



## Chatham County Planning Board Agenda Notes

**Date: February 2, 2010**

**Agenda Item: V. A.**

**Attachment #: 1**

**Subdivision**

**Conditional Use Permit**

**Rezoning Request**

**Other: \_\_\_\_\_**

<b>Subject:</b>	Request by Bill Mumford, Sr., Project Manager on behalf of NNP Briar Chapel, LLC for subdivision preliminary plat approval of "Briar Chapel, Phase 5, Section 2", consisting of 32 lots on 6.71 acres, located off Andrews Store Road, SR-1528 / Parker Herndon Road, SR-1526 and Briar Chapel Parkway, Baldwin Township.
<b>Action Requested:</b>	See Recommendations
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Major Subdivision Application.</li> <li>2. Letter from Gray Styers, dated January 26, 2010.</li> <li>3. Portion of 2005 Master Plan showing Phase 5 South.</li> <li>4. Briar Chapel Phase 5 South, Section 2, CUP stipulation update, dated January 15, 2020, prepared by Mike Sanchez, PE, Director, Land Development.</li> <li>5. Start and Completion Projections.</li> <li>6. Preliminary plat prepared by The John R. McAdams Co., Inc, dated 1-8-2010</li> </ol>

<b>Introduction &amp; Background</b>	
Zoning:	Conditional Use District / Compact Community
Water System:	Chatham County
Sewer System:	Private Wastewater Treatment Plant
Subject to 100 year flood:	No floodable area in Section 5
<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</p>	

viewed on the Chatham County website at [www.chathamnc.org/planning](http://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.

Preliminary plat 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.

June 15, 2009: Phase 5, South, Section 1 received preliminary plat approval for 28 lots.

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.

January 19, 2010: Final Plat approval of Briar Chapel, Phase 4, Section 4 consisting of 37 lots.

January 19, 2010: Final Plat approval of Briar Chapel, Phase 5, Section 1, consisting of 28 lots on 5.11 acres.

### **Discussion & Analysis**

The developer is requesting preliminary plat approval of "Briar Chapel, Phase 5, Section 2, consisting of 32 lots on 6.7 acres. The lots are for individual single family dwellings. The lots are accessed internally off Briar Chapel Parkway by way of Serenity Hill Circle, a proposed state maintained roadway. All driveways will access directly off Serenity Hill Circle. Phase 5 South, Section 1, consisting of 28 lots received final plat approval from the Board of County Commissioners on January 19, 2010. The 2005 Master Sketch Plan design showed Phase 5 having 38 lots with a shorter length of roadway. The total number of lots now included in

Phase 5 South, Phases 1 & 2 is 60 and the roadway length has been increased. See attachment # 3 for a copy of the 2005 plan. In a letter dated January 26, 2010, Grey Styers, attorney for the applicant, has stated in part "the adjustment in the number of lots for this plat (compared to the concept Master Plan in 2005) is in substantial compliance with the Conditinal Use Permit (CUP)" ..... "it was understood by all parties that the precise layout of the lots would vary from the lines drawn on the Concept Master Plan" ..... " the project will need flexibility" ... and "finally, any re-allocation of lots in this Phase 5, Section 2 Plan maintains the original intent and character of the Master Plan. The street and overall development design has not changed." See attachment # 2 for entire letter. 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. Staff has asked for clarification from the Board of County Commissioners regarding modifications to the Master Sketch Plan. This is scheduled to be discussed at the February 1, 2010 County Commissioner meeting work session.

Agency Reviews as required for preliminary plat approval have been received as follows:

NCDWQ	Authorization to Construct Water System	January 15, 2010
NCDENR	Stormwater Management Plan	December 18, 2008
		Revised January 26, 2010
Corps of Engineers Department of the Army	404 Corps of Engineers Permit	October 2, 2006
NCDWQ	401 Stream Crossing Permit	July 24, 2009
NCDWQ	Wastewater Collection System Extension/ Phase 5 South	June 5, 2008
NCDOT	Road Plan Approval (A commercial driveway permit is not required)	January 26, 2009
Chatham County Soil Erosion and Sedimentation Control	Erosion Control Letter of Approval	November 9, 2009

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

The Chatham County Emergency Operations Office has approved the road name 'Serenity Hill Circle'.

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 # 4, is the current update prepared by Mike Sanchez, P. E., John R. McAdams, Co. Attachment # 5, Start and Completion Projections, states that streets Infrastructure and lot preparation is scheduled to begin in late winter / early spring of 2010. No affordable house units are included in Phase 5 South. The Affordable House Fee of \$14,734.08 (\$460.44 x 32 lots) will be paid prior to final plat recordation.

Lots will be served by the Briar Chapel Wastwater Treatment Plant. The re-use storage ponds are currently being utilized versus the spray areas due to the small average daily flow to the plant. 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.

**Recommendation**

Staff will make a recommendation at the Planning Board meeting after the February 1, Board of Commissioners meeting work session discussion regarding modifications to the Master Plan.