



## Chatham County Planning Board Agenda Notes

**Date: June 1, 2010**

**Agenda Item: VII. D.**

**Attachment #: 5**

- Subdivision**
                 
  **Conditional Use Permit**
                 
  **Rezoning Request**  
 **Other: \_\_\_\_\_**

<b>Subject:</b>	Request by Bill Mumford, Project Manager, on behalf of NNP Briar Chapel, LLC for <b>“Briar Chapel, Phase 4, Sections 1, 2, and 3, Recombination and Re-Subdivision Plat”</b> to add <b>fifteen (15)</b> additional lots and to revise existing lot lines, on a total of 8.51 acres, located off US Hwy 15-501 N., Baldwin Township
<b>Action Requested:</b>	See Recommendation.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Major Subdivision Application</li> <li>2. Maps of proposed lot configurations and existing lot configurations</li> <li>3. Summary of Permit Impact</li> <li>4. Memorandum – update of conditional Use Permit Stipulations, dated May 7, 2010</li> <li>5. Plat titled “Briar Chapel, Phase 4, Sections 1, 2, and 3, Recombination and Re-Subdivision Plat”, prepared by The John R. McAdams, Co., dated 4/23/10.</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
<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 <i>“An Ordinance Amending the Zoning Ordinance of Chatham County”</i> and <i>“A Resolution Approving An Application For A Conditional Use Permit For A Request By Mitch Barron On Behalf Of Newland Communities for</i></p>	

*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.

This requests involves final plats recorded as follows:

Phase 3 & 4, Section 1, consisting of 66 lots, approved May 21, 2007

Phase 4, Section 2, consisting of 120 lots, approved October 15, 2007

Phase 4, Section 3, consisting of 188 lots, approved November 19, 2007

### **Discussion & Analysis**

The request before the Board is to add fifteen (15) lots to previously recorded plats in Phase 4, Sections 1, 2, and 3 and to revise other existing lot lines. The total number of lots approved for Briar Chapel is 2,389. The replats will not add additional lots to the development and the design is still consistent with the Briar Chapel Master Plan/ Sketch Plan. On February 1, 2010, Jason Sullivan, Acting Planning Director, addressed the Board of County Commissioners regarding modifications to the Briar Chapel Master Plan/Sketch plan including re-plats of existing sections. It was the consensus of the Board that “the things that are inviolate are the 2,389 lots and the stream buffer requirements; that when internal changes occur, that it is less of an issue than if they occur at the boundaries where people who abut those properties may have had some concerns.....”. Attachment # 2 shows the lot configuration of existing lots and proposed lot configurations in the three sections.

All required agency permits for the construction of infrastructure for the above listed phases were received at the preliminary plat review stage. Those permits included NCDOT, Chatham County Erosion Control, Chatham County Public Works, NC Department of Environment and Natural Resources, and US Army Corps of Engineers. Attachment # 3, Summary of Permit Impact, prepared by Jonathan S. Butters, P. E., The John R. McAdams, Co., shows that each respective agency has indicated their acceptance of the proposed changes and that no permit revision is required, or a permit modification has been submitted and approved. The application materials posted on the Planning Department website include the correspondence from the respective agencies. The road design and layouts previously approved will not change. Financial guarantees are currently in place to cover the construction of the necessary infrastructure. Prior to final plat recordation, the required Water Availability Fees for the 15 lots will be paid to Chatham County Public Works Department.

Attachment # 4, Memorandum of Conditional Use Permit Stipulations, is an update of how the addition of the 15 lots will comply with the CUP conditions. One (1) Affordable Housing Unit (AFU) is being added by the replats along Hill Creek Boulevard bringing the total number of Affordable Housing Units to 13 within the project to date. Condition #20 of the CUP requires that the developer contribute 2.5% of the approved lots in the overall development or phase as applicable,

as Affordable Housing Units. With the addition of one AFU, the percentage will be 2.97% exceeding the 2.5% required. Affordable housing fees of \$6,906.60 (\$460.44 x 15 lots) will be paid to Chatham County prior to final plat recordation.

Plat page 4 of 5 shows existing Townhouse Lot #'s 174 and 175 being increased in size. Per Lee Bowman, Project Manager, the adjustment of lot lines to incorporate this 6,594 square feet of open space into the adjacent lots will provide for better use of rear yards for the two townhouse lots. Mr. Bowman has stated in an e-mail to staff that "the community's CCRs allow the Declarant (NNP-Briar Chapel, LLC) to make these types of modifications with regard to open space. The rear yard is atop a large landscaped embankment. Due to the topography, the only feasible way to provide public access to this rear area is from the alley which is not easily available. Thus, by incorporating this property into the corner lots, the space can be beneficially used. If left as is currently platted, it is Newland's intention to simply landscape this area for "non-active" use. We believe the lot line adjustments provide for a better use of land." Staff thinks this is a reasonable request.

There are no historical sites or structures affected by this replat per Mr. Bowman.

Staff thinks the request is reasonable.

**Recommendation**

The plat displays the necessary information and meets the requirements of the Subdivision Regulations with other agency approvals. The Planning Department recommends granting approval of "**Briar Chapel, Phase 4, Sections 1, 2, and 3, Recombination and Re-Subdivision Plat**" as submitted.