



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 22-4409      **Version:** 1

**Type:** Agenda Item      **Status:** Board Priorities

**File created:** 7/29/2022      **In control:** Planning

**On agenda:** 8/24/2022      **Final action:**

**Title:** Vote on a request to approve a waiver and accept a payment-in-lieu of pedestrian access from Catullo Run to SD-West, Briar Chapel submitted by Nick Robinson on behalf of NNP-Briar Chapel, LLC, pursuant to Section 15 of the Compact Communities.

**Sponsors:**

**Indexes:** Comp Plan Goal 3: Promote a compact growth pattern by developing in and near existing towns, communities, and in designated, well planned, walkable, mixed use centers., Comp Plan Goal 7: Provide infrastructure to support desired development and support economic and environmental objectives.

**Code sections:**

**Attachments:** 1. More information from the Planning department website

Date	Ver.	Action By	Action	Result
8/24/2022	1	Board of Commissioners	approved	Pass

Vote on a request to approve a waiver and accept a payment-in-lieu of pedestrian access from Catullo Run to SD-West, Briar Chapel submitted by Nick Robinson on behalf of NNP-Briar Chapel, LLC, pursuant to Section 15 of the Compact Communities.

**Action Requested:**

Vote on a request to approve a waiver and accept a payment-in-lieu of pedestrian access from Catullo Run to SD-West, Briar Chapel submitted by Nick Robinson on behalf of NNP-Briar Chapel, LLC, pursuant to Section 15 of the Compact Communities.

**Introduction & Background:**

The Chatham County CCO includes the following standards:

**12.1 Performance Standards**

Each project shall include a commercial area or areas to serve the community, with establishments that are less than ten thousand (10,000) square feet in size allowed inside the community, and larger establishments allowed on the periphery in proximity to a four-lane principal or minor arterial. *All commercial establishments shall be pedestrian-accessible to community residents.*

**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.”

**Discussion & Analysis:**

This waiver request to allow NNP Briar Chapel, LLC to pay a fee-in-lieu of constructing a pedestrian

connection along Catullo Run and Taylor Road between SD-West and the core of Briar Chapel. The cover letter provided by Nick Robinson notes NNP Briar Chapel, LLCs commitment to construct a sidewalk along these roads and received approval from NCDOT to do so. However, when NNP Briar Chapel, LLP representatives met with NCDOT prior to construction it was determined that the construction of the sidewalk would cause further deterioration of Taylor Road. The cover letter further describes details of discussions between NNP Briar Chapel LLC and NCDOT leading to this waiver request. NNP Briar Chapel, LLC is offering the county a fee-in-lieu in the amount of \$73,700 to be used in any way it sees fit. The applicants have provided a copy of the encroachment agreement approved NCDOT prior to their pre-construction meeting, a map showing the location of the proposed sidewalk, and an Order for consideration by the Board of Commissioners.

**How does this relate to the Comprehensive Plan:**

Goal 3: Promote a compact growth pattern by developing in and near existing towns, communities, and in designated, well planned, walkable, mixed-use centers and Goal 7: Provide infrastructure to support desired development and support economic and environmental objectives.

**Recommendation:**

Vote to consider the request to approve the “Order of the Board of Commissioners of Chatham County Approving Waiver and Voluntary Fee-In-Lieu of Pedestrian Access on Catullo Run/Taylor Road to SD-West Request of NNP-Briar Chapel, LLC Per Section 15 of Compact Communities Ordinance.”