

..TITLE

Request by Nicolas Robinson, on behalf of NNP-Briar Chapel, LLC, for a 50% reduction of the 100 foot watershed buffer (Section 9.3 of the Compact Communities Ordinance (CCO)) for Section SD- North of Briar Chapel located adjacent to US 15-501, pursuant to Section 15 of the CCO.

..ABSTRACT

Action Requested:

Request by Nicolas Robinson, on behalf of NNP-Briar Chapel, LLC, for a 50% reduction of the 100 foot watershed buffer (Section 9.3 of the Compact Communities Ordinance (CCO)) for Section SD- North of Briar Chapel located adjacent to US 15-501, pursuant to Section 15 of the CCO.

Introduction & Background:

In June 2012, the Board of Commissioners approved a revision to the conditional use permit for Briar Chapel that was submitted by NNP-Briar Chapel, LLC. There were no revisions to the watershed buffers that were approved for the original CUP (see attached excerpt from 2012 conditional use permit revision application materials). The request is for a 50% reduction of the 100' watershed buffer along 15-501 in section SD-North on the approved master plan.

Discussion & Analysis:

The Chatham County Compact Communities Ordinance states the following:

Section 9.3 Viewshed Buffer

Viewshed buffers shall be utilized in order to minimize the impacts of compact communities on pre-development roadway views.

The developer shall map all roadway views into the project and delineate a continuous buffer of at least one hundred (100) feet in width. The buffer shall be measured at right angles to the edge of the roadway right of way into the compact community.

The Chatham County Board of Commissioners may allow a reduction in the viewshed 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, topography, and/or guidelines for outdoor lighting such as those included in the proposed Chatham County lighting ordinance.

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."

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 has been used to modify a condition in the original conditional use permit in 2005 and two requests in 2010 and 2012, respectively. The contract to accept a payment-in-lieu of providing affordable housing lots in 2013 was not processed as a waiver request. The County Attorney has been provided a copy of the proposed order for review and comment.

Recommendation:

Discuss the waiver request and consider for action.