



Chatham County, NC

Legislation Text

File #: 21-3970, **Version:** 2

Vote on a request to approve a legislative request by the Vickers Bennett Group LLC for text and map amendments to the Chatham County Compact Community Ordinance specifically Section 6.1, p 3 for an expansion of the CCO map and text amendments to support the expansion of area request.

Action Requested:

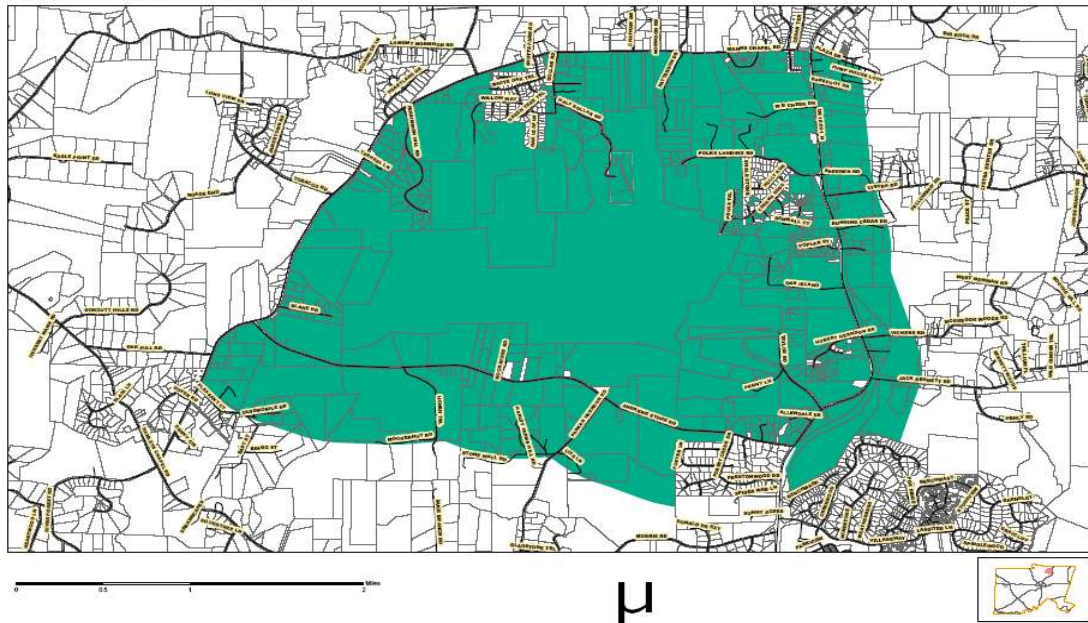
Vote on a request to approve a legislative request by the Vickers Bennett Group LLC for text and map amendments to the Chatham County Compact Community Ordinance specifically Section 6.1, p 3 for an expansion of the CCO map and text amendments to support the expansion of area request.

Introduction & Background:

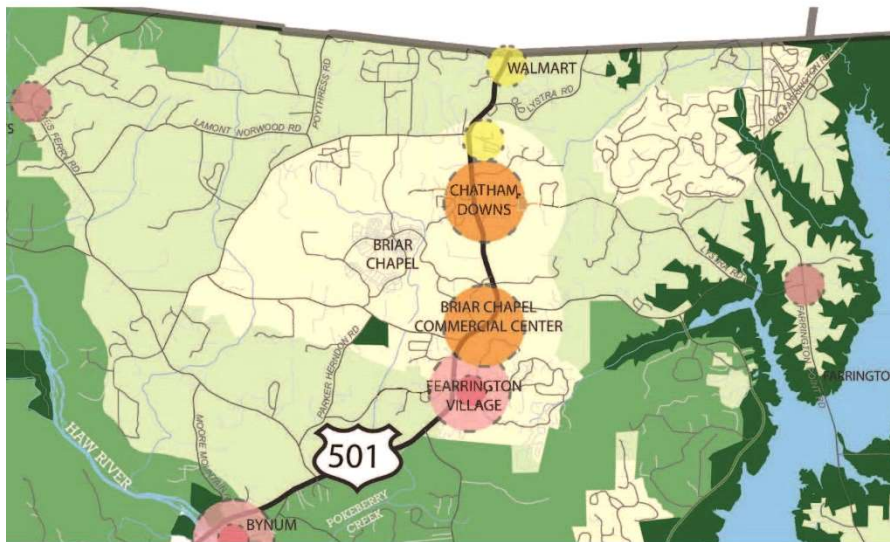
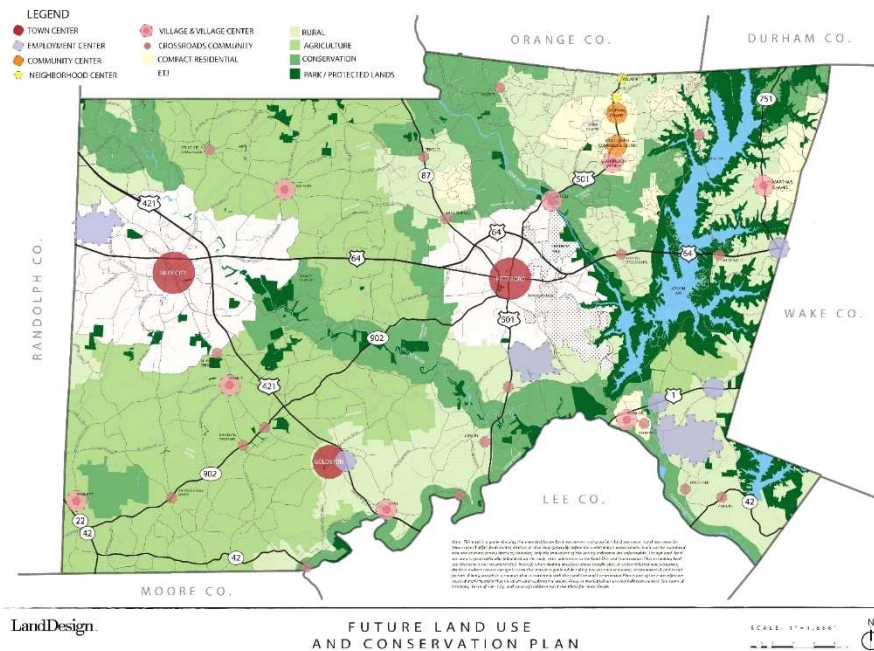
A legislative public hearing was held on August 16, 2021. Planning staff and the representative, Nick Robinson, attorney, presented the request before the Boards. The applicant also spoke and there have been many written comments submitted. Those comments can be viewed from the Planning Department website noted above.

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



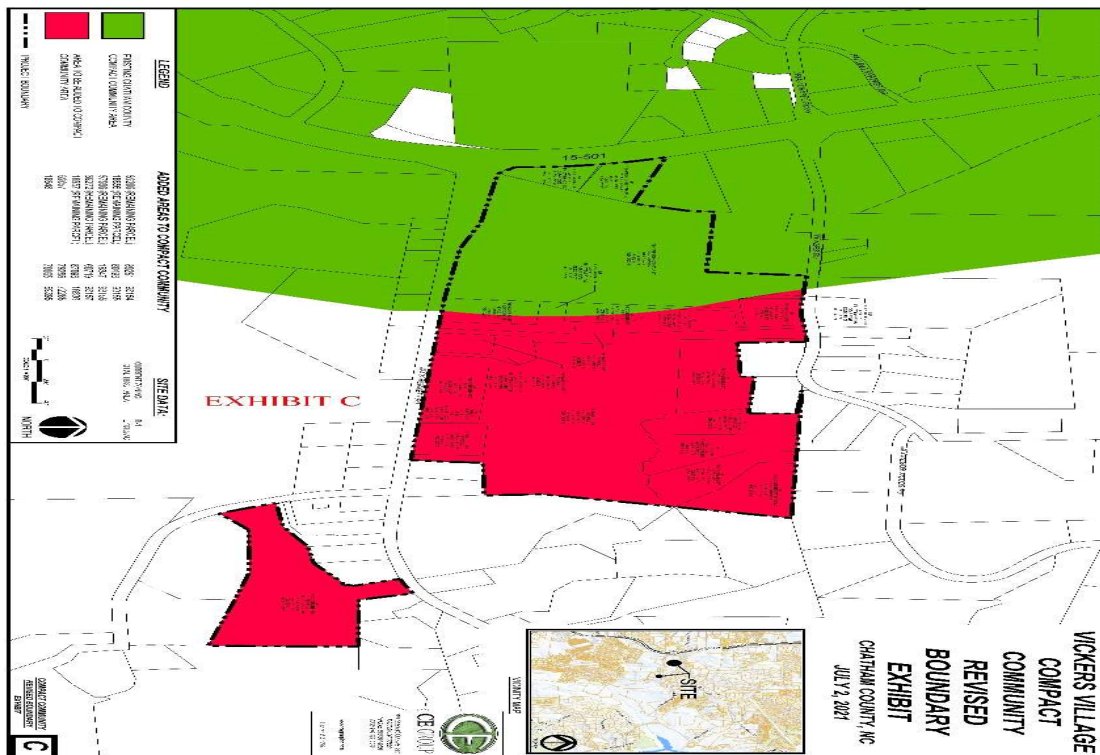
When the CCO was adopted the Land Conservation and Development Plan (adopted in 2001) was the guiding policy document for the Board of Commissioners. In the Land Conservation and Development Plan, compact corridors were encouraged so that the rural and agricultural areas could be protected and were intended 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.



Discussion & Analysis:

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.



The applicant has addressed their expansion request as follows as well as offered text changes to clarify the area/s allowed to seek a rezoning to Compact Community. This language would also cover any subsequent requests.

1. Alleged error in the Ordinance, if any, which would be remedied by the proposed amendment. The applicant is not claiming any error in the Ordinance, rather with the adoption of Plan Chatham, existing boundaries are inconsistent between the two maps. This request will bring consistency between them.
2. The changed or changing conditions, if any, which make the proposed text and map amendments reasonably necessary. The background on the adoption of the two regulatory documents is noted under Introduction and Background. The current CCO map bisects five of the seven parcels proposed to be included in a revised map.
3. The manner in which the proposed text and map amendments will carry out the intent and purpose of the CLUP or part thereof. The applicant has addressed several Recommendations and Policy items as provided in their application submittal under justification. Please review the submitted application for a complete list of recommendations and policy objectives. There are seven parcels to be included in the CCO map expansion area, five of which are partially

with the CCO map area. Additionally, Chapter 3, page 47 of the CLUP states that the allowance for development of compact residential projects “within one mile of Community Centers” is permissible. This one-mile zone is broader than the 1,700 feet described in the current language of the CCO. This amendment will bring more unity between the two maps.

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.

The Planning Board reviewed this item during their September 7, 2021 meeting and several speakers commented on the proposed amendment. Concerns/comments as well as the Planning Board discussion are noted below.

Points of concern/comments from the public were:

- Believe the upcoming Unified Development Ordinance (UDO) would be a better tool in clarifying development protocols. Preferred this request to wait until UDO adoption.
- Concern about the loss of rural character and charm of the community.
- Request for a moratorium on compact community applications.
- Concerns about more wastewater treatment plants with the current lack of county or state response to ongoing issues with other plants.
- Impacts of smaller compact communities haven’t been fully evaluated.
- Density transfers don’t protect the rural areas surrounding the development.
- Proposed text language is too open-ended and allows for too many judgment calls to be made by the decision making board.

Points of concern/comments from the Planning board were:

- Area noted for compact residential extended with the Future Land Use and Conservation Plan Map that is part of Plan Chatham and this request would bring the two maps more in line.
- Concern about future compact community map boundary extension and whether scope creep will occur and where it will end.
- Concerns over more wastewater plants when there are several that are under current violation with the NC Department of Environmental Quality.
- Discussion that comments about wastewater systems is a standalone issue but there were no other comments in opposition to the request.

The Planning Board by a vote of 7-4 recommends approval of the amendment to the Compact Communities Ordinance map and text change.

How does this relate to the Comprehensive Plan:

Chapter 3, page 47 of the CLUP states that the allowance for development of compact residential projects “within one mile of Community Centers” is permissible. This one-mile zone is broader than the 1,700 feet described in the current language of the CCO. This amendment will bring more unity between the two maps.

Recommendation:

The Planning Board voted 7-4 to approve this amendment based on the goals and objectives noted in Plan Chatham for expansion of the compact community area. Also, to have consistency between the Compact Communities Ordinance map and the compact residential node identified on the Future Land Use and Conservation Plan Map that was adopted as part of Plan Chatham.