



**CHATHAM COUNTY  
BOARD OF COMMISSIONERS  
AGENDA ABSTRACT**

**ITEM NUMBER:**  
**MEETING DATE:**  
1-19-10

**PART A**

**Subject:**

Request by Keith Hurand, Sr., Vice President on behalf of NNP Briar Chapel, LLC for subdivision final plat approval of “**Briar Chapel, Phase 4, Section 4**”, consisting of 37 lots on 13.13 acres located off Briar Chapel Parkway, Baldwin Township.

**Action Requested:** See Recommendations.

**Attachments:**

1. Major Subdivision Application.
2. Response to Conditions
3. Final plat titled “Briar Chapel, Phase 4, Section 4”, prepared by The John R. McAdams Company, Inc., dated October 8, 2009.

**Submitted By:**

\_\_\_\_\_  
Jason Sullivan, Acting Planning Director

\_\_\_\_\_  
Date

**County Manager Review:**

\_\_\_\_\_  
Charlie Horne, County Manager

\_\_\_\_\_  
Date

**This abstract requires review by:**

☒ **County Attorney**

\_\_\_\_\_  
Date Reviewed

☒ **Finance Officer**

\_\_\_\_\_  
Date Reviewed

☐ **Budget Officer**

\_\_\_\_\_  
Date Reviewed

## PART B

### Re: Briar Chapel Phs 4 Sec 4

#### Introduction / Background / Previous Board Actions:

Zoning:	Conditional Use District / Compact Community
Water System:	Chatham County
Sewer System:	Private Wastewater Treatment Plant
Subject to 100 year flood:	Yes, see map.

This request is a portion of the Briar Chapel Compact Community, 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 website at [www.chathamnc.org/planning](http://www.chathamnc.org/planning), the click on 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.

This current request is a portion of the October 16, 2006 Board of County Commissioner preliminary plat approval for "Briar Chapel, Phase IV, Pods A, B, C, and D, consisting of 323 lots on 152 acres. There were two areas shown on the preliminary plat marked "Future Development". At that time, those areas did not show lot lines. During review of the Phase 4, Section 2 final plat and the Phase 4, Section 3 final plat, the developer requested the two areas previously labeled as "Future Development" be allowed to be subdivided into residential lots. The Phase 4, Section 2 final plat approved 10/15/07 included thirteen (13) additional lots. The Phase 4, Section 3 final plat, approved 11/19/07 included seventeen (17) additional lots. At that time, it was determined by staff that since the streets, infrastructure and permits were not changing from what was approved on the preliminary plat, it was not necessary to submit a preliminary plat for the additional lots. On 8/17/09 a recombination plat was approved creating another twelve (12) lots. The total number of lots in Phases 3 and 4 is now 364. All Recreation Exaction fees and Affordable Housing fees have been paid for the additional lots. The additional lots are a portion of the approved 2389 units.

#### Issues for Further Discussion and Analysis:

The developer is requesting final plat approval of 37 lots to be accessed by Briar Chapel Parkway, a public state maintained road, with a financial guarantee in the amount of \$195,308.00 for the completion of public/private roadway clearing, grading, erosion control, paving, curbing, striping, signage, sidewalk, seeding, final clean-up and sediment trap conversion. Per Tommy L. Vance, PE, John R. McAdams Company, Inc. improvements completed to date are approximately ninety-one percent (91%) complete. Section 3.1 B. (1) of the Subdivision Regulations states that, "When either forty (40) percent of the total cost of improvements has been completed or when a statement of record for the subdivision has been filed in accordance with the Federal Interstate Land Sales Full Disclosure Act, and when the public health and/or safety will not be endangered, the County may waive the requirement that the applicant complete all

**Re: Briar Chapel Phs 4 Sec 4**  
**Issues for Further Discussion and Analysis – cont.**

required improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant post an adequate security at the time of application for final subdivision approval.” See Section 3.1 B (1) for the entire language. It is the staff opinion that this development qualifies for acceptance of a financial guarantee. The county attorney will review and approve the form and amount of the financial guarantee prior to final plat recording.

Lots will be served by the Briar Chapel Wastewater Treatment Plant. Permits for the construction of the WWTP were received during preliminary review. Lots are served by county water. There are no affordable housing lots in this section. A payment of \$17,036.28 (\$460.44 x 37 lots) will be paid to Chatham County for the Affordable Housing payment per the conditions of approval prior to final plat recordation.

As shown on the map, there is an ephemeral stream with a 30 foot wide buffer per side measured from the top of the bank landward. Mike Sanchez, P. E., Director, Land Development, John R. McAdams Co., Inc. provided an update to the status of the Conditions of Approval during the preliminary plat review in 2006. An updated, current copy has also been provided in this packet. See attachment # 2. The conditions of preliminary plat approval have been met.

**Recommendation:** The plat displays the necessary information and meets the requirements of the Subdivision Regulations with other agency approvals. The Planning Department recommends granting final approval of “Briar Chapel, Phase 4, Section 4” with the following condition:

1. The final plat shall not be recorded until the county attorney has approved the financial guarantee