



Chatham County Planning Board Agenda Notes

Date: June 7, 2011

Agenda Item: VI.

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 final plat approval of “ Briar Chapel, Phase 5 North ”, consisting of 174 lots on 45.92 acres, located off Andrews Store Road / Parker Herndon Rd, Baldwin Township.
Action Requested:	See Recommendations
Attachments:	<ol style="list-style-type: none">1. Major Subdivision Application.2. Portion of the December 13, 2010 Board of Commissioners minutes stating required conditions of preliminary plat approval for Briar Chapel, Phase 5 North.3. Revised final plat titled “Briar Chapel, Phase 5 North”, dated May 13, 2011, prepared by McKim & Creed, P. A.

Introduction & Background

Zoning: Conditional Use District / Compact Community

Water System: Chatham County

Sewer System: Private Wastewater Treatment Plant

Subject to 100 year flood: Yes

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. To date 453 lots have received final plat approval. Briar Chapel is reviewed and regulated under the Subdivision Regulations prior to 2008 and the Compact Community Ordinance. Phase 5, North consisting of 174 lots on 45.92 acres received preliminary plat approval from the Board of County Commissioners on December 13, 2010.

Discussion & Analysis: This request is for final plat approval of Briar Chapel, Phase 5, North and is submitted with a financial guarantee for the completion of infrastructure. Per the engineer, Curt Blazier, PE, LEED AP, McKim & Creed, Phase V is currently 41.2% complete. Improvements to be completed are staking, clearing and grubbing, erosion control, grading, water and sewer utilities, storm drainage, water quality ponds, curb and gutter, paving, sidewalk, fencing, retaining walls conduit, and guardrail. The Subdivision Regulations requires that a minimum of 40% of the total cost of improvements be completed prior to final plat submittal and that 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. Staff recommends two conditions of approval regarding acceptance of the financial guarantee as follows:

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 public roadways have sufficient travel surface for emergency vehicle access in order for the public health and safety to be protected.

The bond amount will include a 40% overage as required by the Subdivision Regulation. With the two conditions, staff recommends that the financial guarantee be approved.

At preliminary plat approval, there were seven (7) conditions of approval. See attachment #2. The engineer has addressed each of the conditions and has provided staff with a response to the Technical Review Committee meeting questions. The questions and response has been posted to the Planning Department website, www.chathamnc.org/planning for your review. Per the engineer "All conditions of Preliminary Plat Approval have been met and have been incorporated into the final subdivision plat where applicable or shown as attached exhibit A, B and C." Staff has received verification from Fred Royal, Environmental Resource Director, that he has received and approved the Operations and Maintenance Plan for the stormwater features in Phase 5 North as required in the Compact Community Ordinance, Section 8.4. The CCO does not require the O & M Plan to be recorded, but, to be provided in hard copy and digital copy to the Public Works Department prior to final plat approval for the project. This has been provided to Public Works. Between preliminary plat approval and final plat submittal, there has been one change to the lot layout. Lot 626 shown on the preliminary plat was deleted due to height of the retaining wall in that area (near storm pond # 8) and significant area of slope within the lot. The lot was relocated to the intersection of Wishing Well Lane, private, and Serenity Hill Circle, public. The number of lots, 174, has not changed.

During the preliminary plat review, Chief John Strowd, North Chatham Fire Department, expressed concerns regarding access by fire apparatus vehicles to Lots 521 – 530, 520-507 and 472-479. Briar Chapel worked with Chief Strowd and Tom Bender, Chatham County Fire Marshall to address the concerns as follows: the travelways of two private alleys, Cross Meadow Drive and Silverbell Drive, were widened, grass pavers will be installed to the first 10' of the triangular landscape area

producing a 32' wide travel area including the 22' wide paved alley, no parking-fire lane striping will be painted along the edge of the alley on the grass paver side, parking spaces have been relocated away from the west side of the triangular landscape area, grass pavers will be installed in the open space area along Winkler Way, the travelway of the private alley, Wishing Well Lane, was widened to 25 feet from Lot 472 to Lot 479, and a fire hydrant will be installed at Lot # 479 and Lot 531 (previously Lot 530). In an e-mail from Chief Strowd, dated May 23, he states that the final plat is in agreement with the previous discussions and conditions, with the addition of the fire hydrant at Lot 531.

There are two (2) intermittent streams and one (1) perennial stream (Pokeberry) located within Phase 5 North. Stream and wetland locations are based on delineations provided by Soil and Environmental Consultants. Stream buffer widths meet the requirements of the Compact Community Ordinance. A portion of the Phase 5 North property is within the 100 year flood plain along Pokeberry Creek. All lots are outside of the 100 year flood plain.

The CCO requires that a 100 foot perimeter buffer be designated along the boundary of the compact community where no public road exists. A portion of Phase 5 North is adjacent to private property owned by Marvin Meacham, parcel #2190. The CCO states "To the extent practicable, existing native forest vegetation shall be utilized for the perimeter buffer". The perimeter buffer has been shown on the final plat and the engineer has stated in his response document "100' perimeter buffer has been shown along the Meacham property. The use of existing vegetation and the planting of native species, if necessary, will preserve the intent of the buffer."

There are six (6) affordable housing units in Phase 5 North to be located on Lots 497, 500, 573, 566, 575, and 588. A note has been placed on the map, indicating the lot numbers. An affordable housing fee of \$80,116.56 (\$460.44 x 174) will be paid prior to final plat recordation. With the addition of these six units, there will be 19 affordable housing lots to date in Briar Chapel.

The Recreation Exaction Fee of \$161,124.00 (\$926.00 x 174 lots) will be paid prior to final plat recordation.

Recommendation: *The plat meets the requirements of the Subdivision Regulations and the Compact Community Ordinance with other agency approvals.* The Planning Department recommends granting approval of the financial guarantee and approval of Briar Chapel, Phase 5 North 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 public roadways have sufficient travel surface for emergency vehicle access in order for the public health and safety to be protected.