



Chatham County Planning Board Agenda Notes

Date: October 5, 2021

Agenda Item: VII-1

Attachment #: None

- Subdivision Conditional Use Permit Rezoning Request
 Other:

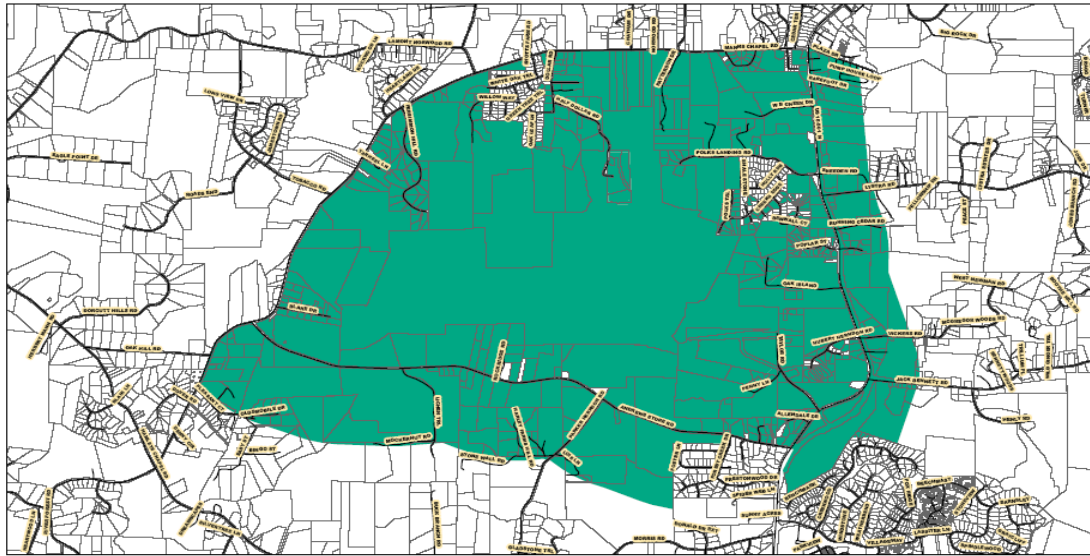
Subject:	A legislative public hearing for a request by Congruus LLC for a map amendment to the Chatham County Compact Community boundary map specifically Section 6.1, p 3-4 for an expansion of the CCO map to include an additional 184.04 acres off Parker Herndon and Morris roads, Baldwin Township.
Action Requested:	See Recommendation
Attachments:	<ol style="list-style-type: none">1. Please visit the Planning Department's webpage at www.chathamcountync.gov/planning/rezonings-subdivision-cases/2021 to view the public comments.2. Replacement application to match what was submitted to Planning and accepted.

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



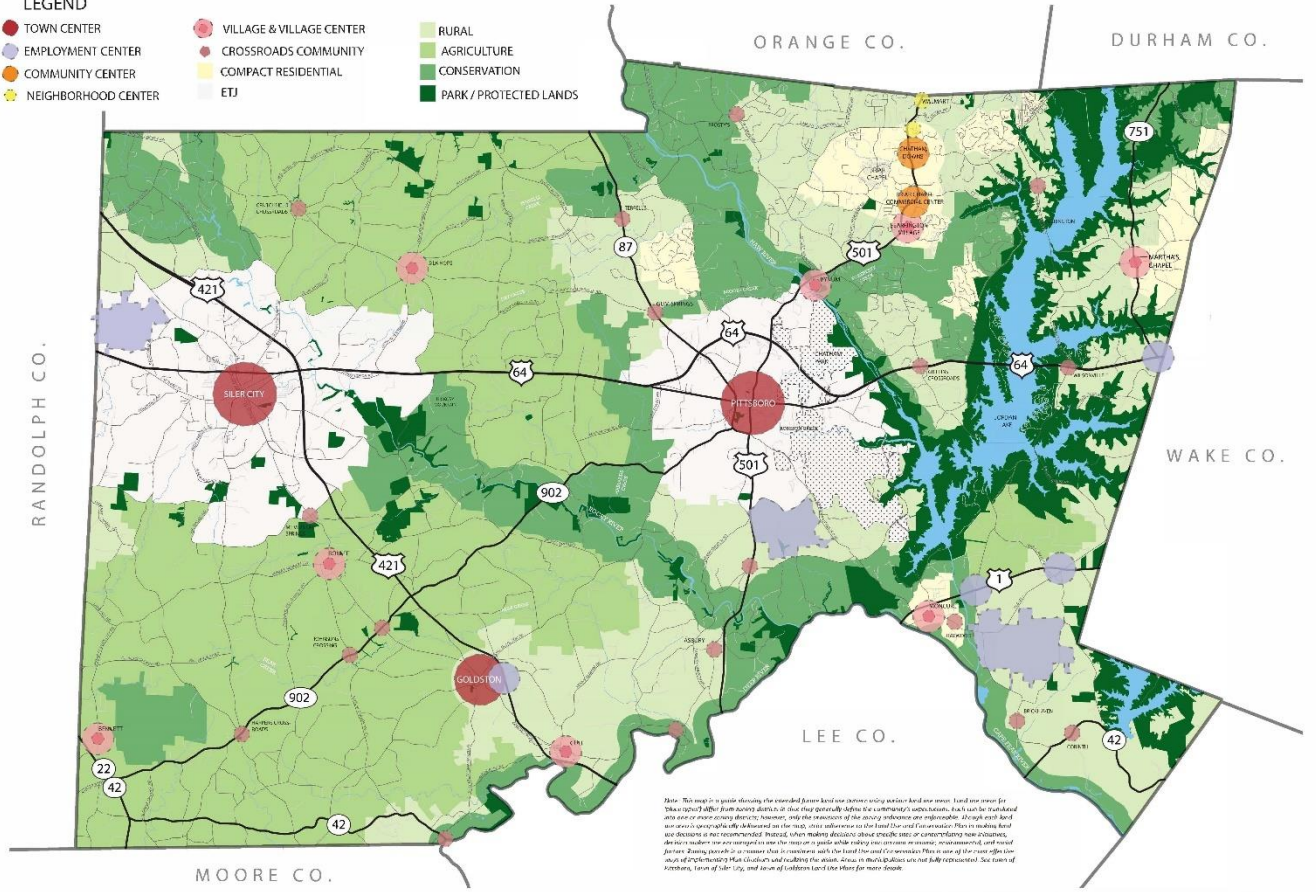
μ



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.

LEGEND

- TOWN CENTER
- EMPLOYMENT CENTER
- COMMUNITY CENTER
- NEIGHBORHOOD CENTER
- VILLAGE & VILLAGE CENTER
- CROSSROADS COMMUNITY
- COMPACT RESIDENTIAL
- ETJ
- RURAL
- AGRICULTURE
- CONSERVATION
- PARK / PROTECTED LANDS

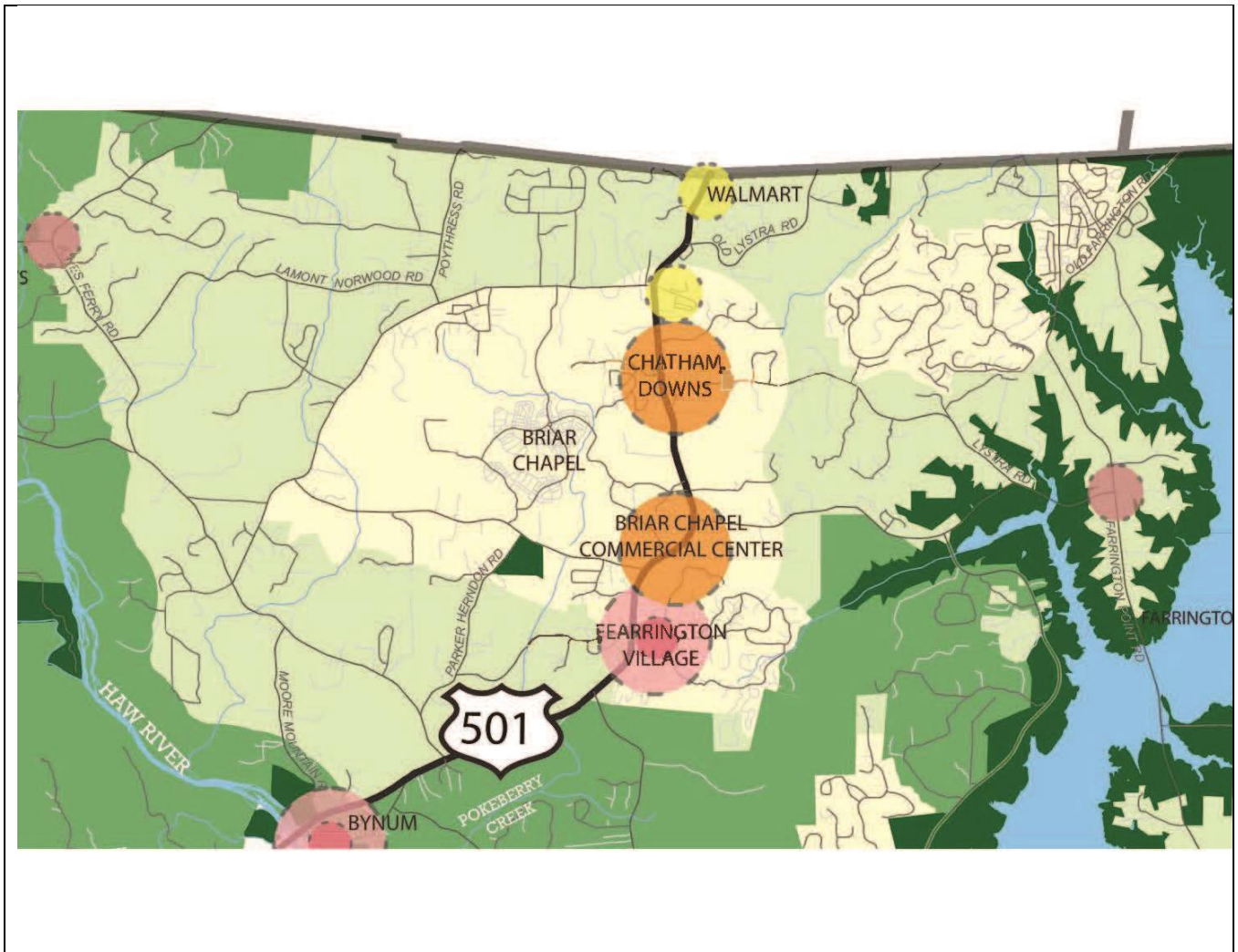


LandDesign.

FUTURE LAND USE AND CONSERVATION PLAN

SCALE: 1" = 4,866'

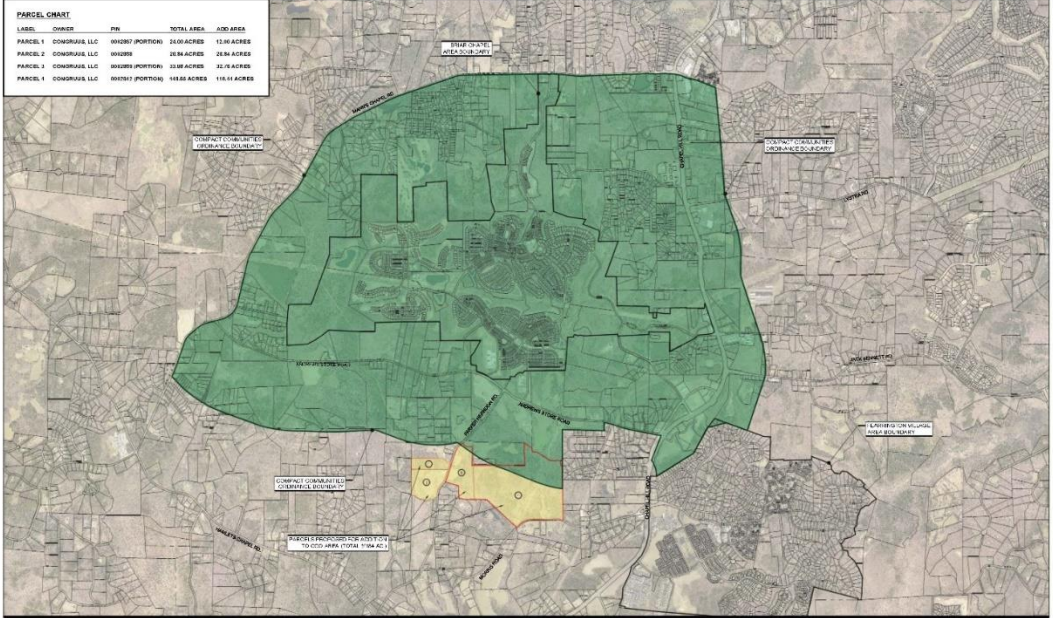





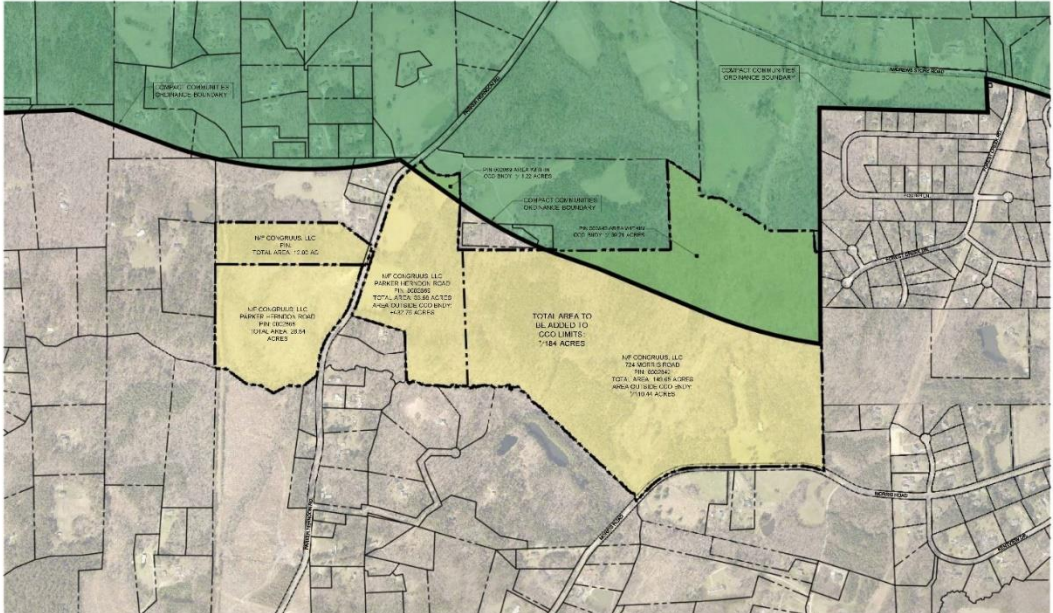
Discussion & Analysis:

When CCO amendment application was submitted to the Planning Department the hard copies provided to the Planning Board and digital copy used for posting online didn't match. The discrepancy was discovered the day of the public hearing and the applicant provided updated hard copies that now match the information online and that has been provided to the Board as an attachment to these notes.

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.



<p>THE SITE GROUP 111 W. 10th Street, Suite 100 Charlotte, NC 28202 Tel: 704.375.1100 Fax: 704.375.1101 Email: info@thesitegroup.com</p>	<p>Exhibit A</p> <p>COMPACT COMMUNITIES ORDINANCE BOUNDARY AMENDMENT MORRIS ROAD & PARKER-HERNDON ROAD CHATHAM COUNTY, NORTH CAROLINA SCALE: 1" = 100' @ 11" X 17" PLAT SIZE</p>	 <p>CONGRUUS, LLC 667 HILLSBORO STREET PITTSBORO, NC 27712</p>	<p>SCALE: 1" = 100' DRAWN BY: J. HARRIS CHECKED BY: J. HARRIS DATE: 08/20/2024</p>
--	---	--	---



<p>THE SITE GROUP 111 W. 10th Street, Suite 100 Charlotte, NC 28202 Tel: 704.375.1100 Fax: 704.375.1101 Email: info@thesitegroup.com</p>	<p>Exhibit A-1</p> <p>COMPACT COMMUNITIES ORDINANCE BOUNDARY AMENDMENT MORRIS ROAD & PARKER-HERNDON ROAD CHATHAM COUNTY, NORTH CAROLINA SCALE: 1" = 200' @ 11" X 17" PLAT SIZE</p>	 <p>CONGRUUS, LLC 667 HILLSBORO STREET PITTSBORO, NC 27712</p>	<p>SCALE: 1" = 200' DRAWN BY: J. HARRIS CHECKED BY: J. HARRIS DATE: 08/20/2024</p>
--	---	--	---

The applicant has addressed their expansion request as follows:

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.

Recommendation:

It is the planning staff opinion this text amendment should be approved based on the goals and objectives noted in Plan Chatham for expansion of the compact community area. Also, to have consistency between the CCO map and the compact residential node identified on the Future Land Use and Conservation Plan Map that was adopted as part of Plan Chatham. The request is consistent with the objectives of the two plans.

The Planning Board has up to three meetings to make a recommendation of approval or denial to the Board of Commissioners.