



CHATHAM COUNTY COMMISSIONERS

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Ordinance of the Chatham County Board of Commissioners

AN ORDINANCE AMENDING THE ZONING MAP OF CHATHAM COUNTY for Vickers Bennett Group LLC

WHEREAS, the Chatham County Board of Commissioners has considered the request by the Vickers Bennett Group LLC, to rezone approximately 101.8 acres, being all or a portion of Chatham County AKPAR Parcel No/s 18847, 18914, 60653, 89206, 18856, 87996, 89272, 18857, 69057, 89281, 80493, 60719, 87093, 89395, 93157, 93156, 93155, 93154, 79288, 79965, 18636, 18848 (see Attachment “B”), located at/off US 15-501, Jack Bennett and Vickers Road, Williams Township (the “Property”), from R-1 Residential to CD-CC Compact Community to develop the site for a new compact community to include single family, townhomes, commercial, and amenities, and finds that the amendment is consistent with the comprehensive plan of Chatham County as described in the Consistency Statement Resolution; and

WHEREAS, the Board finds that the rezoning request set forth in the Application filed by Vickers Bennet Group, LLC on or about July 2, 2021 and incorporated herein by reference, if approved pursuant to the provisions of the zoning ordinance, would be suitable for the Property proposed for rezoning; and

WHEREAS, the Board finds the five (5) standards, as described below, from the Zoning Ordinance have been met as stated:

No. 1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed description of such error in the Ordinance and detailed, and reasons how the proposed amendment will correct the same. The applicant is claiming no error in the Ordinance. The proposed use of Compact Community is allowed under Section 10.11 of the zoning ordinance; and

No. 2: The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare. In November 2017, the Board of Commissioners adopted Plan Chatham. This plan created a road map to guide development to areas best suited for various types and mixes of uses. A Market Analysis has been provided and the applicant contends based on growth rates in the county and lack of townhomes, the proposed development

will offer additional housing types other than detached single-family dwellings that have been the majority of housing offered in the county. The offerings include townhomes and condominiums over business. This project is projected to create approximately 49 permanent employment opportunities. No public improvements will be needed by the County. The developer will install and connect to the County water line located on US 15-501 and will construct a state regulated wastewater treatment plant and system anticipated to be operated by Aqua North Carolina; and

No. 3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof. This proposal is located within the area noted for mixed use and compact communities as shown on the map included in the Introduction & Background to Plan Chatham. Chapter 2 of the Plan addresses the problem of housing mix disparities existing in the County. This project will offer 111 townhomes to increase these units that are currently about 5% of the total housing units. Chapter 2 also includes that up to 57% of Chatham residents commute outside of the county for work and retail. This project anticipates up to 49 jobs which will help to offset the jobs and retail imbalance that currently exists (pg 16).

In regard to Parks and Health the development plan includes a trail network through the open and conservation spaces as well as walkability within the development from the residential areas to the commercial area. This also supports Parks and Recreation Policy 3, p 122, by increasing the number of milage of trails and greenways.

Mixed use developments are encouraged within Community Center nodes as shown in Land Use Policy 3, page 63. Land Use Policy 4 provides for the opportunity to incorporate transit stops which the developer has had reviewed by Chatham County Transit and as shown on the site plan; and

No. 4: The requested amendment is either essential or desirable for the public convenience or welfare. This request also supports several goals and objectives that have been put into place for residential mixed-use growth as stated in the supporting information for standard #3. Vickers Village also provides an opportunity for a different housing model than normally submitted for consideration by the county and is within an area shown on the future land use map. There will also be job creation which is noted in several sections of Plan Chatham. Further, the project includes an affordable housing contract with Chatham County which will be desirable for the public convenience and welfare; and

No. 5: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. The Chatham County water system will serve the development and there will be three access points to existing roads: one each on US 15-501 N, Vicker's Road, and Jack Bennett Road. Stormwater standards will follow current regulations and are to be complied with at all times.

The parcel identified as AKPAR 18636, which is not contiguous to the development will be restricted to permanent natural space.

The applicant has also provided CCO Compliance Response to each section of the ordinance. Please note that sections 8, Stormwater and 9.1, Riparian Buffers, are now superseded by the Chatham County Stormwater Ordinance and the riparian buffer standards in the Watershed Protection Ordinance; and

BE IT ORDAINED, by the Board of Commissioners of Chatham County as follows:

1. The Application to rezone all of the Property described as Parcel No/s. 18847, 18914, 60653, 89206, 18856, 87996, 89272, 18857, 69057, 89281, 80493, 60719, 87093, 89395, 93157, 93156, 93155, 93154, 79288, 79965, 18636, 18848 and being approximately 101.8 acres as depicted on Attachment "A" the Vickers Village Compact Community Master Plan/Site Plan, by CE Group and dated July 2, 2021 and Attachment "B" the Vickers Village Compact Community Development Parcels Exhibit by CE Group and dated July 2, 2021, located at/off US 15-501, Jack Bennett and Vickers Road, from R-1 Residential to CD-CC Compact Community, Williams Township is approved and the zoning map is amended accordingly.

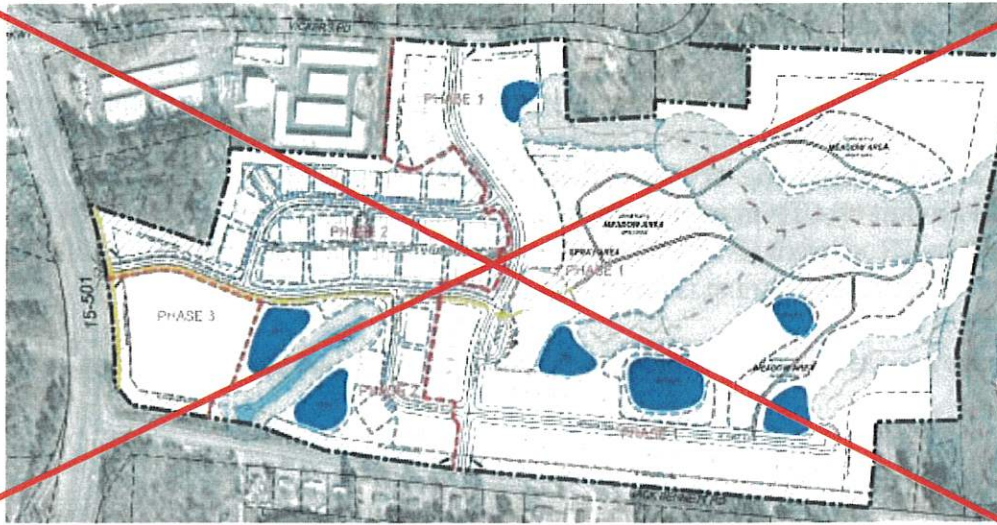
2. As part of this approval, the following conditions are also approved and shall be followed at all times:

Site Specific Conditions

1. The Master Plan/Site Plan, attached as Attachment "A", shall be the guide for all phases of the development. Any modifications, changes, alterations not allowed by administrative approval, must be resubmitted as a CD-CCO Revision and all submittal requirements followed.
 - Total project area = 101.8 acres
 - Maximum Impervious Surface = 24%
 - Total Number of Dwelling Units = 203
2. The site plan/s for the commercial areas must be reviewed by the Chatham County Appearance Commission.
3. Landscaping/Screening. All required screening and buffers for each phase shall be in place prior to issuance of a certificate of occupancy or next optimal planting season after issuance of a certificate of occupancy. Existing vegetation may be used to fully or partially fulfill the landscaping and buffer requirements of the County. The extent to which the same can be used shall be determined by the Planning Department prior to issuance of the certificate of zoning compliance. It is strongly recommended that existing native vegetation be preserved where practical. Grading within buffers will be done in compliance with approved erosion control plans.
4. For each phase, all required permits and/or authorizations from local, state, and federal agencies shall be submitted as part of the platting process and prior to any land disturbing activities covered under current ordinance, law, or regulation and before any such zoning determinations are approved. This includes but is not limited to Zoning, Planning, Building Inspections, Environmental Health, Fire Marshal, NC Department of Environmental Quality, NC Utilities Commission, Watershed Protection, NC Department of Transportation, Utilities, etc.
5. Phasing – Phasing is permitted with this approval. The development schedule states the following and shall be followed unless a new phasing schedule is approved. It is:
6. Phases 1 a, b and c – at least 66 lots Final Plat submitted by ~~12/31/2024~~ (may be broken into sub-phases) 12/31/2026
7. Phases 2 a, b and c – at least 115 lots Final Plat submitted by ~~12/31/2026~~ (may be broken into sub-phases) 12/31/2027

8. Phase 3 – Commercial lot by ~~12/31/2027~~ 12/31/2028

PHASING MAP



9. The trail system shall be installed and accessible before or at the time when 50% of lots have been shown on a recorded plat.
10. Sidewalks will be provided along both sides of all streets (but not alleys) with residences or other buildings fronting them. Sidewalks will be provided along one side of all other streets (but not alleys) that provide connections within the community but do not serve as building frontage. Street trees, either planted or preserved, will be provided along all streets (but not alleys).
11. Solid Waste Management. Solid residential waste shall be managed by residential curbside recycling and solid waste pick-up. With regard to construction debris and non-residential solid waste removal, Applicant shall contract with builders and contractors to dispose of the same appropriately.
12. Commercial Uses. The commercial component of the development shall be limited to locations shown on the Master Plan, and the uses allowed within the development shall be all those uses now allowed or later added as allowed in the December 2008 Zoning Ordinance under Section 10.13 Table 1: Zoning Table of Permitted Uses under the Zoning Districts denoted as "O/I," and "NB." Irrespective of whether such uses are shown as permitted or as requiring a conditional use permit, all such uses shall be deemed allowed as of right within the Vicker's Village development. Building signage for the commercial uses shall comply with the Chatham County Zoning Ordinance in effect of the original approval date. Monument signs shall be allowed substantially in the locations shown on the Master Plan/Site Plan and shall be limited to specifications shown on Site Details sheet provided with the application and dated July 2, 2021. Commercial components of the Vicker's Village development shall be accessible via public sidewalks, greenways, paths, or trails.
13. Lighting Plan Approval. All area lighting shall meet County standards and not adversely affect adjoining residential areas.

14. Permits. Any required State or Federal permits or encroachment agreements, including a commercial driveway permit(s) from NCDOT shall be obtained and copies submitted to the County prior to approval of a preliminary plat for each phase.
15. Improvements. Off-site improvements required by NCDOT of any other agency shall be constructed at no cost to the County including the traffic improvements as stated in the most recent TIA and others as ultimately deemed warranted by the NCDOT following its analysis, if required. The First Plat Submittal First Plat Details sheet provided with the Vickers Village First Plat application and dated July 23, 2021, as the same may be modified prior to approval, shall be incorporated into this conditional district rezoning approval. On-street parking shall only be permitted within the development on road cross sections meeting the "70' right-of-way" cross section shown on the First Plat Details sheet.
16. The applicant must reach an agreement with the Chatham County Fire Marshal's Office and North Chatham Fire Department regarding emergency vehicle access and on street parking restrictions prior to preparing construction drawings for the Construction Plan under the Subdivision Regulations. Off-street parking shall be provided for in accordance with Section 14 of the Chatham County Zoning Ordinance.
17. The Applicant shall demonstrate availability of adequate water and wastewater supplies to serve the Property. Plans for provision of water supply shall be approved by the County prior to issuance of a Construction Plan for each phase. Such plans shall be in conformity with any County water policies then in effect and the Applicant shall pay all water fees and charges associated with the applicable phase, including then current water fees, review, and inspection charges, prior to submittal of the Construction Plan for each phase. The entire cost of extending public utility services if desired or required under County regulations shall be borne by the Applicant.
18. Adequate wastewater treatment service for the entire project area shall be designed and approved by the appropriate regulatory agency prior to issuance of a preliminary plat for each phase and constructed at no cost to the County. Adequate facilities for the spray irrigation of treated effluent from each phase of the project shall be designed, approved by the appropriate regulatory agency, and constructed at no cost to the County prior to issuance of a Certificate of Occupancy for any building within that phase of the project.
19. Equipment such as pumps and blowers will be appropriately insulated or buffered for noise reduction. Wastewater treatment plant blowers will be enclosed. All motor noise from the wastewater treatment plant will be subject to the provisions and restrictions of the Chatham County Noise Ordinance.
20. Moderate Income Housing. With the consent of the Applicant, and as an approximately equivalent alternative to and in lieu of the housing standards for Moderate Income persons set forth in Option A of the Compact Community Ordinance, the developer shall do the following:
 - The County and Applicant will enter into a Payment in Support Contract setting forth the agreement with respect to Moderate Income Housing in accordance with Section 12.3(A)(3) of the Compact Communities Ordinance, thereby satisfying the Moderate-Income Housing requirements of the ordinance. The obligations set forth in the contract are zoning conditions that run with the land and may be enforced by the County by withholding any and all regulatory approvals.

21. A detailed tracking process shall be developed by the applicant and agreed to by county staff (Planning and Watershed Protection Departments) prior to any land disturbing activity occurring on the Property. The tracking mechanism must ensure that the built upon area for the project is tracked for each subdivision or commercial lot and include any areas with impervious surface. The tracking mechanism must also include a process for reconciling the final built upon area for each lot and include a linkage to the sizing of the stormwater devices. The tracking mechanism and all supporting documentation must be supplied to the county as part of any site plan or final plat submittal. Additionally, all documents must be provided to the county at the completion of the project and transferred to the Homeowner's Association. Upon completion of the project, the Homeowner's Association shall assume responsibility for tracking any additional built upon area allocations within the development. A detailed report of Built Upon Area calculations shall be provided by the developer to the County for each phase of the project to ensure the maximum 24% allowance is maintained.

six (6)

22. A building permit shall be issued and remain valid at all times within ~~three (3)~~ six (6) years from the date this approval becomes final and non-appealable or from the date any court order entered in an appeal regarding this approval becomes final and non-appealable, whichever is later. Failure to comply will void this approval and any site plans approved thereof and the project will be void.

23. The development may not be turned over to a Homeowner's Association until the county or other state regulatory agency has confirmed compliance with any required permitting.

24. The following waivers are approved as included in the application

- 6.5 Minimum Commercial Area. The minimum required square footage is reduced to 20,000 square feet. Also, since this small project will have few phases, the commercial vs. residential timing of phasing requirement is not feasible and is waived.
- 8.5 Posting of Financial Guarantee. In lieu of this statutorily prohibited requirement, the restrictive covenants will provide for a reserve fund.
- 9.2 Perimeter Buffer. There is about 4,000' of 100' wide perimeter buffer, most of which is not required. The Perimeter Buffer around the mobile home park, where some dwellings are less than 40' from the property line, is reduced to 50'. All perimeter buffers shown on Attachment "A" are hereby approved.
- 9.3 Viewshed Buffers. The Applicant sought to mitigate the impact by design, berms, native plantings and other feature and proposed a reduction to 50" as allowed by the ordinance and as shown on the Master Plan/Site Plan attached as Attachment "A". All viewshed buffers shown on Attachment "A" are hereby approved. The Appearance Committee reviewed it and recommended a buffer be 55' for the commercial area along 15-501 and Jack Bennett. That recommendation is accepted.
- 12.1 Performance Standards. All performance standards are met, except the plan does need:
 - A reduction in the number of housing types required from three to two. An apartment building would not fit well into this village. Applicant, however, has provided for two different sizes of townhome lots and two different sizes of single family lots to ensure a variety of housing types. In addition, it is possible that the commercial area will have up to 15

residential condominium units above retail/commercial. The requested reduction is hereby granted.

- Park and ride spaces. There will be a transit stop within easy walking distance of all village dwellings. The residents will not have a need for a park and ride lot, so a waiver of this requirement is granted.
- Narrow Streets. This provision must be modified to comply with the requirements of NCDOT and the Fire Marshal. The "Streets" provision of Section 12.2 must be modified and such modification in accordance with NCDOT and Fire Marshal standards is hereby approved. (Note: Condition #16 has also been added to supplement this waiver)

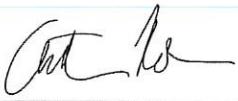
Standard Administrative Conditions

25. Fees. Applicant shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, building inspection, recreation and impact fees established from time to time.
 26. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
 27. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
 28. Non-Waiver. Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's Property and this permit shall not give the applicant any vested right to develop its Property in any other manner than as set forth herein.
 29. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes to or variations from any requirements of this permit must be approved through the Planning Department or other approving board before any such changes can take place.
3. This ordinance shall become effective upon its adoption.

Adopted this 15 day of November 2021



Mike Dasher, Chair
Chatham County Board of Commissioners



Responsible Representative/Applicant
(By signing this document, you agree to all findings as noted and any conditions therefore imposed above)

ATTEST:



Lindsay K. Ray, NCCCC, Clerk to the Board
Chatham County Board of Commissioners



ATTACHMENT "A"
MASTER PLAN/SITE PLAN FOR VICKERS VILLAGE COMPACT COMMUNITY
BY: CE GROUP
DATED: JULY 2, 2021

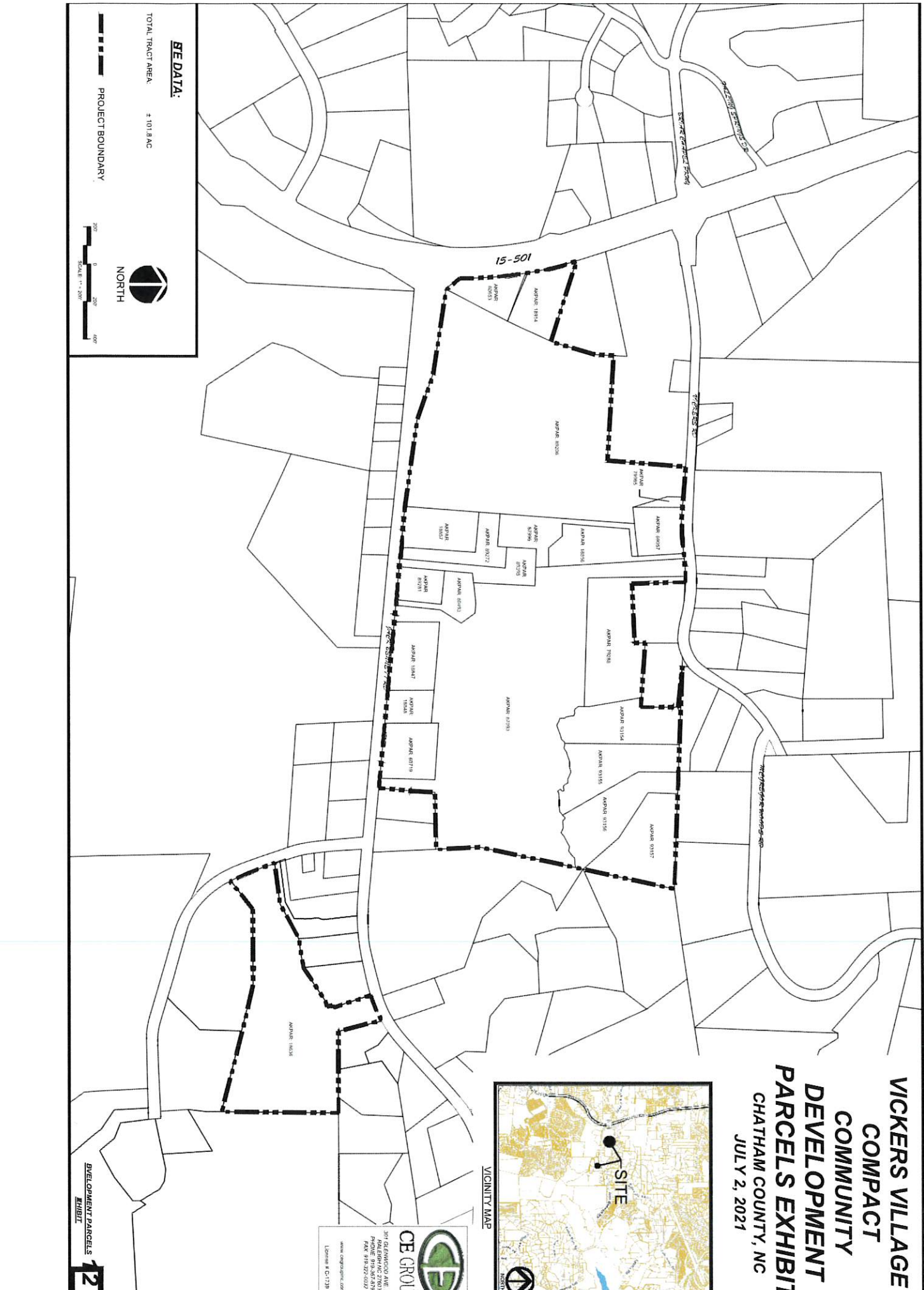
**VICKERS VILLAGE
COMPACT
COMMUNITY
DEVELOPMENT
PARCELS EXHIBIT
CHATHAM COUNTY, NC
JULY 2, 2021**



VICINITY MAP

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BE DATA:

TOTAL TRACT AREA: ± 101.8 AC



PROJECT BOUNDARY

