

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: TKC CXL III LLC

MAILING ADDRESS OF APPLICANT: 5935 Carnegie Blvd - Ste 200, Charlotte, NC 28205

PHONE NUMBER/E-MAIL OF APPLICANT: 704-319-8170

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

Name(s) same as above

Address:

ZIP

Telephone: 704-319-8170 FAX: 704-365-0733

E-Mail Address: LMondrick@thekeithcorp.com

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

ADDRESS OF SUBJECT SITE: 11500 US-15 501 N

CHATHAM COUNTY PROPERTY PARCEL NUMBER (AKPAR #): 62180

CURRENT ZONING DISTRICT/CLASSIFICATION: R-1

TOTAL SITE ACRES/SQUARE FEET: 8.72 acres / 379,874 SF

PROPOSED USE(S) AND PROPOSED CONDITIONS FOR THE SITE: Please select the use/s category from Section 10.13 of Zoning Ordinance

No changes are proposed to the uses and conditions in the previously approved Conditional Use Permit

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 or additional sheets in order to completely answer these findings if necessary. If there is a finding that you feel does not apply to this submittal, please mark with "N/A" for not applicable. **Please use the "Materials Checklist" to complete each 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.

See attached.

- 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.

- 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.

- 4. The requested permit will be or remain consistent with the objectives of the Land Conservation and Development Plan.

See attached.

- 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.

**STOP!**

**You must meet with the Chatham County Appearance Commission and hold the Community Meeting BEFORE you can submit the application to the Planning Department. Please check the boxes below once these meetings have been held:**

- Chatham County Appearance Commission
- N/A -  Held Community Meeting

Date of Meeting 5/28/14  
Date of Meeting \_\_\_\_\_

### **Narrative-North Chatham Village**

The subject site is located at 11500 US Highway 15-501 North. The site has access to US 15-501 and Plaza Drive. The site is currently developed as a shopping center and zoned R-1. The property encompasses 8.72 acres and is 81% impervious. The site does not border any Major Wildlife Areas and is not located in a floodplain.

The site is currently utilized as a shopping center composed of three major buildings housing various tenants, one stand alone food service establishment, and several ancillary structures. The site is serviced for water and sanitary sewer by AQUA. Storm drainage is piped through the property and discharges both to Highway 15-501 and the eastern property boundary. A sanitary sewer easement exists onsite and a Conditional Use Permit has been issued previously for the site.

The applicant proposes to demolish one of the major multi-tenant buildings and the food service building fronting Highway 15-501. New facades will be installed on the multi-tenant buildings and a stand -alone fast food restaurant constructed. New landscaping will be installed along with a stormwater management facility.

Project construction would commence shortly after project approval late in 2014 or early 2015. The construction of the fast food restaurant would be complete by August 2015.

The proposed use of the property will be the same as the current use. The re-development will be in harmony with County guidelines as no additional built upon area or environmental impacts are proposed.

### North Chatham Village Findings

1. No changes are proposed to the use and conditions in the previously approved Conditional Use Permit. The property will continue to be utilized as a shopping center.
2. As mentioned above, the proposed permit revision will allow for the same uses that currently exist today. The Hwy 15-501 corridor has limited amounts of commercial facilities, and the center will continue to address the needs of the community by providing commercial resources. The proposed plan will include desirable upgrades to the aesthetics of the center to include new building facades, landscaping, and storm water treatment.  
No additional public improvements are required to retrofit the center. By retrofitting and upgrading the center, the applicant seeks to increase the occupancy of the center which would result in additional tax revenue and jobs.
3. Fire protection, police, and emergency services are currently provided to the shopping center. The applicant does not anticipate additional impacts on these services. The proposed plan does not require modifications to the driveway access points or traffic patterns and results in a reduction in the overall building square footage on the property.  
A new perimeter tree planting yard along with new landscape islands in the center will be added to screen the property from Hwy 15-501 and Side Street. The facades of the main buildings will be upgraded and a new stand alone commercial building will be added to improve the visual impact. New light fixtures and some new light poles will be installed in the Hwy 15-501 parking field. The fixtures will be 400 watt, cutoff type and meet the "Nighttime Friendly" criteria. No noise, chemicals, biological or radioactive agents will be generated by the proposed use. Two monument signs are proposed for the center. One will be located along Hwy 15-501 and the other at the intersection. The signs will have masonry type construction and not exceed 10 feet in height. Signs will be externally lighted.
4. The project is consistent with the Land Conservation and Development Plan for several reasons:
  - A. The project is a redevelopment of an existing urbanized property. No additional rural property is disturbed.
  - B. Water and sewer capacity already exists for the subject project and infrastructure is in place to serve the project.
  - C. The center is at a logical "crossroads" for commercial development.
  - D. The project does not further impact the County's surface water resources. In fact, the project provides for a reduction in impervious area and new storm water treatment.

The project is not located within a FEMA regulated flood plain nor are any streams or buffers located on the property. Per the County ordinance, the project treats 30% of the previously developed area as required for redevelopment.

5. Water and wastewater treatment is currently in place and provided by AQUA. There is excess capacity in the AQUA wastewater treatment facility. No new driveways or access points are proposed with the project. Peak runoff will be reduced substantially through the installation of a storm water detention basin and overall reduction in impervious area on the site.

---

## 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. A digital copy of the application packet shall be submitted pursuant to the Planning Department Digital Document Submission Guidelines.
  - (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.
- 

## 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;
- 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;
- N/A -  i. Proposed phasing, if any;
- j. Generalized traffic, parking, and circulation plans; **(SECTION 14 OFF STREET PARKING)**
- k. Proposed provision of utilities;
- N/A -  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;
- N/A -  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
- N/A -  q. Environmental Impact Assessment pursuant to **Section 11.3** of the Zoning Ordinance, if applicable. **If you are or will be disturbing two or more acres in connection with this application, you are required to submit and EIA with this application. Failure to do so will result in the delay of scheduling your request for public hearing or may be returned completely for re-submission.**

**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:

- N/A -  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;
- N/A -  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;
- N/A -  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 Kimley-Horn and Associates, Inc. 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.

Signature: 

Date: 6/30/2014

**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: 6-30-14

### OFFICE USE ONLY:

DATE RECD: _____
BY: _____
APPLICATION #: PL 20 _____
FEE PAID \$: _____
<input type="checkbox"/> Check No. _____ <input type="checkbox"/> Cash <input type="checkbox"/> CC <input type="checkbox"/> Money Order