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December 15, 2015

VIA E-MAIL TO:

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The Hon. James G. Crawford, Chairman
Chatham County Board of County Commissioners
Ms. Karen Howard
Mr. Mike Cross
Ms. Diana Hales
Mr. Walter Petty, Commissioners
Post Office Box 1809
Pittsboro, North Carolina 27312

Re: **REVISED LETTER** - Opposition to Proposed Text Amendment —
Minimum Separation Requirement for Family Care Homes

Dear Chairman Crawford and Members of the Chatham County Board of County Commissioners:

I write this letter to you on behalf of my client, LiveWell Care, Inc. ("LiveWell"), which provides assisted living/elder care solutions in the Triangle area, including Chatham County. LiveWell has been monitoring the progress of the text amendment proposed by the Governor's Club Property Owners' Association, Inc., to establish a stringent, 1,125 linear feet minimum separation requirement between "family care homes". If implemented, such a regulation would limit the ability of LiveWell (or any other "family care home" provider for that matter) from establishing and operating any new family care homes in Chatham County.

We are aware that the Chatham County Planning Board voted in November 2015 to recommend the establishment of a 1,125 linear foot minimum separation requirement between "family care homes" by that amendment to Zoning Ordinance Section 7.2 and Section 10.13 Table of Permitted Uses. We are also aware that the Chatham County Planning Staff, which administers the provisions of the Chatham County Zoning Ordinance on a day-to-day basis, is opposed to this proposed amendment. My client, LiveWell Care, Inc., joins in the Planning Staff's opposition. We also believe that there is a "silent majority" of residents and property owners in Chatham County communities with large older adult populations (like Governor's Club and Fearington Village) who likewise oppose the proposed amendments.

As you may be aware, LiveWell owns three (3) homes in Governor's Club. Prior to acquiring these homes, LiveWell sought and received written confirmation from Chatham County Planning Staff that its use of the homes was permitted by right under applicable zoning regulations. LiveWell is in the business of providing elder care solutions, their particular specialty being the establishment and operation of small group elder homes in communities where their clients live. LiveWell was invited by families in Governor's Club to establish elder care homes there, to provide the range of services needed by the growing aging population. LiveWell, in reliance on Planning Staff's written confirmation regarding zoning, has initiated and is in the midst of the licensing process to establish elder care facilities in Governor's Club. LiveWell prides itself on its ability to provide "elder solutions" for its clientele and their families. They do so in small group homes, with no more than six (6) residents living in the home. LiveWell's typical residents are experiencing some level of memory care challenge and/or require some level of assisted living support.

According to the AARP, 90% of seniors want to live in their homes and/or communities as long as conceivably possible. LiveWell's initiative in Governor's Club was specifically created to make this option available to the 900+ families living in Governor's Club. LiveWell is rated among the top 1% of assisted living service providers in the country, and recently received a Quality Service award from the Orange County Department of Aging.

Based on our experience, we can effectively provide satisfactory elder care solutions located and integrated within the community. This provides benefits to our clients and their families, and does not disrupt the community. In fact, our elder care homes are virtually indistinguishable from other homes in the communities where they are located.

The Governor's Club community consists of about 900 homes. The demographics of Governor's Club indicate that a majority of the residents are 50 years of age, or older. And according to the Congressional Budget Office, two-thirds of people over the age of 65 will need some level of living assistance. We provide homes where residents with various degrees of assisted living needs can safely live near their families and loved ones under the watchful eye of an experienced professional staff. We believe that we provide a much-needed, valuable service to the community and that the vast majority of residents actually welcome, and recognize the need for, our elder care homes within the community.

In our opinion, there is no justification, in fact or recognized by the law, for the proposed 1125 linear foot minimum separation requirement by the Governor's Club Property Owner's Association. Moreover, the Text Amendment Request Application submitted by the Governor's Club Property Owner's Association does not indicate any error in the Zoning Ordinance that would be remedied by the amendment, nor does it state any changed condition that makes the proposed amendment necessary, as required by Zoning Ordinance Section 19.4. Rather, it appears that the text amendment has been proposed and is being supported by a small group of people who are concerned about potential impacts of some type of "family care homes" in their community. Our elder care homes do not create those types of impacts. We ask the Chatham County of County Commissioners therefore, to deny the rezoning text amendment altogether.

One of the concerns sometimes associated with Family Care Homes is the impact they may, or are perceived to have on property values. As Chatham County's records will confirm, in a community where homes have regularly sold for as much as 25% discount from the original listing price over the past several years, LiveWell paid the full listing price for the homes it recently purchased. This has had a beneficial impact on property values in the community.

Should the Board of County Commissioners feel that some regulation of some types of "family care homes" is required, we respectfully suggest and request that the Board carve out an exception from the minimum separation requirements for "elder care homes." We suggest defining the term "elder care home" as "residence for up to six (6) unrelated individuals 55 years of age or older who require assistance with any activities of daily living, where care and assistance is provided to those residents 24 hours per day, seven (7) days per week." Such an exception to the minimum separation requirement proposed by the Property Owner's Association would allow LiveWell to continue to provide high quality elder care solutions within the County.

Thank you very much for your anticipated consideration from our position.

Very truly yours,

THE BROUGH LAW FIRM, PLLC


Robert E. Hornik, Jr.

REHjr:las

cc: LiveWell Care, Inc.
Richard J. Rose, County Attorney
Jason Sullivan, Planning Director
Clerk to County Board of Commissioners
Charlie Horne, County Manager