



## 501 Landing

Chatham County, NC

Memorandum:

Responses to the Planning Board's Majority Report by Board Chair George Lucier

February 7, 2020

### **Brief Summary of Planning Board Deliberations on the Request by Pitt Hill LLC for a Conditional District Rezoning of Parcel 2721 to CD-NB for a Retail Shopping Center on 15-501**

The Planning Board met on this application on January 7, 2020 and after over an hour of discussion among members of the PB, staff and the applicant's team, the Board voted 8-3 to recommend denial of the application. Major points considered by the Planning Board are as follows:

1. In the land use plan, there are 7 existing commercial nodes on 15-501 between the Haw River and the Orange/Chatham line; Bynum, Fearington Pl, Briar Chapel (three nodes), Chatham Downs, Cole Park and Wal Mart. All of these areas are zoned for commercial activities but many have yet to be developed and occupied. Prime examples are 2 of Briar Chapel's commercial nodes, Fearington Pl, and the Northeast corner of Chatham Downs {Williams Corner}. This totals approximately a million sq ft of space already zoned commercial. The majority felt that it would be better to fill in some of the empty commercial space before rezoning additional residential properties to commercial. The majority felt that rezoning now poses a real risk for commercial sprawl along 15-501 as there are many opportunities for placing retail activities without rezoning.

***Response: The areas mentioned are not all zoned for commercial use. They are areas designated in the Plan Chatham Comprehensive Plan as preferred areas for commercial use/development. The areas presently zoned for commercial activity are on properties with higher price points than the parcel proposed and as such less conducive to development and/or occupancy by small, local businesses.***

***The effect of this strategy restricts competition and contributes to an environment likely to make development accessible to regional and national chains that can pay the freight and restrict local business access and opportunities.***

2. In addition to empty commercial zones there are existing vacancies in developed commercial areas. An example is the former Ace Hardware which is 17000 sq ft; a similar size [14400sq ft] as requested by the developer.

***Response: The project as designed at 14,400 SF in two buildings, each able to be divided into six discreet bays of 20x60, is more accessible to the small business owner whereas the 17,000 SF building mentioned is designed to accommodate a "big box"***

*retailer. Conversion of such a space into discreet bays is cost prohibitive and not a viable solution for this local developer.*

3. The Land Use Plan emphasizes that much of commercial activity should be located in our towns which have water and sewer. Chatham Park will be adding a huge amount of commercial opportunities for retail and office businesses and there are existing vacancies in Pittsboro. Points 1,2 and 3, taken together, are reasons why the requested rezoning to commercial retail is not needed now and is not essential or necessary for Chatham County.

***Response:** The Land Use Plan emphasizes that one of the goals of the Plan Chatham comprehensive plan is to preserve the rural character of the county. It establishes a strategy for implementing that goal in balancing it with other goals. Other goals include diversity of tax base and prevention of commercial leakage by designating areas within the county as those appropriate for commercial development. Logically the towns meet that criteria especially because of their water and sewer systems. But the Plan also recognized that vehicle miles travelled is an important environmental concern and accordingly other areas within the county, outside the municipalities, are necessary in order to balance these goals. This subject property is located well within one of these designated areas, Chatham Downs Community Center, and is along a major thoroughfare. Providing services along this route, that already serves many of Chatham's resident's transportation patterns, is a positive strategy for minimizing the increase in vehicle miles travelled while increasing convenient community access to goods and services.*

4. The Planning Board had previously recommended that a request to rezone an adjacent parcel to NB be changed to O and I, which is less impactful than retail stores. The applicant agreed and that is now a chiropractor facility (25 patients per week). This facility is not visible from the road. Pitt Hill LLC might want to consider changing their request to O and I. The Planning Board also recommended denial of a request to rezone multiple properties for a Publix Supermarket adjacent to the property in question; that application was withdrawn before it reached the Commissioners.

***Response:** The request for the NB zoning that was modified to O&I at the urging of the Planning Board occurred prior to the adoption of the Plan Chatham Comprehensive Plan that established the Chatham Downs Community Center as a desirable location for commercial development.*

*The Publix project included 61,268 SF of the Publix grocery store and attached Shops with two Outparcels capable of supporting an additional estimated 16,000± SF. It required more than 26 acres of land and included extensive service areas (deliveries, refuse and recycling) in close proximity to residences (20 to 30 feet) whereas the proposed project is pushed as close to 15-501 as possible, is generally 300' from residences, and has but a dumpster enclosure as the sole service area component. The building locations as proposed are at a minimum 300' from any residence and on average 450' from residences.*

5. Polks Landing Development is a large residential subdivision at the Southwest side of the Chatham Downs commercial node. It was developed in the 1970s and the residents are very concerned about high impact commercial activity bordering their subdivision. Multiple residences abut Parcel 2721. Concerns raised were environmental, traffic, privacy and loss of property value.

***Response: Plan Chatham overlays this parcel with the Chatham Downs Community Center designation. The Community Center, among other characteristics, envisions a mix of commercial and residential uses. As such Polks Landing provides for a substantial contribution to the residential component of the mix of uses. Single Family residential development is highly unlikely to occur on this parcel given the nature of the 15-501 corridor and given the Community Center overlay. Commercial Development is the appropriate land use for this parcel and contributes to fulfilling the commercial mix goal. As proposed it meets all environmental design standards of the county, it commits to constructing a turn lane and a lengthy driveway stem allowing vehicles safe transition and entry to the site and is pushed as close to 15-501 as possible leaving a substantial buffer from residences. This project is a neighborhood scale commercial development and provides opportunities for neighborhood scale commercial services and products to contribute to the mixed use environment envisioned in the comprehensive plan as a positive property use and value proposition.***

6. The Land Use Plan states there should be variability and flexibility in Community Centers. Therefore, not all four corners of community centers should necessarily be filled with high impact commercial activities.

***Response: The neighborhood scale and character of this project does not meet the description of high impact commercial activities.***

7. The main point emphasized by those voting in the minority was that this application lies within a designated Community Center which should allow retail activities to the full extent. The minority and the applicant also stated that developers and landowners should be able to look at the Land Use Plan and decide where to seek approval for commercial activity. Those who supported the rezoning also felt that none of the property currently approved for commercial development meets the needs of small local businesses and that the site plan concentrated the most intense aspects of the development close to the highway providing a buffer for neighboring residences and property owners.

***Response: We concur with the minority vote and believe it is critical that the years of public discourse and hundreds of thousands of tax payer dollars invested to development the Plan should be a Plan the public can rely upon.***

8. The Planning Board also recognizes that this property might be rezoned at some point in the future. The minority felt that now is the time whereas the majority felt that it is not in the best interest of Chatham County to approve retail/commercial until the need is evident.

***Response: We believe this project addresses many of the Plan Chatham Comprehensive Plan goals which the Plan identifies as necessary presently. It does not suggest the goals will be better achieved at some undefined future date. The Plan was***

*adopted roughly two and a half years ago and it speaks to the importance and necessity of implementing the vision. It is well known there is an imbalance in the tax base of Chatham County which relies primarily on the residential base. Residential building permits continue to be issued as subdivisions are approved at a rapid rate that far exceed the rate of commercial development which only serves to further exacerbate the tax base imbalance.*

George Lucier  
Chair Planning Board