



## Agenda Abstract

Department: Planning  
 Submitting Official: Jason Sullivan

Meeting Date: **3-15-10**  
 Authorizing Signature: \_\_\_\_\_

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| <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 (List individually):</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> |

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| <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

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), 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 Conditional 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. The issue was discussed at the February 1, 2010 County Commissioner meeting work session. Per Board discussion the change of internally lot design can be reviewed by the Board under conditions 18 and 19 of the Conditional Use Permit.

During the Planning Board discussion some questions were raised regarding the water system, size of the water quality pond # 9, and the retaining wall shown to be constructed on Lots 584 -- 587. Bill Mumford with Briar Chapel was present and addressed the Planning Board's questions.

### **Budgetary Impact**

### **Recommendation**

The plat displays the necessary information and meets the requirements of the Subdivision Regulations with the approvals of other agencies. The Planning Department and the Planning Board by a unanimous vote of 9-0 recommended granting approval of the request as submitted.