

BRADSHAW & ROBINSON, LLP

ATTORNEYS AND COUNSELORS AT LAW

HALL-LONDON HOUSE
128 HILLSBORO STREET
POST OFFICE BOX 607

PITTSBORO, NORTH CAROLINA 27312

PATRICK E. BRADSHAW
NICOLAS P. ROBINSON
ANDREW T. SLAWTER
TERESA G. HEATH

(919) 542-2400
FAX 542-0496

robinson@bradshawrobinson.com

March 23, 2017

James Crawford, Chairman
Chatham County Board of Commissioners
80-A East Street
Pittsboro, North Carolina 27312

Via Hand Delivery &
Electronic Mail

RE: Briar Chapel: Request for Compact Community Ordinance (“CCO”) Perimeter Buffer Reduction Along Adjoining Property Also Owned by NNP-Briar Chapel LLC

Dear Board of Commissioners:

This letter serves as a formal request by NNP-Briar Chapel, LLC for a Perimeter Buffer Reduction under the CCO to approve a 100% reduction of the 100’ perimeter buffer along the property line of an adjoining 20 acre tract of land also owned by NNP-Briar Chapel LLC (the “Second NNP Parcel”).

Section 9.2 of the CCO allows the County to approve a 100% reduction of a Perimeter Buffer “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.” Attached is a list of adjoining parcels which includes the Second NNP Parcel and the parcels immediately to the east and west of the Second NNP Parcel.

As shown on the Exhibits attached hereto, in this case, the directly adjoining property owner is NNP-Briar Chapel, LLC which owns Briar Chapel and also the Second NNP Parcel. This provision of the CCO was added to the CCO when NNP Briar Chapel, LLC was seeking approval of the U.S. Steel Subdivision which also adjoins Briar Chapel. The County granted an identical waiver of the 100’ buffer along the shared boundary between Briar Chapel and U.S. Steel. Waiver of the buffer allows for there to be roadway and design continuity between the jointly owned adjoining parcels that are both owned by NNP-Briar Chapel, LLC.

Letter to Board of Commissioners
March 23, 2016
Page Two

Based on the foregoing, the enclosed proposed Order of the Board of Commissioners allowing the relief requested is submitted to the Board of Commissioners for a vote at its meeting of April 17, 2017. This is to request of the County Manager that the request be placed on the Commissioners Agenda for their meeting on April 17, 2017.

Please let me know if you have any questions or concerns regarding the above.

Very truly yours,



Nicolas P. Robinson

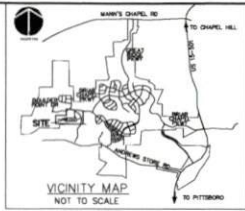
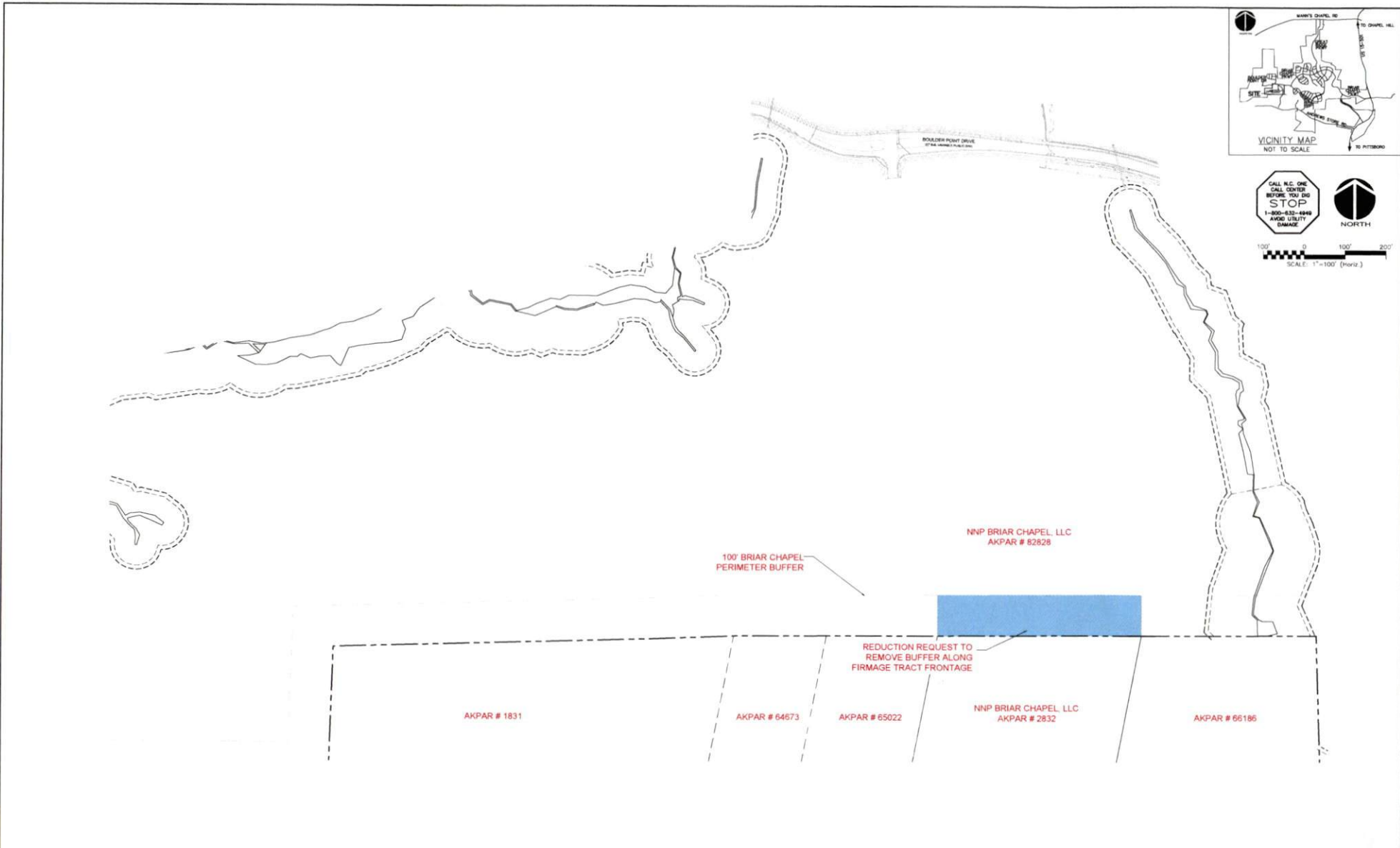
NPR:amm

Enclosure

c: Renee Paschal, County Manager
Jason Sullivan, Planning Director
Lee Bowman

ADJOINING LANDOWNERS

1. NNP-Briar Chapel, LLC (AKPAR #2832)
1342 Briar Chapel Parkway
Chapel Hill, NC 27516
2. Charles Sledd Thomas, III (AKPAR # 66186)
Ann Borden McIver
220 Rock Ridge Road
Pittsboro, NC 27312
3. Marcus Frederick Edwards, Jr. (AKPAR # 65022)
Martha J. Brown
1884 Andrews Store Road
Pittsboro, NC
27312



CALL N.C. ONE
CALL CENTER
BEFORE YOU DIG
STOP
1-800-633-8949
AVOID UTILITY
DAMAGE

NORTH

100' 100' 200'

SCALE: 1"=100' (horiz.)

REVISION	DATE	BY	CHKD.

SCALE

SCALE

MCKIM & CREED

1730 Varsity Drive, Suite 500
Raleigh, North Carolina 27606
Phone: (919)233-8091, Fax: (919)233-8031
F-1222

www.mckimcreed.com

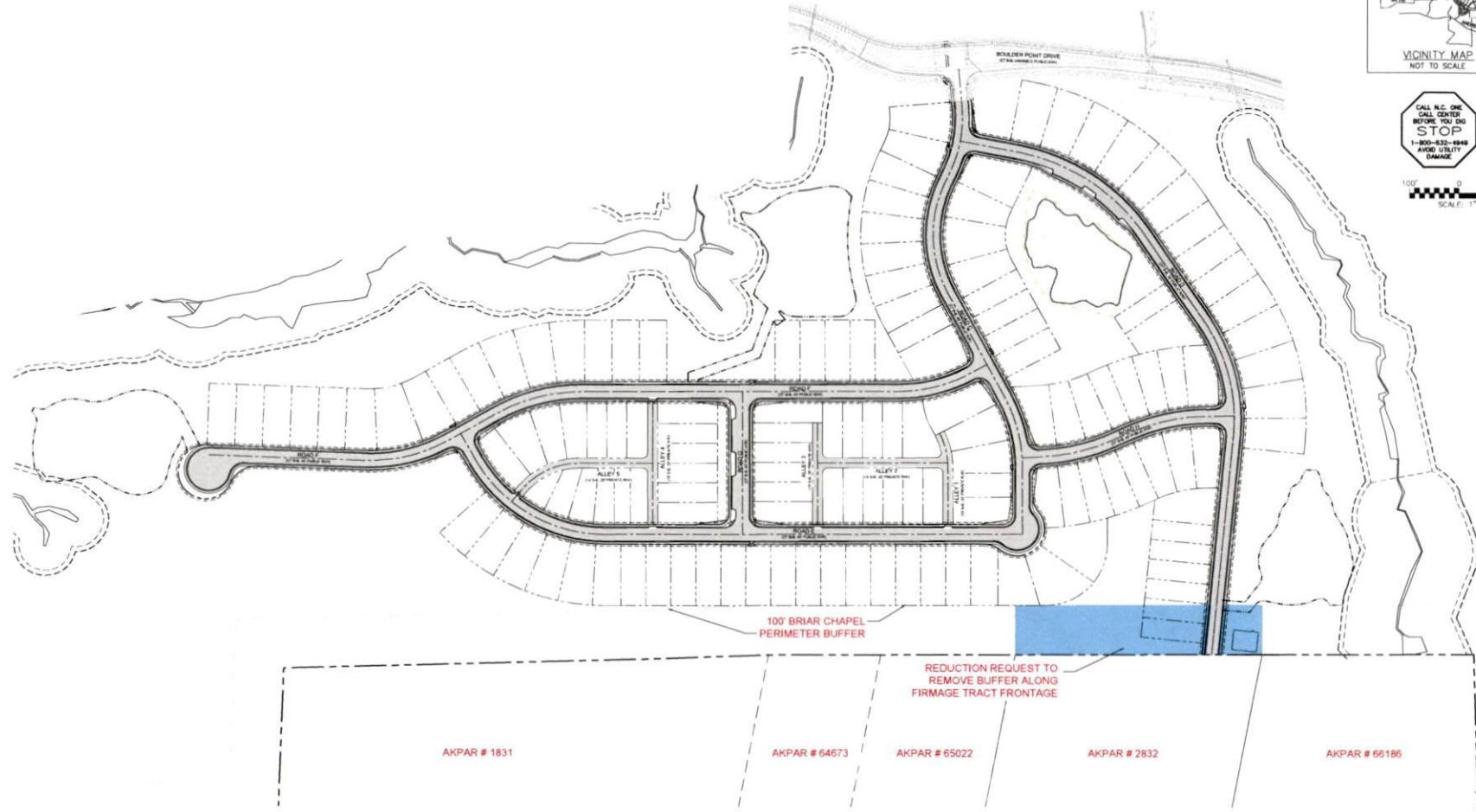
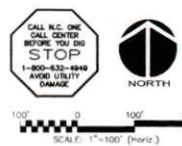
BRIAR CHAPEL™

by
Newland COMMUNITIES

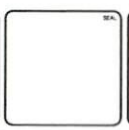
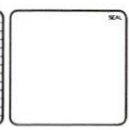
BRIAR CHAPEL
PHASE 15 SOUTH
CHATHAM COUNTY, NORTH CAROLINA

BUFFER REDUCTION REQUEST
EXHIBIT 1

DATE: MARCH 22, 2017	SCALE: C1.X
DATE PLOTTED: 02/28/2018	HORIZONTAL: AS NOTED
DRAWN: BSS	VERTICAL: N/A
DESIGNED: BSS	PROJECT NUMBER: EX-1
CHECKED: OCA	
PROJ. MGR.: CHD	
DATE: FINAL DRAWINGS FOR REVIEW PURPOSES ONLY	SCALE: N/A



NO.	REVISIONS	DATE



MCKIM & CREED
1730 Varsity Drive, Suite 500
Raleigh, North Carolina 27606
Phone: (919)233-8091, Fax: (919)233-8031
F-1222
www.mckimcreed.com

BRIAR CHAPEL™
Newland by COMMUNITIES

**BRIAR CHAPEL
PHASE 15 SOUTH
CHATHAM COUNTY, NORTH CAROLINA**

**BUFFER REDUCTION REQUEST
EXHIBIT 2**

DATE:	MARCH 22, 2017
SCALE:	AS NOTED
SCALE:	HORIZONTAL: AS NOTED
SCALE:	VERTICAL: N/A
DESIGNED BY:	DES
CHECKED BY:	CCA
DRAWN BY:	DES

STATUS: **FINAL DRAWINGS**
FOR REVIEW PURPOSES ONLY

DATE FOR ISSUE	CLX
REVISION NUMBER	EX-2

**ORDER OF THE BOARD OF COMMISSIONERS
OF CHATHAM COUNTY
APPROVING BUFFER REDUCTION REQUEST OF NNP-BRIAR CHAPEL, LLC PER
SECTION 9.2 OF COMPACT COMMUNITIES ORDINANCE**

WHEREAS, Section 9.2 of the Compact Communities Ordinance sets out the perimeter buffer requirements within a compact community;

WHEREAS, Section 9.2 also authorizes the Commissioners to approve a 100% reduction of the perimeter buffer under certain circumstances;

WHEREAS, NNP-Briar Chapel, LLC (“NNP”) owns the Briar Chapel land and also owns an adjoining 20 acre parcel (AKPAR # 2832) (the “Second NNP Parcel”);

WHEREAS, NNP has requested the Commissioners to approve a 100% reduction of the perimeter buffer along its joint property line with the Second NNP Parcel in order to allow for roadway and design continuity between the two parcels;

WHEREAS, the Board of Commissioners has determined that the impact of the compact community is adequately mitigated by the community design or topography;

WHEREAS, based upon the facts and circumstances considered by the Board of Commissioners and the language of Section 9.2 of the Compact Communities Ordinance, the Board of Commissioners has concluded to grant the requested buffer reduction as set out in the letter to the Board dated March ___, 2017 and its attachments, and that the requirements for granting the request, pursuant to Section 9.2 of the Compact Communities Ordinance, have been met; and

WHEREAS, it appears to the Board of Commissioners, and the Board of Commissioners hereby finds, that the buffer reduction request by NNP Briar Chapel, LLC is reasonable under the facts and circumstances and should be granted;

NOW, THEREFORE, BE IT ORDERED by the Board of Commissioners of Chatham County:

1. The recitals set forth above are incorporated in this Order.
2. The request to approve the buffer reduction as requested in the letter of March ___, 2017 and its attachments, is hereby granted.
3. To the extent an adjustment, modification, reduction or waiver under Section 15 of the Compact Communities Ordinance is required in order to effectuate this resolution, the same is hereby granted;
4. No waiver or consent except those set forth in this Order is granted.

Adopted this the ____ day of April, 2017.

CHATHAM COUNTY BOARD OF COMMISSIONERS

By:

James Crawford, Chair

ATTEST:

Lindsay Ray, Clerk to the Board
Chatham County Board of Commissioners