

## **..TITLE**

Vote on a request by Nicolas Robinson, on behalf of NNP-Briar Chapel, LLC, for a Compact Community Ordinance (CCO) Waiver to Allow PSNC Regulator Station in 15-501 Perimeter Buffer.

## **..ABSTRACT**

### **Action Requested:**

Request by Nicolas Robinson, on behalf of NNP-Briar Chapel, LLC, for a Compact Community Ordinance ("CCO") Waiver to Allow PSNC Regulator Station in 15-501 Viewshed Buffer.

### **Introduction & Background:**

NNP-Briar Chapel is requesting a waiver from the viewshed buffer requirements of the Compact Communities Ordinance as applied to Briar Chapel through the approved conditional use permit. Existing buffer locations were depicted in the 2005 Briar Chapel approved master plan and reconfirmed with the 2012 and 2014 Conditional Use Permit (CUP) amendments. The buffers for this request are located within an area labelled as SD-West on the approved master plan. The specific request is to allow for the encroachment of a PSNC regulator station within the 50' viewshed buffer.

### **Discussion & Analysis:**

The Chatham County CCO includes the following standards:

#### **9.3 Viewshed Buffers**

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."

The following provision was included in the Design Guidelines/Buffers in the 2004 application materials submitted by Briar Chapel *“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 2012 and 2014 CUP revisions did not change this language.

This request is to allow a natural gas regulator station within the 50' viewshed buffer, which is adjacent to the abandoned section of 15-501 N and as shown in the materials provided by the applicant. The regulator is an above ground connection between a transmission and distribution lines and covers an area that is approximately 70' by 68'. The zoning on the property to the west of the proposed regulator is B1, General Business, and R1, Residential.

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 used to modify a condition in the original conditional use permit in 2005. Additionally, requests in 2010 and 2012 were approved outside of the conditional use permitting process. A waiver request was submitted in 2015 and was ultimately withdrawn. A copy of the draft Order was provided to the County Attorney for review.

**Recommendation:**

Discuss the waiver and consider taking action on the draft Order prepared by the developer's attorney.