



Chatham County Planning Board Agenda Notes

Date: October 1, 2024

Agenda Item: VIII-1

Attachment #: 4

☐ **Subdivision**

☐ **Special Use Permit**

☒ **Rezoning Request**

☐ **Other:**

Subject:	A legislative request by Qunity, PA to rezone Parcels 18750, 18896, 18897 from CD-CC Conditional District Compact Community to CD-O&I Conditional District Office & Institutional for a church/place of worship, being a total of 50.117 acres, located at 9780 US 15-501 N, Williams Township.
Action Requested:	See Recommendation
Attachments:	<ol style="list-style-type: none">1. Revised Site Plan2. Supplemental Clarifications3. Septic Plan4. Applicant Presentation5. All submittal documents, emails of support or opposition, and any additional information can be viewed on the Planning Department website under Rezoning & Subdivision Cases, 2024.6. Revised site plans and clarifying traffic information has been provided to the Board and is located on the Planning Department webpage.

Introduction & Background:

A legislative public hearing was held August 19, 2024. Planning staff presented the request, and the applicants also made a presentation and were available for questions. No one from the public spoke.

The applicant stated they will be utilizing an underground drip system for the wastewater so there will nothing visible from the ground surface, they are designing the facility to compliment existing commercial in the area, they have added additional buffering, and are working with NCDOT on creating the safest traffic flow possible.

These parcels were rezoned in February 2022 for a Conditional District Compact Community use for a 55+ development with 151 single family dwellings, a congregate care facility, daycare/offices, community garden, and barn for event space.

The main concern voiced by the Commissioners during the public hearing was that the Traffic Impact Analysis (TIA) referenced up to 3,000 total trips one day a week on Sundays, concerned that the design wasn't in keeping with the surrounding area (rural character and existing businesses), preservation, number of parking spaces needed, the size of the main building, and what the benefit to the county would be since they are not required to pay property taxes under the non-profit exemption law.

Based on the traffic analysis provided with the Herndon Farms rezoning in 2022, the expected trips per day at build out would be 1,616. Over the seven-day period, that would equate to 11,312 total trips per week. The development was proposed to have 150,000 sf of non-residential buildings.

Since the public hearing, the Planning Department has received numerous emails both in support of and opposed to the rezoning for a church. A majority of the emails are from residents that are not adjacent to or adjoining the site but from Fearrington Village, Governor's Club, Briar Chapel and other areas.

The Planning Board discussed this request at their September 3rd meeting. Several citizens were also present and provided input. The applicant was also present to address some of the concerns voiced by Board members and the public.

Discussion revolved around:

- **Volume of traffic that could be expected on Sundays**
- **Activity on the premises during the week**
- **The need for a church in the area where other churches already exist**
- **If proper notices were mailed to adjacent/adjoining property owners**
- **Built upon area calculations as they relate to properties across US 15-501**
- **County tax revenue and how exemptions apply to properties owned by churches**

While it is true churches and the grounds used for church functions are tax exempt, any property not used for a church is required to pay property taxes. The parcels on the west side of US 15-501 from the proposed church would be required to pay residential property taxes. There were comments during the meeting that even though property taxes may not be paid, the people visiting the church would be spending money at county businesses generating additional sales tax. A Planning Board member requested advice from the County Attorney if loss of tax revenue could be used as a basis for making a recommendation. The response included that land use should be the primary basis for making a recommendation, but economic impacts can also be considered.

Although NCDOT has road improvement plans for the US 15-501 corridor to mitigate current and future traffic issues, those plans will not be implemented for several years. It is noted in the supplemental Attachment A, TIA information, that NCDOT was satisfied with the proposed changes to this portion of US 15-501. There was a concern that the measures presented in this case would be enough to control traffic

issues already in the area. Updated traffic information has been provided by the applicant in the Supplemental Clarifications.

Also, in the supplemental document, additional information was provided that shows this proposed use would generate less weekday trips than Vicker's Village (79% less), Womble/Catalyst Mixed Use development (59% less) and weekly total trips for Vicker's Village (70% less), Womble/Catalyst Mixed Use (38% less).

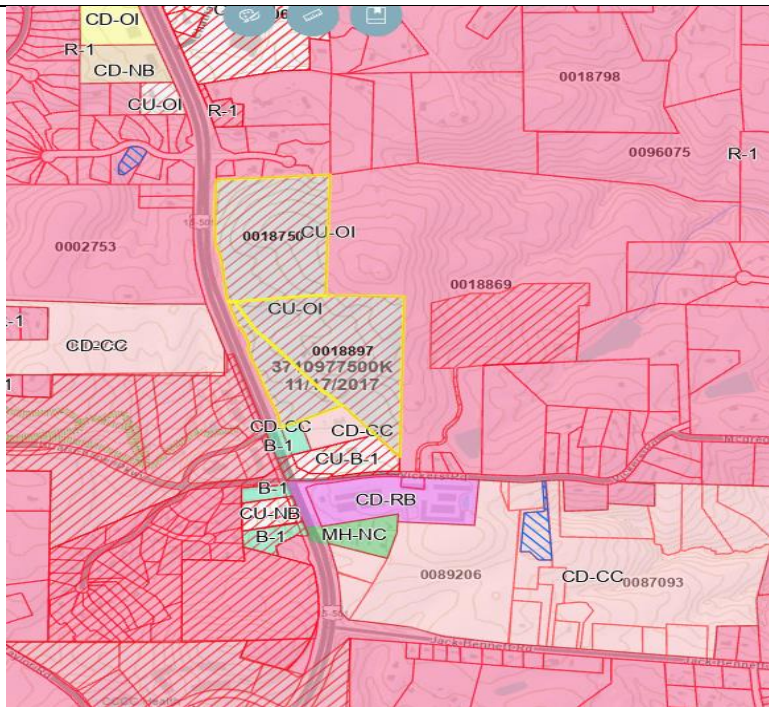
US 15-501 is a major transportation corridor in the county. The northern portion is approved in the Comprehensive Plan (adopted in 2017) as an area for growth and development mainly for commercial, multi-family housing, and mixed uses.

The rezoning of the parcels for General Use R-1 Residential play no part in built upon area calculations for the proposed church site. The site layout will remain below the maximum allowed 36% built upon area on the east side of 15-501, preserving more of the natural areas and buffers.

As for the legal notices that were mailed to the adjacent/adjoining landowners, even though the two sides of US 15-501 have different landowners, the applicant used the same mailing list for both requests. For the complaints from Briar Chapel residents that they did not have sufficient notice, the adjacent property owner is listed as their HOA. It was stated during the meeting that the county, nor the applicant can control if an HOA does not forward notices to their residents in a timely manner. All legal requirements were met by the applicant and the county.

The Planning Board needed more time to review all of the information, review the comments provided during the meeting, and requested supplemental information from the applicant. The Board voted to continue their review of this item until the October 1st meeting by vote of 8-1.

The current zoning map of the area with the subject parcels highlighted in yellow



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, that 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.** Population growth in the county has risen considerably over the last five years. It is expected to continue to increase with new developments already in the queue and more on the horizon. There are four other churches one mile or more from this site. They are all denominations and a couple have served the community for over 150 years.

This facility has a team of people to ensure traffic movement into and on the site to make safety a top priority. At build out, the busiest day will be Sundays. There will be smaller anticipated weekly meetings and events during the week.

A property owner adjacent to the northern property line in Hidden Oaks has requested they maintain at least the 100 ft buffer that was provided with the Herndon Farms rezoning. The property owner adjacent to the eastern property line, where an

existing solar farm is located, has also requested a 100 ft buffer.

A community meeting was held April 29, 2024 and the applicant received general questions about site development. The Planning Department has received one specific concern about outdoor noise such as music. Staff advised that is something that, if the Commissioners want, can be conditioned if approved. Also, the county has a Noise Ordinance which would apply. There will be general outdoor recreational activities or gatherings on the grass field as part of their activities.

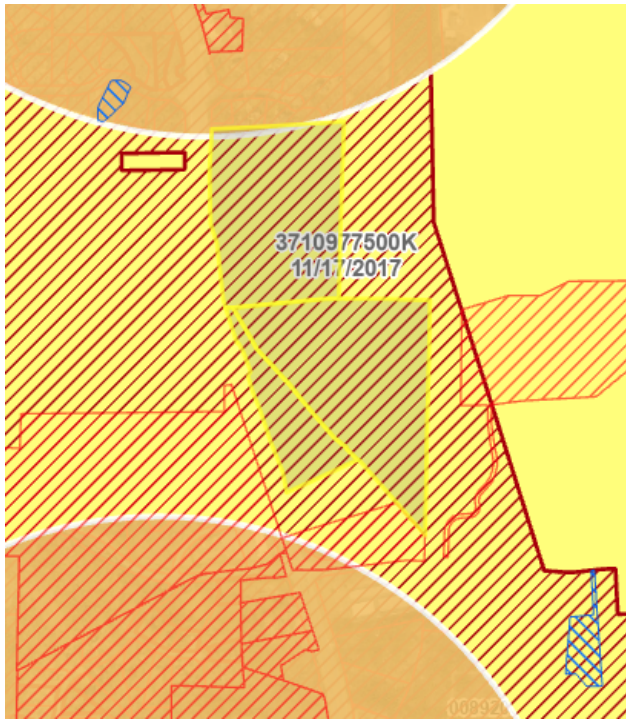
3. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.

- Chapter 2, Issues and Opportunities, the plan notes that churches remain central gathering places in towns and rural townships in the County. This property is adjacent to residential and commercial uses. Per the definition of Compact Residential seen below, churches are specifically mentioned as part of the community fabric. Pg. 18 under Rural Character also specifically mentions churches as supporting rural character and preservation of natural features. The site will preserve approximately 18 acres of forested land, they have set the building back approximately 500 ft from US 15-501 and will have the stormwater ponds and underground drip septic system exposed to provide the look and feel of open pastureland and natural habitat. The site plan also shows a greater than 50 ft buffer off the intermittent stream located in the northeast corner of the site in an effort to protect unique assets and native species of the area.
- Chapter 3, Goal 5, Conserve Natural Resources by maintaining and restoring quality and quantity of groundwater and surface water resources. The proposed stormwater control measures will maintain pre-development hydrological patterns, create additional surface waters that provide wildlife habitat, and help stormwater infiltrate to recharge groundwater supplies. The existing wildlife corridor will also be maintained.
- Chapter 4, page 61, Land Use notes that Compact Community nodes should include a mix of land uses, with residential, commercial, and civic components. The church would add a civic component to the healthy mix of land uses in the area.

Comprehensive Land Use Plan Map; Compact Community node

COMPACT RESIDENTIAL

- Mix of detached and attached residential units complemented by a variety of open spaces. Mix of uses include single family detached and attached units and some multifamily units. Community centers, amenities, recreational uses, schools, and churches may be part of the fabric.
- Buildings: Mostly 1- and 2-story, some 3 story
- Streets: connected system of local and collector streets with access to surrounding development
- Public/open space: Range of types (from large natural resource areas to small pocket parks and gardens)
- Locations:
 - Current extent of Compact Communities Ordinance within 1 mile of community centers (transit potential)
 - Wastewater service (private or proposed public)
 - In close proximity to Employment Centers, but not in conflict with industrial operations
 - In areas not in conflict with high value natural resources



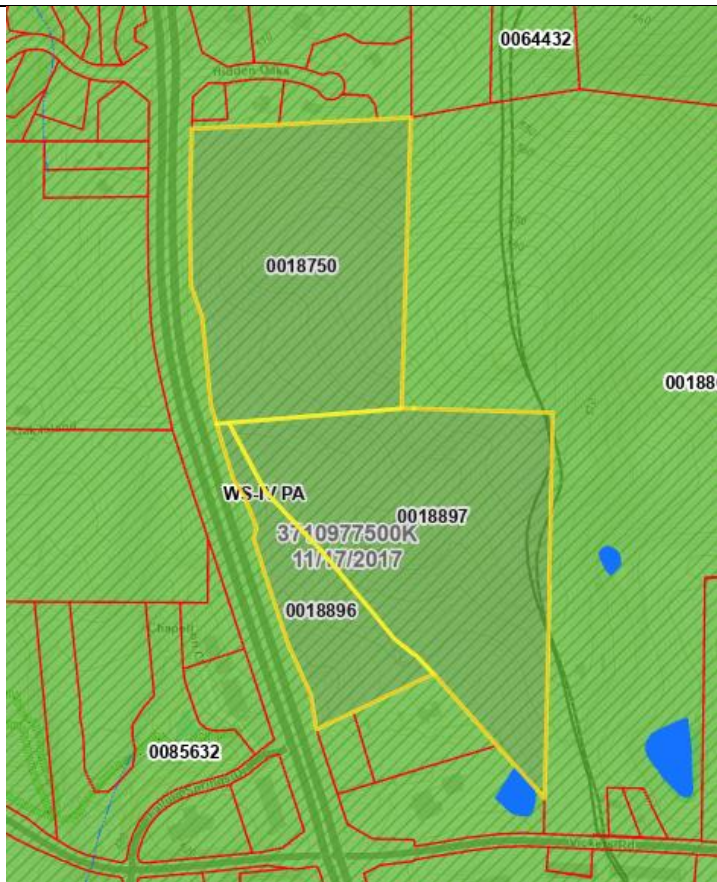
4. **The requested amendment is either essential or desirable for the public convenience or welfare.** The church will provide a specific service to the community and surrounding areas, especially in areas that are becoming very populated with residential development. Because the applicants want to be respectful of the viewshed from the roadway and to soften the appearance of commercial in a rural setting, they have located the building approximately 500 ft from the 15-501 road frontage. The zoning district which has been applied for only requires a 40 ft front setback. They will be preserving existing mature woods around the northern and eastern property line and installing approved landscaping in areas as noted on the submitted landscape plan. That plan was reviewed by the Appearance Commission on April 24, 2024, and recommended for approval.

There are two signs proposed at the two entrances of the property that will be under 10 ft in height and have a sign copy of area that will not exceed the Ordinance limit of 50 sf.

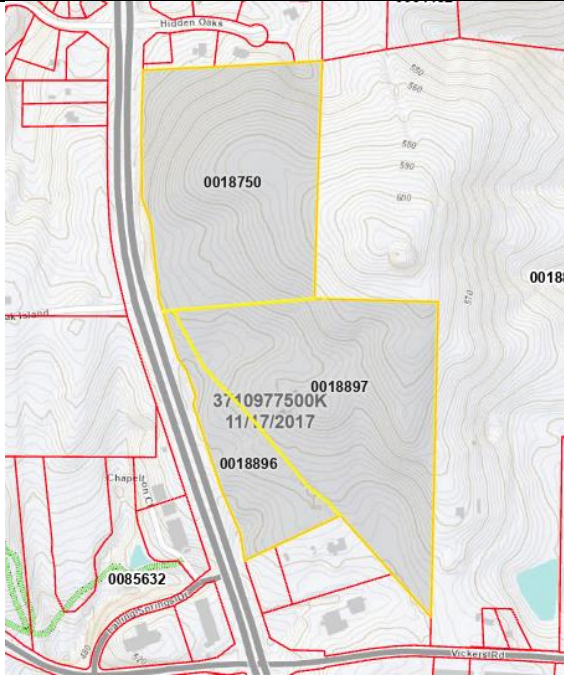
5. **All other circumstances, factors, and reasons 18750 which the applicant offers in support of the proposed amendment.** The property will be served by county water and a private underground drip septic system. NCDOT will be required to review, approve, and issue commercial driveway permits for both entrances.

The site is within the WSIV-Protected Area watershed of Jordan Lake and is limited to no more than 36% impervious surface (BUA). The site plan show 21.5% proposed.

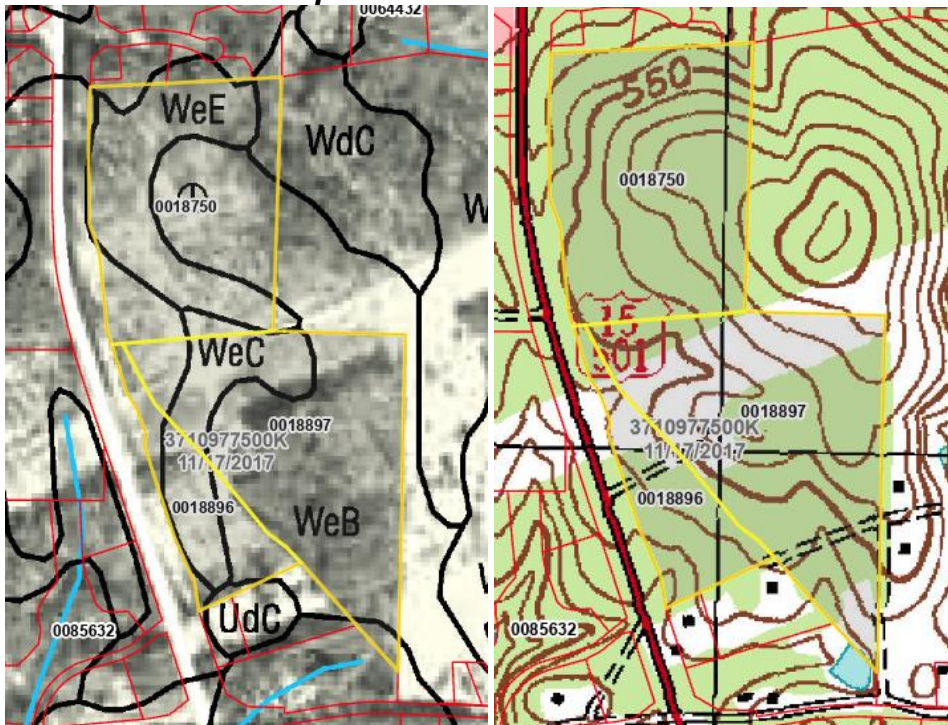
Watershed Designation Map



FEMA Map 3710977500K, dated 11-17-2017. No floodable areas



NRCS and USGS Maps



Recommendation:

The Planning Board has up to two meetings in which to make a recommendation to approve or deny to the Board of Commissioners. **The Planning Board voted 8-1 to table further**

discussion until the October 1st meeting. If recommended for approval, a consistency statement has been provided for consideration:

- The rezoning request is consistent with the comprehensive plan by being located within a compact community node where churches are specifically mentioned as part of the fabric of development.

Also, if recommended for approval, the following conditions shall be considered and approved as part of any approval going forward:

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 applied for and approved for construction within two years from the date of this approval or the use becomes null and void. Should an extension be needed, a timely revision to this approval must be filed with the Planning Department and go through the revision process.
3. Events that provide outdoor music, whether live, DJ or otherwise, shall comply with the Chatham County noise ordinance and be turned off no later than 10pm following said outdoor event.
4. A 100 ft buffer shall be provided from the northern property line that abuts the Hidden Oaks residential housing.

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.