

## *Applicant's Notes in Response to Public Hearing Comments*

### **Alicia Koblansky's Comments, Public Hearing, November 10, 2020**

Good evening Planning Board members,

My name is Alicia Koblansky, I am a resident of Chatham County and tonight I am speaking regarding the amendments to the zoning and subdivision ordinances proposed by the Vickers Bennet group.

The addition of the new section of a mixed used development to include a single-family Cluster residential component within the Compact residential and Community Center as proposed does not sufficiently define their impact on existing surrounding communities. As stated by the Vickers Bennet group, they request that the location limitation of this new regulation be deleted, and the county follow its land use policy when considering a rezoning request. Therefore, the increase in residential density applies to all in the county and not just "Centers" and "Villages" as defined in the current Comprehensive Plan. This proposal at this time does not address the varied situations across the county. For example, not all areas of Chatham county have access to public water provided by Chatham County, nor a centralized wastewater treatment plant. What would be the impact of 100 new wells that go down 500ft beside adjacent properties that have wells that only go down 150ft.

#### *APPLICANT'S NOTE:*

- 1. The limitation to "Centers" and "Villages" was by reference to the Comprehensive Plan, the Chatham County land use policy adopted in 2017. At the August 2020 public hearing, it was pointed out that the Comprehensive Plan is a "policy," not an ordinance—and the proposed limitation section was questioned. We realized that generally, the appropriate location of a zoning district is for the Commissioner's determination when the zoning, or rezoning of a particular site is proposed. For instance, the existing CD-MU, and even the Heavy Industrial, sections of the Zoning Ordinance do not limit their location. The Commissioners appropriately look to the Comprehensive Plan, the impact on surrounding communities, the availability of roads, water, sewer and many other factors when considering the appropriate zone for a particular parcel.*
- 2. Passage of the Vickers Bennett text amendments do not increase density anywhere.*
- 3. This proposal is for a "Conditional District," gives the County greater authority to impose appropriate conditions to address wells, sewage disposal, and other public concerns, than it has in R-1, Industrial, and most other zoning districts. Any project proposed under this new Conditional District would be required to comply with all regulations for sewer treatment and water supply.*

In the Northeast section of our county, the maximum residential density is governed by the Watershed Ordinance and protecting the Jordon Lake Watershed, which is a massive

regional resource that is utilized by 10 counties, 27 municipalities and over 700,000 water customers. Our decisions to increase density in these regions in an uncontrolled way, will affect more than those in our immediate community.

In the revised amendment, the Maximum Built Upon Area and Residential Density allowed in a Mixed Use Cluster Residential district shall be no greater than twenty-four percent (24%) of the total project area. However, it is not clear if the developer could divide the project into phases and would the 24% of BUA be for the first phase or for the entirety of a multi-phase project, especially with the removal of the Net Land Area Computation. In addition, section D continues the requirement of at least 20% of the BUA be non-residential with the goal keeping the ratio of residential and commercial balanced, therefore this introduces the possibility of commercial and/or light industry being built directly adjacent to residential districts that have been zone for lower density.

*APPLICANT'S NOTE: The County will address phasing, if any, in the conditional zoning and site plan process.*

The current Compact Communities Ordinance was implemented to protect Chatham County's character by adequately buffering compact communities from neighboring properties and roadways. In the current proposal, as written, a 100ft setback will be apply to all residential and non-residential buildings and structures along the exterior boundary. There is no information provided to a true vegetative perimeter buffer between the adjacent properties and the proposed new zoning. Within a 100ft setback from a building and/or structure stills allows the possibility of parking lots, lighting, dog parks and waste collection for commercial and light industry being adjacent to established residential zones without optimal buffering.

*APPLICANT'S NOTE:*

- 1. As a "Conditional District," the locations of parking lots, dog parks, waste collection, and landscaping are controlled by the County in the site plan approval process and the conditions imposed.*
- 2. Again, the County determines the conditions, including whether to allow a proposed industrial use, when considering an application for approval of a Conditional District.*

The Vickers Group refer to the Compact Communities Ordinance throughout their proposed amendment. The CCO provides zoning regulations made in accordance with the comprehensive plan, that was designed to promote public health, safety, and general welfare. We know the CCO is not perfect, that in reality more specific language should have been included. For example, other counties in NC include information in regard to the specific pipes that can be used for removal of wastewater. But even with the CCO faults it provides a starting point for increase residential density; two dwellings units for each acre of gross land in the project and capping the amount of dwellings thereby providing some protection to the existing communities.

*APPLICANT'S NOTE:*

- 1. We are not aware of sewer pipes, or other waste water hardware specifications being in zoning or subdivision ordinances. The State has detailed specifications for*

*sewer collection and treatment facilities. If a community is to have public water provided by Chatham County, then the County sets the standards. Any private water or sewer system must comply with the NC Department of Environmental Quality (NCDEQ) specifications and approved by their engineers. Also, the County has additional standards for any system to be added to the County water system.*

2. *The proposal protects the watershed and the existing communities in the same way as the CCO—1) limits BUA to 24%, and the number of single family residential to 2 DU/gross acres of land.*
3. ***Even better, this proposal requires 40% be set aside as Conservation Space, with 80% of that to be Natural Area.*** *The “Chatham County Conservation Subdivision Guidelines for Conservation Space Selection” (2008) provides, among other requirements, that “Conservation Space should be selected with consideration of adjacent properties.”*

The Vickers Group new text amendments, provides a starting point to discuss the addition or a modification to current zoning ordinances to provide a better balance of residential and non-residential for Chatham County. However, as written, the new text amendments are too vague and imprecise to provide correct guidance for this type of zoning. As we have learned from the CCO, we cannot afford vague and imprecise language. Also, additional consideration must be included in this new zoning due to the particularities of our county compared to our sister counties which provides public water and public wastewater removal to a majority of areas that have increase residential and commercial density.

*APPLICANT’S NOTE:*

***Yes, the proposed amendments do provide for a better balance of residential and non-residential.***

*Also,*

1. *The Chatham County Comprehensive Plan provides guidance for the location of this type of zoning. Existing ordinances, such as the Conservation Space Guidelines, and County and State regulations provide further guidance.*
2. *Again, as a Conditional District, the County has great authority as to what to allow and the conditions to impose.*

These are major amendments that will have lasting impacts on the local and surrounding communities. Precedence must be set for these larger developments. These are not simply building a dozen houses. These developers are asking that you change policy, so let’s work towards a solution that will not cripple the established communities and an UDO that will be structured to support those existing here now.

*APPLICANT’S NOTE:*

1. *These amendments give Chatham County the opportunity to invite and carefully scrutinize proposals for the walkable “Centers” and “Villages” as recommended by the Comprehensive Plan.*
2. *Respectfully, VBG is asking the County to implement, not change, its land use policy adopted in 2017.*

**Charles Esther's Comments, Public Hearing, November 10, 2020**

With

**Responsive Notes by VBG**

Planning Board,

My name is Charles Esther, and I would like to take a few minutes to express my concerns with the amendments to the Zoning and Subdivision Ordinances proposed by the Vickers-Bennett Group.

These amendments seek to add a new Mixed Use-Cluster Residential zone with higher residential density than existing zones. The applicants' justification states that these amendments are needed to meet the objectives of the Plan Chatham comprehensive plan, which in their view calls for higher residential density within specific areas along the 15-501 corridor. In fact, the applicants were very clear in their presentation to the Board of Commissioners that their proposed zoning would only apply to Compact Residential and Community Center areas as designated by Plan Chatham. However, the applicants were subsequently informed that ordinances cannot utilize a policy statement like Plan Chatham to define geographic regions. To correct this error, the applicants now propose to remove geographic restrictions entirely and allow their proposed zone to apply throughout the county. Their entire rationale for these amendments was the need for higher residential density within specific regions of the county. Without geographic restrictions, almost nothing in their justification still applies.

*APPLICANT'S NOTE:*

- 1. The proposal is for a Mixed Use-Cluster Residential Conditional District (CD-MU-CR), not the zoning of a site.*
- 2. This proposed Conditional District will apply only to sites rezoned by the County. Generally, the Zoning Ordinance does not address location (not even for Heavy Industrial)—that is left to the Comprehensive Plan, and the County's determination of suitability of proposed location in making zoning decisions.*
- 3. Currently, the Zoning Ordinance does not limit the location of Mixed-Use Zoning District. Our text amendment just adds the requirements of Conservation Space and single-family Cluster Residential to the existing CD-MU district.*
- 4. The County policy—the Comprehensive Plan—calls for such developments in or near the designated areas.*

It is important to note that these amendments are not necessary to permit cluster residential within a Mixed Use Zone. The current Subdivision Ordinance includes several options for clusters within residential zones, including Planned Residential Development and Conservation Subdivisions. Any of these would be available as residential uses within a Mixed Use Zone under the existing ordinances.

*APPLICANT'S NOTE: VBG considered the Planned Residential Development ("PRD") and the Conservation Subdivision developments. However, those ordinances are not drafted to provide for: a) the "Community Centers" and "Compact Residential" called for in the Comprehensive Plan (see CP p. 47); b) concentrating growth in compact, well-designed, walkable, mixed use communities per CP, Recommendation 01. (see 62-64); nor for c)*

*the higher residential density needed to create the compact communities envisioned in the Chatham County Comprehensive Plan – medium density, pedestrian friendly, environmentally responsible projects.*

*In fact, no one has ever proposed a medium sized (50 – 250-acre) PRD or mixed-use community under the existing ordinance.*

What the Vickers-Bennett amendments really seek to do is double the allowable residential density within Mixed Use Zones throughout the County. This is far higher than the 10% density bonus that is allowed for cluster residential within a Conservation Subdivision. Furthermore, the applicants intend for this increased density to apply to all Mixed Use zones, not just the new Mixed-Use Cluster Residential. That is apparent from the fact that the amendment to the Watershed Ordinance specifically mentions increased density for mixed use and mixed use-cluster residential separately. The applicants provide no justification for this wide-reaching change or any analysis of its environmental impact.

*APPLICANT'S NOTE:*

*VGB appreciates the point that these amendments should not include the existing Mixed Use zone. VBG revised its Watershed Amendment to limit the density provision CD-MU-CR communities only.*

*Higher density is necessary to create the compact communities envisioned in the Chatham County Comprehensive Plan – medium density, pedestrian friendly, environmentally responsible projects. This density comes with benefits: a) preservation of Conversation Space (No Conservation Space is required in the existing mixed and commercial zones) ; and b) the commercial, residential and other uses, and the Conservation Space, must coordinated.*

In short, the proposed amendments are flawed and do not meet the objectives of Plan Chatham. They are not the way to achieve the goals of the Comprehensive Plan. Any changes to the ordinances need to be carefully considered to achieve the optimal balance of economic and environmental needs. Chatham County already has a process in place to do just that: the Unified Development Ordinance. The UDO will allow all stakeholders a voice in modifying the ordinances, not just a developer group. I urge the Planning Board to recommend against adoption of the Vickers-Bennett amendments and let changes to the ordinances take place through the UDO process.

*APPLICANT'S NOTE:*

- 1. All agree that zoning needs to be carefully considered to achieve economic, environmental, and other needs. All agree that it would be wonderful to have a Unified Development Ordinance in place—but three years have passed, hundreds of acres have been, and are being, developed, yet, there is no UDO on the horizon.*
- 2. At this time, we can amend the existing Zoning Ordinance as recommended by the Comprehensive Plan, or simply accept only development that follows the existing Zoning Ordinance.*
- 3. Would the citizens of Chatham County prefer a Mixed-Use project with only multi-family residential units or would they want a Mixed-Use zoning district that encourages property owners to add clustered single-family residences and dedicate 40% of the total project to Conservation Space to a planned Mixed-Use project?*

4. *Meanwhile, the Comprehensive Plan recognized that the existing ordinances are lacking, and recommended creating a set of mixed-use zoning districts (Action Item 1, p145). "Adopted regulations include the CD-MU and the Planned Residential District (PRD) in the Zoning Ordinance and the Compact Communities Ordinance (CCO). Each provide a starting point for the creation of three new districts to be incorporated into the Zoning Ordinance as a way of more effectively facilitate mixed-use development as is appropriate for Chatham County now and in the future.*

*The Conservation Subdivision bonus of only 10% is not an economic incentive in highly attractive locations for mixed-use communities. For instance, 55 tiny lots are not as valuable as 50 one-acre lots.*

*FINAL NOTE: We all cherish the rural nature of the County and are proud of the record of environmental sensitivity around development over the County's history. The CD-MU-CR district would satisfy the demand for some residents to live in a multi-use, medium density, 50-250-acre neighborhood within the much larger rural County.*