



Chatham County Planning Board Agenda Notes

Date: June 1, 2010

Agenda Item: VII. C. 1.

Attachment #: 3

Subdivision

Conditional Use Permit

Rezoning Request

Other: _____

Subject:	Request by Bill Mumford, Project Manager on behalf of NNP Briar chapel, LLC for final plat approval of "Briar Chapel – Heather Glen Circle", consisting of 14 lots on 2.09 acres, located off Andrews Store Road, SR-1528 and Parker Herndon Road, SR-1526, Baldwin Township.
Action Requested:	See Recommendation
Attachments:	<ol style="list-style-type: none"> 1. Major Subdivision Application 2. Final plat titled "Heather Glen Circle" Subdivision, Easement Dedication & Right-of-Way Dedication Plat, prepared by The John R. McAdams, Co, Inc., dated April 30, 2010.

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>	

The Board of County Commissioners approved a preliminary plat for Briar Chapel, Phase IV, Pods A, B, C, and D (including Phase 3 ROW) on October 16, 2006. Twelve (12) of the Heather Glen Circle lots were part of the 10/16/06 preliminary plat approval. A request for preliminary plat approval for the additional two (2) lots is included on this agenda. If the preliminary plat request for Kimbolton Place, Lots 465 and 466 received a recommendation of approval by the Planning Board, this request may continue.

Discussion & Analysis

The developer is requesting final plat approval of Heather Glen Circle, consisting of 14 lots on 2.09 acres. The lots will be accessed off Kimbolton Place, a 40 foot wide public right-of-way and Heather Glen Circle, a private access and utility easement. Lots 453 – 460 will front on Briar Chapel Parkway, but will be accessed off Heather Glen Circle. Lots 461 – 466 will be accessed off Kimbolton Place, which has been constructed to the NCDOT standards except for the final lift of asphalt. A financial guarantee for the construction of the private access, Heather Glen Circle, along with associated erosion control measures, storm drainage, sanitary sewer, and water distribution has been submitted for review and approval by the county attorney. A portion of the required infrastructure for the Heather Glen Circle lots is currently included in the financial guarantee bonds being held for Phase 4. Per the cost estimate letter prepared by Jonathan S. Butters, PE, The John R. McAdams Co., 40.4% of the remaining work has been completed. The remaining cost for the completion of this section is \$101,563.00 which includes the 40% overage as required by the Subdivision Regulations. 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. Staff recommends that the plat not be recorded until verification has been received from an engineer that the private easement, Heather Glen Circle, is safe for emergency vehicle access in order for public health and safety to be protected. It is the staff opinion that Heather Glen Circle 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 \$6,446.16 (\$460.44 x 14 lots) will be made to Chatham County prior to recordation of the final plat. A note will be added to the final plat stating that no affordable housing lots are located in this section.

Note # 6 as shown on the plat will be revised. This portion of the development is not located with a special flood hazard area.

Lots will be served by the Briar Chapel Wastewater Treatment Plant. Permits for the construction of the WWTP were received during preliminary review for Phase 4 and a modification permit dated May 2, 2010. Due to the small average daily flow to the plant generated by the lots approved to date, 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 were expected to begin to be used in April, 2010. Per Lee Bowman, Briar Chapel plans to continue to use the storage ponds in order to increase capacity to provide for landscaping irrigation. It is the intent to begin spraying later this fall or next spring. All of the certified spray areas have been platted as common space with easements to provide for the spray operation. In the future, the spray areas will be owned and maintained by the homeowners association. 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. Per Lee Bowman, Project Manager, there are no cemeteries or old structures in or near the site.

Recommendation

The plat displays the necessary information and meets the requirements of the Subdivision Regulations with other agency approvals. The Planning Department recommends granting final plat approval of "Heather Glen Circle" 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 roadway, Heather Glen Circle, has been certified by an engineer to be adequate for emergency vehicle access.