



Chatham County, NC

Legislation Details (With Text)

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On agenda: 12/16/2019 **Final action:** 12/16/2019

Title: Vote on a request to approve request by Mike Scisciani, Vice President of Operations Newland Communities, to prepay affordable housing and recreation exaction fees for the balance of single family lots remaining in Briar Chapel that have not received final plat approval and authorize the County Manager to execute the agreement.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment_Agreement - NNP-Briar Chapel and Chatham County, 2. Attachment 2 BC CUP

Date	Ver.	Action By	Action	Result
12/16/2019	1	Board of Commissioners	approved	Pass

Vote on a request to approve request by Mike Scisciani, Vice President of Operations Newland Communities, to prepay affordable housing and recreation exaction fees for the balance of single family lots remaining in Briar Chapel that have not received final plat approval and authorize the County Manager to execute the agreement.

Action Requested:

Vote on a request to approve by Mike Scisciani, Vice President of Operations Newland Communities, to prepay affordable housing and recreation exaction fees for the balance of single family lots remaining in Briar Chapel that have not received final plat approval.

Introduction & Background:

Representatives for Newland Communities inquired if they could prepay the remaining affordable housing and recreation exaction fees for the single family lots in Briar Chapel. A draft agreement has been prepared by the county attorney for consideration by the Board of Commissioners to approve the prepayment of these fees.

Discussion & Analysis:

A rezoning and conditional use permit (CUP) for Briar Chapel were approved by the Board of Commissioners in 2005. The CUP included condition #20 that provided for a payment-in-lieu for the provision of affordable housing units. The condition allowed for a \$1.1 million payment for ½ of the required affordable housing units under the Compact Communities Ordinance. This equated to a payment of \$460.44 per dwelling unit within Briar Chapel based on a maximum of 2,389 dwelling units for the development. Subsequently, the CUP has been amended several times and the total dwelling unit county has increased to 2,650. Based on the currently approved conditional use permit (attached) the developer and county agreed to increase the affordable housing fee payment to

\$920.88 per dwelling unit for each unit above 2,389. This agreement was reached because the original agreement only covered the provision of ½ of the required affordable housing dwelling units (Note: Newland Communities and the county agreed to a one-time payment of \$900,000 for the remaining balance of affordable housing units from the original approval based on 2,389 total dwelling units).

Representatives for Newland Communities have requested to prepay the balance of affordable housing and recreation exaction fees for the remaining single family lots in Briar Chapel. The County Attorney has prepared the draft agreement (attached) to cover the prepayment. The agreement includes that if the recreation exaction fee increases prior to the final plat recordation of the remaining single family lots the developer would be subject to the balance of the increased fee. The affordable housing fee is based on the conditional use permit requirement. If the agreement is approved and executed then Newland Communities will pay a fee of \$460.44 per dwelling unit and the increased affordable housing fee will be paid by the developers of the apartment complexes that are proposed within the commercial areas of Briar Chapel adjacent to US 15-501.

How does this relate to the Comprehensive Plan:

The subject property is located in an area designated as Compact Residential which allows a mix of detached and attached residential units complemented by a variety of open spaces.

Recommendation:

Review the request and vote to adopt the agreement.