



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 22-4574 **Version:** 1  
**Type:** Agenda Item **Status:** Passed  
**File created:** 11/30/2022 **In control:** Planning  
**On agenda:** 12/19/2022 **Final action:** 12/19/2022

**Title:** Consider a request by Nick Robinson, on behalf of NNP-Briar Chapel, LLC, requesting a refund of recreation and affordable housing fees.

**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.

**Code sections:**

**Attachments:** 1. Attachment 1 2022.11.28 Rec Fee and AHU Refund Request (NNP) Letter, 2. Attachment 2 2022.05.17 AS Email Request, 3. Attachment 3 2022.11.28 Rec Fee and AHU Refund NNP Supporting Documents

Date	Ver.	Action By	Action	Result
12/19/2022	1	Board of Commissioners		

Consider a request by Nick Robinson, on behalf of NNP-Briar Chapel, LLC, requesting a refund of recreation and affordable housing fees.

**Action Requested:**

Consider a request by Nick Robinson, on behalf of NNP-Briar Chapel, LLC, requesting a refund of recreation and affordable housing fees.

**Introduction & Background:**

Briar Chapel was approved in February 2005 as the first community designed under the Compact Communities Ordinance. The ordinance includes a requirement for provision of affordable housing pursuant to Section 12.3, Housing. This section provides several options to comply including a payment-in-lieu option which Newland Communities was approved to use for half of the required affordable housing units. The payments were calculated at \$460.44 per lot and payable prior to the release of the final plat for recording. Additionally, the Subdivision Regulations include a requirement that a recreation fee be paid for each lot in a subdivision. The payments for this fee were \$926 per lot and also payable prior to the release of the final plat for recording. The developer is now requesting a reimbursement of a portion of the fees that were previously paid.

**Discussion & Analysis:**

Newland Communities has paid the affordable housing and recreation fees for each phase of the development as they were brought forward for approval. However, after several of the plats were recorded the lots within those phases were recombined for various reasons such as creation of common space or reconfiguring lots to better suit the builders needs. In those instances, the recombination surveys eliminated lots that were previously recorded, and a spreadsheet has been provided detailing the payments for each phase. Additionally, a copy of the recorded survey for the phases in question and subsequent recombination surveys have been provided highlighting the lots

that were eliminated.

The cover letter provided with this request explains how the requested reimbursement amounts were calculated and are \$7,912.01 for affordable house fees and \$16,668 for recreation fees. There is no procedure at the staff level to issue reimbursements for fees which have been paid as part of the final plat recording process and is the reason it is being submitted to the Board of Commissioners for consideration. A similar request was considered by the board in March 2012 as part of elimination of three lots and was approved.

**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:**

Consider the request and vote to approve or deny the refund request in the amounts of \$7,912.01 in affordable housing fees and \$16,668 in recreation fees.