

BRIAR CHAPEL COMPACT COMMUNITY

CCO AMENDMENT REQUEST

JUNE 20, 2016

BACKGROUND: ADOPTION AND PRIOR AMENDMENTS

- ▶ The CCO was adopted in March of 2004.
- ▶ When it was first adopted in 2004, it was difficult to imagine all of the particulars leading to the amazing development and economic engine that Briar Chapel has become.
- ▶ As such, it would have been unreasonable to assume that the CCO would not require some tweaking along the way to accommodate issues that inevitably arise over a decade of development.
- ▶ As a result, it has been amended five (5) times: four times at the initiative of the Board of Commissioners and one time by Newland in connection with providing utilities to adjacent properties.

CURRENT CCO DEVELOPMENT CONERSTONES

- ▶ 1. Maximum density allowed: 2 residential units per acre.
- ▶ 2. Minimum open space required: 30% of project area.
- ▶ 3. Maximum allowed impervious surface: 24% of project area.
- ▶ 4. All compact communities require a conditional use permit.
- ▶ 5. Maximum number of residential units allowed: 2,500.

SUMMARY OF REQUEST

- ▶ Compact Communities Ordinance (“CCO”) currently caps the allowed number of residential units in a compact community at 2,500.
- ▶ NNP-Briar Chapel, LLC (“Briar Chapel”) seeks to
 - (1) remove the 2,500 unit cap in favor of other existing protections; and
 - (2) ensure regulatory consistency if additional property added
- ▶ This request **DOES NOT INCLUDE** any change to any of the Briar Chapel project entitlements.

IMPACT OF REQUESTED AMENDMENT: ORDERLY GROWTH WHERE INTENDED

- ▶ Removal of 2,500 unit cap encourages the benefits of concentrated density but retains the protections originally adopted.
- ▶ Maximum Density requirement: **Unchanged**.
- ▶ Minimum Open Space requirement: **Unchanged**.
- ▶ Maximum developed area: **Unchanged**.
- ▶ Board approval of changes/additions to compact community: **Still Required**

WHY THIS REQUEST NOW?

- ▶ Briar Chapel currently is entitled to have 2,500 residential units.
- ▶ At present approximately 1,500 of the lots have been developed and approximately 1,000 of those units are occupied.
- ▶ NNP has been in contact with some adjacent land owners interested in possibly selling property and simultaneously in conversation with developers interested in seeing additional concentration of density to complement the commercial areas of Briar Chapel.
- ▶ With the cap set at 2,500, those conversations are fruitless.

2,500 Unit Cap Creates Unintended Anomalies

Briar Chapel

- ▶ Project Area: 1,600 acres
- ▶ Required Open Space: 480 acres
- ▶ Maximum Residences: 2,500

Example Project 2

- ▶ Project Area: 1,250 acres
- ▶ Required Open Space 375
- ▶ Maximum Residences: 2,500

CCO authorizes same number of units but requires 22% less Open Space (105 acres of less Open Space)

UNINTENDED IMPACT OF CAP: SPRAWL

- ▶ CCO creates the highest residential density in the Chatham County zoning jurisdiction.
- ▶ Intended to direct density to this area for purposes of generating commercial offerings not just for the compact community but for the surrounding area.



CCO Briar Chapel Map Overview.pdf

UNINTENDED IMPACT OF CAP: SPRAWL (cont.)

- ▶ With the cap, even if Briar Chapel wants to add contiguous properties, it would be limited essentially to 1 unit per acre, rather than 2 units per acre – a recipe for sprawl. Longer roadways, more land disturbance, greater impervious surface and runoff.
- ▶ Without the cap, Briar Chapel can explore reasonable opportunities to direct density to the intended location where infrastructure already exists.
- ▶ Importantly, however, adding property can only be done with the permission of the Board through the CUP process.

ADDITIONAL AMENDMENT REQUEST:

Regulatory Uniformity

10

- ▶ Briar Chapel has been operating for almost 11 years under the regulatory platform that was in place in 2005 when it was originally approved.
- ▶ Briar Chapel is requesting a clarification to the CCO with regard to the applicable regulations in the event property is added to a compact community, i.e., that the regulations applicable to the compact community will remain the same.
- ▶ Section 14 of the CCO addresses “Relationship to Existing Ordinances.” Does not explicitly address adding new properties to a compact community.
- ▶ The proposal is to add a paragraph that ensures coherent, complementary and efficient regulation of the compact community as a whole.

OVERALL AMENDMENT REQUEST CREATES FLEXIBILITY

- ▶ The request does not predetermine any outcome for a compact community.
- ▶ It merely creates the flexibility needed to allow a compact community developer to engage in natural conversations about whether and, if so, how to reasonably modify the community.
- ▶ Any changes to the entitlements will be reviewed in the context of a CUP request before the Board.
- ▶ The County is currently engaged in a lengthy comprehensive land use plan process. These amendments are needed before that process will conclude.
- ▶ These amendments are limited in application to just the compact community zone and will not preclude any additional review of the CCO as part of the comprehensive process.

PROCESS FROM HERE

- ▶ This request will follow the typical text amendment process. After this public hearing, the matter will be referred to the Planning Board which will make a recommendation to this Board.
- ▶ We have also reached out to the Planning Staff ahead of filing this request. I spoke with Jason Sullivan prior to submitting the application and we have asked for a meeting to discuss the matter with Staff after the public input tonight.
- ▶ We look forward to the review and respectfully ask that the Board approve the requested amendment.