



Chatham County Planning Board Agenda Notes

Date: December 6, 2011

Agenda Item: VII. 1.

Attachment #1

☒ **Subdivision**

☐ **Conditional Use Permit**

☐ **Rezoning Request**

☐ **Other:**

Subject:	Request by Bill Mumford, Assistant Vice President on behalf of NNP Briar Chapel, LLC for subdivision preliminary plat approval of “Briar Chapel – Phase 6 South” consisting of 134 lots on 51.25 acres, off Andrews Store Road, SR-1528, Baldwin Township.
Action Requested:	See Recommendations
Attachments:	<ol style="list-style-type: none">1. Major Subdivision application2. Copy of a portion of the 2005 Master Plan3. Permit Stipulation response (view on Planning website, Briar Chapel Phase 6 South Application)4. E-mail from Nick Robinson, Attorney, clarifying Item 16 of the Permit Stipulation response (view on Planning website, Briar Chapel Phase 6 South, Response clarifying Item 16 of Permit Stipulation Response)5. Copy of plat showing deteriorated building site. (view on website)6. Preliminary plat titled “Briar Chapel, Phase 6 South” prepared by McKim and Creed, dated July 15, 2011

Introduction & Background

Zoning: Conditional Use District / Compact Community

Water System: Chatham County

Sewer System: Private Wastewater Treatment Plant

Subject to 100 year flood: No (not on subject property)

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, Mann’s Chapel Road (SR-1532), and Andrews Store Road and was 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. The total number of platted lots to date in the Briar Chapel development is 627. **Briar Chapel is reviewed and regulated under the Subdivision Regulations prior to 2008 and the Compact Community Ordinance.**

Discussion & Analysis

The developer is requesting preliminary plat approval of “Briar Chapel, Phase 6 South” consisting of 134 lots on 51.25 acres. All lots are for individual single family dwellings. The submitted plan is a slight modification from the 2005 Master Sketch Plan. See attachment # 2 for a copy of a portion of the 2005 Master Sketch Plan. 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 plan appears to meet the intent of the Conditional Use Permit and the Master Sketch Plan. The lots are accessed internally off Briar Chapel Parkway. Briar Chapel Parkway is being extended to serve Phase 6 South. A separate preliminary plat request is being reviewed for the extension of Briar Chapel Parkway and Boulder Point Drive. The roadways, except for one (1) private alley, are designed as public roads and all public road plans in Phase 6 South have been reviewed and approved by NCDOT. Lots 641-669 will be accessed from the private alley, Pebble Throw Lane. These lots, however, also have frontage on Treywood Lane, a proposed public road. As shown on the preliminary plan there will be 39 overflow parking spaces around open space # 3. The plan shows this open space to have a 4 foot wide concrete sidewalk and is proposed to be improved. The other open space areas shown on the map are not proposed to be improved. There are no affordable housing lots in Phase 6 South. Briar Chapel will pay an affordable housing fee of \$460.44 per lot prior to recordation of the final plat.

Attachment # 3 is the Phase 6 South Conditional Use Permit Stipulation response prepared by Chris Seamster, RLA, McKim and Creed. Item # 16, Archaeological Survey, states in part “Based on the findings from the report, there are no cemeteries nor any “old” structures of any significance on the site associated with Phase 6 South.” In talking with the engineer, Briar Chapel, and their attorney, Nick Robinson, it has been determined that there was a site, labeled as #31CH823 referenced in the 2006 report that was located on the subject property. This site was considered historical, however, the report states “This site does not have the potential to yield significant deposits relating to the study of history. As such, it is recommended not eligible for the National Register. No further work is recommended at this location.” The report went on to say that “Newland Communities had expressed an interest in preserving this historic site for community interpretation as it represents a record of the past occupation of the property. “ Mr. Robinson has stated in attachment # 4, that the remains of the dilapidated building had been disassembled and no longer exists and that “the developer has retained certain non-decayed bricks and building materials from the site with the intent of possible incorporating the same into a commemoration in a nearby open space at a later time.” A copy of the Phase 6 South plat showing the approximate location of the structures has been provided to the Planning Department. Mr. Robinson’s e-mail and the plat can be viewed at www.chathamnc.org/planning, click on Rezoning and Subdivision Cases, 2011, Briar Chapel, Phase 6 South. Per an e-mail from Bev Wiggins with the Chatham County Historical Association, although the site was not considered ‘significant’ according to 2006 report, she understood from Briar Chapel that the site would be developed as an interpretive site that would help preserve the history of the

area and that since the site has now been removed, the Historical Association would like Briar Chapel to undertake some measures to mitigate the loss of this site as one that was to represent a record of the past occupation of the property. Ms. Wiggins stated that the Historical Association would like “Briar Chapel to take action to designate an alternative interpretive site and to preserve that alternative site so that it does not also deteriorate by the time they are ready to develop it. Finding creative ways to use materials from the current site, in conjunction with research about the homestead, would also help mitigate the destruction of the site.”

Agency reviews as required for a preliminary plat submittal have been received as follows:

NCDENR	Stormwater Management Plan Approval – Modified	August 24, 2011
NCDENR DWQ	Wastewater Collection System Extension	August 1, 2011
NCDENR DWQ	Wastewater Treatment / Reclaimed Water / Spray Irrigation	May 18, 2009
NCDENR DWQ	401 Water Quality Certification	August 31, 2009
CORP OF ENGINEERS	404 Stream	August 21, 2009
NCDENR DEH Public Water Supply	Water Main Extension	Nov. 9, 2011
NCDENR DEH	Authorization to Construct	Nov. 9, 2011
CHATHAM COUNTY	Erosion and Sedimentation Control Permit	Oct. 17, 2011
NCDOT	Road Plan Approval	Nov. 7, 2011

These permits can be viewed on the Planning Department website at www.chathamnc.org/planning

The Chatham County Emergency Operations office has approved the following road names for submittal: Wildwind Drive, Treywood Lane, Sage Brush Road, Pebble Throw Lane, Copper Lantern Drive, and Heatherwood Drive.

There are two streams on the property, an intermittent and a perennial, both with appropriate riparian buffers. There are several retaining walls which are shown to be located out of the 10 foot no built area.

Recommendation: The Planning Department recommends that the road names Wildwind Drive, Treywood Lane, Sage Brush Road, Pebble Throw Lane, Copper Lantern Drive, and Heatherwood Drive be approved and recommends subdivision preliminary plat approval of “**Briar Chapel – Phase 6 South**” as submitted.