

..TITLE

Vote to approve a request by Lydia Lavelle, on behalf of SXCW Properties II LLC to reduce and modify the Perimeter Buffer for Commercial Parcel #93106, SD-East, Briar Chapel for the installation of a septic system, pursuant to Section 9.2 of the Compact Communities Ordinance.

..ABSTRACT

Action Requested:

Vote to approve a request by Lydia Lavelle, on behalf of SXCW Properties II LLC to reduce and modify the Perimeter Buffer for Commercial Parcel #93106, SD-East, Briar Chapel for the installation of a septic system, pursuant to Section 9.2 of the Compact Communities Ordinance.

Introduction & Background:

The Chatham County Compact Communities Ordinance (CCO) includes the following standards:

9.2 Perimeter Buffers

Perimeter buffers shall be utilized to minimize the impacts of each compact community on adjacent properties along the entire perimeter of the compact community. Table 9.2 lists the minimum buffer width allowable, depending on the proposed land use along the edge of the compact community and the existing land use in the adjacent property at any point along the perimeter.

Chatham County may allow a reduction in the perimeter buffer width required by this ordinance of up to fifty percent (50%) if it determines that the impact of the compact community is adequately mitigated by community design or topography. In addition, Chatham County may allow a reduction in the perimeter buffer from fifty-one percent (51%) up to one hundred percent (100%) 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. A developer of a Compact Community may request of the Board of Commissioners such a waiver or reduction at any time.

Section 7.2 Wastewater Treatment

General Design Standards

Wastewater treatment shall occur at centralized wastewater treatment facilities either on-site or at existing, previously permitted off-site facilities as permitted by the State of North Carolina Department of Environmental and Natural Resources (NCDENR). Spray irrigation may occur off-site provided that said use conforms to the uses allowed in the applicable zoning district.

Wastewater collection, treatment, distribution and storage systems for compact communities must apply technologies approved by the State of North Carolina, with

facilities and operating programs approved by the State of North Carolina, and with operations that are effectively monitored by the State.

Section 15. Waiver, “With the approval of the Board of Commissioners, the requirements of this ordinance may be adjusted, modified, reduced or waived 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 herein.”

Discussion & Analysis:

This waiver request is for a reduction and modification in the perimeter buffer on Parcel #93106 of the Briar Chapel SD East Subdivision and to allow for a septic system to serve the property instead of connecting to the wastewater treatment system serving Briar Chapel. This parcel was purchased in 2021 (DB2200 PG823) by SXCW Properties II LLC to construct a car wash, which is an allowed use on the property. During the permitting process the owners discovered that the wastewater provider, Old North State, did not have appropriate approval from the NC Department of Environmental Quality to treat the wastewater from a car wash. Further, the wastewater system owner did not think it was financially worthwhile to obtain the additional approval for this use (see attached emails). The car wash owners are now seeking approval to install an on-site treatment option to move forward with the project.

Section 9.2 of the CCO includes a table prescribing the required width of a perimeter buffer based on the type of use adjoining the compact community. In this situation, the table requires a 100’ perimeter buffer, but a 300’ buffer was included as a condition of approval in this location. The wider buffer width was negotiated between the Fearington Village HOA and Newland Communities prior to the approval of the rezoning for Briar Chapel. The applicant reached out to the Fearington HOA and offered to meet with them to discuss the request, but the HOA declined. The applicant has provided a cover letter, map showing the location of the primary and secondary areas of the property with suitable soils for a septic system, email exchange with Old North State staff, and a proposed order for consideration by the Commissioners.

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:

Discuss the request and vote to approve the Order of the Board of Commissioners of Chatham County Authorizing A Septic Treatment System On Parcel #93106 Within 300' Buffer With Adjoining Properties per Section 9.2 of Compact Communities Ordinance