



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 19-3184      **Version:** 1

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

**File created:** 7/31/2019      **In control:** Planning

**On agenda:** 8/19/2019      **Final action:**

**Title:** Vote on a request by Nicolas Robinson, on behalf of Old North State Water Company, for a Compact Communities Ordinance (CCO) waiver to allow a 30’ utility easement within the 300’ perimeter buffer between Briar Chapel SD-East commercial area and Ferrington Village.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. More Information from Planning Department Website

Date	Ver.	Action By	Action	Result
8/19/2019	1	Board of Commissioners	approved	Pass

Vote on a request by Nicolas Robinson, on behalf of Old North State Water Company, for a Compact Communities Ordinance (CCO) waiver to allow a 30’ utility easement within the 300’ perimeter buffer between Briar Chapel SD-East commercial area and Ferrington Village.

**Action Requested:**

Vote on a request by Nicolas Robinson, on behalf of Old North State Water Company, for a Compact Communities Ordinance (CCO) waiver to allow a 30’ utility easement within the 300’ perimeter buffer between Briar Chapel SD-East commercial area and Ferrington Village.

**Introduction & Background:**

Old North State Water Company is requesting a waiver from the perimeter 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, 2014, and 2017 Conditional Use Permit (CUP) amendments in the area where the utility easement is requested. The buffer location for this request is located within a 300’ buffer between the SD-East commercial area and Ferrington Village on parcel 93104.

**Discussion & Analysis:**

The Chatham County CCO includes the following standards:

**9.2 Perimeter Buffers**

Perimeter buffers shall be utilized to minimize the impacts of each compact community on adjacent properties along the entire perimeter of the compact community. Table 9.2 lists the minimum buffer width allowable, depending on the proposed land use along the edge of the compact community and the existing land use in the adjacent property at any point along the perimeter.

Chatham County may allow a reduction in the perimeter 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 or topography. In addition, Chatham County may allow a reduction in the perimeter buffer from fifty-one percent (51%) up to one hundred percent (100%) after giving the adjoining landowners an opportunity to comment and Chatham County determines that the impact of the compact community is adequately mitigated by the community design or topography. A developer of a Compact Community may request of the Board of Commissioners such a waiver or reduction at any time.

**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.”

As part of the conditional use permitting process for Briar Chapel, Newland Communities agreed to include a 300’ perimeter buffer adjacent to Fearington Village instead of the 100’ buffer that is required through the CCO. This request is to allow a 30’ utility easement to cross the 300’ buffer for the installation of infrastructure to connect the wastewater system serving Fearington Village to the wastewater treatment plant serving Briar Chapel. The submittal includes several exhibits depicting the location of the proposed easement and it is shown as a “Z” shape in order to protect the sightlines between the developments. There are also letters of support from William Ferris (Fearington resident who has granted an easement across his property); Fearington Homeowners Association; R.B Fitch; and Fitch Creations, Inc. The letters of support cover granting easements across the properties impacted by the wastewater infrastructure installation, homeowners association that will benefit from the wastewater connection, and developer of Fearington Village. An information sheet that was provided to the Fearington Village residents is also included in the submittal.

The 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, 2012, 2016, and 2017 were approved outside of the conditional use permitting process. Additional waiver requests were submitted in 2015 and 2017, but were ultimately withdrawn. A copy of the draft Order was provided to the County Attorney for review.

**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:**

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