

**ORDER OF THE BOARD OF COMMISSIONERS
OF CHATHAM COUNTY
APPROVING BUFFER RELOCATION REQUEST OF NNP-BRIAR CHAPEL, LLC
AND CHATHAM COUNTY SCHOOL BOARD
PER SECTION 9.2 OF COMPACT COMMUNITIES ORDINANCE**

WHEREAS, Section 9.2 of the Compact Communities Ordinance sets out the perimeter and viewshed buffer requirements within a compact community;

WHEREAS, Section 9.2 also authorizes the Commissioners to approve a 100% reduction of the perimeter buffer under certain circumstances;

WHEREAS, NNP-Briar Chapel, LLC (“NNP”) owns AKPAR Parcel 79946 which is within the Briar Chapel Compact community (the “CUP Parcel”) and also owns the adjoining AKPAR Parcel 2715 (the “Non-CUP Parcel”) which is not a part of the Briar Chapel community;

WHEREAS, the Chatham County School Board (the “School Board”) has contracted to purchase the CUP Parcel and the Non-CUP Parcel from NNP and to combine them for use as a Chatham County elementary school site (combined, the “School Site”)

WHEREAS, NNP and the School Board have jointly requested the Commissioners to approve a 100% reduction of the 100’ perimeter buffer along the joint property line between the CUP Parcel and the Non-CUP Parcel and also to relocate the 100’ buffer so as to create a 100’ viewshed buffer along the Andrews Store Road boundary of the Non-CUP Parcel, all as depicted in the **Attachment** hereto;

WHEREAS, the Board of Commissioners has determined that, as a result of the requested buffer relocation, the impact of the compact community is adequately mitigated by the community design or topography;

WHEREAS, based upon the facts and circumstances considered by the Board of Commissioners and the language of Section 9.2 of the Compact Communities Ordinance, the Board of Commissioners has concluded to grant the requested buffer relocation as set out in the letter to the Board dated October 25, 2017 and as reflected in the attachment to this Order, and that the requirements for granting the request, pursuant to Section 9.2 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 buffer relocation request by NNP Briar Chapel, LLC and the Chatham County School Board is 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 buffer relocation as requested in the letter of October 25, 2017 and as shown in the **Attachment** to this Order, 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 November, 2017.

CHATHAM COUNTY BOARD OF COMMISSIONERS

By: _____
James Crawford, Chair

ATTEST:

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

WAIVER ATTACHMENT



BRIAR  **CHAPEL**[®]

by
Newland COMMUNITIES

Perimeter Buffer Exhibit
October 23, 2017