



Agenda Abstract

Department: Planning

Authorizing Signature: _____

Submitting Official: Jason Sullivan, Planning Director

Meeting Date:	October 15, 2012
Subject:	Request by Nick Robinson, on behalf of Newland Communities, for a partial reduction of the 100 foot perimeter buffer (Section 9.2 of the Compact Communities Ordinance (CCO)) for Briar Chapel, pursuant to Section 15 of the CCO.
Action Requested:	See Recommendation
Attachments: (List Individually)	<ol style="list-style-type: none">1. Waiver request and draft resolution approving the perimeter buffer reduction from the developer's attorney.2. Waiver request with recommended language from the County Attorney.

Introduction & Background:	The most recent preliminary plat submittal for Briar Chapel (Phase 6 North, Sections 1 & 2) shows a partial encroachment of a stormwater feature in a 100' perimeter setback that cannot be re-vegetated, other than grass. It is staff opinion the stormwater feature should be located outside of the buffer based on the application materials submitted as part of the conditional use permitting process in 2004-2005, as well as discussions about perimeter buffer encroachments in previous phases. Newland Communities is submitting this request to reduce the perimeter buffer in certain situations for phase 6 and future phases.
Discussion & Analysis:	<p>The Chatham County CCO states the following:</p> <p>Section 9.2 Perimeter Buffer, "Perimeter buffers shall be utilized to minimize impacts of each compact community on adjacent properties along the entire perimeter of the compact community. Table 9.2 lists the minimum buffer width allowable, depending on the proposed land use in the adjacent property at any point along the perimeter.</p> <p>Chatham County may allow a reduction in the perimeter buffer width required by this ordinance of up to fifty percent (50%) if it determines that the impact of the compact community is adequately mitigated by community design or topography."</p>



Agenda Abstract

Section 15. Waiver, “With the approval of the Board of Commissioners, the requirements of this ordinance may be adjusted, modified, reduced or waived based upon the absence of any reasonable relationship or nexus between the impact of the compact community development and the inclusionary or other requirements set forth herein.”

In the 2004 original application materials submitted by Briar Chapel regarding Design Guidelines/Buffers, Briar Chapel stated *“Stream buffers, perimeter buffers, and viewshed buffers are to consist of preserved existing vegetation. Buffers may be selectively cleared and thinned of dead, leaning, and diseased trees, as well as undesirable brush and vines. Where perimeter and viewshed buffers do not contain adequate plant materials, buffers are to be re-vegetated, primarily with native species.”* The recent 2012 CUP revisions did not change this language.

For a more detailed discussion about the proposed stormwater pond in Phase 6 North, Sections 1 & 2, please see the agenda abstract for that preliminary plat included with this agenda.

This waiver request is being submitted directly to the Board of Commissioners without review and recommendation by the Planning Board and follows the process outlined by the Board in a waiver request approved in August 2010. The waiver provision was previously used as part of the original conditional use permit approval to modify the moderately priced dwellings requirements of the CCO. The County Attorney has provided alternative language for the waiver request to limit it to Phase 6 North for consideration.

Budgetary Impact:	
Recommendation:	Discuss the waiver request and consider for action.