



# Chatham County, NC

## Legislation Text

---

**File #:** 21-3969, **Version:** 2

---

Vote on a legislative request by Congruus LLC for a map amendment to the Chatham County Compact Community boundary map specifically Section 6.1, p 3-4 for an expansion of the CCO map to include an additional 184.04 acres off Parker Herndon and Morris roads, Baldwin Township.

### **Action Requested:**

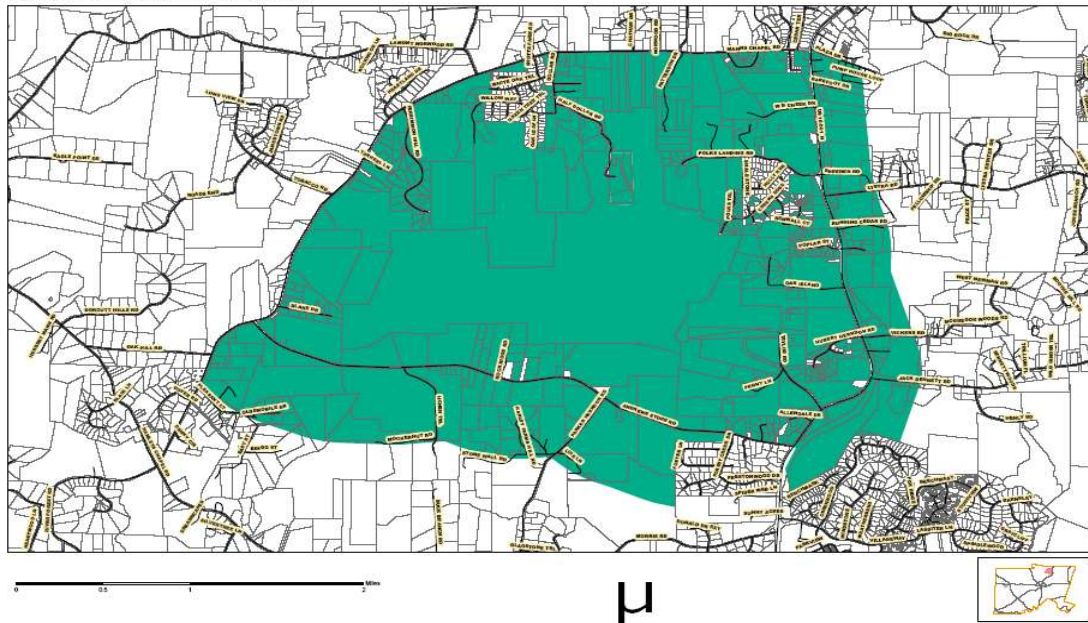
Vote on a legislative request by Congruus LLC for a map amendment to the Chatham County Compact Community boundary map specifically Section 6.1, p 3-4 for an expansion of the CCO map to include an additional 184.04 acres off Parker Herndon and Morris roads, Baldwin Township.

### **Introduction & Background:**

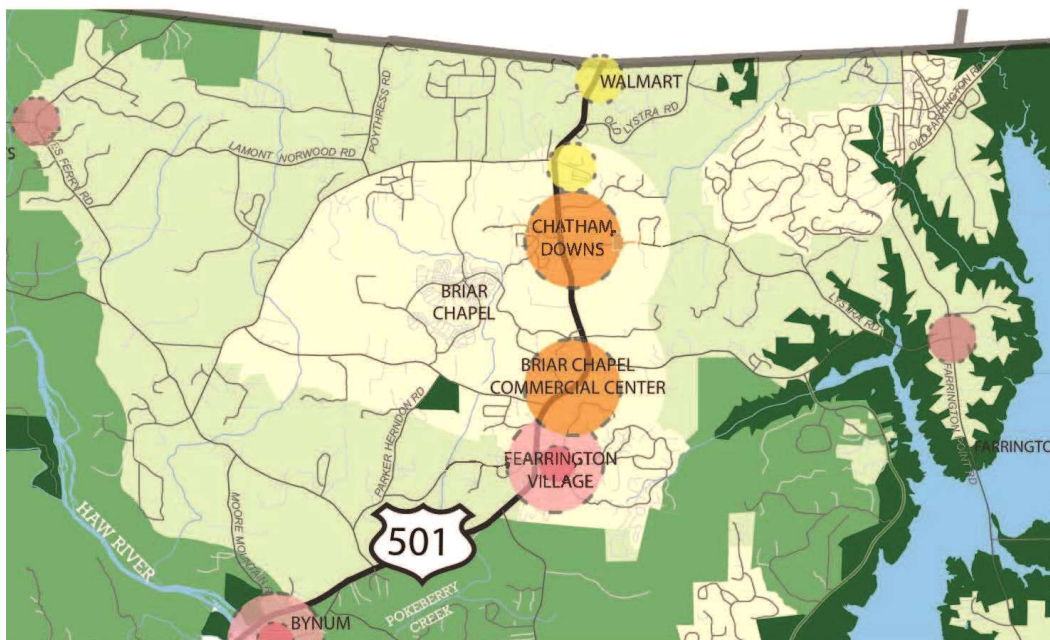
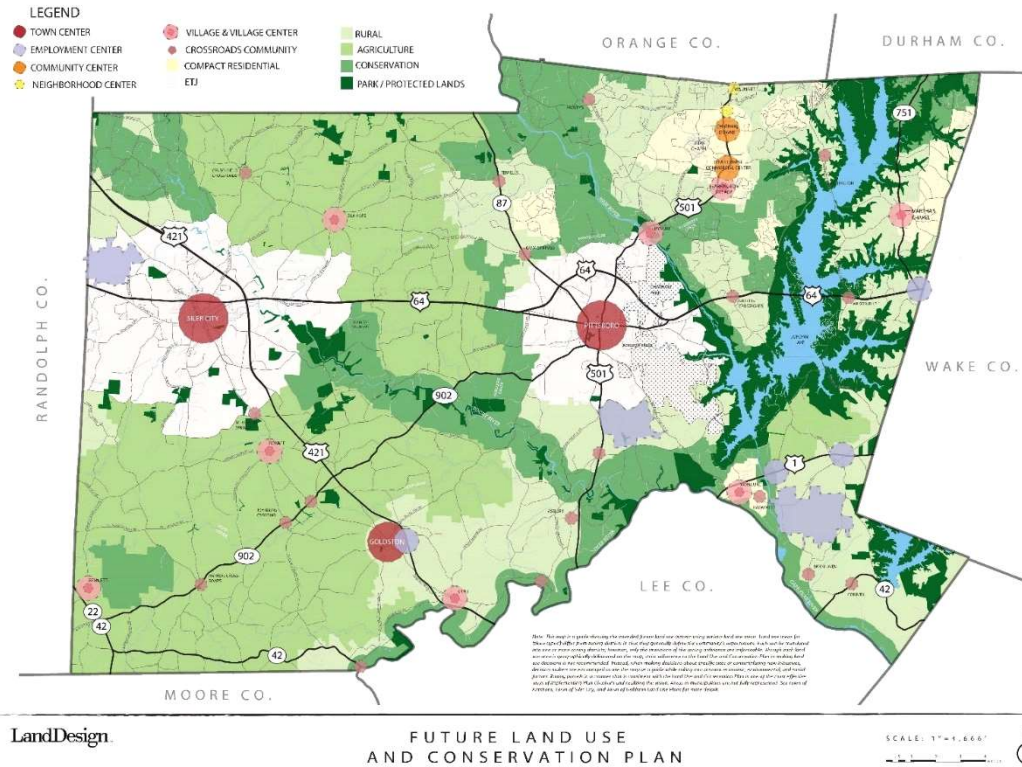
A legislative public hearing was held on August 16, 2021. Planning staff and the representative, Isabel Mattox, attorney, presented the request before the Boards. Ms. Mattox also had others that spoke on the request. There were several citizens who spoke on the matter as well as those who submitted written comments. Those comments can be viewed from our website noted above. The majority of comments and/or submittals were in opposition of the request.

The Chatham County Compact Community Ordinance (CCO) was adopted in 2004 to prepare for what is now known as Briar Chapel with over approximately 2,650 homes and a commercial component that borders US 15-501 N. Section 6.1 specifies the area where an application for a compact community rezoning can be considered. The map does include parcels outside of Briar Chapel and in many cases splits property lines. There are many objectives listed in the Ordinance to assist in guiding compact community development, but they are not intended as menu of options to select from. This area is only permitted in the designated area as shown on the map and is not currently offered county-wide. The currently adopted map in Section 6.1 follows.

CHATHAM COUNTY COMPACT COMMUNITY AREA

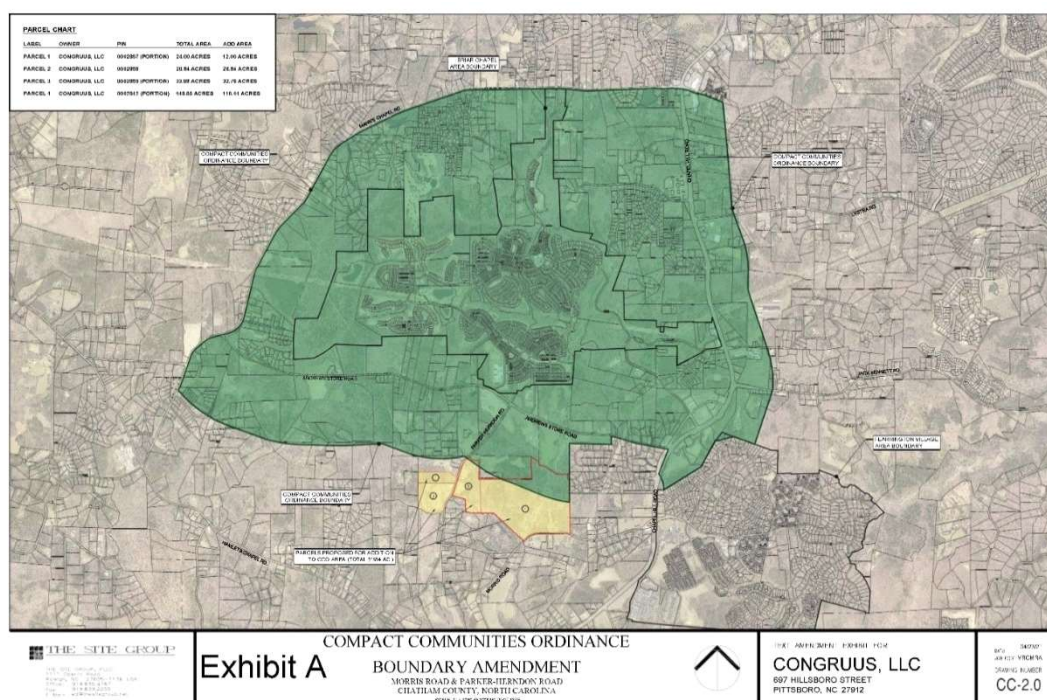


When the CCO was adopted the Land Conservation and Development Plan (adopted in 2001) was the guiding policy document for the Board of Commissioners. In the Land Conservation and Development Plan, compact corridors were encouraged so that the rural and agricultural areas could be protected and were intended to cover approximately 28 square miles. However, there was no land use plan map to accompany the 2001 plan. The current comprehensive Plan, Plan Chatham, was adopted in November 2017. Currently there is approximately 31 square miles identified for compact residential development on the adopted map in several locations and are not contiguous areas. The area designated for compact residential on the Future Land Use and Conservation Plan map where this request is located is larger than the Compact Community Ordinance map seen in Section 6.1.





Plan Chatham states on Page 146, under Action 01, amendments can include the expansion of the Compact Communities Ordinance so that it can be applied to appropriate areas and sites within the County. There are four parcels included in this amendment application and two are partially located within the currently mapped CCO map (see the following maps provided by the applicant.



1. Any alleged error in the Ordinance. The applicant is not claiming any error in the Ordinances.
2. The changing conditions which make the proposed text and map amendment reasonably necessary. The text map amendment simplifies the description of the Compact Community Ordinance boundary in Section 6.1.D and expands the CCO map to include approximately 184 acres of property. It also promotes the goal for new communities that support mixed-use development that respects open spaces and the rural character of the County.
3. The manner in which the proposed text map amendment will carry out the intent and purpose of the Comprehensive Plan. Within the Ordinance, the applicant has addressed several Recommendations and Policy items as shown in their application submittal under justification. Please review the submitted application for a complete list of recommendations and policy objectives.
  - a. Section 6.1 of the CCO states that compact communities shall only be allowed in areas located within the portion of Northeast Chatham County described in 6.1.D. and more particularly described on the map attached to the CCO (the "CCO Map"). The Text Amendment simplifies the description of the CCO boundary in Section 6.1.D and expands the CCO Map to include approximately 184 acres of property (the "Property"). Portion of two of the parcels to be added are already included in the CCO Map. The aim of the Text Amendment is to further the CCO's goal of promoting new communities that support mixed-use development that respects open spaces and the rural character

of the County.

- b. The Property is directly adjacent to the Briar Chapel Community and located on Morris Road across 15-501 from Fearington Village. The Comprehensive Plan Acknowledges that this area is one of the more urban areas within the County. Locating new development in close proximity to these existing growth areas already designated as a Village Center under the Future Land Use Map will reduce impacts to natural resources and lessen infrastructure burdens. This will allow the existing utilities to be enhanced and expanded as encouraged by Land Use Policy 2 and will support new and existing commercial areas.
- c. It is anticipated that the future development facilitated by the text amendment will include affordable and/or workforce and/or senior housing which could be developed by the Applicant or its successors, an affordable/work force/senior housing developer or the County. As set forth above, the Applicant has already met with County and affordable housing task force officials and is committed to meaningful affordable housing development within the expanded CCO boundary.
- d. Restoration and conservation of Pokeberry Creek will be a priority in any development of this land area.
- e. The proposed area and the land owned by the Applicant are within the contiguous extended service area "ESA" for at least one privately regulated wastewater utility and within close proximity to another. The Applicant has met with local community members as well to discuss the wastewater issue in the region as well as the short term and long-term solutions for all stakeholders. The Comprehensive Plan states that "it is likely that distributed private and public systems will be needed to meet environmental and economic goals." The Text Amendment and subsequent development of the Property under the CCO could and should allow coordination with existing development along 15-501 to create a regional sanitary sewer solution.
- f. The Applicant believes its attainment of utility services will lead to enhanced facilities for this part of Chatham County, improved service and increased cooperation among private developers, neighborhoods, the County and NC Utilities Commission.

Since this is not a rezoning request the applicant did not need to address standards 4 and 5 that are included in the Zoning Ordinance. Without benefit of an actual site plan, which will be required should the proposed project be submitted for rezoning, these standards will be required to be met.

### **Planning Board Meeting - September 7, 2021**

The Planning Board reviewed this request at their regular meeting on September 7, 2021 and voted 9-1 to table to the next meeting. The board has one additional meeting to review the request.

Comments were received from several citizens as well as concerns raised by Board members. The

concerns/items discussed are listed below:

- All of the goals and objectives of the Compact Community Ordinance have not been met.
- County should wait for the UDO process to be complete before approving any additional communities.
- Moratorium wanted for any further development along the northeastern, US 15-501 N corridor.
- Wastewater for developments is not adequate and no additional systems wanted at this time.
- This request does not have frontage on US 15-501 and will bring additional traffic, health, and safety concerns to rural, two-lane roads.
- Boundaries/buffers were put in place with the original approval of Briar Chapel for properties. These additional parcels that are adjacent to these previously buffered areas will remove that protection.
- Two of the proposed parcels are not bisected by the currently approved Compact Community map boundary and shouldn't be allowed as part of this request.
- Environmental concerns about Pokeberry Creek which is already in experiencing environmental impacts from development.

It was noted by the applicant's attorney that they have begun discussions and a plan with Adam McIntyre to protect those resources and are working on a restoration plan for the portions of Pokeberry Creek that runs through their properties.

There was one person who spoke and wanted their parcels to also be included in the map amendment request. However, that will require a separate submission at a later date. Additional parcels cannot be added to this request.

### **Planning Board meeting October 5, 2021**

The applicant's attorney provided a presentation and commented that their request meets the goals of the Compact Communities Ordinance (CCO) and Plan Chatham stating this is a key growth area and more development is coming. She stated this is not a piece-meal project as a portion of their plans are already within the CCO area map. She asked the Board to follow staff's recommendation for approval. Mr. Randy Voller spoke stating he has been working on this project for two years, there's no debt on these properties, and they are proposing a charter school and farmer's market as well. Mr. Bowman spoke stating the amendment meets the CCO principles and the request is to add only 184 acres that lies outside of the current CCO map area and the remainder of their proposed parcels for development are within the CCO map area.

Public input consisted of the following:

- Requests to wait for the UDO process to be completed before approving any more development.
- Support for more growth but not without benefit of wastewater treatment plans.
- Area is not within the Plan Chatham Future Land Use and Conservation Map compact residential area, rural roads are with existing increases in traffic from Briar Chapel are a problem, the request exposed holes in the CCO that can only be fixed with the UDO, rural nature will be damaged, and environmental issues and water supply.

Planning Board discussion consisted of the following:

- Two of the parcels are not contiguous to the existing boundary of the CCO map and two are.
- Traffic increase on secondary, rural roads are a concern, no Traffic Impact Analysis, and not enough information to move forward. Would have preferred a map showing proposed development layout and WWTP location even though it is not required as part of a text and map amendment.
- WWTP a better option than adding more septic systems especially with new designs coming out all the time.

The Planning Board voted 8-3 to deny the text and map amendment application.

### **How does this relate to the Comprehensive Plan:**

Based on discussion by the Planning Board, the proposed text and map amendment does not support the Comprehensive Land Use Plan by not being contiguous to the existing boundary of the Compact Residential node, rural character being disturbed, insufficient information regarding wastewater treatment and environmental concerns. Also noted specifically was Ch 4, pg 61, Land Use policies and strategies not being met.

### **Recommendation:**

The Planning Board by a vote of 8-3 recommends this text amendment be denied