Spoon stated we know nothing can be built on the LCID site, but what can be used on the site, would trails or a park be allowed? Mr. Robinson stated he does not believe there will be anything toxic about walking around it, so people would be able to walk on it. There are a lot of opportunity around there because located near it is a stream and a wetland. Ms. Haddix asked what is the economic level planned for these apartments? Mr. Robinson stated the apartments will be at market rate, it will not be federally mandated affordable housing. Ms. Haddix asked if several apartments could be set aside for affordable housing or at a rent level where a police officer or a teacher could afford it. Mr. Lee stated their company is a strong advocate for affordable housing and currently has other projects where affordable housing is being provided, but unfortunately in this project the economics will not allow for it. The average apartment

will be below \$2000 a month which is less than Chapel Hill and we will provide studio apartments as well which will be much lower in rent.

- Mr. Frazier asked if there are plans to have paths to the stream and is that appropriate? Mr. Lee said once we complete the Brownfields Program, we will learn what the rules are based on the investigations. If it is allowed, we will provide paths in that area. Mr. Mayer stated he likes the large open area and asked if they were to make it a park, would they be willing to open it to the public? Mr. Robinson said at the moment it is not a consideration for a park, but it could be in the future, or it could just happen organically.
- Ms. Hernandez asked if there would be an area for school buses to pick up and drop off the children. Mr. Robinson stated the dedicated turn lane that is between the two entrances will be a perfect place for a school bus stop.
- Vice-Chair Spoon stated he would like to open the questions directed to environmental and wastewater.
- Vice-Chair Spoon said you have applied for the Brownfields Program, is there potential for the program to not accept your application and if so, what would be the status on any remediations? Mr. Andrew Besu with Hart Hickman an environmental consultant on the project said it would be unlikely that this project would not be accepted in the Brownfields Program because of the historic use as a landfill, that alone is normally enough to be accepted. Mr. Robinson stated if for some reason we were not accepted in the program, the next step would be to have an environmental consultant engage into phase 2 of the environmental investigation which would dive into what is going on around the old LCID and the old gas station. Mr. Lee stated once we complete the required cleanup, we would receive what is called a No Further Action (NFA) and then we would be allowed to receive a loan for the project. Either way, with the Brownfields Program or not, if this parcel is to be developed the environmental concerns will be resolved. Vice-Chair Spoon asked how will you address the old gas station fuel tanks if they are located on NCDOT property? Mr. Robinson said we can only address any issues with ground water that may have seeped on the project property.
- Mr. Frazier said there is an environmental issue and what would change is we would be placing a lot of people near those issues; would that pose any dangers for those people? Mr. Besu said we would conduct a comprehensive assessment which is above and beyond the phase 2 requirements. We will work with NCDEQ and submit our findings and conclusions; they will return comments and once everything is addressed there will be a risk assessment. Mr. Frazier stated a lot of concern is the groundwater, if that is contaminated, is that a risk for the people in the apartments? Mr. Robinson said the apartments will be served with county water; they would not be drinking from the groundwater. Mr. Frazier said the other issue is anything coming from the landfill such as greenhouse gases. Mr. Robinson stated there will be remediations to the landfill and if there is any methane being released that will be address with the proper methods.
- Mr. Mayer asked at what point in the project do we know what we are dealing with for environmental concerns? Mr. Besu said we will know more in phase 2, which is happening soon. Vice-Chair Spoon said one of the conditions for this item is they have to report back what was found at the conclusion of the environmental investigation.
- Vice-Chair Spoon asked if they could describe what the wastewater package plant will be once the environmental concerns are addressed? Mr. Eric Swain with Waste Management Pros of the Carolinas said we have applied for the wastewater treatment permit and is currently being designed and the plant that we are proposing on this project will be 180,000 gallons per day. We may go up to 220,000 gallons per day if it were to serve other needs. Mr. Swain described the material that will be used in the treatment plant and the operation of it. Vice-Chair Spoon asked where will the wastewater go once it is treated? Mr. Swain said there may be a wetland feature required and if it is required there will be a 3-acre wetland and

discharge into the creek. Vice-Chair Spoon asked if Mr. Swain has any experience with having a wastewater treatment plant with proximity to a landfill and is there any issues with things settling or accelerating decomposition? Mr. Swain said he knows of a plant in South Carolina that is close to a landfill and so far, they have not had any issues. Ms. Colbert asked approximately how far away will the package plant be located to the apartments, and will there be an odor? Mr. Swain said the plant will need to be located near the creek so it will be quite a distance away from the apartment complex and there will not be an odor as long as the plant is managed correctly. Mr. Mayer asked if the treated water could be used to water the landscaping. Mr. Swain said yes it can be used for the landscaping, irrigation, and even fire hydrants.

- Mr. Frazier asked what would a constructed wetland look like. Mr. Swain said it is like a stormwater BMP pond, but there are always two ponds, and one pond is in service at a time and there would be a set of plants that would ingest the phosphorus and a second set of plants would be for nitrogen. When the first pond becomes ready to harvest then the second pond will be used. When harvested, the phosphorus plants will go to a local landfill and the plant for the nitrogen will go to a farmer to be used for the soil. Vice-Chair Spoon said you have already applied for the wastewater treatment permit, are you at a point where it could be drawn on the site plan? Mr. Swain said we are close to that point, but not quite there yet. We are hoping for a gravity feed so we will not require a pump station.

#### Board Discussion:

- Vice-Chair Spoon said we need more apartments in this part of the county, and it seems to be a good use for this property with only 12% impervious surface. It is also good that they could be part of the Brownfields Program and regardless the environmental impacts will be addressed. Vice-Chair Spoon said he has traffic concerns, but unfortunately that falls on NCDOT. This is the first we are hearing about having the package plant with extra sewer capacity and selling it to other projects and I believe that should have been part of this plan if we are going forward with that.
- Ms. Colbert said the concerns that she has center around the density and the total number of units they are proposing, plus the commercial uses on a really small footprint. Ms. Colbert said just for comparative purposes the apartment complex by Briar Chapel that was mentioned earlier, has 200 units on 10.8 acres and this will have an extra 22% additional units on an area that is about 46% smaller and that is not even calculating the commercial area. This is going to be a very dense project with few amenities, or at least we have not seen what is going to be proposed, so many people will be in a small area and how livable will this really be? The other concern is this will be a 4-story building and while it is true there are other commercial uses around it, this will dwarf those other buildings. It is not proportional to the other commercial uses in that area. Ms. Colbert stated she will need to think about this item for a while because of the amenities issue, we are going to have a lot of people in one area without recreational opportunities.
- Mr. Andrews stated he is not 100% sold on this project and it is difficult to be perfectly happy with any project, but I have real concerns about the pedestrian traffic, and I hope NCDOT will work with this area to make it safe. However, this project checks a lot of boxes, more units that will be more affordable to the work force, cleans up the environmental concerns which will help the wells in that area for other residents, and it will fill a need for this area of the county. Mr. Andrews said he is moving towards approving it.
- Mr. Frazier said the only thing that makes me feel a little uneasy about this plan is normally we see plans that are a little further along than this before they are approved. I understand why they are not further along at this point, but I wonder if we should wait to approve this until they are further along. Mr. Mayer stated he likes this plan and is an appropriate use for this area and really likes all the open space. Personally, I would like to see a commitment to putting in some playgrounds and outdoor

covered areas for picnics. Mr. Frazier stated he is less concerned about the amenities, because if they do not have any, nobody will live there.

- Vice-Chair Spoon said he is generally in favor of this project. The only concern is the wastewater treatment plant and not knowing where it will be located on the project and the nature of it. Vice-Chair Spoon said he would be in favor of tabling this item until next month if the applicant feels they can make some progress on the wastewater plant. Ms. Colbert said in general a developer will want to build something that will attract tenants, but what I would like to see is if we could have a condition that would require a certain number of square feet dedicated to recreation for this project. In a high-density situation like this with a lot of kids it would be smart to set aside some areas for them and I would appreciate another 30 days to think about this project and maybe receive some more information about the wastewater treatment plant. We could meet again next month with a better understanding of what was discussed tonight and a list of possible conditions we would want to attach before moving this forward.
- Vice-Chair Spoon said he would like to recognize Mr. Robinson to see if the applicant may be able to address the board's concerns with the wastewater and amenities within the next month and bring the plans further along. Mr. Robinson stated there will not be any more concrete information about the wastewater treatment plant within the next 30 days, the consultant said the location of the plant would be more likely in February. As far as density, if you compare this project to the Briar Chapel project then it is only fair to include all of the acreage. This project is on 60 acres with 250 units, with 4 units per acre. The Briar Chapel apartments has 200 units on 10 acres, so that is 10 units per acre, so there is a lot more density there then it is on this project. Ms. Colbert said there is also 900 acres in Briar Chapel those people have access to. Mr. Mayer stated kids need to be in the woods, they will have a lot of open space to play on this property. Ms. Colbert said yes, but the younger children will need to be supervised and having amenities will help with that.

Ms. Colbert made a motion to table this item until the January Planning Board meeting to discuss this item further and to possibly have conditions associated with it.

- Ms. Roodkowsky stated we really only have two working weeks between now and the next meeting because of the holidays. We need more housing along this area, and it is a logical area as well. This is a major corridor and can handle the traffic, I also like all the open space and the idea of a park. Ms. Robertson asked if we make a recommendation to approve this and the apartments are built and once all the environmental concerns are cleaned up, can they develop more on the existing open space? Vice-Chair Spoon said they cannot because of the watershed this parcel is located in, only 12% max can be developed.

The motion to table this item was seconded by Vice-Chair Spoon. There was a vote to table this item and the vote was 2-7, by Vice-Chair Spoon and Ms. Colbert. The item was not tabled.

Motion made by Mr. Frazier to approve the consistency statement, "the development is consistent with the Comprehensive Land Use Plan by being located within an area noted as future commercial development." Seconded by Ms. Roodkowsky. There was a vote and the consistency statement passed 8-1, opposed by Ms. Colbert.

Motion made by Mr. Frazier to approve this rezoning item and to make the condition to obtain a building permit from 2 years to 4 years. Seconded by Ms. Robertson. There was a vote, and this item was approved 8-1, opposed by Ms. Colbert.

VII. NEW BUSINESS:

- Ms. Colbert said earlier in the evening it was said that the Planning Board only has 9 members. Who has resigned? Vice-Chair Spoon stated Mr. Kent Jones and Chair Lucier have resigned from the Planning Board due to medical issues. Ms. Colbert stated we should appoint a new officer until the election takes place in February. It was discussed that Vice-Chair Spoon would now be the Chair of the Planning Board.

Ms. Colber made a motion to appoint Mr. Frazier as Vice-Chair, seconded by Chair Spoon. There was a vote of 8-0 and Mr. Frazier was appointed as Vice-Chair. Mr. Frazier abstained his vote.

VIII. BOARD MEMBERS ITEMS:

1. Update from the Planning Board liaisons.

- Ms. Robertson stated she was not able to attend the Pittsboro Planning Board meeting.
- Ms. Colbert and Ms. Hernandez were not able to attend the Siler City meeting. The only item on the agenda was a small 1-acre parcel.
- Vice-Chair Spoon stated the UDO subcommittee met and discussed two chapters, chapter 5, and chapter 6. We will get more material to review after the new year for our next meeting.

2. Discuss and decide the January Planning Board meeting location.

The Board discussed and agreed the January meeting will be held in person at the Agriculture and Conference Center.

IX. PLANNING DIRECTOR'S REPORTS:

Mr. Sullivan reported on the following:

1. Minor Subdivisions / Exempt Maps - See Attachments.
2. Unified Development Ordinance Update.  
The UDO draft has been moving forward and there will be more to review soon.

X. ADJOURNMENT:

There being no further business, motion made by Ms. Colbert and seconded by Mr. Mayer, 9-0 unanimous. The meeting was adjourned at 9:08 p.m.

Signed: \_\_\_\_\_ / \_\_\_\_\_  
 Jon Spoon, Vice-Chair Date

Attest: \_\_\_\_\_ / \_\_\_\_\_  
 Dan Garrett, Clerk to the Board Date