



Agenda Abstract

Department: Planning

Authorizing Signature: _____

Submitting Official: Jason Sullivan

Meeting Date:	March 19, 2012
Subject:	Request by Mike Sanchez , P. E., John R. McAdams Company, Inc. on behalf of Briar Chapel for Phase 4 and Phase 5-- Conversion of 3 existing Lots, #'s 246, 446, and 480 to Common Area to accommodate off street parking.
Action Requested:	See Recommendations.
Attachments: (List Individually)	<ol style="list-style-type: none">1. Major Subdivision Application2. Letter from Mike Sanchez, P. E., LEED AP, John R. McAdams Company, Inc. dated January 12, 2012 regarding 'Conversion of Lots to Common Area'.3. E-mail from Aimee N. Mackey, dated January 25, 2012.4. E-mail from Ashley Olsson, Lot #159, dated January 25, 2012.5. E-mail from Nicolas P. Robinson, Attorney-at-Law, dated February 23, 2012 regarding the removal of Lot 246 from the request.6. Staff photos of lots and surrounding neighborhood. – See website7. Revision plat titled "Briar Chapel, Phase 4, Section 3", dated 1/11/12, prepared by John R. McAdams Company, Inc. Revision plat titled" Briar Chapel, Phase 5 North", dated 1/11/12, prepared by McKim and Creed.

Introduction & Background:	Briar Chapel, Phase 4, Section 3 received final plat approval from the Board of County Commissioners for 129 lots on 11/19/07. Briar Chapel, Phase 5 North received final plat approval from the Board of County Commissioners for 174 lots on 7/18/11.
Discussion & Analysis:	This is a request for revision of final plats as listed above for conversion of three (3) residential lots to common area to be used for overflow parking for resident's guests and service workers. The total number of approved dwelling units, 2,389, for the overall development, will not change with this request. Two of the lots, #'s 246 and 446, are located in Phase 4, Section 3 and one (1) lot, # 480



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is located in Phase 5 North. Per Mike Sanchez, P. E. *"The conversion of these lots to parking areas is needed because NC DOT will not allow for on-street parking on Briar Chapel Parkway and Great Ridge Parkway and NNP-Briar Chapel has developed a plan to provide for guest and service vehicle parking for those homes that front these roads."* The lots will ultimately be owned and maintained by the Briar Chapel Community Association. The surface material to be used, asphalt, concrete, or gravel, etc, has not yet been determined, but, will be one that is impervious. Per the engineer's letter, "The proposed parking area within each of the three lots to be converted to parking will not exceed the permitted impervious area for each lot" so the overall impervious surface allowed within the development of 24% will not be increased.

None of the lots proposed to be converted from residential to common area is an Affordable Housing Lot. Per the engineer, the reduction of three lots does not affect the requirement of the Conditional Use Permit that 2.5% of approved lots in the overall development, or each phase if developed in stages, must be affordable housing lots. There are currently 19 affordable housing lots out of 624 residential lots which will still result in 3.04% of the lots being affordable. Briar Chapel is requesting that the Affordable Housing Fee paid per lot of \$460.44 be refunded for the three lots. For tracking purposes, staff recommends refunding the Affordable Housing fees paid for the three lots.

Briar Chapel is requesting that the Recreation Exaction Fee paid per lot of \$926.00 be refunded for the three lots. For tracking purposes, staff recommends refunding the Recreation Exaction Fee paid for the three lots. In the letter dated January 12, 2012 Briar Chapel also requested that the water availability fees paid of \$3500.00 per lot be refunded. After discussions with the Utilities Department, Briar Chapel is now requesting that the water availability fees be credited to the next phase of the development. This is acceptable to the Utilities Department.

Financial guarantees are currently in place for construction of Phase



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4, Section 3 and Phase 5 North. This request will not affect the financial guarantees.

Per Lee Bowman, Project Manager, appropriate landscaping will be utilized to soften and screen the parking areas based on the specific location of each lot and currently no lighting is planned for the lots. Staff has received two letters from concerned property owners regarding conversion of the residential lots to parking areas (see attachments 3 & 4). Both property owners have expressed concerns that the conversion of the residential lots to parking areas will not alleviate the parking problems, will cause loss of property values, and that the use of the lots for parking will cause a safety issue. Staff thinks that the issues raised regarding loss of property values and safety are private issues between the residents and the developer. Per Lee Bowman, Project Manager, the Briar Chapel private covenants allow the developer to make this type of change and Mr. Bowman has stated that once these parking lots are in place giving residents a place for overflow parking, that the homeowners association will begin to enforce the no parking regulation within the development. The Planning Board discussed the issues raised by the adjoining property owners and which of the three lots already had existing development nearby. The Planning Board discussed eliminating lot 246 since it appeared to have more existing individual residences nearby (not owned by the developer/builder). The Planning Department thinks that the request for the three lots to be converted from residential to common area to accommodate overflow parking is reasonable to help alleviate the no parking requirement on Great Ridge Parkway and Briar Chapel Parkway and to help alleviate the concerns expressed by North Chatham Fire Department regarding emergency vehicle access for the project. Staff has provided photos of the lots and surrounding neighborhood for reference as an attachment.

Since the Planning Board meeting, Nicolas P. Robinson, attorney for the developer, has submitted an e-mail to staff dated February 23, 2012, stating that the developer has decided to remove Lot 246 from



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	<p>the request.</p> <p>Staff recommends that the final plats include the parcel #'s for the subject lots and that the vicinity map for Phase 5 North be more detailed to better show the location of the Phase.</p> <p>Per Mr. Bowman, future submittals will include accommodations for off-street parking when necessary.</p>
Budgetary Impact:	
Recommendation:	<p>The Planning Department recommends granting approval of the request by Briar Chapel for Phase 4 and Phase 5-- Conversion of 3 existing Lots, #'s 246, 446, and 480 to Common Area to accommodate off street parking with the following conditions:</p> <ol style="list-style-type: none">1. The Recreation Exaction Fee and Affordable Housing Fee for Lots 246, 446, and 480 be returned to the developer.2. The Water Availability Fees for Lots 246, 446, and 480 be credited to the next phase of development.3. The final plats shall include the parcel #'s for the subject lots.4. The final plat for Phase 5 North shall show a more detailed vicinity map for Lot 480. <p><i>The Planning Board (with a vote of 9-1) recommends granting approval of the request by Briar Chapel for Phase 4 and Phase 5— Conversion of 2 existing Lots, #'s 446 and 480 (the Board did not approve Lot #246) to Common Area to accommodate off street parking with the above four (4) conditions. Conditions 1 & 2 are revised to remove Lot #246.</i></p>