

**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 up to a 100% reduction of the perimeter buffer under certain circumstances;

WHEREAS, NNP-Briar Chapel, LLC (“NNP”) owns Parcel 20 which is a +/- 2.04 acre commercial lot in the SD-West section of the Briar Chapel Compact Community (AKPAR # 93297 (the “NNP Parcel”));

WHEREAS, the NNP Parcel is adjoined to the north by a parcel owned by Chatham County (AKPAR # 62221)(the “County Parcel”) and by a parcel owned by the North Carolina Department of Transportation (AKPAR # 94711)(the “NCDOT Parcel”);

WHEREAS, NNP has requested the Commissioners to approve two (2) modifications of the 100’ Perimeter Buffer along the northern parcel boundary of the NNP Parcel where it adjoins the County Parcel and the NCDOT Parcel as shown on **Attachment A** hereto;

WHEREAS, one of the requested modifications is on behalf of and at the request of the County itself in order to allow the County to install a sewer line within a 15’ easement that runs through the 100’ Perimeter Buffer located on the NNP Parcel the (“County Waiver”);

WHEREAS, the other requested modification is a reduction of the 100’ Perimeter Buffer from 100’ to 20’ along the boundary with the NCDOT Parcel and a portion of the County Parcel (the “NNP Waiver”);

WHEREAS, the Board of Commissioners has determined that the impact of the compact community is adequately mitigated by the community design or topography with respect to both the County Waiver and the NNP Waiver;

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 County Waiver and the requested NNP Waiver, each as described in the letter to the Board dated January __, 2021 and as reflected in **Attachment A** to this Order, 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 requests addressed herein are 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 County Waiver and the NNP Waiver, each as requested in the letter of January 20, 2022 and as shown in **Attachment A** to this Order, 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 February 2022.

CHATHAM COUNTY BOARD OF COMMISSIONERS

By:

Karen Howard,, Chair

ATTEST:

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