

Dear Jason,

Regarding the recent legislative and zoning requests by Briar Chapel, while we appreciate the valued community partner Briar Chapel has shown itself to be, we could not support the requests for the reasons listed below. Please note that some of the items were discussed jointly and may overlap, therefore the following should be taken comprehensively.

1) Legislative Request by NNP Briar Chapel for a revision to the Chatham County Community Ordinance, Section 6.2 Maximum Size, to increase the dwelling unit cap from 2,500 to 2,650.

It is not good land use policy to amend an ordinance based on the request of one developer and their market analysis. When and if the comprehensive plan passes there will be an evaluation of all land use regulation and that would be the appropriate time to change the dwelling cap. This change sets precedent for incremental changes that may not be in the best interest of the county. Furthermore:

- In its 2014 request to raise the initial cap from 2,389 to 2,500, Briar Chapel specifically stated that it planned to "borrow" from the 2,500 cap to meet market demand for a 200-unit project in the special districts, and therefore would not need additional dwelling units
- Per the above, Briar Chapel could instead request to site additional dwelling units in the area of interest rather than add even more units.
- As the new site for increased dwelling units is not walkable from the main area of Briar Chapel this does not meet the intent of the Chatham Compact Communities Ordinance (CCO), and has the effect of creating a satellite development as opposed to a larger compact community.
- The community within Briar Chapel is already experiencing congestion and many residents spoke out against the proposed cap, citing traffic and safety concerns. A new TIA has not been performed for the increased dwelling units.
- The affordable housing intended through the original CCO has not materialized. While this is not the sole responsibility of Briar Chapel, it does call into question whether raising the cap will benefit affordable housing in any way.

2) Quasi-Judicial 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 location.

It is our position that Findings 2, 3 and 4 were not supported for this CUP, and thus the revision could not be justified. From the evidence we have seen it is not clear that this increase serves the interests of Chatham residents. Specific concerns include:

- The current and prospective lack of affordable housing: Chatham County does have a need for affordable multi-family housing but the developer has clearly stated that these units will not meet that need.
- Ongoing transportation and traffic challenges
- Lack of walkability, falling short of the intention of the CCO
- Adding additional students
- All Compact Communities subject to the Compact Communities Ordinance (CCO) would be affected, not just Briar Chapel
- All Compact Communities, not just Briar Chapel, that are subject to the CCO would be not be subject to current, more stringent rules which offer better protection for our County's water resources (e.g., Watershed Protection Ordinance, Stormwater Ordinance)
- This sets a precedent for waivers to increase the number of dwelling units, waivers on perimeter buffers, or increases of residential dwelling unit caps, etc.
- The HOA Board is currently under the control of Briar Chapel, meaning the County has no power of enforcement.
- There is a greater need for commercial development in this area than residential. It is very likely that these units will attract residents from out of county and out of state rather than Chatham residents. Attracting out of county residents is not a strategy for reducing sprawl along the 15-501 corridor.
- Item 1 (Civic Site): Traffic, streams, lack of site info, NCDOT improvements may impact
- The addition of more residential, possible nursing home and commercial will increase demand on the waste water infrastructure and will no doubt result in extensions to the treated waste water spray irrigation system. The 2005 permit did not prohibit the installation of spray irrigation on the Bennett Mountain natural area and left it as a option of last resort.

Recommendations:

We recommend the Board of Commissioners deny the request to increase the cap to 2,650 dwelling units. However if the Board of Commissioners does grant this request to modify the Compact Communities Ordinance we suggest the following conditions be placed on the associated CUP request:

- Require that SD East be fully walkable for pedestrians coming from Briar Chapel proper in a safe manner--i.e. through a pedestrian bridge or tunnel
- Require that all emergency vehicle challenges be resolved before final plat
- Affordable housing should be included **within** the newly approved dwelling units, per the original intent of the CCCO
- Prohibition of spray irrigation on Bennett Mountain
- Require any new development to meet the criteria of the new Watershed Protection and Stormwater Ordinances

Thank you for your consideration,

Allison Weakley, Caroline Siverson and Emily Moose