

MEMORANDUM

To: Jason Sullivan, Planning Director and

Rachael Thorn, Watershed Administrator, CPESC

Copy: Kimberly Tyson, Subdivision Administrator, Planner II

Angela Plummer, Zoning Administrator, Planner II

Cara Russell, Planner III

Janie Phelps, Zoning Official

From: The Vickers Bennett Group, LLC, by Wade Barber, Attorney

Date: October 7, 2020

**Re: Proposed Revisions to the Zoning Text Amendment for a CD-MU-CR District filed
March 27, 2020**

Attachments:

1. **A DRAFT** “Attachment A to Zoning Text Amendment Application, *Revised October 7, 2020, revisions and edits tracked and explanatory notes included;*” and
2. **A DRAFT** “Attachment A to Zoning Text Amendment Application, *Revised October 7, 2020,*” that does not track the changes nor include the explanatory notes.

This is sent to you as a DRAFT. We would appreciate your comments before sending a final.

The Vickers Bennett Group, LLC will offer proposed revisions to the Zoning Text Amendment it filed on March 27, 2020. This proposal addresses concerns raised at the public hearing and in a conference call with you. There are a few edits for clarification and to correct mistakes.

The revisions address the following concerns:

1. Built upon area & units per acre: There is overlap of the “built upon area” and “units per acre” calculation.
Resolution:
 - a. To maintain a base level of watershed protection, limit the impervious area to 24% of the total project area. This is how it is addressed in the Compact Community Ordinance.
 - b. In addition to the 24% limitation, limit the number of cluster residential units to two per gross acre in the project. Also, this is how it is addressed in the CCO.
2. Location: The location was by reference to the land use “plan”—that is only a policy, not an ordinance. Also, some noted that the existing mixed use district is not limited by location, this improved mixed use district should not be limited.
Resolution: Delete the location limitation. The County can follow its land use policy when considering a rezoning request.

3. Setback: Provide for a 50' building setback where the boundary is a very wide public road (i.e. 15-501), regardless of how the property across the highway is zoned.

The edits are as follows:

1. In Section D, change the term "Open Space (see Watershed Protection ...)" to "Conservation Space (see section 7.8 of Subdivision Regulations ...)." Conservation Space, is defined in both the Subdivision Ordinance and the Conservation Guidelines, to include both Open Space and Natural Space, and limits Open Space to 20% of the Conservation Space. This edit is to correct that mistake.
2. Also, Section D continues the requirements that at least 20% of the BUA be non-residential and that non-residential not exceed the residential area; but deletes the requirement that one be built before the other. The original language was from the CCO for a very large development where the commercial is far from the residential. For a CD-MU-CR district, the goal of keeping those ratios in balance is best established on the site plan. There is no reason for the developer and the County to be burdened with tying the time of construction and permitting to the ratio.
3. Miscellaneous corrections, such as inserting "Compact Residential" where omitted and deleting a hyphen in "Mixed Use" (to be consistent with the Zoning Ordinance usage.)