



Agenda Abstract

Department: Planning

Submitting Official: Jason Sullivan

Meeting Date: 11-15-10

Authorizing Signature: _____

Subject:	Request by Bill Mumford, Assistant Vice President, on behalf of NNP Briar Chapel, LLC for subdivision preliminary plat approval of “Briar Chapel – Phase 5 North”, consisting of 174 lots on 45.92 acres located off Andrews Store Road, S. R. 1528 and Parker Herndon, S. R. 1526, Baldwin Township.
Action Requested:	See Recommendations
Attachments (List Individually):	<ol style="list-style-type: none"> 1. Major Subdivision Application. 2. Copy of portion of Master Plan approved in 2005. 3. Conditional Use Permit Stipulations Responses. 4. E-mail from John Strowd, North Chatham Fire Chief, dated October 5, 2010. 5. E-mail from Tom Bender, Chatham County Fire Marshal, dated September 30, 2010. 6. E-mail from Melissa Guilbeau, Sustainable Transportation Planner, dated October 4, 2010. 7. Revised plan for Lots 507 through 520, dated October 15, 2010. 8. E-mail from John Strowd, North Chatham Fire Chief, dated October 28, 2010. 9. Preliminary plat titled “Briar Chapel Development, Phase 5 North”, dated

	September 10, 2010, prepared by McCrim & Creed.

Introduction & Background

Zoning: Conditional Use District / Compact Community

Water System: Chatham County

Sewer System: Private Wastewater Treatment Plant

Subject to 100 year flood: Yes

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 webpage. To date 453 lots have received final plat approval.

Discussion & Analysis

The developer is requesting preliminary plat approval of Phase 5 North consisting of 174 lots on 45.92 acres. The lot and roadway design has been modified from the original master plan approved in 2005. Jason Sullivan, Planning Director, addressed the Board of County Commissions on February 1, 2010 concerning the increase of lots shown on preliminary and final plats versus what was shown on the Master Plan. Mr. Sullivan pointed out that Condition 18 and 19 of the Conditional Use Permit allows for the Board to approve modifications to the master plan/sketch plan as part of the subdivision review process, as long as the modification is substantially in compliance with the conditional use permit. This preliminary plat submittal appears to be in substantial compliance with the Master Plan/Sketch design plan, and is an interior section. The current proposed plan appears to decrease the lot count in this section by 10 lots, reduces the amount of open space, and has a redesigned road system. As the Briar Chapel project has progressed and the various phases and sections have been brought for review, the original Master Sketch Plan, has been modified. The overall approved lot number of 2,389 will remain unchanged.

Serenity Hill Circle, Tobacco Farm Way, Summersweet Lane, Owen Towne Road and Polkberry Bend Drive are to be public, state maintained roadways. The alleyways will be private and will be maintained by a homeowners association. The Chatham County Emergency Operations Office has approved the following road names for submittal: Cross Meadow Drive, Summersweet Lane, Silverbell Lane, Preservation Lane, Long Hollow Drive, Pokeberry Bend Drive, Southall Street, Mena Road, Vanolinda Lane, Sharpless Street, Wilburn Avenue, Hunting Ridge Road, Wishing Well Lane, Whispering Falls Way, Owen Towne Road, Porthaven Place, and Wynd Path. Serenity Hill Circle and Tobacco Farm Way have been previously approved by the Board of County Commissioners.

Housing types will be single family detached and attached units. Sheet C-3 of the preliminary plat lists the breakdown of housing types. A total of six (6) Affordable Housing Units are being added with this application. Five (5) AFU's will be located in Section 1, Lots 497, 500, 574, 572, and 587. One (1) AFU will be located in Section 2 on Lot 565. As stated in attachment # 3, Item 20, "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 AHU's would be 19, resulting in a 3.03% AHU rate which is greater than the 2.5% requirement." A summary that outlines each lot type by color and summarizes the quantity of each lot type is posted to the Planning Division webpage for review. This summary also outlines the Affordable Housing Units associated with this submittal.

The lots will utilize county water and will be served by the Briar Chapel Wastewater Treatment Plant. Other agency permits required for preliminary plat review are as follows:

NCDENR	401 Water Quality Certification	August 31, 2009
DEPARTMENT OF THE ARMY – Corps of Engineers	404 Stream Impact Permit	August 31, 2009
NCDENR DWQ	Stormwater Management Plan	February 8, 2008
NCDENR DWQ	Wastewater Collection System Extension	September 1, 2010
NCDENR DWQ	Wastewater Treatment/ Reclaimed Water / Spray Irrigation	May 18, 2009
NCDENR	Water Main Extension	September 10, 2010
NCDENR	Authorization to Construct Water System	September 24, 2010
NCDOT	Roadway Plan Approval	September 9, 2010
A commercial driveway permit is not required for this Phase		

The above listed permits can be viewed on the Planning Department website at www.chathamnc.org/planning, Rezoning and Subdivision Cases, 2010.

*Rachael Thorn, Chatham County Sedimentation and Erosion Control Inspector, approved a revision to the original erosion control permit on September 15, 2010.

The zoning approval for Briar Chapel included 28 conditions of approval. Attachment #3, from Curt Blazier, McKim & Creed, states how each of the conditions will be addressed either at this time or at a later date during other phases.

Planning Division staff held a Technical Review Committee meeting on September 15, 2010 to review the submitted plans. Other staff member present were Cynthia Van Der Wiele, Sustainable Community Development; Sybil Tate, Affordable Housing; Thomas Bender, Fire Marshal; David Hughes, Public Works; and Fred Royal, Environmental Resources. Melissa Guilbeau, Transportation Planner, could not attend, but provided comments. Concerns/questions of staff included: width of sidewalks as shown in the street design guidelines of the approved CUP, accessibility of sidewalk in relation to wheelchair ramps, emergency fire response vehicle access to a private alley serving Lots 507 to 514, stormwater plan compliance, buildings and other features that require grading and construction being located out of the 10 foot no-build setback. Briar Chapel staff were notified of the concerns/questions. A meeting was held on Monday, September 20, between Lee Bowman, with Briar Chapel, engineers from McKim and Creed and Chatham County staff to discuss concerns/questions. Ms. Guilbeau was provided additional information regarding her concerns with sidewalks and wheelchair ramps. Per the e-mail dated October 4, 2010 Ms. Guilbeau stated "I have worked with Briar Chapel representatives on their Phase 5 North preliminary plat application and we have resolved the issues I initially raised" Please see attachment # 6 for all comments.

Curt Brazier, Civil Engineer, McKim & Creed has provided Mr. Royal information regarding impervious surface area and compliance with the stormwater permit. Mr. Royal has stated that his concerns have been addressed. A revised drawing was submitted to John Strowd, North Chatham Fire Chief and Tom Bender, Fire Marshal, on October 4th, showing the roadway widths increased to meet the fire code requirement of 20 feet. The e-mail from Chief Strowd, attachment # 4, addresses the ongoing concerns from North Chatham Fire Department regarding the turning radius on the roadways. An e-mail from Tom Bender, attachment # 5, states that "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." Briar Chapel staff continued to work with North Chatham Fire Department to achieve an acceptable solution regarding turning radiuses. On October 21st, Briar Chapel submitted another revised plan to North Chatham Fire Department with the following revisions:

- replace the blow-off with a fire hydrant near Lot #479
- extend the wider 20' alley to lot #479
- relocate parking spaces away from the west side of the triangular landscape area
- add grass pavers to the first 10' of the landscape area producing a 32' wide travel area including the 22' wide paved alley.

The October 15th revised plan is attached for your review. See attachment # 7. The e-mail from Chief Strowd, dated October 28, 2010, states that the changes as noted above are acceptable to alleviate his concerns regarding fire apparatus access to Lots 507 through 511 and turning radius for Lots 507 to 520. However, Chief Strowd also states that *"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."*

Staff agrees that the revised roadway for Lots 507 to 520 now meets the requirements of the NC Fire Code in providing a 20 foot wide travelway, and that the turning radius for the fire trucks has been addressed, but thinks more discussion is needed in regard to residential units being accessed only by an alleyway and the need to work with the North Chatham Fire Department in designing future phases of Briar Chapel to assure adequate access and turning radius for fire apparatus.

Bev Wiggins, Chatham County Historical Association, requested a statement regarding historical structures or features within Phase 5. Lee Bowman has provided a statement that based on the report "Intensive Cultural Resource Investigation", dated August 2006, no cemeteries or other historical features are located within the Phase 5 North boundary. The report does show that 'shovel testing' of two areas within Phase 5 North were conducted. The recommendation for both areas of investigation was "This prehistoric isolated find does not have the potential to yield significant new information pertaining to prehistory. It is recommended not eligible for listing in the National Register. No further work is recommended for this location".

There are two (2) intermittent streams and one (1) perennial stream (Pokeberry) located within Phase 5 North. Stream and wetland locations are based on delineations provided by Soil and Environmental Consultants. Stream buffer widths meet the requirements of the Compact Community Ordinance. A portion of the Phase 5 North property is within the 100 year flood plain along Pokeberry Creek. All lots are outside of the 100 year flood plain.

The Planning Department did not make a recommendation to the Planning Board due to the unresolved issues stated above. The Planning Board had discussion regarding the issues raised by the fire department, including access, turning radius, and on-street parking.

Recommendation: The Planning Board recommended, by unanimous vote, to approve the request with the following conditions:

1. The final plat shall show all storm water features to be located out of the 10 foot no-build area.
2. The final plat shall incorporate the road design changes as depicted on the revised road plan for Lots 507 through 514.
3. The final plat shall list the correct road names as approved by the Chatham County Emergency Operations Office and the Chatham County Board of Commissioners.
4. Storm water devices shall be as approved in the Storm water Permit for Phase 5 North.
5. Approval of the proposed road names as noted in tonight's agenda notes.
6. It is recommended that the Fire Marshal and Chief Strowd continue to work with Briar Chapel and come up with a suitable situation.

The Planning Department recommends granting the request for "Briar Chapel, Phase 5 North" with the above conditions plus the following:

7. Incorporate the changes agreed upon by Chief Strowd, North Chatham Fire Department; Tom Bender, Fire Marshal; and Briar Chapel as follows:
 - replace the blow-off with a fire hydrant near Lot #479
 - extend the wider 20' alley to lot #479
 - relocate parking spaces away from the west side of the triangular landscape area
 - add grass pavers to the first 10' of the triangular landscape area producing a 32' wide travel area including the 22' wide paved alley.
 - "no parking-fire lane" striping painted along the edge of the alley on the grass paver side.