

TEXT AMENDMENT REQUEST APPLICATION

(1) Applicant Information:

Name: NNP-Briar Chapel, LLC
Address: 1342 Briar Chapel Parkway
Chapel Hill, NC 27516

Phone No: (H) _____
(W) 919-951-0712
(M) _____

(2) Name of Ordinance for Text Amendment: Chatham County Compact Communities Ordinance

(3) Text of Ordinance to be varied: Sections 6.2 and 14. See attached.

Section _____ Page _____ Section _____ Page _____

Existing Language:
See attached

Requested Language Change:
See attached

(4) Reasons for the requested text amendment: In the space below and on additional paper if needed, describe the reasons for the request and why you think it is justified.

See attached

I hereby certify that I making application for myself or my organization and that the information provided is complete and the statements given are true to the best of my knowledge.

Nicolas P. Robinson / Agent

Signature

Applicant/Authorized Agent

May 6, 2016

Date

Fee: \$250.00, Non-refundable once public hearing notices are sent and if decision is made to deny request

PROPOSED AMENDMENTS TO CHATHAM COUNTY COMPACT COMMUNITIES ORDINANCE

[The proposed amendment is to delete the 2,500 dwelling unit cap]

6.2 Maximum Size

~~No compact community shall include more than two thousand five hundred (2,500) dwelling units.~~

SECTION 14. RELATIONSHIP TO EXISTING ORDINANCES

[The following language is proposed to be added as a new, fourth paragraph under this Section.]

For the purposes of continuity and coherence over time in the development of a compact community, notwithstanding any provision(s) to the contrary in the Chatham County Zoning Ordinance or elsewhere, if a conditional use permit site plan for a compact community is amended in order to add contiguous land to the approved site plan for the compact community, the revised compact community shall continue to be governed by the development ordinances in effect at the time of the original approval of the compact community and conditional use permit.

REASONS FOR REQUESTED TEXT AMENDMENT

NNP-Briar Chapel, LLC (“NNP”) is the developer of the Briar Chapel project (“Briar Chapel”). Briar Chapel is the sole existing compact community in Chatham County. Briar Chapel is currently approved for a total of 2,500 residential units, the current maximum number of residential units allowed under the Compact Communities Ordinance (“CCO”), Section 6.2.

There is always the possibility to grow the Briar Chapel compact community by addition of adjacent properties. Adding residential units where facilities and infrastructure already exist makes the most pragmatic sense. The alternative is more suburban sprawl. However, in order for NNP to have earnest conversations with potential partners/builders for additional units, such as multi-family opportunities, the current maximum number of allowed residential units needs to be raised.

As set forth below, there are multiple safeguards in place to ensure that any expansion of a compact community is subject to all of the protections inherent under the CCO such that, if a proposal ever is made, it will be subject to such safeguards. In the meantime, however, the unit count maximum should be raised in order to allow reasonable possibilities to be explored. In that spirit, NNP proposes to (i) amend the CCO to delete the 2,500 dwelling unit cap and (ii) clarify as to the applicable development ordinances when additional property is incorporated into an existing compact community.

Residential Unit Count Maximum

In order to allow possibilities to merely be explored, the residential unit count maximum for a compact community should be deleted. The text amendment proposes to delete the 2,500 dwelling unit maximum. This amendment can safely be done because the CCO establishes numerous other protections ensuring an appropriate limit on the amount of residential development allowed in the project. For example:

- CCO caps the amount of residential density (no more than 2 residential units per gross acre, Section 6.3)
- CCO imposes a minimum amount of open space (at least 30%, Section 10.1),
- CCO imposes a maximum amount of impervious surface (no more than 24%, Section 6.4).

The maximum number of residential units (2,500), on the other hand, is not tied to or related to any amount of available acreage but is a round number selected when the ordinance was originally adopted and before the feasible number of residential units could really be known. Because the CCO contains these known protections irrespective of the number of residential units proposed, the maximum of 2,500 residential units can be increased without the objectives of the CCO being compromised.

Further, and perhaps equally as significant, an applicant proposing to increase the number of residential units in an existing compact community or to create a new compact community will be required to obtain approval of the Board of Commissioners through the conditional use permit process. This is because a conditional use permit is required of all compact communities pursuant to the Chatham County Zoning Ordinance.

Applicable Development Ordinances

In addition to the residential unit count increase, it is important for the CCO to make clear that, when property is added to a compact community and there is a commensurate increase in the allowed residential unit count, in such case the other development ordinances applicable to development of the compact community in question will be those ordinances applicable at the time of the original approval of the compact community. This addition to the CCO is important in order to ensure coherent, complementary and efficient regulation of the compact community as a whole. Thus, NNP proposes the supplied additional language to section 14.

Conclusion

With over ten (10) years of experience under the CCO, NNP believes the requested changes are modest and tied to development safeguards such that, when an appropriate circumstance arises, both the opportunity and the protections are well provided-for under the proposed language.