

## Jason Sullivan

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**From:** Bob Kerlin <kerlin.bob@gmail.com>  
**Sent:** Sunday, May 14, 2017 7:17 PM  
**To:** Diana Hales; walter.perry@chathamnc.org; Karen Howard; Mike Dasher; James Crawford  
**Cc:** Angela Birchett; Jason Sullivan  
**Subject:** Fwd: Public Hearing Comments 5/15/2017 Newland CCO and CUP Amendments  
**Attachments:** 2017Newland CCO CUP\_Colbert\_Objections.doc; mime-attachment  
**Categories:** CityView Planning Attachment

Commissioners:

Shelley Colbert has done an excellent job laying out the legal reasons why the CAP should not be increased. Let me give you the personal side.

I lived in Northern Virginia and saw Fairfax and Loudon Counties transformed from bucolic farmland into traffic nightmares by "just 150 more".

Briar Chapel had an original CAP of 2389-it was increased in 2014 to 2500 now Newland is asking for an increase to 2650. I did not buy in to a 2650 household community and neither did most of the residents.

Where will it end? If this CAP increase is allowed, it won't be the end. This will also be the standard for any subsequent CUP.

Currently we have around 1300 occupied units, this translates to roughly 2600 voters. Few of the current residents/ voters approve of the increase.

Think if this was a community down stream or adjacent to your home, would you want it to increase from 2389 to 2650? I doubt it.

You have the opportunity tonight to say one CAP increase was enough.  
Keep the CAP on.

Thank you.

Bob Kerlin  
434 Tobacco Farm Way  
Briar Chapel/ Baldwin Township  
Chapel Hill, NC 27516

Sent from my iPad

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**From:** MColbert [<mailto:miccolbert@att.net>]  
**Sent:** Friday, May 12, 2017 3:55 PM  
**To:** 'Karen Howard'; '[mike.dasher@chathamnc.org](mailto:mike.dasher@chathamnc.org)'; 'Diana Hales'; 'James Crawford'; 'Walter Petty'  
**Cc:** 'Jason Sullivan'; 'Angela Birchett'  
**Subject:** Public Hearing Comments 5/15/2017 Newland CCO and CUP Amendments

Honorable Commissioners,

I write to you today in opposition to the following items on the May 15 public hearing agenda. The items are related. I would also respectfully ask that you consider the circumstances leading up to the hearing that have negatively impacted the ability of concerned citizens in the community to respond in greater detail to the requested changes in the CCO and amended CUP as submitted. The Newland correspondence that I previously forwarded to you promised changes without offering specific replacement language, and that letter is not part of the CUP application before you. (I'm also attaching my comments as a Word document)

***17-2165 A Legislative Public Hearing on a request by NNP Briar Chapel for a revision to the Chatham County Compact Community Ordinance, Section 6.2 Maximum Size, to increase the dwelling unit cap from 2, 500 to 2,650.***

This text amendment should be rejected because the request, by proposing yet another ad hoc, incremental expansion to the CCO, subverts the purpose and requirements of the original master plan. The original plan established a cap on total units of 2389, which was later approved for an increase to 2500 in late 2014.

The 2017 application is the third request in less than thirty-six months, and if approved would represent an 11% cumulative increase in units to the original master plan (an additional 261 total units) with no increase or adjustments to the required five findings in the accompanying CUP amendment. I will therefore incorporate my specific objections to the proposed CCO increase by reference below, with respect to the five findings in the companion CUP request 17-2168.

I would also like to make a general observation that I find it contradictory and not at all credible that the applicant-funded professional supporting assessments essentially rubber-stamp every single proposed change as having no impact to infrastructure, environment and facilities despite the significant proposed increases to demand, as well as numerous requests for buffer waivers. Since the applicant has not disclosed any persuasive factual details that would support those assertions in the public filings, I

strongly urge the commissioners to question the basis for them, as I note more specifically below by reference to item 17-2168.

**17-2168 A Quasi-Judicial Public Hearing on a request by NNP Briar Chapel for a revision to the Conditional Use Permit to (1) revise the civic site at the intersection of Andrews Store Rd and Parker Herndon Rd (possible Chatham County elementary school site) on master plan to allow for full development of the site (rather than just 2 acres as shown), (2) create the possibility of having up to 2,650 residential units (currently approved for 2,500), (3) revise the master plan map to reduce the perimeter buffer (a) from 100' to 50' along the frontage with Chapel in the Pines church (at the church's request); (b) from 100' to 50' along the short boundary with Duke Energy ROW at SD-N; and (c) from 100' to 75' along Phase 15-S boundary to eliminate the need to build a retaining wall within the perimeter buffer, and (4) revise the color key table on the master plan map to reflect adjustments to residential densities in particular locations.**

I object to this application as follows, for failing to meet all requirements under the Conditional Use Permit Requirements (Five Findings). Below I quote the exact language that the county uses on its website and I have indicated (in caps) where the county version differs from the language submitted by the applicant under Tab F in the application:

1. "The use request is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located."
  - The applicant too narrowly construes the meaning of the word "district" to render this requirement a meaningless tautology by ignoring the uses applicable to sub-districts within the CCO and clearly identified in the site plan. This finding is not met or addressed specifically at Tab D, which describes significant changes to use, especially with respect to multi-family housing in an area where it was previously prohibited.
  - This application attempts to change a previously ineligible use to an eligible use within a specific portion of the master plan subject to the CCO.
2. "The requested conditional use permit OR REVISION TO THE EXISTING PERMIT is either essential or desirable for the public convenience or welfare." The applicant has not demonstrated the need or desirability for revisions as required under this finding except to assert it, without persuasive evidence, as follows:
  - A-2 Buffer Request, to which I again restate the objection as noted on the CCO to the incremental approach to key components of the master plan such as buffers. Buffer waivers are deserving of your highest level of skepticism and scrutiny because the cumulative effect can be environmentally significant.
  - A-3 Additional high density residential units are not desirable for public convenience or welfare in areas where they will negatively impact existing infrastructure, facilities, homes and residences. The applicant proposed to put up to 350 apartments in areas either previously prohibited for such use, or for which such scale would exceed prior unit limitations. A large-scale project as specifically described is not essential or desirable in any

location within the CCO, especially with respect to related/impacted Finding Number 5.

- A-4 Revised Table of Uses should be rejected outright for reasons noted above under A-3 and below with respect to negative impacts under Findings 3, 4 and 5.
- The fact that there are no comparable high-density projects in Chatham shouldn't be much of an intellectual stretch in order for the applicant to consider negative impact given comparable examples available outside the county but within the commuting area/region. A large-scale apartment complex nearly double the size previously permissible (to 350 from 200) is incompatible with the character of Chatham County and would be a detriment to the public safety and welfare.

3. The requested PERMIT OR REVISION TO THE EXISTING PERMIT use will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.”

- The applicant's statements under this finding do not address at all the impact of revisions and changes to the Table of Uses for current residents of Briar Chapel, Mann's Chapel and Fearrington who would be affected directly by an increase to the number and density of units. Despite the fact that the CUP /CCO total represents a cumulative 11% increase of units to the master plan, this finding indicates “no changes” for traffic, lighting, noise, chemicals and signage, and is simply not credible on the face of it. Noise, for example, is addressed only as to volume but not frequency. More specifically with respect to traffic under 3A , the Kimley traffic study letter specifically notes its impact assessment “for the development as a whole” [emphasis added] without noting that significant impact will occur in certain areas of the community and surrounding neighborhoods involving hundreds of existing residential units.
- This application will, with certainty, negatively impact the integrity and character of the existing homes and business in the surrounding community and will be detrimental to the health, safety and welfare of the community. I invite the commissioners to visit the community and see firsthand how the already-narrow streets will not be able to safely absorb activity of all kinds (vehicle and pedestrian traffic, parking, emergency services, etc) caused by increased density and total units.

4. “The requested permit will be OR REMAIN consistent with the objectives of the Land Conservation and Development Plan.”

- The CUP application is inconsistent with the land conservation and development plan and the “wild nature” setting for Chatham County. The proposed unit increase and densities revisions are not matched with ANY proposed increases to open space or recreational facilities. Putting a large apartment complex in the heart of (or adjacent to) an existing residential area, without adequate, identified access to public transportation subverts the planning requirements under this finding.
- In addition, I have previously contacted the commissioners concerning the applicant's poor stewardship of the existing Briar Chapel community on environmental issues, and its failure to execute its responsibilities for

ensuring compliance with current CCO requirements for impervious surfaces, runoff, native plants, etc.

5. "Adequate utilities, access roads, storm drainage, RECREATION, OPEN SPACE, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations."
- Astoundingly, despite a proposed cumulative increase to the CCO unit size by 11%, the applicant indicates "no change" to this requirement. I note that the applicant also changes the county's language of Finding 5 to "other necessary facilities" and omits specific reference to "recreation" and "open space" "consistent with the County's plans, policies and regulations" found on the planning website.
  - This is no small omission. These incomplete assertions are inconsistent with county requirements and will negatively impact current and newer residents alike in their access to all facilities, recreation, open space and infrastructure in the community.
  - This finding doesn't come close to being met in the application, since it makes no additional provisions to support a significant increase of population that could reasonably be extrapolated from the proposed increases and usage changes. I couldn't find any population projections in the application, but that's something I urge you to question the applicant about. (261 additional units to the original master plan would add at least 652 people at 2.5 persons per household/unit- which I suspect is a low estimate.)

The related Newland CCO and CUP applications before you do not meet the requirements under the five findings. The application doesn't adequately or completely explain the scope of changes and admits no foreseeable negative impact whatsoever (nor does it make any attempt to mitigate or address any negative impacts). The application(s) subverts the master plan with a piecemeal approach that threatens the quality of life for current and future residents, ignores environmental impacts, and fails to address any need for a commensurate increase to facilities, recreation, open space and infrastructure.

If approved, the applications will ultimately result in shifting the cost of the applicant's inadequacies onto the citizens of Chatham County. I urge you to reject them.

Sincerely,  
Shelley Colbert  
Briar Chapel/Baldwin Township