

February 26, 2013

Chatham County Board of Commissioners
Chatham County Planning Board
Chatham County Planning Department

RE: Polks Village CUP Amendment Application

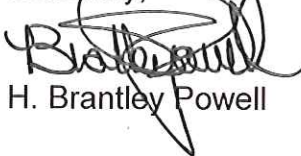
Dear Commissioners, Board Members and Staff:

We are enclosing herewith our application to amend the Polks Village Conditional Use Permit. Our application primarily focuses on the approval of additional land uses which will enable us to meet current market place demand. Among the uses we are seeking to add to our existing Conditional Use Permit are the uses of assisted living facility and day care center. Both these uses have lower impacts upon the surrounding community than the office/retail buildings they would displace.

Polks Village commenced development in 2012. Our first building is under construction and will house UNC's Physicians Network. It is scheduled to open this summer. The actual commencement of development has stimulated serious interest from a number of parties. Our original zoning application in 2006 stated "It is paramount that the Staff and Board understand that placing businesses is market driven, and that businesses choosing locations are best at making this determination." This statement best summarizes the reason we are coming before you at this time. We are seeking the capacity to accommodate the current demand for new businesses and employment opportunities.

We appreciate your continued assistance with Polks Village. We recognize that it requires a partnering relationship with the county and the community to enable this project to serve the surrounding community and its citizens and become a viable neighborhood center.

Sincerely,


H. Brantley Powell

CONDITIONAL USE PERMIT

APPLICATION FOR NEW CUP OR A REVISION TO AN EXISTING CUP

Chatham County
Planning Department

P. O. Box 54, 80-A East St, Pittsboro, NC 27312
Telephone: (919) 542-8204 FAX: (919)542-2698

Section A. APPLICANT INFORMATION

NAME OF APPLICANT: Polks Village, Inc.

MAILING ADDRESS OF APPLICANT: 5210 Driftwood Lane, Morehead City, N. C. 28557

PHONE NUMBER/E-MAIL OF APPLICANT: 919-656-7500 / hbpowell@aol.com

PROPERTY OWNER INFORMATION (If different from the applicant): *Owner Authorization Signature Required; See end of application.

Name(s) Property Owner Information is the same as Applicant

Address: _____

_____ ZIP _____

Telephone: _____ FAX: _____

E-Mail Address: _____

PROPERTY INFORMATION: The following information is required to provide the necessary information to process the rezoning request:

ADDRESS OF SUBJECT SITE: 10677 US 1-501 N

CHATHAM COUNTY PROPERTY PARCEL NUMBER (AKPAR #): 2407 & 89420-89429

CURRENT ZONING DISTRICT(S): B1 CUP PROPOSED ZONING DISTRICT(S): B1 CUP

TOTAL SITE ACRES/SQUARE FEET: Approximately 40 acres

PROPOSED USE(S) AND PROPOSED CONDITIONS FOR THE SITE:

Please see attached

It is important that the applicant provide information to explain how the permit request or revision satisfies the following required five findings. **All applications shall contain the following information.** Please use attachments if necessary. If there is a finding that you feel does not apply to this submittal, please mark with "N/A" for not applicable.

1. **The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.**
_____ (see attached Statement of Justification) _____

2. **The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare.**
_____ (see attached Statement of Justification) _____

3. **The requested permit or revision to the existing permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.**
_____ (see attached Statement of Justification) _____

4. **The requested permit will be or remain consistent with the objectives of the Land Conservation and Development Plan.**
_____ (see attached Statement of Justification) _____

5. **Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations.**
_____ (see attached Statement of Justification) _____

Section B. SUBMITTAL INFORMATION AND PROCEDURE

- (1) Sixteen (16) completed application packets and all supporting information shall be submitted to the Planning Department at least forty-five (45) days prior to the Public Hearing. **(PLEASE SEE ATTACHED CALENDAR FOR ALL SUBMITTAL AND DEADLINE DATES)** A digital copy of the application packet shall be submitted pursuant to the Planning Department Digital Document Submission Guidelines.

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- (2) The Planning Department shall, before scheduling the public hearing, ensure that the application contains all the required information as specified in Section 5 of the zoning ordinance.
 - (3) The Planning Department shall have fifteen (15) days from the date of submittal to notify the applicant that the application is complete for scheduling the public hearing.
 - a. If the Planning Department determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review.
 - b. The Planning Department shall take no further action on the application until the applicant submits the required information.
 - c. Once the applicant corrects the identified deficiencies, the applicant shall resubmit to the Planning Department at least 45 days prior to the next Public Hearing meeting, and the Department shall have 15 days to review the information and notify the applicant that the information is sufficient for review.
 - d. A determination that an application contains sufficient information for review as provided in this subsection (b) does not limit the ability of other county agencies, the Planning Board or the Board of Commissioners to request additional information during the review process.
 - (4) The application is reviewed by the Technical Review Committee prior to the Public Hearing for comments and recommendations from other agencies.
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Section C. SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION and REQUIRED INFORMATION TO BE INCLUDED ON THE SITE PLAN

PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF). Please check the list below carefully before you submit:

- (1) The application shall include a **site plan**, drawn to scale, with supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to the predetermined ordinance requirements, will govern the development and use of the property. The following information must be provided, if applicable:
 - a. Information showing the boundaries of the proposed property as follows:
 1. If the entire parcel will be zoned, a GIS or survey map and parcel number of the subject property.
 2. If only a portion of the parcel will be zoned, a boundary survey and vicinity map showing the property's total acreage, parcel number, current zoning classification(s) and the general location in relation to major streets, railroads, and/or waterways,
 - b. Legal Description of proposed conditional zoning district;
 - c. All existing and proposed easements, reservations, and rights-of-way;
 - d. Proposed number and general location of all building sites, their approximate location, and their approximate dimensions;
 - e. Proposed use of all land and structures, including the number of residential units and the total square footage of any non-residential development;
 - f. All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant; (**SECTION 12 LANDSCAPING & BUFFERING REQUIREMENTS**)
 - g. All existing and proposed points of access to public and/or private streets;
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- h. Stream buffers required through this or other Chatham County Ordinances or Regulations, and other Local, State, or Federal regulatory agencies. Delineation of areas within the regulatory floodplain as shown on the Official Flood Insurance Rate Maps for Chatham County;
- i. Proposed phasing, if any;
- j. Generalized traffic, parking, and circulation plans; **(SECTION 14 OFF STREET PARKING)**
- k. Proposed provision of utilities;
- l. The location of known sites of historic or cultural significance within or adjacent to the project area, including any structure over 50 years old;
- m. The approximate location of any cemetery;
- n. Proposed number, location, and size of signs; **(SECTION 15 SIGN REGULATIONS)**
- o. Location and description of any proposed lighting on the project site with a note that any lighting will comply with Section 13; **(SECTION 13 LIGHTING STANDARDS)**
- p. The location of existing and/or proposed storm drainage patterns and facilities intended to serve the proposed development, and impervious surface calculations; and
- q. Environmental Impact Assessment pursuant to **Section 11.3** of the Zoning Ordinance, if applicable.

The above information is required to be shown on the site plan submitted with this application. If, for some reason, any of the required items above are not included on the site plan, reasons for excluding those requirements must be given.

(2) In the course of evaluating the proposed use, the Zoning Administrator, Planning Board, Chatham County Appearance Commission, or Board of Commissioners may request additional information from the applicant. This information may include, but not be limited to, the following:

- a. Proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
- b. Existing and general proposed topography;
- c. Scale of buildings relative to abutting property;
- d. Height of structures;
- e. Exterior features of the proposed development;
- f. A traffic impact analysis of the proposed development prepared by a qualified professional. The traffic impact analysis shall follow the NCDOT TIA Analysis Guidelines, and shall also include consideration for non-motorized and public transportation;
- g. Any other information needed to demonstrate compliance with these regulations.

NOTE: The Zoning Administrator has the authority to waive any application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.

SECTION D. SIGNATURE STATEMENTS

OWNER'S SIGNATURE*: *In filing this application, I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate _____ to act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.*

Polks Village, Inc.

Signature: By: HB [Signature], President
Date: February 26, 2013

APPLICANT SIGNATURE: *I hereby acknowledge that I am making this application on behalf of the above owner's statement or myself as the owner and that all the information presented in this application is accurate to the best of my knowledge, information, and belief. I acknowledge understanding of the requirements set out in this application and in the ordinances and/or guidelines used to determine the completeness of this submittal and to proceed as determined.*

Signature: _____

Date: _____

OFFICE USE ONLY:

DATE RECD: _____

BY: _____

APPLICATION #: C _____

FEE PAID \$: _____

Polks Village

Conditional Use Permit Amendment

Statement of Justification

Finding #1: The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.

Response:

It is the intent of this requested amendment to the Conditional Use Permit for Polks Village that three (3) uses be added to the approved uses for Polks Village for the purposes of building a child day care center and an assisted living facility.

To permit the child day care center, "Day Care Centers" is requested to be added to the approved uses for Polks Village.

To permit the assisted living center, two uses are needed, one for healthy residents and one for unhealthy residents (including Alzheimer's patients):

- Congregate care facilities (for healthy residents)*
- Hospital, health and welfare centers, nursing homes (unhealthy residents)*

Two of the three uses are currently listed as being permitted uses within a general B-1 zoning district, as contained within Section 10.13 ("Table 1: Zoning Table of Permitted Uses") of The Chatham County Zoning Ordinance:

- Day Care Centers*
- Hospital, health and welfare centers, nursing homes*

However, the "Congregate care facilities" use, currently only permitted within an O&I zoning district, is being requested to be added to the general B-1 zoning district via an accompanying text amendment request application.

Finding #2: The requested conditional use permit is either essential or desirable for the public convenience or welfare.

Response: *Amending the approved Conditional Use Permit for Polks Village in order to broaden the mix of uses located within it is desirable for the public convenience or welfare in that these uses will now be provided within a compact development sited in accordance with the goals and objectives of the Land Conservation and Development Plan, as follows:*

- “Site commercial clusters/compact communities so that they might be able to be served by transit in the future, especially along US 15-501 north of Pittsboro and US 64 east of Pittsboro.” – *Polks Village is located along US 15-501 north of Pittsboro and is therefore able to be served by transit in the future.*
- “Site commercial clusters so that they extend up side roads off main thoroughfares rather than as strips along main thoroughfares.” – *Polks Village is located in the northwest quadrant of the intersection of Polks Landing Road with US 15-501 N and extends back from US 15-501 along Polks Landing Road for approximately the same amount of frontage that it has on US 15-501. Additionally, the total floor area for Polks Village is broken up into many separate buildings that are sited on a gridded access and circulation plan instead of constructed into one long strip of building mass stretched along US 15-501.*

Need and desirability: Applicant has agreements with both a day care center and an assisted living facility interested in being located within Polks Village. The assisted living facility holds a Certificate of Need (CON) from the state of North Carolina, who monitors the need for additional beds within the county and issues a CON only when warranted. Locating these uses within a compact mixed-use project instead of on an isolated zoning lot minimizes trips for the parents and visitors to these facilities who can fulfill other needs with just one automobile trip.

Survey of Similar Uses: The Certificate of Need (CON) issued for the assisted living facility (“Congregate care facility” and “hospital, health and welfare centers, and nursing home” uses) by the state of North Carolina controls the number of beds available and determines the need for them. Locating the day care center within Polks Village serves not only nearby neighborhoods, but also commuting traffic on US 15-501. There are no such facilities on adjacent properties.

Public Provided Improvements: There are no identified Public Provided Improvements associated with this requested change in uses for Polks Village.

Finding #3: The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community.

Response: The requested amendment to the approved Conditional Use Permit for Polks Village makes no changes to the exterior buffers, access and circulation plan, or geometric arrangement of the previously approved site plan. The list of permitted uses is expanded by this amendment and former office buildings on the back (westernmost) row of structures is to be replaced with a child day center and an assisted living facility with no change in the previously approved clearing limits.

Traffic: An updated traffic impact analysis is included with the application materials, indicating an approximate one-third reduction in both total traffic and peak hour traffic generation due to the child day care facility and the assisted living facility replacing formerly approved office buildings.

Visual Impact & Screening: No changes to the exterior buffers are proposed by this amendment to the Conditional Use Permit for Polks Village and the two facilities to be constructed are located within the westernmost portion of the site and not along the US 15-501 road frontage for Polks Village.

Therefore the previously determined finding that the health, safety, and welfare of the community are all preserved by the Conditional Use Permit for Polks Village is presumed to still be a valid finding for the amended Conditional Use Permit.

Finding #4: The requested permit will be consistent with the objectives of the Land Conservation and Development Plan.

Response:

Land Conservation and Development Plan Reference: Elements of the Land Conservation and Development Plan that are consistent with this requested amendment to the Polks Village Conditional Use Permit to broaden the mix of uses located within it include:

- “Encourage development that contains a mix of uses rather than a separation of uses.” – By broadening the list of approved uses for Polks Village, a greater mix of uses can occur within one compact development, minimizing the need for additional vehicular trips and providing greater convenience for the public.
- “Site commercial uses along major highways in clusters at specific, designated locations; design these commercial sites to retain a rural crossroads or village character; and integrate these uses with other nearby development.” – Polks Village is sited directly across US 15-501 from a larger approved, but unbuilt, commercial development, Williams Corner, to form a commercial node. Significant buffer dimensions are provided along adjoining public roads and the site plan breaks up the building mass to retain a village character within the development. The project entrance coordinates with the signalized entrance for Williams Corner, with both a vehicular and a pedestrian connection provided to the single-family neighborhood, Polks Landing, located to the south of Polks Village. None of the geometric aspects of the approved Conditional Use Permit would be altered by the requested amendment to broaden the mix of uses within, so the finding made for the approved Conditional Use Permit for Polks Village is still valid.

- “Link development and conservation, so that more intense development at a particular site does not necessarily translate into a greater total amount of development in a broader area.” – *No changes to the previously approved clearing limits are required, so previously approved conserved areas on the Polks Village site are maintained by the requested amendment. Similarly, no change to the public water supply connections is required within this ongoing project, currently under construction.*

Watershed and Flood Considerations: *Polks Village, currently under construction, holds a grading and erosion control permit and has an approved stormwater management plan. No changes to the clearing limits for the property are needed to accommodate the additional uses proposed, so these approvals are still valid and result in no change in external impacts to the watershed and the same level of flood damage prevention is maintained.*

Finding #5: Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities have been or are being provided.

Response:

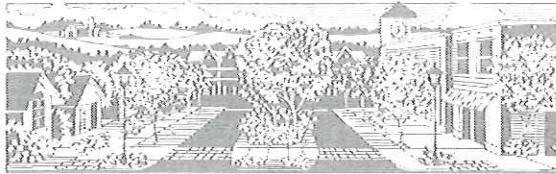
Water Source and Requirements: *The source of potable water for Polks Village continues to be the Chatham County water system, accessed through previously approved connections.*

Wastewater Management: *A letter from the wastewater engineers and soil scientists for Polks Village is included within the application materials and documents the availability of sufficient suitable soils to support the change in uses requested by the amendment to the Conditional Use Permit to permit the child day care center and the assisted living facility to be added in place of previously approved office buildings.*

Water/Sewer Impact Statement: *Polks Village, already under construction, holds valid permits for the connection to the Chatham County water system, for which adequate supply has already been determined.*

Access Roads: *No change in access to and from the site is proposed by this amendment to the approved Conditional Use Permit for Polks Village.*

Stormwater Runoff: *No change in the previously approved clearing limits is proposed by this amendment to the approved Conditional Use Permit for Polks Village, its grading and erosion control permit, or its previously approved stormwater management program.*



THE DESIGN RESPONSE

February 18, 2013

Angela Birchett
Land Use Administrator / Zoning
Chatham County Planning Department
P. O. Box 54
Pittsboro, NC 27312

Re: Polks Village – Conditional Use Permit Amendment

Dear Angela,

As we discussed in our pre-application meeting, this requested amendment to the approved Conditional Use Permit (CUP) for Polks Village was not to just add three uses (for the child day care center and the assisted living facility) that were not previously approved.

Modification of how approved zoning uses are to be administratively tracked

We also agreed that this CUP amendment process should include a change in the administrative approach as to how the approved uses allowed for Polks Village would be tracked. As you are aware, in the original CUP application, the applicant chose to list the general B-1 zoning district uses being requested for approval instead of the usual methodology that is employed for CUP applications, which is to list the underlying general zoning district uses that are NOT being requested for approval.

As we also discussed, this more usual approach to defining the uses that are allowed minimizes the need for CUP amendments, since as the general uses list for the zoning district evolves over time, the Polks Village will capture “new” or better-defined uses as approved uses, as long as they do not appear on the list of uses not to be approved for Polks Village. Therefore, when a particular type of professional office is added to the list, Polks Village would also then have that use, instead of needing to modify its list of approved uses to include the newly defined use.

To that end, we have attached a list of “not approved” uses in the general B-1 zoning district that is based on a list that was previously submitted in the 2010/2011 CUP Amendment application as an information exhibit. We had voluntarily supplied at that time a list of uses that were not approved for Polks Village, in addition to the formal list of general B-1 zoning district uses that were being requested for approval.

Additionally, in the 2011 CUP Amendment, Polks Village agreed to limit the extent to which three uses would be approved, one use (food stores, retail) by the amount of individual store size (limited to 10,000 square feet) and two uses (cabinet shops and leather goods sales and service) to exclude an on-site manufacturing component for both uses. We have captured those previously agreed to use conditions within the list of uses NOT approved for the site, but are open to suggestions from staff as to how best to address this nuance.

It is our understanding that both staff and applicant have a joint desire to indeed modify the method by which the approved uses for Polks Village by this CUP Amendment to adopt the more usual method of listing "not approved" uses, so we ask that the conditions of approval be modified as deemed necessary by staff to accomplish this purpose.

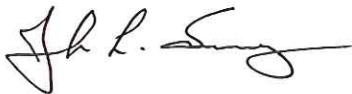
Modification as to how LEED levels of construction are to be administratively tracked

Similarly, we discussed at the pre-application meeting modifying the conditions of approval for the Polks Village CUP to reflect the current Chatham County administrative policy of requiring that projects demonstrate how the points could be achieved within the design materials to qualify for a certain level of LEED designation, instead of requiring that the built project actually go through the certification process after construction to achieve that LEED designation.

We ask that staff work with us to develop the appropriate language within the conditions of approval to effect that change from the current CUP requirement to achieve certification of the targeted LEED level of construction.

At this time, we have not proposed substitute language for the conditions of approval, to achieve these two objectives, but do pledge to work with you to develop appropriate language that is agreeable for both parties in order to capture these two changes in the administration of the Conditional Use Permit.

Sincerely,



Jack L. Smyre, PE, AICP
Principal

cc: H. Brantley Powell

Attachment

Polks Village

General B-1 Zoning District Uses Not Approved

- Amusement enterprises such as a pool, bowling, roller rink when housed entirely within a permanent structure
- Automobile repair garages
- Automobile sales and service
- Automobile service stations including tune-ups, minor repairs, tire service, washing facilities, both manual and automatic, and similar services. Fuel, oil and similar pumps and appliances may be located in the minimum required front and side yards provided that none shall be located nearer than 15 feet to any street line and may be covered by an attached or free standing unenclosed canopy provided such canopy does not extend nearer than five feet to any property line and does not cover greater than 30% of the required yard area
- Bait and tackle shops
- Boat, trailer and other utility vehicle sales and service
- Bus passenger stations
- Cabinet shops (sales and service allowed, but excludes manufacturing)
- Churches and other places of worship
- Feed, seed, fertilizer retail sales
- Fire stations and emergency medical service facilities
- Food stores, retail (allowed only if less than 10,000 SF of individual store size)
- Funeral homes, embalming including crematoria
- Fur storage
- Furrier, retail sales
- Horticulture, specialized
- Hotels, motels and inns
- Landscaping and grading business
- Leather goods (sales and service allowed, but excludes manufacturing)
- Lock and gunsmith
- Lodges, fraternal and social organization clubs
- Mobile homes sales and service
- Motorcycle sales and service
- Open air sales and service of accessory buildings and gazeboes and like free-standing structures
- Pawnshops and secondhand stores
- Public and private schools, training and conference centers
- Public and private recreation camps and grounds with a minimum lot area of 10 acres and provided that all buildings, structures, spaces, and high intensity activity areas shall be set back a minimum of fifty (50) feet from all property lines/boundary areas
- Radio and television stations and their towers when the towers are located on the same site with the station
- Self-storage facility / mini-warehouse storage facility with related retail and services (i.e. moving truck rental)
- Swimming pool and related items sales and service

Wannie D. Womble
1135 Smith Level Rd.
Chapel Hill, NC 27516

Cynthia Ann Cole
281 WB Cheek Road
Chapel Hill, NC 27517

Ann R. Zappa
11155 US 15-501 N
Chapel Hill, NC 27514

ZR Chatham, LLC
2416 East 37th St., North
Wichita, KS 67219

Rachel K. Parrish
10501 US 15-501 N
Chapel Hill, NC 27517

Larry Sturdivant
97 Polks Landing Rd
Chapel Hill, NC 27516

Polks Landing Homeowners Assoc.
70 Polks Landing Stn.
Chapel Hill, NC 27514

Jill Denisse Hill
C/O Jillian Adams
203 Polks Landing Rd
Chapel Hill, NC 27516

Jane W Sturdivant
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Chapel Hill, NC 27516

Bonnie G Womble
C/O Bonnie Sue Gordon
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101 Polks Landing Rd
Chapel Hill, NC 27514

William D Gersch
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Romeo & Jeri Cadiz
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Chapel Hill, NC 27516

Douglas W. & Emily N Bremseth
304-M Copperline Dr.
Chapel Hill, NC 27516

Eric & Patricia Bolesh
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Donald W Chambers
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Chapel Hill, NC 27516

Michael Q. Hill
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Betty J Womble
394 Polks Landing Road
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Peter & Lynn Schwartz
201 Polks Landing Rd
Chapel Hill, NC 27516