



Agenda Abstract

Department: Planning
 Submitting Official: Jason Sullivan

Meeting Date: **1-19-10**
 Authorizing Signature:

Subject:	Request by Bill Mumford, Sr., Project Manager on behalf of NNP Briar Chapel, LLC for subdivision final plat approval of “Briar Chapel, Phase 5, Section 1”, consisting of 28 lots on 5.11 acres located off Briar Chapel Parkway, Baldwin Township.
Action Requested:	See Recommendations
Attachments (List individually):	1. Major Subdivision Application. 2. Final plat titled “Briar Chapel, Phase 5, Section 1”, prepared by The John R. McAdams Company, Inc., dated October 8, 2009.

Introduction & Background	
Zoning:	Conditional Use District / Compact Community
Water System:	Chatham County
Sewer System:	Private Wastewater Treatment Plant
Subject to 100 year flood:	No
<p>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, then 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.</p>	

Phase 5, South, Section 1 received preliminary plat approval from the Board of County Commissioners on June 15, 2009 for 28 lots.

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)

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.

Aug. 17, 2009: Briar Chapel, Phase 4, Section 3, Recombination plat creating 12 additional lots.

Final Plat approval of Briar Chapel, Phase 4, Section 4 consisting of 37 lots – pending.

Discussion & Analysis

The developer is requesting final plat approval of 28 lots to be accessed by Briar Chapel Parkway, Serenity Hill Circle, and Hill Creek Boulevard, public state maintained roadways, with a financial guarantee in the amount of \$521,150.32 (includes 40% overage amount) for the completion of Serenity Hill Circle and Hill Creek Boulevard, 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 40.34% complete. The Subdivision Regulations in effect prior to December 2008 apply to this project because the conditional use permit was approved prior to the amendments to the regulations. 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 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. County water is available for fire protection. The roadways are currently not

graveled. Staff recommends that the plat not be recorded until the roadways, Serenity Hill Circle and Hill Creek Boulevard, have sufficient gravel for emergency vehicle access and verification is received from the engineer in order for the public health and safety to be protected. Tom Bender, Fire Marshall, has reviewed the roadways and has stated that the North Carolina Fire Code states that "Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities." It is the staff opinion that with the addition of gravel to the roadways, 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.

There are no affordable housing lots in this section. An affordable housing payment of \$12,892.32 (\$460.44 x 28 lots) will be made payable to Chatham County prior to recordation of the final plat. A note has been placed on the final plat stating that no affordable housing lots are located in Phase 5 South, Section 1.

Lots will be served by the Briar Chapel Wastewater Treatment Plant. Permits for the construction of the WWTP were received during preliminary review. Due to the small average daily flow to the plant to be generated by the proposed 28 lots and the current developed lots (approximately 50), the re-use storage ponds are currently being utilized versus the spray areas. The Phase 1A spray areas will begin to be used in April 2010. The various spray areas will be platted at a future time and will be owned and maintained by the homeowners association at that future time. Easements, which run with the land, are in place across the project that allow for the application of reuse water regardless of ownership.

Lots are served by county water. Completion of the water system is covered under the financial guarantee amount. Per Lee Bowman, Briar Chapel, there are no cemeteries or old structures in or near Phase 5 South, Section 1.

The Planning Board discussed the request. A question of concern was again raised regarding the platting of the spray areas. Lee Bowman, Briar Chapel, addressed the question and stated that for aesthetic purposes, they wanted to increase the level of the holding ponds and then use the water in the spring for the landscaping instead of potable water and that spraying was scheduled to begin in spring of 2010.

Budgetary Impact

Recommendation

The plat displays the necessary information and meets the requirements of the Subdivision Regulations with other agency approvals. The Planning Department and Planning Board (by a vote of 9-1) recommend granting final plat approval of Briar Chapel, Phase 5 South, Section 1 with the following two (2) conditions:

1. The plat not be recorded until the county attorney has approved the form and amount of the financial guarantee.

2. The plat not be recorded until the roadways, Serenity Hill Circle and Hill Creek Boulevard, have sufficient gravel for emergency vehicle access in order for the public health and safety to be protected.