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February 7, 2014

Walter Petty, Chairman
Chatham County Board of Commissioners
80-A East Street
Pittsboro, North Carolina 27312

Via Hand Delivery &
Electronic Mail

RE: Request for 50% Reduction/Waiver of 100' Viewshed Buffer for Briar Chapel
SD-North

Dear Board of Commissioners:

This letter serves as a formal request for a 50% reduction or waiver of the 100 foot Viewshed Buffer (down to 50 feet) applicable to the SD – North commercial property located at the 15-501 entrance to Briar Chapel. As I am sure you recall, the Compact Communities Ordinance (“CCO”), Section 9.3, provides for a 100’ viewshed buffer along pre-development roadways. The Section also gives the Commissioners the discretion to reduce the perimeter buffer width up to 50% if it determines that the impact of the compact community is adequately mitigated by community design or topography. In addition, section 15 of the CCO authorizes the Board of Commissioners to adjust, reduce or waive requirements of the CCO.

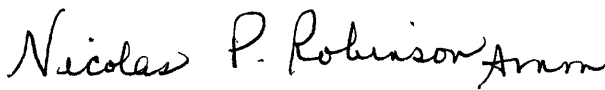
NNP-Briar Chapel, LLC requests that the 15-501 South buffer along the frontage of the SD-North commercial parcel be reduced from 100 feet to 50 feet. This request is based on a multitude of factors including (1) the fact that the impact of Briar Chapel is adequately mitigated by the entire community design, (2) a 50’ buffer along the major corridor balances commercial accessibility with viewshed protection, and (3) commercial projects are subject to additional design scrutiny such as Appearance Commission Review, landscaping/signage and lighting review. Reducing the buffer to 50’ feet from the edge of the already expansive 15-501 right of way will preserve an attractive sense of space from the edge of the roadway.

As such, the enclosed proposed Order of the Board of Commissioners allowing the relief requested is submitted to the Board of Commissioners for a vote at its meeting of March 17, 2014. This is to request of the County Manager that the request be placed on the agenda for the March 17, 2014.

Letter to Board of Commissioners
February 7, 2014
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Please let me know if you have any questions or concerns regarding the above.

Very truly yours,

A handwritten signature in black ink that reads "Nicolas P. Robinson" followed by a stylized flourish or initials.

Nicolas P. Robinson

NPR:amm

Enclosure

c: Charlie Horne, County Manager
Jason Sullivan, Planning Director
Lee Bowman

**ORDER OF THE BOARD OF COMMISSIONERS
OF CHATHAM COUNTY
AUTHORIZING A 50% REDUCTION OF 100' VIEWSHED BUFFER ALONG 15-501
SOUTH FRONTAGE OF THE SD-NORTH COMMERCIAL TRACT
AT BRIAR CHAPEL**

WHEREAS, pursuant to Section 9.3 of the Compact Communities Ordinance, a 100' viewshed buffer (the "Buffer") for pre-development roadways is established;

WHEREAS, Section 9.3 also authorizes the Commissioners to allow a reduction in the Buffer width by up to fifty percent (50%) if it determines that the impact of the Compact Community is adequately mitigated by community design or topography;

WHEREAS, NNP-Briar Chapel, LLC has requested a 50% reduction (down to 50') of the viewshed buffer along the 15-501 South frontage of the SD-North commercial parcel as set forth in its request dated February 7, 2014;

WHEREAS, resolution of this issue in the manner set forth in this Order will both preserve the intent of the Buffer and create additional protection for an existing riparian buffer on the parcel;

WHEREAS, the Board of Commissioners has determined that the impact of the Briar Chapel Compact Community is adequately mitigated by community design or topography;

WHEREAS, based upon the facts and circumstances considered by the Board of Commissioners and the intent of the viewshed buffer provisions of the Compact Communities Ordinance, the Board of Commissioners has concluded that the requirements for granting a fifty percent (50%) reduction have been met and that, to the extent necessary, the requirements for granting to NNP Briar Chapel, LLC an adjustment, modification, reduction or waiver of the CCO viewshed buffer requirements, pursuant to Section 15 of the Compact Communities Ordinance, for these purposes have been met; and

WHEREAS, it appears to the Board of Commissioners, and the Board of Commissioners hereby finds, that the fifty percent (50%) reduction in the viewshed buffer and the adjustment, modification, reduction or waiver requested by NNP Briar Chapel, LLC are reasonable under the facts and circumstances and should be granted;

NOW, THEREFORE, BE IT ORDERED by the Board of Commissioners of Chatham County:

1. The recitals set forth above are incorporated in this Order.
2. A fifty percent (50%) reduction in the viewshed buffer (from 100' down to 50') along the 15-501 South frontage of the SD-North commercial parcel, is hereby granted;

3. To the extent an adjustment, modification, reduction or waiver under Section 15 of the Compact Communities Ordinance is required in order to effectuate this resolution, the same is hereby granted;

4. No waiver or consent except those set forth in this Order is granted.

Adopted this the ____ day of March, 2014.

CHATHAM COUNTY BOARD OF COMMISSIONERS

By: _____
Walter Petty, Chair

ATTEST:

, CMC, NCCC, Clerk to the Board
Chatham County Board of Commissioners