

PLANNING & ZONING REVIEW NOTES

V. A.

SUBJECT: Request by Keith Hurand, Sr., Vice President, on behalf of NNP Briar Chapel, LLC, for subdivision preliminary plat approval of **“Briar Chapel, Phase 5, South A”**, consisting of 28 lots on 9.86 acres, located off U.S. 15-501 N/ Briar Chapel Parkway, Baldwin Township.

ACTION REQUESTED: See Recommendation.

ATTACHMENTS:

1. Major Subdivision Application.
2. Update of zoning conditions, prepared by Mike Sanchez, P.E., The John R. McAdams Company.
3. Start and Completion Projections
4. E-mail from Fred royal dated May 21.
5. Memorandum dated May 18, 2009 from Mike Sanchez, PE, The John R. McAdams Company, regarding Briar Chapel Phase 5 South Preliminary Plat.
6. Briar Chapel Stream buffer map
7. Preliminary plat titled “ Briar Chapel, Phase 5 South A”, prepared by The John R. McAdams Company, dated April 9, 2009.

INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS:

Zoning: Conditional Use District / Compact Community
Water System: Chatham County
Sewer System: Private Wastewater Treatment Plant
Watershed District: WS-IV PA
Subject to 100 year flood: No floodable area located in this section.

This request is a portion of the Briar Chapel Planned Residential Development, consisting of 2,389 dwelling units on 1,589 acres, located off Hwy 15-501 N and Mann’s Chapel Road, SR-1532, approved by the Chatham County Board of Commissioners on February 15, 2005. A copy of “*An Ordinance Amending the Zoning Ordinance of Chatham County*” and “*A Resolution Approving An Application For A Conditional Use Permit For A Request By Mitch Barron On Behalf Of Newland Communities for Briar Chapel Planned Residential Development*” may be viewed on the Chatham County web site at www.chathamnc.org/planning, then click on Planning, Rezoning & Subdivision Cases, Miscellaneous Prior to 2005, Briar Chapel. A copy of the Compact Community Ordinance can also be found on the Planning Department web page.

Approvals to date include:

October 16, 2006: The Board of County Commissioners approved a *preliminary plat* for Briar Chapel, Phase IV, Pods A, B, C, and D (Including Phase 3 ROW) consisting of 323 lots on October 16, 2006.

Final plat approvals by the Chatham County Board of Commissioners to date include:

May 21, 2007: Briar Chapel - Phase 3 and 4 and Great Ridge Parkway Right-of-Way Dedication, consisting of 66 lots.

Sept 17, 2007: Briar Chapel – Phase 2, Briar Chapel Parkway and Catullo Road Right-of-Way Dedication. (no lots involved)

Re: Briar Chapel, Phase 5, South A

INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS – cont.

Oct. 15, 2007: Briar Chapel, Phase 4, Section 2, consisting of 120 lots.

Nov. 19, 2007: Briar Chapel, Phase 4, Section 3, consisting of 129 lots.

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS: The developer is requesting preliminary plat approval of “Briar Chapel, Phase 5 South A, consisting of 28 lots on 9.86 acres. The lots are for individual single family dwellings. The preliminary plat does not state whether or not there are any affordable housing lots in this section. Staff has asked for a verification of this and for a statement to be added to the final plat stating whether this section does or does not contain affordable housing lots. The lots will be accessed by a public, state maintained roadway and are located internally off Briar Chapel Parkway. NCDOT has reviewed and approved the road plans for the newly proposed roadways, ‘Serenity Hill Circle’ and ‘Hill Creek Boulevard’. Per NCDOT, no commercial driveway permit is required since this section has no direct access to a current state maintained roadway. Other agency reviews as required for a preliminary plat approval have been received as follows:

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|--------------------------------|--|---------------------------------|
| NCDWQ | Wastewater Collection System Extension | June 5, 2008 |
| NCDOT | Road Plan Approval | January 26, 2009 |
| Chatham County | Erosion Control / Letter of Approval Soil Erosion and Sedimentation Control | January 26, 2009 |
| Corps of Engineers | 404 Corps of Engineers Permit | October 2, 2006 |
| NCDWQ | 401 Stream Crossing Permit 401 Stream Crossing Permit Modification | May 9, 2008 January 11, 2008 |
| Chatham County Public Works | Water Plan Approval | March 2, 2009 |
| NCDENR | Construction Authorization Water Main Extension | April 21, 2009 |
| NCDWQ | Stormwater Management Plan Approval | December 18, 2008 |

The above listed permits can be viewed on the Planning Department website at www.chathamnc.org/planning Rezoning and Subdivision Cases, 2009.

The Chatham County Emergency Operations Office has approved the road names ‘Serenity Hill Circle’ and ‘Hill Creek Boulevard’.

The two (2) intermittent streams shown on the preliminary plat are buffered with a 50 foot wide riparian buffer as required by the Chatham County Compact Communities Ordinance.

The zoning approval for Briar Chapel included 28 conditions of approval. Attachment

#2, from Mike Sanchez, John R. McAdams Co, Inc., states how each of the conditions will be addressed either at this time or at a later date during other phases.

Re: Briar Chapel, Phase 5, South A

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS – cont.

This issue was tabled at the May 5th Planning Board meeting in order to give Fred Royal, Chatham County Environmental Resources Director, time to review buffer disturbances due to sediment trap construction and the method of determining stream locations and associated buffers. Mr. Royal met with representatives of Newland Communities and The John R. McAdams Co. to discuss the issues. Attachment # 5 is a memorandum from Mike Sanchez, P. E addressing the concerns. Attachment # 6 is the Briar Chapel Stream Buffer map, prepared in 2004, showing the riparian buffers as required in the Compact Communities Ordinance Section 9: Buffers, 9.1 Riparian Buffers. The riparian buffer requirements are as follows:

In all residential, commercial, and civic areas in each compact community, vegetative buffers of the following widths shall be permanently protected along each side of the following streams:

- At least one hundred (100) feet along all perennial streams;
- At least fifty (50) feet along all intermittent streams;
- At least fifty (50) feet along all ephemeral streams shown on the Soil Survey maps and having a drainage area of more than twenty-five (25) acres;
- At least thirty (30) feet along all ephemeral streams shown on the Soil survey maps and having a drainage area of between ten (10) acres and twenty-five (25) acres.

Per Mr. Royal “As a result of the attached response memo, telephone conversations and meetings with the environmental consultant, engineers and Newland representatives, meetings with staff and a review of the stream map (submitted in 2004) and other plan documents, I have found that the information satisfies my questions in this regard.” See attachment # 4.

RECOMMENDATION: The Planning Department recommends granting approval of the road names ‘Serenity Hill Circle’ and ‘Hill Creek Boulevard’ and recommends granting preliminary plat approval of “Briar Chapel, Phase 5, South A” with the following condition:

1. The final plat shall state that no affordable lots are located within Phase 5, South A.