



Agenda Abstract

Department: Planning

Authorizing Signature: _____

Submitting Official: Jason Sullivan

Meeting Date:	2-21-11
Subject:	Request by Bill Mumford, Assistant Vice President on behalf of NNP Briar Chapel, LLC for dedication of public right-of-way for a portion of Granite Mill Boulevard and a portion of Boulder Point Drive, located off S. R. 1528, Andrews Store Road, Baldwin Township.
Action Requested:	See Recommendations
Attachments: (List Individually)	<ol style="list-style-type: none"> 1. Major Subdivision Application. 2. Site plan map. 3. E-mail dated February 1, 2011 from Chief John Strowd, North Chatham Fire Department. 4. Final plat titled "Right-of-Way Dedication for Granite Mill Boulevard and Boulder Point Drive", prepared by McKim & Creed, dated December 5, 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. Briar Chapel requests are reviewed based on the pre-2008 Subdivision Ordinance and the Compact Community Ordinance.</p>	
Discussion & Analysis:	This request is for the dedication of public right-of-way for a portion of Granite Mill Boulevard and a portion of Boulder Point Drive. Granite Mill Boulevard and Boulder Point Drive provide access to the Margaret B. Pollard Middle School. See	



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the site plan, attachment # 2. Both roadways will be extended in the future to provide access to additional phases of the Briar Chapel development. This request is submitted as a preliminary/final plat application as Briar Chapel did not submit the request separately through the preliminary plat process as is required by the Subdivision Regulations. Per the pre-2008 Subdivision Regulations "The approval of the preliminary plat by the Planning Board and the Board of County Commissioners serves as permission to begin construction according to the plans and as a basis for preparation of the final plat." Road construction is currently 95% complete. Agency reviews required for a preliminary plat request have been approved as listed below:

AGENCY	TYPE PERMIT	DATE OF APPROVAL
NCDENR	Stormwater Mgmt. Plan	March 24, 2010
NCDENR	401 Water Quality Permit	August 13, 2009
Department of The Army	404 Stream Crossing Permit	August 21, 2009
NCDENR	Authorization to Construct Water System	Nov. 22, 2005
NCDENR	Water Main Extension (part of Phase 1)	Nov. 22, 2005
Chatham County Erosion Control	Erosion Control Permit	April 6, 2010
NCDOT	Road Plan Approval & Commercial Driveway Permit	May 12, 2010

In reviewing this application, Tom Bender, Chatham County Fire Marshal, expressed concerns regarding the turning radii of the roadways at the intersection of Granite Mill Boulevard and Boulder Point Drive and whether or not the radii are adequate for fire apparatus vehicles to safely negotiate the turns. Chief John Strowd with North Chatham Fire Department sent a pumper truck, approximately 36 feet in length, to the site to attempt a turn at the intersection. Per Chief Strowd "If Engine 112 is in the right hand turn lane of this intersection, the apparatus cannot make a right hand turn and stay in the right hand lane". See attachment # 3 for further comments. Per Curtis Blazier, PE, McKim & Creed, the turning radii at all four corners of the intersection are 30 feet as reviewed and approved by NCDOT. The Compact Community Ordinance states in Section 12.2, *Streets and Other Specifications*, "All Streets shall be public and constructed to North Carolina Department of Transportation (NCDOT) standards". Section 14, *Relationship to Existing Ordinances*, states in part "To the extent the provisions of this ordinance conflict with any other ordinance or law or where the provisions hereof impose conflicting regulations, the most restrictive provision or the one which imposes the highest standards or requirements shall prevail, except as otherwise specified". The North Carolina Fire Code states in Section 503.2.4, Turning radius, "The required turning radius of a fire apparatus access road shall be determined by the fire code official."



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The Chatham County Emergency Operation Office has approved the road names Granite Mill Boulevard and Boulder Point Drive for submittal.

Curtis Blazier, Engineer, with McKim & Creed, advised staff that some minor revisions involving line segments and curves had been made to the maps since the copies had been submitted and that these changes would be reflected on the final plat. Mr. Blazier has furnished a cost estimate letter on the infrastructure remaining to be completed. A minimum of forty (40) per cent of the total cost of improvements is required to be completed and the public health and safety not be endangered, before the County may accept a financial guarantee. Per the engineer, the roadways are approximately 95.4% complete. The request for dedication of right-of-way has been submitted with a request that the county accept a financial guarantee in the amount of \$59,500.00 (includes the 40% overage) for the completion of the remaining infrastructure. Staff thinks the request for acceptance of the financial guarantee may be approved.

At the Planning Board meeting, staff reviewed the agenda notes. Tom Bender, Chatham County Fire Marshal was in attendance and addressed the Planning Board regarding the North Carolina Fire Code, turning radius and access concerns expressed by the North Chatham Fire Department. Grant Livingood, PE, McKim & Creed, spoke and emphasized that the radii were approved by NCDOT and built accordingly. Nick Robinson, Attorney, addressed the Board to emphasize that the request before the Board met the requirements of the Subdivision Regulations. He further stated that the Subdivision Regulation does not provide a standard for required turning radius and that since the North Carolina Fire Code did not provide a measurable standard for turning radius, that Section 503.2.4 was not enforceable under the Subdivision Regulation as being more restrictive. Mr. Robinson requested that condition # 1 of the Planning Board agenda notes dated February 1, 2011 be removed.

The Board had further discussion and recommended that condition # 1 of the staff recommendation on the Planning Board agenda notes as follows *"That the turning radii at the intersection of Granite Mill Boulevard and Boulder Point Drive be re-evaluated by Briar Chapel, North Chatham Fire Department, and the Chatham County Fire Marshall prior to any future subdivision submittals extending said roadways to the north and east to future phases of the development and that adequate turning radii as recommended by the Fire Code Official/Fire Marshal be provided to accommodate fire apparatus access"* be removed.

Planning staff along with the Fire Marshal met with the county attorney, Jep Rose, the following day to discuss this issue. Mr. Rose stated that in his opinion that Section 503.2.4, Turning radius, was not enforceable under the Subdivision Regulations because there was no measurable standard stated.



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Budgetary Impact:	None.
Recommendation:	<p><i>The plat displays the necessary information and meets the requirements of the Subdivision Regulations with other agency approvals.</i> The Planning Department and Planning Board, by a vote of 9-0 with 1 abstention, recommends granting the request for dedication of right-of-way for a portion of Granite Mill Boulevard and a portion of Boulder Point Drive as shown on plat dated December 2, 2010, prepared by McKim and Creed and recommends granting approval of the road names, Granite Mill Boulevard and Boulder Point Drive and recommends approval of the financial guarantee with the following condition:</p> <ol style="list-style-type: none">1. The mylar copy of the final plat show the line segments and curve revisions as noted in an e-mail from Curtis M. Blazier, PE, dated 1/31/11.