

From: Julie Esther <jkesther@aol.com>
Date: Mon, Nov 30, 2020 at 12:21 PM
Subject: Vickers Bennett Amendments
To: George Lucier <glucier5@gmail.com>
Cc: Chuck Esther <CharlesREsther@gmail.com>

Dear George,

We hope you are doing well and had a good Thanksgiving. We are writing in regard to the proposed Vickers Bennett amendments. The concept of adding a conservation subdivision option to mixed use has appeal.

However, we have studied the Vickers Bennett amendments and are very concerned about unintended negative consequences of these particular amendments. Although the applicants state that they are only making “simple” changes, as you know the interplay among the Zoning, Subdivision, and Watershed Protection Ordinances is quite complex. The Vickers Bennett group, while having good intentions, does not seem to fully understand important aspects of the county ordinances. As you stated during the last Planning Board meeting, the most important thing is to get amendments right. Two more Planning Board meetings does not seem to be sufficient time to thoroughly examine these complex proposals to develop an entirely new district.

Here are a few of the many concerns and questions:

—The revised CD-MU-CR is no longer geographically restricted and would allow two units of single family residential per acre throughout the entire county. This is a substantial change that requires close examination to determine the potential risks.

—Their proposed amendments to the watershed ordinance would extend the increased density to all Mixed Use zonings, for reasons that are not clear.

—The applicants state that the amendments are needed immediately to prevent land from being developed in a way inconsistent with Plan Chatham. However, they also state that we should not worry about misuse of their proposed new zoning since the Commissioners and Planning Board can prevent deviation from Plan Chatham. Those arguments conflict—the boards either have the power to enforce Plan Chatham or they don't.

—Having followed several proposals closely, we are concerned that once ordinances are written, future boards will have limited ability to prevent anything that developers' lawyers can argue is allowed by the ordinances.

—The applicants do not provide any assessment of the impacts of the proposed setback changes and whether they are justified environmentally.

— If these amendments pass, wouldn't developers throughout the county be highly motivated to classify any future residential development as CD-MU-CR, since that would allow them to double overall residential density as long as they reserve 20% of their land for commercial use

(which they wouldn't even have to develop)? That does not seem consistent with the vision of Plan Chatham.

It seems that the Vickers Bennett group's goal for their own property could be achieved within existing ordinances such as the CCO with requests for certain exemptions. This seems far preferable to trying to change ordinances county wide with possible unforeseen negative consequences. We have seen such consequences first hand, as the seemingly "simple" sentence in section 10.12(E) of the Zoning Ordinance that "Multi-family dwellings shall also be permitted within the CD-MU district" has been used by a developer's attorney to successfully argue that multi-family in mixed use is not subject to any residential density limits. The details on how this came to be are complex and were shared with us by Jason Sullivan. If you are not familiar with these details, we are happy to share those with you.

If the Planning Board does not think these amendments can wait for the UDO, perhaps they can recommend initiating a subcommittee to develop well thought out ordinances to address the problem the applicant has presented. In the meantime, developers could use the CCO and ask for targeted exceptions that can be considered for each specific proposal rather than being written into ordinances that apply to the entire county.

Thank you,
Julie and Chuck Esther

On Mon, Nov 30, 2020 at 6:25 PM Koblansky, Alicia
<alicia_koblansky@med.unc.edu> wrote:

Hi George,

I wanted to go ahead and send some of my comments in regards to the Vickers Bennet text amendments.

After the November Planning Board meeting, a discussion regarding Chatham County needing additional zoning ordinances to provide for a better mix of commercial with single-family and multifamily residential occurred. While I applaud the Vickers Bennet group for writing their text proposal and initiating this discussion, the text for Zoning and Subdivision amendments, as written, are too vague and imprecise to provide correct guidance for this type of zoning.

After reviewing similar Mixed-Used development zoning from other counties in NC and similar municipalities across the US, there are fundamental problems with the Vickers Bennet group proposed amendments. For example, it is not clear how the Subdivision or Zoning ordinance would define appropriate zones and densities within the residential mixed-use. The group has presented a figure of a sample development scenario in which they show Mixed-use along a major corridor with cluster single-family residential closest to the existing adjacent properties. However, reviewing the text amendments, there is no description of appropriate zoning. Since mixed-use developments support activity throughout the day and into the night, site design and building orientation is critical to establishing an environment which allows for a diversity of uses with minimal impact on other uses, for example, times for commercial trash pick should not inconvenience residences or vice versa.

To ensure that new residential mixed-use development respects the scale and character of adjacent development, new residential mixed-use development should have densities appropriate to each zone or subarea in the Specific Land Plan use. In the Vickers Bennet text, there is no discussion of mixed use-design standards and permitted uses. For example, a discussion of residential development with commercial provision should be included where the commercial building and uses should be located at a major corridor or public street to prevent the expansion of commercial into single-family residential cluster.

If these amendments pass as is, developers throughout the county would take advantages of the general and vague language to proposed mixed use developments that would not be scaled to existing adjacent neighborhoods with the possibility of commercial being built throughout the mixed-used with some residential on top. These ordinances should include ways to protect established neighborhoods surrounding mixed use centers from incompatible uses, excessive noise, illumination, loss of privacy, and similar significant nuisances.

If a new zoning ordinance for mixed-use is needed by the County before the UDO can be finalized; two more planning board meetings probably won't be enough to full encapsulate everything that needs to be incorporated. Perhaps consider denying the existing proposals and recommending the formation of a subcommittee that would include members of the Watershed Board and ERAC so to define a new Mixed-use Cluster residential. Allow this committee the time to further research the issues that come up with residential scaled Mixed Use with commercial provision.

In the meantime, developers can still use the current CCO and modify to suit, there is evidence of this in the county with Governors Village have a mixed of commercial with residential above. In addition, Mosaic is currently building mixed-use with residential above commercial, gathering some input from Pittsboro Planning board might be helpful. In the end, there shouldn't be a rush to get these text amendments approved since there are so many issues with them.

Thank you for your time and consideration.

Best,
Alicia

A. Alicia Koblansky Ph.D.
Investigator ViiV Healthcare/Qura

Adjunct Assistant Professor
Department of Medicine
UNC HIV Cure Center

120 Mason Farm Rd Suite # 2097 CB# 7042
University of North Carolina at Chapel Hill
Chapel Hill, NC 27599
Phone # (919) 445-0381