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January 26, 2024

Mike Dasher, Chairperson
Chatham County Board of Commissioners
80-A East Street
Pittsboro, North Carolina 27312

Via Electronic Mail & U.S. Mail

RE: Waiver Request on Behalf of SXCW Properties II LLC for Allowance of Septic Treatment System and Request for Compact Community Ordinance ("CCO") Perimeter Buffer Reduction for Commercial Parcel #93106, Briar Chapel

Dear Board of Commissioners:

This letter serves as a formal request by SXCW Properties II LLC, a/k/a Sam's Holdings, LLC (Sam's), for a Waiver/Modification under the Conditional Use Permit for Briar Chapel adopted February 15, 2005 to allow a septic treatment system on Parcel #93106 within the 300-foot perimeter buffer between Parcel #93106 and five adjacent properties, generally as depicted on Exhibit A hereto. The location of the area at issue is depicted on Exhibit A to this letter.

On February 15, 2005, the Chatham County Board of Commissioners approved a Conditional Use Permit for Briar Chapel, and in 2018, a final plat for Briar Chapel SD East was approved that included Parcel #93106 ("Final Subdivision Easement and Private Right-of-Way Dedication Plat of Briar Chapel SD East – Parcels 10 – 15"). Sam's purchased Parcel # 93106 on March 29, 2021 for the purpose of constructing a car wash. Afterward, Sam's submitted necessary paperwork to begin this process, including application for a land-disturbing permit application and submission of an erosion control plan. As part of this preliminary construction process, Sam's learned that it would not be able to connect to the existing Briar Chapel wastewater treatment system because the system did not have capacity to treat car wash wastewater. This limitation was unknown to either Sam's or the seller at the time Sam's purchased the Property in 2021.

As a result, Sam's is requesting a waiver to construct a septic treatment system on Parcel #93106. In addition to the requested waiver, Sam's will need to obtain final approvals from the Chatham County Health Department and the North Carolina Department of Health and Human Services.

Section 15 of the CCO allows the Board of Commissioners to modify the requirements of the CCO "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" in the document. In this case, the buffer width will not

actually be reduced but, rather, the understory will be modified to allow installation and operation of a drainage field system for the intended drip system. Section 9.2 of the CCO describes the function of the Perimeter Buffer, that “the buffer shall produce the effect of a natural forested area, using native species. The planting does not have to be opaque, but should function to significantly soften the visual impact of buildings, both initially and in the longer term.” Because the drain field for the drip system will not require clear cutting but rather understory thinning sufficient to allow installation, operation and maintenance of the drainage fields, the requested modification is relatively minor compared to an actual reduction of the buffer width itself.

The requested waiver will allow for the placement of the primary drainage field for the project in the 300’ perimeter buffer shown on the plat map. Although engineering efforts have been made to locate the field elsewhere on the property, this is the only location that is feasible to avoid stream buffers and no-build zones on the Parcel, as shown on Exhibit A. The drainage field will be monitored pursuant to industry standards to prevent any adverse environmental impact on the property. Moreover, Sam’s intends to install a drip system that will allow much of the vegetation in the buffer to remain, thereby still performing the function of the buffer as set out in the CCO to produce the effect of a natural forested area, using native species and to soften the visual impact of buildings. The field will not be invasive in terms of noise or appearance to the adjoining homeowners and is a low impact modification due to the existing condition and terrain involved.

NNP-Briar Chapel, LLC does not oppose the requested waiver to allow a septic treatment system.

In accordance with the established waiver process, we will coordinate with County staff to make certain the adjoining landowners are notified of the Board of Commissioners Meeting at which this waiver request will be addressed.

Enclosed with this request is a proposed Order of the Board of Commissioners. We respectfully ask that this item be placed on the agenda for the Board of Commissioners meeting scheduled for February 19, 2024.

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

Sincerely,

THE BROUGH LAW FIRM, PLLC

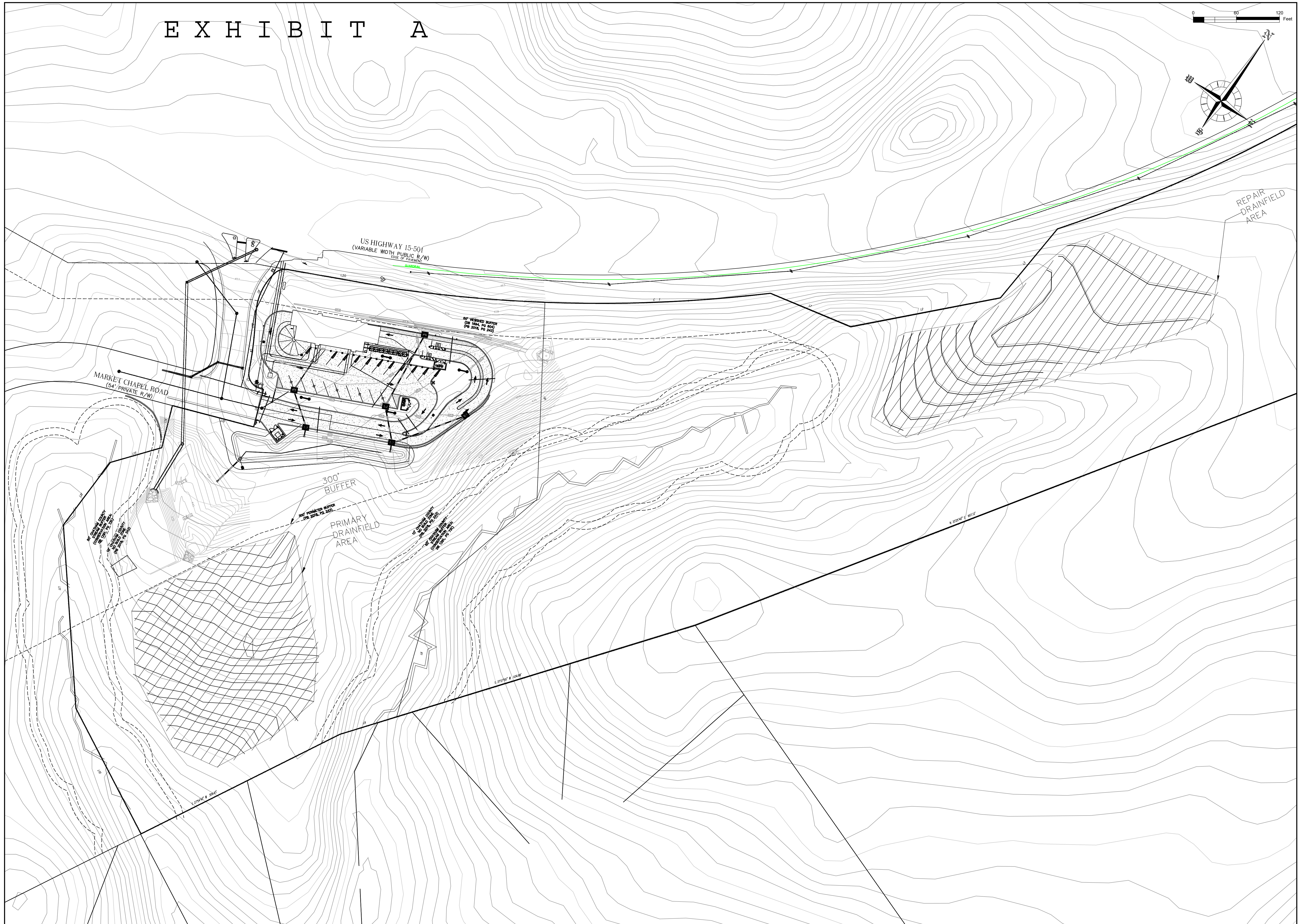
T.C. Morphis, Jr.

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Lydia E. Lavelle

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EXHIBIT A



AWT
Engineers and Soil Scientists
 Agri-Waste Technology, Inc.
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 Apex, North Carolina 27502
 919-859-0669
 www.agriwaste.com

Sam's Xpress Car Wash
 WWTS

FOR
 REVIEW
 ONLY

REV. ISSUED DATE DESCRIPTION

SHEET TITLE

Property Layout

DRAWN BY: A. HUDSON	CREATED ON: 08/16/2023
REVISED BY:	REVISED ON:
RELEASED BY:	RELEASED ON:

SHEET NAME:

WW-1