

Chatham County Planning Department
P.O. Box 54
Pittsboro, NC 27312
Tel: (919) 542-8204
Fax: (919) 542-2698

Type of Review
 Sketch
 Preliminary
 Final

MAJOR SUBDIVISION APPLICATION

Name of Subdivision: Briar Chapel – Phase 5 North

Subdivision Applicant:

Subdivision Owner:

Name: Bill Mumford, Assistant Vice President

Name: NNP Briar Chapel LLC

Address: 16 Windy Knoll Circle
Chapel Hill, NC 27516

Address: 16 Windy Knoll Circle
Chapel Hill, NC 27516

Phone:(W) (919) 951-0713

Phone:(W) (919) 951-0713

Phone:(H) _____ Fax: (919) 951-0711

Phone:(H) _____ Fax: (919) 951-0711

E-Mail bmumford@newlandco.com

E-Mail bmumford@newlandco.com

Township: Baldwin

Zoning: CUD-CC

P. I. N. # 9765-67-9169.000

Flood Map # 3710976500J

Zone: AE

Parcel # 88052

Watershed: WS-IV PA

Existing Access Road: S.R. #1528/1526

S.R. road name Andrews Store / Parker Herndon

Total Acreage: Overall: 1586.26 ac

Total # of Lots: Overall: 2,389

Min. Lot Size: N/A per CCO approval

Ph. 5 North: 45.92 ac

Ph. 5 North # of lots 174

Max. Lot Size: N/A

Ph. II Acreage. _____

Ph. II # of lots _____

Avg. Lot Size: N/A

Ph. III Acreage _____

Ph. III # of lots _____

Name and date of contact with Chatham County Historical Association: Jane Pyle – 4/9/2003

Type of new road: Private/ Length 4,645 LF

Public/ Length 8,655 LF

Road Surface:

paved

gravel

Water System:

individual wells

community wells

public system

name Chatham County

Sewer System:

septic systems

community system

public system

name Provided by on-site facility

List other facilities: commercial, recreation, etc., and the approximate acreage or square footage:

Bumford 9-8-10 Date
Signature of Applicant

Bumford Date 9-8-10
Signature of Owner

For Office Use Only:

Notes:

Approved by County Commissioners:

Sketch _____

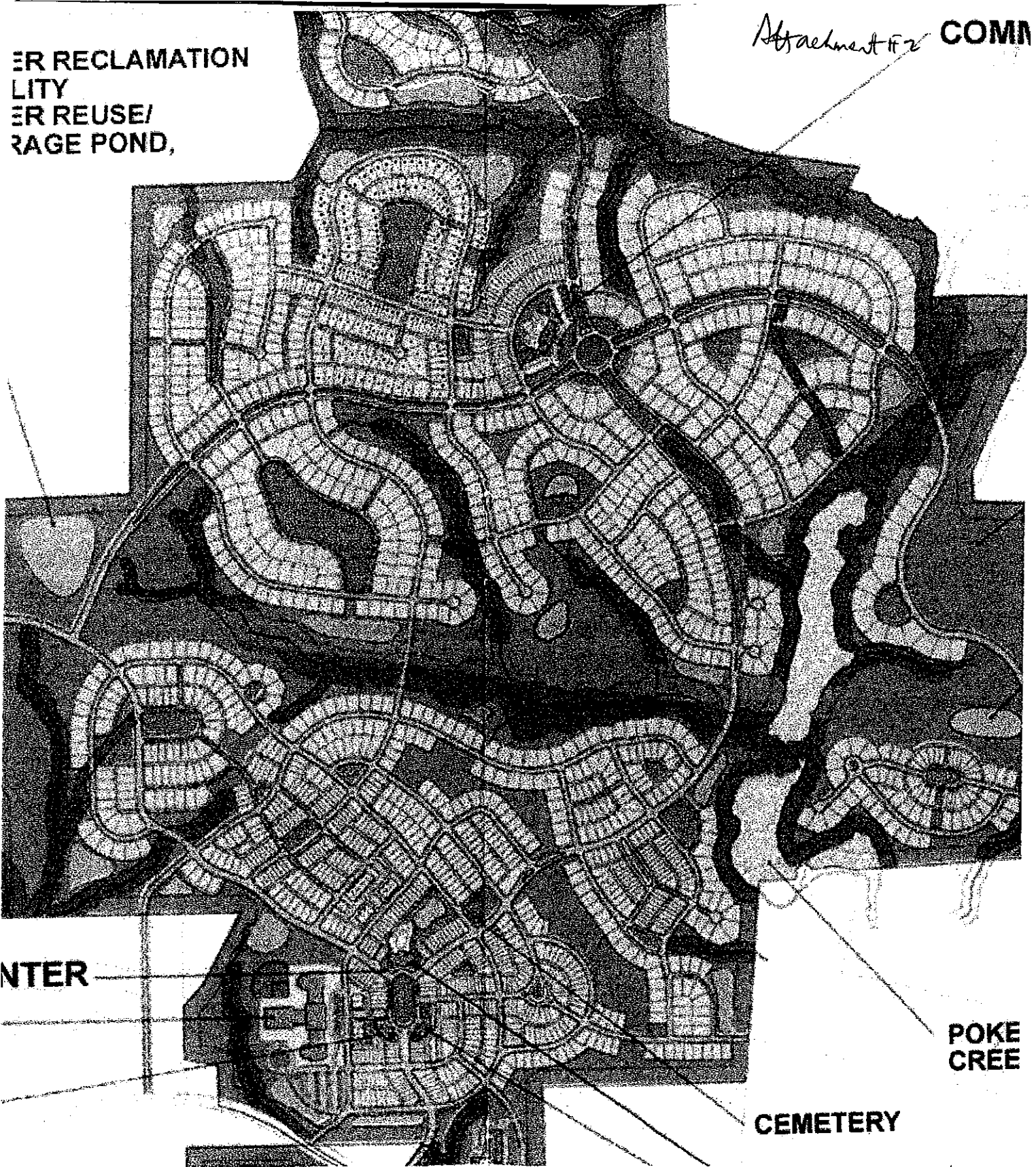
Preliminary _____

Final _____

Payment: Date _____ / _____ / _____ Amount: \$ _____

ER RECLAMATION
LITY
ER REUSE/
RAGE POND,

Attachment #2 COMM



ENTER

POKE
CREEK

CEMETERY



Attachment #3
ENGINEERS
SURVEYORS
PLANNERS

September 10, 2010

M&C 02735-0069 (40)

Lynn Richardson
Chatham County Planning
80-A East Street
Pittsboro, NC 27312-0130

RE: Briar Chapel – Phase 5 North
Conditional Use Permit Stipulations

Ms. Richardson:

The following are our responses to the Conditional Use Permit Stipulations which are in italics. The Phase 5 North responses are in bold:

1. *Construction Deadlines*

Phase 5 North: Proposed Start Date: January 1, 2011
Proposed Completion Date: June 30, 2012

2. *Land Use Intensity*

CUP
Gross Land Area = 1,589 Acres
Maximum Impervious Surface Area = 24%
Maximum Number of Dwelling Units = 2,389

Phase 5 North

Maximum Impervious Surface = 1.11%
Number of Dwelling Units = 174

Venture IV Building

Suite 500

1730 Varsity Drive

Raleigh, NC 27606

919.233.8091

Fax 919.233.8031

3. *Watershed Management*

Phase 5 North: Prior to Final Plat, the Developer shall submit evidence of compliance satisfactory with the Planning Department.

4. *Stormwater Management*

Phase 5 North: A Stormwater Management Plan has been designed by McKim & Creed and approved by NCDENR DWQ. In addition, Curt Blazier of McKim & Creed has been in communication with Fred Royal,

Chatham County Environmental Resources Director, regarding the approved Stormwater Management Plan for this section. An engineer's certification that the stormwater control measures for this phase have been constructed

5. *Fire Flow*
Phase 5 North: The proposed water main design was approved by Chatham County Public Utilities and NCDENR Public Water Supply. The permit has been included with this Preliminary Plat submittal.
6. *Lighting Plan*
Phase 5 North: The Developer shall place note on Final Plat stating that lighting shall conform with Chatham County Lighting Ordinance.
7. *Utility and Access Easements*
Phase 5 North: All utility and access easements have been shown on the construction documents and approved.
8. *Unity of Development*
Phase 5 North: The residences projected for this phase will be consistent with those approved in the previous sections.
9. *Permits*
Phase 5 North: All applicable permits required for Preliminary Plat have been submitted to the Planning Department.
10. *Improvements*
Phase 5 North: The developer shall be responsible for all off-site improvements required for Briar Chapel in accordance with this stipulation. No off-site improvements are necessary for Phase 5 North.
11. *Parking and Off-Street Loading Areas*
Phase 5 North: Sidewalks are shown throughout this phase to provide for pedestrian and bicycle circulation. Parking spaces have been provided in the southeast portion of the phase near the mail kiosk. As per the approved Briar Chapel Conditional Use Application, locations for park-and-ride spaces and transit stops will be located within or near the Town Center, the Village Center and the Community Center and/or where any authorized transit authority may determine necessary. The Community Center is currently being used as a school bus stop.

12. *Streets*

Phase 5 North: Serenity Hill Circle is being extended from Phase 5 South Section 1 and will be stubbed out for future Phase 6 South. Tobacco Farm Way is being extended from Phase 4 and will be stubbed out for future Phase 6 North. Briar Chapel Parkway North and South will be extended and stubbed out west of this phase. The roadways will be constructed in accordance with NCDOT approved sections and design standards.

13. *Utilities*

Phase 5 North: The Developer has paid the required availability fee for the 174 lots that are part of Phase 5 North. Permit WQ0028552 dated May 18, 2009 from NCDENR regarding the reclamation facility and spray areas is attached in this Preliminary Plat Submittal. This permit includes the Phase 5 North project area.

14. *Public Facilities*

Phase 5 North: These Public Facilities are not present in this phase and will be addressed in the future phases in which they are planned.

15. *Landscaping/Screening*

Phase 5 North: (a) The road adjacent to the Tripp property was removed via zoning modification in 2006. (b). The pedestrian bridge connecting to Polks Landing has been installed and meets the Chatham county Flood Ordinance and was field located (by others) for minimum impact.

16. *Archaeological Survey*

Phase 5 North: The overall Briar Chapel Archaeological Survey Findings were previously submitted with the Phase 4 Preliminary Plat by John R. McAdams.

17. *Solid Waste Management Plan*

Phase 5 North: This plan was previously submitted with the Phase 4 Preliminary Plat by John R. McAdams.

18. *Detailed Site Plan*

Phase 5 North: The Site Plan included with this Preliminary Plat submittal conforms with the intent of the approved Briar Chapel Master Plan.

19. *Stages*

Phase 5 North: The Briar Chapel development is being constructed in phases.

20. *Moderate Income Housing*

Phase 5 North: The total number of platted lots in the Briar Chapel development is 453. Currently, there are 13 AHUs designated in Briar Chapel. There will be 6 designated AHUs in Phase 5 North. With the addition of the proposed 174 lots in Phase 5 North, the total number of lots will increase to 627 and the total number of AHUs would be 19, resulting in a 3.03% AHU rate which is greater than the 2.5% requirement.

21. *Environment*

Phase 5 North: All lots were previously removed from Bennett Mountain. The Developer will comply with the requirements of this stipulation.

22. *Erosion Control*

Phase 5 North: The approved plan and permit were submitted with the Preliminary Plat.

23. *Silt Control*

Phase 5 North: The approved plan and permit were submitted with the Preliminary Plat.

24. *thru 28.*

Phase 5 North: So noted.

If you have any questions during your review, please do not hesitate to give me a call at 919.233.8091.

Sincerely,
McKIM & CREED, P.A.

Curtis M. Blazier

Curt Blazier, PE, LEED AP
Project Engineer

PHASE 5 NORTH
SITE PLAN

Lynn Richardson

From: John Strowd [pyro@nc.rr.com]
Sent: Tuesday, October 05, 2010 2:32 PM
To: Curtis M Blazier
Cc: Lynn Richardson; Thomas Bender; Mark Riggsbee
Subject: Re: Briar Chapel Phase 5 North - revised fire truck access Lots 507-514

Curtis,

I received your email and appreciate you addressing some of my concerns. I have not received a phone call from you concerning your email, plus I have been out of the station some today, thought I would just reply. I want to express a thanks for concessions that you and your staff have provided since we have started discussing the fire department concerns of road width and hydrant placement. In reply to your email:

Item 1: You mentioned that it was prohibited on-street parking in the alleys. I rode through parts of Briar Chapel on Monday, 10-4-2010 and Tuesday morning 10-5-2010, there appeared to be a considerable amount of parking in alleys and on the street in front of residence's. Accessibility to some structures in the best conditions, may be difficult. Is there someone that is monitoring and enforcing parking?

Item 2: You mention the aerial truck should be able to sufficiently make the turns through the proposed alleys without damaging structures. The word "should" leaves a lot to be desired. Personnel drove a 36 ft. fire apparatus through a portion of Briar Chapel today, and expressed concern with turning and maneuvering apparatus.

Item 3: You mention the grassed porous pavement which is designed to handle the load of a fire truck. Our current aerial has a gross gvwr of 75,000 pounds and currently weighs about 66,000 pounds. Will this grassed area support this amount of weigh? For lots 507 to 510, are still accessed by an alley way. I appreciate the work you have provided for increase in width from 15 ft. to 22 ft. and changing angle of turns. However, aerial operations may still be limited with this accessibility.

Thanks,
 John Strowd, Chief
 North Chatham Fire Department

----- Original Message -----

From: Curtis M Blazier
To: John Strowd
Cc: Lynn Richardson ; Mark Riggsbee ; thomas.bender@chathamnc.org ; Lee Bowman ; Bill Mumford ; Grant Livengood
Sent: Monday, October 04, 2010 2:26 PM
Subject: RE: Briar Chapel Phase 5 North - revised fire truck access Lots 507-514

Chief Strowd,

I have revised the dimensions of the fire truck both on the attached PDF file and the truck schematic. I also want to try to address some of your concerns.

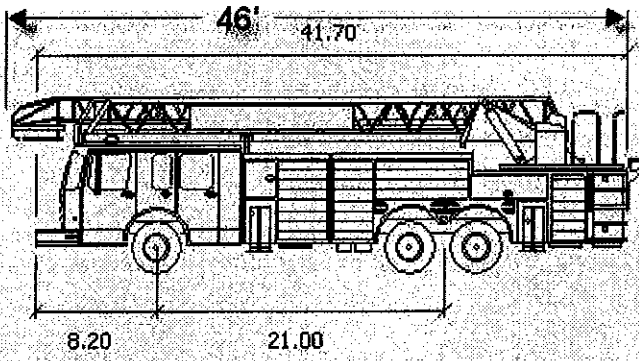
1) Parking - the Briar Chapel covenants prohibit on-street parking in the alleys. In the event of a fire, if a car is parked in the alley, it will be doing so illegally.

2) Obstructions and Platform Overhang-- there are no trees or light poles in the alley right-of-ways, so even with the aerial bucket hanging over 4-5 ft beyond the front bumper, the aerial truck should be able to sufficiently make the turns through the proposed alleys without damaging existing structures. The overhang of the platform does not affect turning radius. The wheel base and overall bumper to bumper truck dimensions are correctly reflected in the schematic diagram and these are the main components in the turning analysis.

3) Access – Lots 511-514 do have road access from the front. We have proposed making the common area square to the west of these lots a grassed porous pavement which is designed to handle the load of a fire truck. Lots 507-510 will have access from the alley. The alley will be pavement without curb and gutter.

I will follow up with a phone call to you later today. Thanks.

Curt



From: John Strowd [mailto:pyro@nc.rr.com]
Sent: Friday, October 01, 2010 3:30 PM
To: Curtis M Blazier
Cc: Lynn Richardson; Mark Riggsbee; thomas.bender@chathamnc.org
Subject: Re: Briar Chapel Phase 5 North - revised fire truck access Lots 507-514

Curtis,

I appreciate you sending a picture of aerial apparatus that you are using and the description of the apparatus traveling through the alley. I still have concerns with the current drawing, even more so now. Our current aerial is 46 ft long and is considered a 95 ft. aerial platform apparatus, not a stick ladder, which is similar to what your drawing reflects. Our personnel not only have to be concerned with turning radius, but with over hang of the platform, also. I realize that you are showing concessions in your drawings, but we are trying to access structures from an alley, with know road access from the front. I offer you the opportunity to look at our aerial at North Chatham Station 2. Also, for consideration if a second or third platform is needed for a fire, Chapel Hill FD or Carrboro FD would be notified. Currently, there apparatus are 100 aerial platforms. Thanks so much for your continued work on this issue.

Thanks,
John Strowd, Chief
North Chatham Fire Department

----- Original Message -----

From: Curtis M Blazier
To: pyro@nc.rr.com ; Mark Riggsbee ; Thomas Bender
Cc: [Lynn Richardson](#) ; [Jason Sullivan](#) ; [Lee Bowman](#) ; [Grant Livengood](#) ; [Chris Seamster](#)
Sent: Friday, October 01, 2010 12:03 PM
Subject: Briar Chapel Phase 5 North - revised fire truck access Lots 507-514

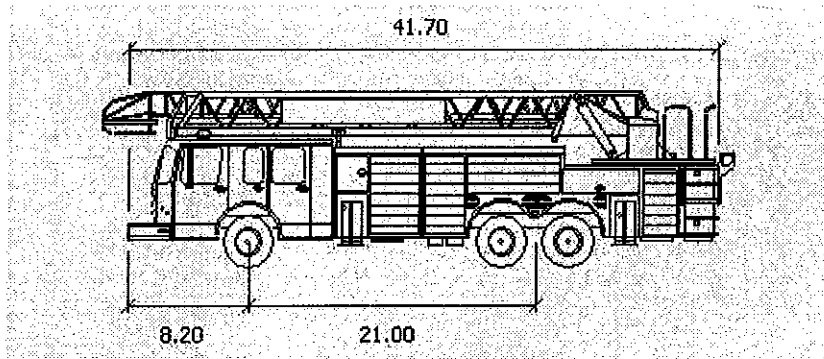
John,
Per our phone conversation yesterday, we have revised the bulletin drawing showing fire truck access to Lots 507-514. We have increased the radii at Lots 514 and 521 to 20 ft and the radii Lots 520 and 521 to 10 ft, widened the alley to 22 ft with 26 ft ROW, and increased the radius at the top of the triangular area to 10 ft. We believe that these

measures should help to provide safe access for personnel and apparatus in case of a fire in the homes located on Lots 507-514. At the same time, we need to consider our overall impervious surface area (ISA) for the development and that every time we widen alleys from their typical 15 ft width, we increase our ISA percentage, so we are trying to be mindful of that as well.

I have included the dimension fire truck below that we used in our Autoturn analysis of this site area.

Please review the plan drawing and let us know if you have any additional comments.

Thanks,



Curtis M Blazier, PE, LEED AP
Civil Engineer

McKIM & CREED

ENGINEERS SURVEYORS PLANNERS


1730 Varsity Drive, Suite 500
Raleigh, NC 27606

919.233.5261 x182
919.233.8031 fax

<http://www.mckimcreed.com>

Follow us on:

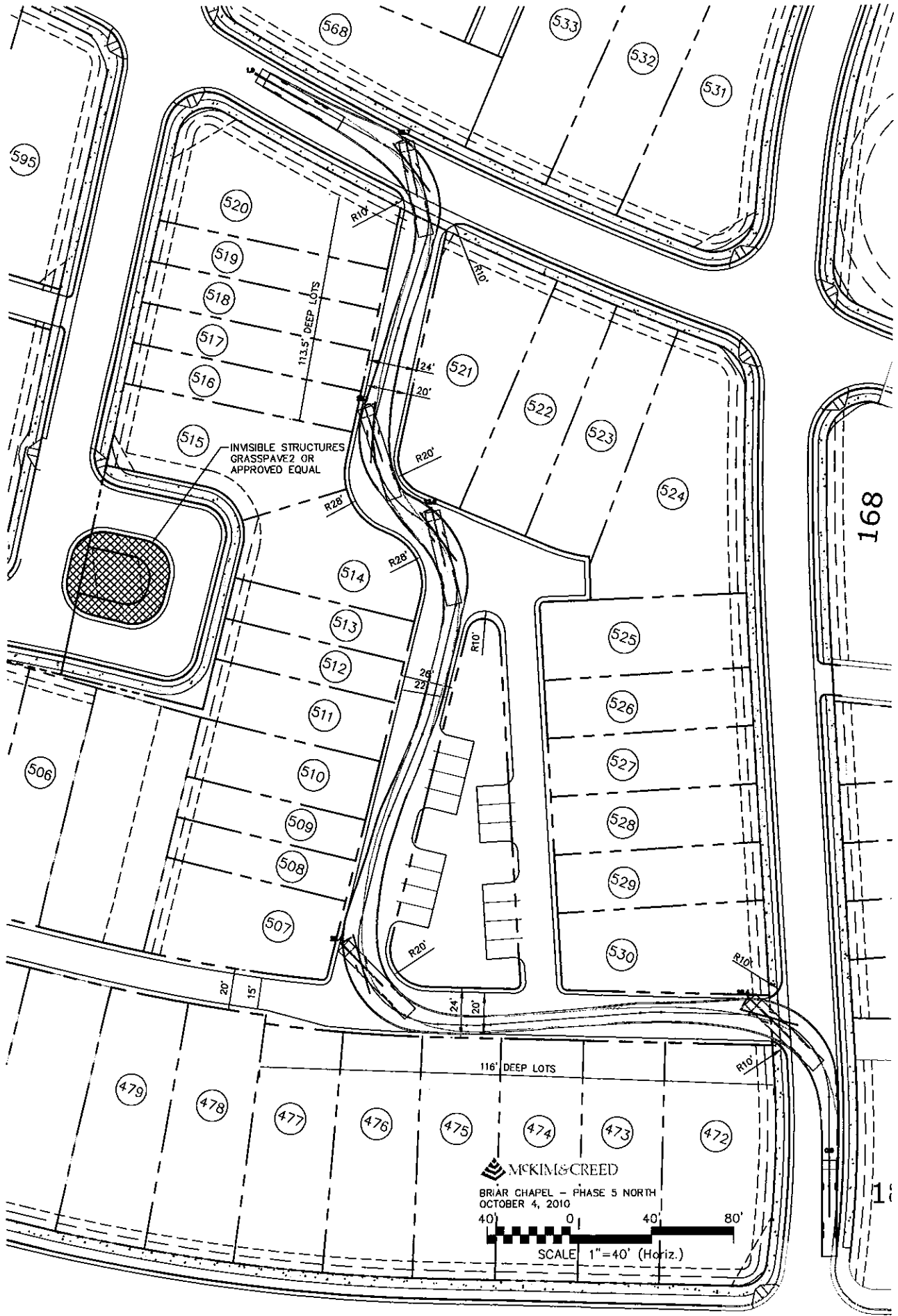
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McKIM & CREED
 BRIAR CHAPEL - PHASE 5 NORTH
 OCTOBER 4, 2010
 40' 0 40' 80'
 SCALE 1" = 40' (Horiz.)

Lynn Richardson

From: Thomas Bender
Sent: Thursday, September 30, 2010 10:12 AM
To: Lynn Richardson
Cc: John Strowd; Pyro2@bellsouth.net
Subject: Briar Chapel Phase V

Importance: High

Mrs. Richardson:

I have reviewed the "revised" plan concerning emergency apparatus access to lots #507 thru #514. The plan was also forwarded to Chief John Strowd, North Chatham Fire Department, for his review and comments which I had previously forwarded to you. It "appears" that the intent of the NC Fire Prevention Code has been met in regards to fire apparatus road access widths, however I do share Chief Strowd's concern in regards to the maneuvering of large apparatus as depicted on the plan. The NC Fire Prevention Code (Section 503.2.4) states that "the required turning radius of a fire apparatus access road shall be determined by the fire code official". Whereas the Chatham County Fire Marshal's Office does not have such apparatus and that the different types of apparatus have varied turning capabilities I work closely with the fire departments to determine what is actually required. It would be my "recommendation" that Chief Strowd's concerns be further reviewed and discussed to ensure that safe access is provided for both apparatus and personnel. If I can be of further assistance to you in this matter, please contact me. **Thank-You.**

Thomas K. Bender, CFI
Chatham County Fire Marshal

#30

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The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

From: Melissa Guilbeau
To: Lynn Richardson;
cc: Jason Sullivan; Curtis M Blazier; glivengood@mckimcreed.com;
Lee Bowman;
Subject: Briar Chapel Phase 5 North final comments
Date: Monday, October 04, 2010 10:58:28 AM
Attachments: Handicap Ramp Exhibit.pdf

Lynn,

I have worked with Briar Chapel representatives on their Phase 5 North preliminary plat application and we have resolved the issues I initially raised. The email below provides the response from Briar Chapel. I am providing my final comments below:

- 1. Sidewalks should be 5 feet wide as shown in the street design guidelines of the approved CUP. At the staff meeting on September 20th, I indicated that 4 foot wide sidewalks would be acceptable if 5 foot wide passing zones were provided at appropriate intervals. In conversation with Briar Chapel representatives after the meeting, they proposed that the lead walks for each lot and any front-loaded driveways serve as the passing zone. This is an acceptable resolution.*
- 2. The planting strips between sidewalk and back-of-curb are very narrow (2.5 to 4.5 feet), unlike the 6 foot strips shown in the approved CUP. This was a comment without a recommendation.*
- 3. There should be at least a 4 foot wide level area (<2% cross slope) at the top of each wheelchair ramp. Briar Chapel has agreed to provide a 3 foot wide level area at the top of each wheelchair ramp, as shown in the attached exhibit, provided that this feature is approved by NCDOT as part of the approval of any roadway plans. My initial recommendation of a 4 foot wide level area was based on best practices from AASHTO's "Guide for the Planning, Design and Operation of Pedestrian Facilities." In further research, I have found that the US DOT's minimum ADA standards for transportation facilities call for at least a 3 foot wide level area. Therefore, Briar Chapel's proposed 3 foot wide level area at the top of each wheelchair ramp is an acceptable resolution.*
- 4. There are four locations where it is unclear whether the property is part of a lot or part of a right-of-way or easement. These locations are at the ends of the alleys adjacent to lots 493, 549, 584 and 596. Consider putting a pedestrian trail in these areas for pedestrian and bicycle connectivity. This was a comment without a recommendation. I have not seen a revised preliminary plat to know whether the ownership status of the four locations has been made clear.*

Let me know if you have any questions.

Melissa A. Guilbeau, AICP

Sustainable Transportation Planner

Chatnam County, North Carolina
Sustainable Communities Development Dept.
Transportation Division
PO Box 54, 89 East St, Pittsboro, NC 27312
919.545.8337 Fax: 919.542.2698
melissa.guilbeau@chatnamnc.org

From: Lee Bowman [mailto:lbowman@newlandco.com]

Sent: Friday, October 01, 2010 3:41 PM

To: Melissa Guilbeau

Cc: Lynn Richardson; Jason Sullivan; Curtis M Blazier; glivengood@mckimcreed.com

Subject: RE: Briar Chapel Update

Dear Melissa,

Thanks for your review of the Briar Chapel Phase 5 North proposed preliminary plat. I have had time to review the comments and to confer internally with our consultants and with our counsel. Also, you and I have spoken about ways to address these concerns and it seems as though we have worked through all the comments. Here is a summary of where we are after our review and my conversations with you:

1. *Sidewalks should be 5 feet wide as shown in the street design guidelines of the approved CUP.* We very much desired to have the 5 foot wide walkways. However, this issue was resolved some time ago in connection with expanded roadway width requirements by NC DOT. When we first went to DOT for approval of the early roadway sections in previous phases of Briar Chapel, DOT required a wider roadway area. In order to accommodate the widening roadway early on and in order to manage our impervious surface maximum, we had to narrow the sidewalks from 5 feet to 4 feet in width on residential streets. Thus, this Phase 5 North proposal is in line with the previously approved sidewalk widths for Briar Chapel. You raised an important concern about passing width on the sidewalks being impacted. When you and I spoke, we agreed that the lead walks for each lot as well as any front loaded driveways would meet the passing width concern.

2. *The planting strips between sidewalk and back-of-curb are very narrow (2.5 to 4.5 feet), unlike the 6 foot strips shown in the approved CUP.* The planting strips had to be narrowed for the same reason as the sidewalks. The expanded roadway

width required by DOT restricted the available width for the planting strips. Furthermore, DOT would not allow street trees to be planted inside the ROW as the street design guidelines in the CUP showed.

As to both of these concerns, we are grateful that the CUP and the Chatham County Subdivision Ordinances allow for deviations from the approved plans/guidelines so long as there is substantial compliance as approved. Certainly, Phase 5 North, like the preceding phases, substantially complies with the original approved plans.

My understanding is that, after our conversations on these two issues, you are satisfied.

3. *There should be at least a 4 foot wide level area (<2% cross slope) at the top of each wheelchair ramp.* Our understanding from you is that this standard finds its origin in guidelines established under the Americans with Disabilities Act ("ADA"). Our counsel advises that the sidewalk construction standards of the ADA are not obligatory in this setting. And, of course, to our knowledge there are no provisions in our Subdivision ordinance nor our CUP that impose the ADA standards. Nevertheless, we see pedestrian accessibility as very important and we want to make reasonable and appropriate accommodations when feasible and productive. We have consulted with our engineers and have agreed that we will voluntarily install a three foot wide landing area at the top of each wheelchair ramp in the Phase 5 North sidewalks. Apparently there are differences between the federal ADA sidewalk guidelines and the NC DOT guidelines for ADA compliance. This 3 foot level area should comply with the NC DOT guidelines. Of course, if this voluntary concession becomes a condition of the preliminary plat, compliance with the condition has to be contingent on NCDOT approval of the plans. In other words, we are willing to make this voluntary improvement but only if it meets with DOT approval. Attached is a bulletin drawing of the details on this landing area at the top of handicap ramps (see Section 406.4 of the federal ADA-ABA accessibility guidelines for additional info).

While slightly different from your proposal regarding the level area behind the handicap ramp, my understanding from conversations with you would be that you are satisfied with this resolution since it would be compliant with ADA standards.

4. *There are four locations where it is unclear whether the property is part of a lot or part of a right-of-way or easement. These locations are at the ends of the alleys adjacent to lots 493, 549, 584 and 596. Consider putting a pedestrian trail in these areas for pedestrian and bicycle connectivity.*

We spoke about this suggestion as well and I believe we were able to clarify the plan such that your concern has been alleviated.

Thanks for your conscientious review of our application. We hope your concerns have been met.

We look forward to receiving our preliminary plat approval for Phase 5 North.

Lee Bowman
Project Manager

Newland Communities
16 Windy Knoll Circle
Chapel Hill, NC 27516

T. 919.951.0712

C. 919.697.1323

F. 919.951.0711

lbowman@newlandco.com

www.newlandco.com

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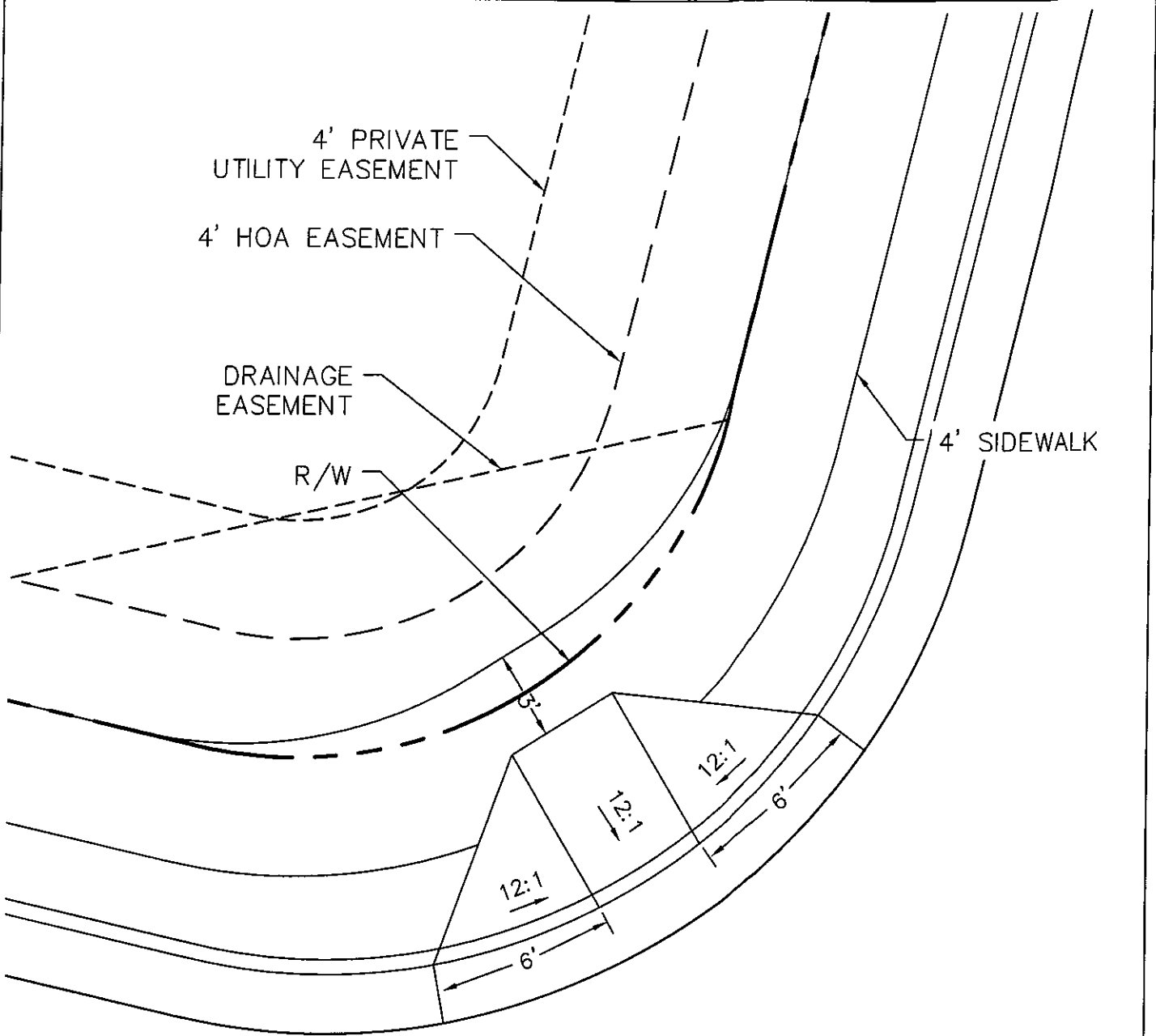
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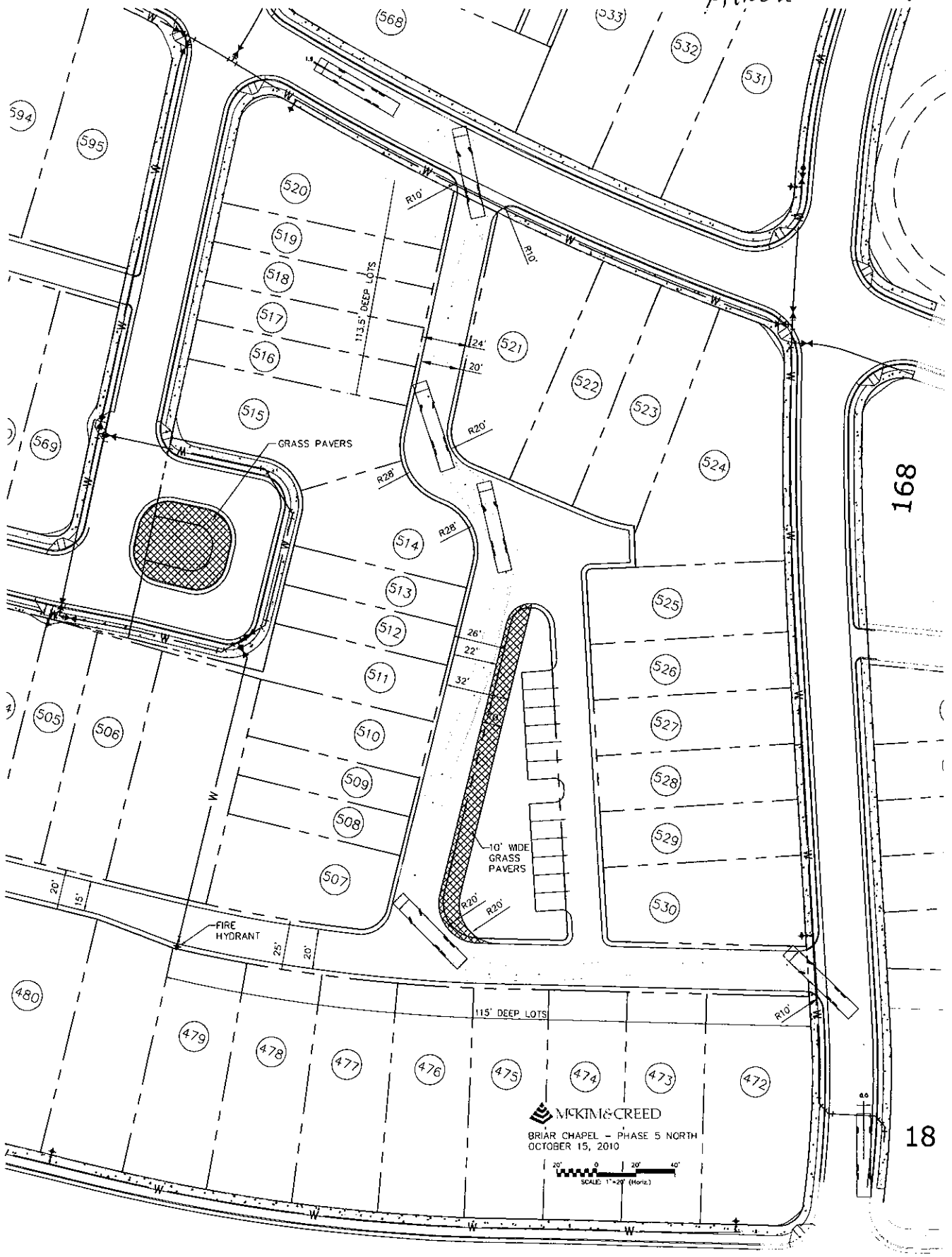
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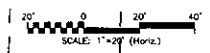
SCALE: 1"=5' (Horiz.)

 MCKIM & CREED <small>1730 Varsity Drive, Suite 500 Phone: (919)233-8091, Fax: (919)233-8031 C-0342</small>	BRIAR CHAPEL PHASE 5 NORTH - HANDICAP RAMP PLAN	
	NNP BRIAR CHAPEL, LLC	B-1

Raleigh North Carolina



MCKIN & CREED
BRIAR CHAPEL - PHASE 5 NORTH
OCTOBER 15, 2010



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Lynn Richardson

From: John Strowd [pyro@nc.rr.com]
Sent: Thursday, October 28, 2010 1:14 PM
To: Lynn Richardson
Cc: Thomas Bender
Subject: Phase V - Briar Chapel

Lynn,

I want to thank you for all of your assistance in this matter and listening to my concerns, especially safety issues for personnel and access for apparatus. There are other subdivisions in our district that have alleys that give access to rear of structures, but presently these structures face a main road. Which appear to have adequate width for vehicles to access. My personal feeling, which goes back to safety of personnel and accessibility, they should be known structures that are accessed from an alley. I'm not sure if there are any additional phases in Briar Chapel that will present these same problems or not. As far as I am concerned, future structures that are accessed from an alley without facing a main road without adequate width and clearances are not acceptable and this issue should be looked at more in depth by Chatham County.

After several weeks of reviewing proposals, emails and meeting with personnel from Briar Chapel, input from staff at North Chatham and several conversations with you about my concerns, alley access to lots 507 to 511 and turning radius through lots 512 to 520 are a lot better than what was initially proposed. I still have reservations as mentioned above, but Briar Chapel did make concessions as far as additional fire hydrant at lot 479, move a hydrant to be placed at lot 530, change some turning radius, provide grass pavers to support apparatus, moved parking spaces, and agreed to mark asphalt with "no parking fire lane the length of the grass pavers. These changes would be acceptable for this portion as indicated on the map. This does not give the approval by the Fire Department, if any future lots express the same access concerns.

Once again a special thanks to you, Benjamin and Jason for noticing the potential problems and allowing the Fire Department to have input into the matter.

Thanks,
John Strowd, Chief
North Chatham Fire Department
919-542-3380