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Vote on a request by NNP Briar Chapel for a revision to the Chatham County Compact Community Ordinance, Section 6.2 Maximum Size, to increase the dwelling unit cap from 2,500 to 2,650.

..ABSTRACT

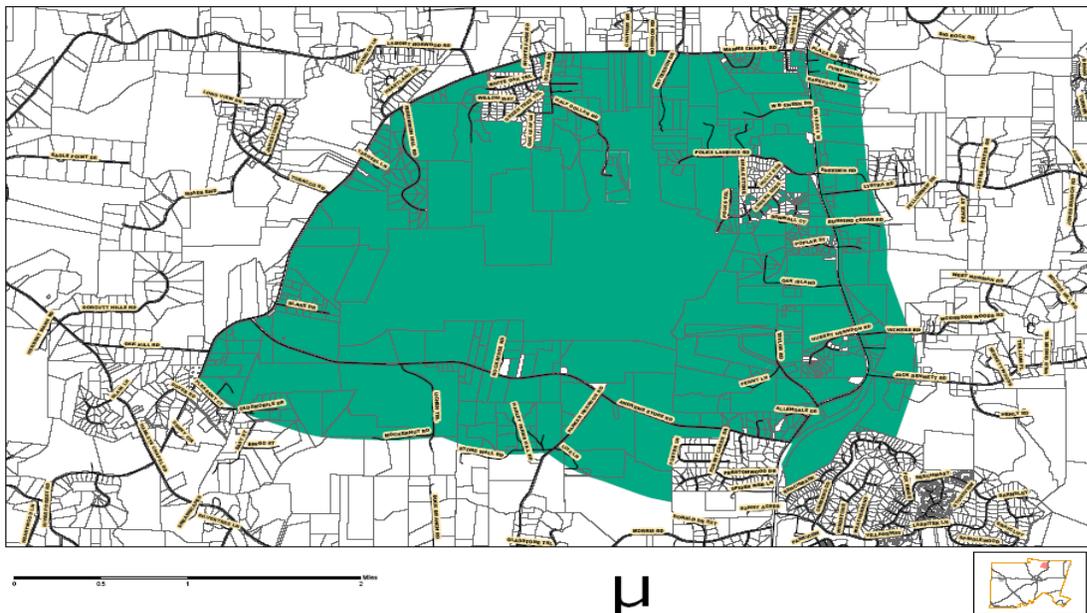
Action Requested:

A request by NNP Briar Chapel for a revision to the Chatham County Compact Community Ordinance, Section 6.2 Maximum Size, to increase the dwelling unit cap from 2,500 to 2,650.

Introduction & Background:

The Compact Communities Ordinance (CCO) was adopted by the Board of Commissioners in April 2004 after several years of work by the Land Use Plan Implementation Committee (LUPIC). Section 6.2, Maximum Size, states “No compact community shall include more than two thousand five hundred (2,500) dwelling units.” Laurie Ford, representing NNP-Briar Chapel, LLC, submitted an application to amend Section 6.2 to increase the dwelling unit cap to 2,650 dwelling units. Section 6.1 of the CCO includes a map outlining the boundaries within which a compact community can be located as follows -

CHATHAM COUNTY COMPACT COMMUNITY AREA



Discussion & Analysis:

A public hearing was held on May 15, 2017 and Nick Robinson, attorney representing Newland Communities, provided a presentation outlining the request. His comments included that the CCO includes a maximum density threshold of 2 dwelling units per acre; maximum impervious surface limit of 24%; a 30% open space requirement; a conditional use permit is required for compact community; and that no amendments

were requested of these standards. His comments also included that density should be concentrated where “water, sewer, public parks, education centers, and roadway infrastructure is already available”; would allow a mixed use environment with a concentration of multi-family housing located within commercial areas; and would avoid sprawling development (a copy of the presentation is available on the planning website).

Questions from Commissioners and Planning Board members included whether the multi-family housing could accommodate students from the community college, would the units be rental or owner occupied, and if the wastewater treatment plant capacity was sufficient for the increase in units. Mr. Robinson responded that the multi-family could be available to students, would likely be rentals, and that the wastewater plant did have sufficient capacity for the increased number of dwelling units.

Several people spoke on this item and comments of those opposed to the request included that the increase in units will generate more students and impact the school system; there will be increased traffic on existing two lane roads; there’s no guarantee that the additional units will be affordable; the dwelling unit count for Briar Chapel has already been increased from the original 2,389 approval to the current 2,500 maximum; there’s been no evaluation of the facilities to support the increasing number of dwelling units and is being done incrementally; there are currently parking issues within the development and additional evaluation is needed; the master plan was worked out in 2004 and the developer keeps requesting changes to permit; and the development is half built out and parking and traffic issues are already a concern. Comments in favor of the amendment were that the developer has been supportive of local non-profit organizations and been a good corporate steward (draft minutes from the Commissioners May 15, 2017 meeting are provided online).

During the drafting of the CCO from 2002 through 2004 there were several discussions by the LUPIC, Planning Board, and Commissioners regarding the density cap for a compact community and how it would apply to the designated area in the ordinance. The following information is a brief review of minutes and documents produced during that time period (digital copies of the documents are provided on the planning website).

- February 25, 2003 Minutes of a joint meeting of LUPIC and Board of Commissioners: The minutes included a Memo from LUPIC Chair to the Chair of the Board of Commissioners dated February 23, 2003 and discussions by the committee to limit a compact community to 1,100 acres and a density of 1,400 to 1,500 dwelling units. Discussion also included the possibility of a two mile separation requirement between compact communities. (the minutes, memo, and supplementary attachments are available online)

- March 29, 2004 Letter from the Board of Commissioners Chair Thomas Emerson, Commissioner Bunkey Morgan, and Planning Board Chair George Lucier to the County Manager and County Attorney: The letter outlines that they “have agreed, in principle, that 2,500 houses is a reasonable maximum limit of controls that can be implemented provided that no other compact community is built in the designated area.” (a copy of the letter is provided online)
- April 6, 2004 Planning Board notes and meeting minutes: The Planning Board discussed the CCO and voted 6-4 to forward the public hearing draft of the ordinance with removal of the waiver provision. The public hearing draft reflects the currently adopted wording for section 6.2 with a dwelling unit cap of 2,500 units. The recommendation did not include a restriction on the number of compact communities within the designated area.
- April 19, 2004 Board of Commissioners notes and meeting minutes: The Board of Commissioners discussed the proposed ordinance and voted 3-2 to adopt it as presented at the public hearing.

There are several points the Board may want to discuss including whether there have been sufficient changes in the designated area for a compact community that warrant an increase in the number of dwelling units (i.e. utilities, schools, parks, road infrastructure, etc.), whether sprawling development will result from a denial of the request, and whether an increase in dwelling units will negatively impact areas outside of the designated compact community boundary.

The Planning Board discussed this item during the July 11 meeting and comments included:

Comments specific to the ordinance

- The 2,500 dwelling unit cap was a compromise when the ordinance was drafted between what would be considered an appropriate cap, whether there should only be one compact community in the designated area, and if a separation requirement should be included in the ordinance.
- From a green building perspective a developer would need more density to have a meaningful compact development.
- If the building footprint is not increasing then this would allow multi-family mixed with commercial development under a master plan.
- When the ordinance was adopted the 2,500 unit cap was deemed to be adequate and if this amendment is approved there could be additional requests to increase the cap in the future.

- If approved the increased dwelling unit cap would also be available to another compact community.

Comments specific to Briar Chapel

- If the request is approved then Briar Chapel could increase the multi-family allocation from 200 to 350 without reducing the units allocated to single family dwellings.
- Briar Chapel will still be grandfathered under the pre-2008 Subdivision Regulations even if the increase is approved.
- Are 350 multi-family units needed when there are other mixed use developments with fewer multi-family units that are still successful?
- A significant amount of open space is set aside for Briar Chapel and that will continue. There were also comments about the allowed uses within the open space ranging from spray irrigation for treated wastewater to trails.

The Planning Board continued discussion of the text amendment during their August 1, 2017 meeting and discussion included:

Comments Specific to Briar Chapel

- The approved master plan caps the number of units at 2,500 units. If the cap is increased to accommodate additional units for multi-family will reduce the number of units allocated to single-family residential. This would impact the number of anticipated single-family units contributing to the homeowners association and reduce the expected revenue to cover HOA expenses.
- Whether mixed use buildings could be used in the commercial areas, where commercial uses are on the first floor with apartments above.
- Whether the voluntary \$2,000 educational facilities fee would apply to the multi-family units.
- That the only way to stop traffic and school issues would be to stop development.
- Concern about complaints from residents within Briar Chapel and that the current density cap is not working.
- An additional 150 units is not significantly different from the current 2,500 dwelling unit cap and that multi-family units are needed in this area and the county in general.

In response to some of these discussion points representatives for the applicant responded that retail development was in a paradigm shift and mixed use was critical for commercial development and that typical strip development is not surviving and that the voluntary \$2,000 educational facilities fee would apply to each multi-family unit.

The Planning Board, by a vote of 7-3, recommends approval of the text amendment.

The Planning Board, by a vote 7-3, recommends adoption of the following consistency statement – The proposed amendment is consistent with the Land Conservation and Development Plan that includes the following:

- Encourage Compact Communities With A Mix Of Activities As Development Occurs (p. 11)
- Encourage development that incorporates a mix of uses rather than a separation of uses; encourage new development to incorporate other new urbanism features such as pedestrian connections. (p. 11)

Recommendation:

The Planning Board, by a vote 7-3, recommends adoption of a resolution approving the following consistency statement:

The proposed amendment is consistent with the Land Conservation and Development Plan that includes the following:

- Encourage Compact Communities With A Mix Of Activities As Development Occurs (p. 11)
- Encourage development that incorporates a mix of uses rather than a separation of uses; encourage new development to incorporate other new urbanism features such as pedestrian connections. (p. 11)

The Planning Board, by a vote of 7-3, recommends adoption of an ordinance approving an amendment to the Compact Community Ordinance to Section 6.2 Maximum Size, to increase the dwelling unit cap from 2,500 to 2,650.