

**ORDER OF THE BOARD OF COMMISSIONERS
OF CHATHAM COUNTY
APPROVING WAIVER AND VOUNTARY FEE-IN-LIEU OF PEDESTRIAN ACCESS
ON CATULLO RUN/TAYLOR ROAD TO SD-WEST REQUEST OF NNP-BRIAR
CHAPEL, LLC PER SECTION 15 OF COMPACT COMMUNITIES ORDINANCE**

WHEREAS, Section 12.1 of the Compact Communities Ordinance provides that “all commercial establishments shall be pedestrian-accessible to community residents”;

WHEREAS, Section 15 of the Compact Communities Ordinance allows requirements of a compact community to be “adjusted, modified, reduced or waived” with the approval of the Board of Commissioners;

WHEREAS, NNP-Briar Chapel, LLC (“NNP”), the developer of the Briar Chapel Master-Planned Compact Community has fully designed and permitted a sidewalk connection to the SD-West commercial section of Briar Chapel along Catullo Run and Taylor Road (the “Sidewalk Project”);

WHEREAS, NCDOT had previously approved the Sidewalk Project and had issues a Right of Way Encroachment Agreement dated November 24, 2021 approving construction of the same;

WHEREAS, NCDOT and NNP have since jointly determined that construction of the Sidewalk Project would likely cause unnecessary deterioration to the integrity of the existing Taylor Road and that financially feasible alternatives are unavailable;

WHEREAS, NNP has requested the Commissioners to approve a waiver of the pedestrian access requirement to SD-West and has offered the anticipated cost of construction of the sidewalk (\$73,700.00) as a voluntary fee-in-lieu of the Sidewalk Project construction;

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 the pedestrian accessibility requirement along Catullo Road and Taylor Road;

WHEREAS, based upon the facts and circumstances considered by the Board of Commissioners and the language of Section 15 of the Compact Communities Ordinance, the Board of Commissioners has concluded to grant the requested waiver and to accept the \$73,700.00 voluntary fee-in-lieu to be used for any purpose as the County sees fit, each as described in the letter to the Board dated June 29, 2022, and that the requirements for granting the request, pursuant to Section 15 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 requested waiver and voluntary fee-in-lieu 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 NNP waiver and the voluntary \$73,700.00 fee-in-lieu (to be used for any purpose as the County sees fit), each as requested in the letter of June 29, 2022, 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 August, 2022.

CHATHAM COUNTY BOARD OF COMMISSIONERS

By: _____
Karen Howard,, Chair

ATTEST:

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