

Briar Chapel CUP Amendment – 3/19/2012

Planning Department Evidence

Revised Master Plan/Sketch Design Comments

- Clearly Address Roberts Property on Half Dollar Road
 - Will 2005 CUP continue to govern this property?
 - Address how any of the following, with regard to Roberts property, may change:
 - Impervious Surface Calculations
 - Density and Overall Number of Units
 - Access to BC property on West side of Roberts property
- Revised Master Plan does not meet the requirements for Sketch Design in the Chatham County Subdivision Regulations that govern this development (See Attachment 1)
- Commercial Component of Development
 - The term “Commercial” is not defined as related to uses that will be allowed
 - The County has commercial and office uses listed for non-residential Zoning Districts in the Table of Uses in the adopted Chatham County Zoning Ordinance (See Attachment 2).
 - Address inconsistencies regarding amount of non-residential uses and types of non-residential uses in 2005 Conditional Use Permit application (incorporated herein by reference) and this amendment

Proposed Conditional Use Permit

- Correct inconsistencies between Section IV-4 of the Application and Condition 1 of the proposed CUP with regard to completion/expiration date. [Condition 1]
 - “Twentieth anniversary” language could be refined – provide specific date for CUP expiration
- Environmental Quality Department agrees with buffers required by Compact Communities Ordinance; states Jordan Lake Buffer Rules do not apply; requests updated impervious surface calculations per phase; request to review stormwater plans and permits submitted to or issued by the state (See Attachment 3). [Conditions 3, 4]
- Chatham County Fire Marshall states Condition 5 can be removed.
- Briar Chapel has and shall continue to comply with applicable County Zoning Ordinance standards – Lighting, Signage, Off Street Parking and Loading, Landscaping and Buffering. [Condition 6]
- Public Works & Utilities Department requires review and approval of any utility easements (See Attachment 4). [Condition 7]

- Integrated Architectural Guidelines and Contextual Guidelines shall be submitted for review by the County; Chatham County Appearance Commission Guidelines shall apply to non-residential uses (Compact Communities Ordinance Section 12.4). [Condition 8]
- Chatham County Fire Marshall and North Chatham Volunteer Fire Department (NCVFD) are very concerned about the street widths in Briar Chapel with regard to on-street parking and access for fire-fighting apparatus (See Attachment 5). [Condition 11]
- Chatham County Public Works & Utilities states that Briar Chapel should follow the Chatham County Water Availability Fee Ordinance (See Attachment 6). [Condition 13]
- Chatham County Public Works & Utilities has accepted the Water Storage Tank and site (See Attachment 6); NCVFD is concerned about proposed Fire Station/EMS Site because of lack of utilities and possible expansion restrictions (See Attachment 5); the County Manager's office has concerns about the proposed payment in-lieu of a library site and/or facility (See Attachment 7). [Condition 14]
 - Statement at end of Condition 14: "Applicant shall be deemed to have completed requirements as stated above in subsections (a) through (f).
- Landscaping/Screening requirements in the Zoning Ordinance and Chatham County Appearance Commission Design Guidelines only apply to non-residential uses; all perimeter/viewshed buffers shall meet Compact Communities Ordinance requirements. [Condition 15]
 - Re: Tripp property – use parcel # instead of name; possible to receive sign-off from landowner that requirement has been met?
- The Chatham County Historical Association agrees that the Archaeological Survey has been completed, but would like to continue working with Briar Chapel to preserve any historically-significant features and/or structures in the subdivision (See Attachment 8). [Condition 16]
- The Chatham County Solid Waste and Recycling Division stated that residential curbside recycling and solid waste pick-up, management of construction debris and non-residential solid waste removal by a licensed removal company should continue. [Condition 17]
- With required review by County staff prior to receiving permits, the submitted master plan revision may be considered appropriate. [Condition 18]

Other Comments

- NC Dept. of Transportation states that a comparison of generated traffic by this proposed amendment and the June 2004 Traffic Impact Analysis should be reviewed (See Attachment 9).
- Application states that Briar Chapel will provide land and/or office space for a satellite office for the Chatham County Sheriff's Office. The Sheriff's Office has stated that they continue to have a need for office space in this area of the County (See Attachment 10).
- Compact Communities Ordinance Compliance response states that "all commercial establishments shall be pedestrian-accessible to community residents." Planning staff

wish to clarify that this requires the developer to construct pedestrian facilities (such as sidewalks) along public roads outside of the development to outlying commercial areas (See Attachment 11).

Attachments

Attachment 1 – Excerpts from Subdivision Regulations Effective 1980 – 2008

SECTION 4. SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS(#9)

4.2 General Procedure

The subdivider may follow four main steps when subdividing land within the Chatham County Planning Region.

B. Sketch Design

(1) Purpose

The sketch design is the first of three plats that may be required by these regulations. The sketch design is required in order to properly identify the property being subdivided, to insure the adherence to required design standards, to determine improvement proposals, and to get the initial input of the Planning Board and Board of County Commissioners and adjacent property owners.

4.4 B. Procedure for Major Subdivisions (Steps 4-29)

(1) Step 4 – 8 (#39). The sketch design review is required on proposed subdivisions with new roads, but is optional on other subdivisions. The information required on a sketch design map is described in Section 5.1, Section 5.2 A, Section 5.2 B, and Section 5.2 C. (#19) The required number of copies of the information required shall be submitted to the Planning Board staff for review by the Planning Board.(#22) The administrative fee for the subdivision is due at this time. The sketch design map shall be submitted to the Planning Board staff not less than twenty-three (23) days prior to the day on which approval is requested. (#15I)(#23) Following the Planning Board review and action the sketch design map shall be submitted for review and action by the Board of County Commissioners. The required number of sketch design plans shall be submitted to the Planning Board staff for review by the Board of County Commissioners.(#22) When structures of greater than 50 years in age or having historical significance are on the property or within 100 feet of the development property on adjacent property then the developer shall contact the Chatham County Historical Association prior to submittal for sketch subdivision approval. (#21)

SECTION 5. SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

5.1 Sketch Design Plan and Preliminary Plat (#9)

Plats submitted to the Planning Board, prepared in pen or pencil, shall be drawn to a convenient scale of not more than two hundred (200) feet to an inch when practical and shall show the following information.

A. Name

- (1) Name of subdivision if property is within an existing subdivision.
- (2) Proposed name if not within a previously plated subdivision. The proposed name shall not duplicate the name of any plat previously recorded.
- (3) Name of property if no subdivision name has been chosen. (This is commonly the name of the property owner.)

B. Ownership

- (1) Name and address, including telephone number, of legal owner or agent of property.
- (2) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements and for surveys.
- (3) Citation of any existing legal rights-of-way or easements affecting the property.
- (4) Reference to existing covenants on the property, if any. C. Description Location of property by tax map and parcel number, when available. The Warranty Deed Book number and page on which the property is currently recorded, when available.

D. Features

The plat shall show the following information when available.

- (1) Location sketch map showing relationship of the subdivision site to the surrounding area.
- (2) Graphic scale, date, approximate North arrow, legend.
- (3) The location of property with respect to the surrounding property and streets, the names of all adjacent property and streets, or the names of adjacent developments. The name and address of adjacent property owners according to the county tax records, which may be listed on a separate page from the plat. Property on the opposite side of an easement or public right-of-way shall also be considered adjacent property. (#15L)
- (4) Zoning Classification of proposed subdivision and adjacent property if applicable.
- (5) The approximate location of all boundary lines of the property.
- (6) Approximate total acreage of land to be subdivided in Chatham County, and other county if applicable.
- (7) Approximate lineal feet of the proposed street.
- (8) The approximate location of existing and plated streets, easements, water bodies, water courses (including sinkholes, dry stream beds, and pond overflow streams), buildings (including mobile homes), railroads, parks, cemeteries, bridges, sewers, water mains, culverts, lands subject to flood and other pertinent features.
- (9) The location and width of all existing and proposed street right-of- ways and easements, and other public ways, and water hazard areas, where applicable. (#9)

- (10) The approximate location, dimensions, and acreage of all proposed or existing lots. (#15A)
- (11) The approximate location, dimensions and acreage of all property proposed to be set aside for a park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- (12) Names of all streets(#21)existing and proposed.
- (13) A notation on the use of any lots proposed for a use other than single family residential.
- (14) All lots in each subdivision shall be consecutively numbered.
- (15) A notation specifying that a public water system is not presently available to the subdivision.
- (16) A time schedule of development for subdivisions of more than 50 lots. (#16F)
- (17) The approximate location of structures of approximately 50 years old or having historical significance on the development property or within 100 feet of the development property on adjacent land. (#21)

Attachment 2 –Chatham County Zoning Ordinance – Section 10.13

See Chatham County Zoning Ordinance, Adopted December 1, 2008.

Attachment 3 – Comments from Environmental Quality Department

Environmental Quality Department Comments on CUP Revision

Stream Buffers

We understand the applicant intends to honor all previous riparian buffer agreements made with the county. These include:

- At least one hundred (100) feet along all perennial streams;
- At least fifty (50) feet along all intermittent streams;
- At least fifty (50) feet along all ephemeral streams shown on the Soil Survey maps and having a drainage area of more than twenty-five (25) acres;
- At least thirty (30) feet along all ephemeral streams as shown on the Soil Survey maps and having a drainage area of between ten (10) acres and twenty-five (25) acres.

We are pleased to see this continued commitment and do not request additional conditions specific to this CUP. Because the project has a 401/404 Permit that was issued prior to the effective date of the Jordan Buffer Rule, the project is exempt under 15A NCAC 02B .0267 (6) (b) (i).

Flood Damage Prevention

FEMA Special Flood Hazard Areas (a.k.a. 100-year floodplains) are protected in their entirety.

Watershed

Would like to see a cumulative tracking of the built upon area calculations by phase to insure that the required percentages are being met.

Stormwater

The project is considered “existing development” under the Jordan Lake Rules for stormwater. There are stormwater requirements associated with the NC DWQ 401 Water Quality Certification that are being followed. While the state DWQ issues the stormwater permits for the project, the county would like to continue to review the plans and provide comments.

Attachment 4 – Comments from Chatham County Public Works & Utilities Department

From: David Hughes

Sent: Wednesday, March 14, 2012 11:06 AM

To: Benjamin Howell; Leonard McBryde

Cc: Jason Sullivan

Subject: RE: Briar Chapel CUP Amendment - Utilities Concerns

Condition 7 – Need some language that states “Chatham County Utilities shall review and approve any utility easements prior to recordation.” or words to that effect.

Condition 13 (a) looks good.

(b) the tank is complete and accepted by Chatham County Public Works Condition 14 – This is correct. The tank is complete and the lot transferred to the County.

David Hughes

Attachment 5 – Comments & Pictures from North Chatham Volunteer Fire Department

From: pyro@nc.rr.com

Sent: Thursday, March 15, 2012 3:57 PM

To: Benjamin Howell

Cc: Thomas Bender; Mark Riggsbee **Subject:** Briar Chapel Master Plan

Benjamin,

Over the past couple of weeks I’ve taken the opportunity to read through the Master Plan for Briar Chapel proposed changes. I would like to past my concerns to Chatham County Planning for consideration in reference to the location of the proposed land for a Fire Station and Fire Apparatus Access Road’s / Parking in Briar Chapel.

The location of the land for the proposed Fire Station appears to be at a good location for accessibility to the Mann's Chapel area and Briar Chapel for the Fire Department. The proposed Fire /EMS site preferred by the Fire Department should be separate quarters for both agencies. The original site plan for Fire and EMS that was proposed in 2008, was for Fire and EMS to be on separate sides of the road. Since the water tower has been installed and with the buffer zone, there was not sufficient land left on the site remaining for the fire station available beside the water tower. In the proposed changes, Fire and EMS are across the road from the water tower. The department has met with Bill Mumford and Lee Bowman to discuss the site and expressed our thoughts about building size and location, with separate buildings for both Fire and EMS. In our discussion with Briar Chapel, the proposed site for a station has no septic provisions set aside. The existing septic system for Briar Chapel is not extended to this location and there is know approved septic system design for the site that I am aware of. I encourage Chatham County Planning to evaluate what type of septic system that would be needed, to make sure there is adequate acreage for both, with a septic system design that can grow as personnel are added to accommodate the growth of the area and land suitable for Fire and EMS site when the time comes to built.

In the past, road accessibility / parking to areas of Briar Chapel have been less than desirable when maneuvering fire apparatus under normal or emergency conditions, day or night. I encourage Chatham County Planning to continue evaluating the road network in Briar Chapel in phases as presented. Briar Chapel in my opinion has a very unique road network for the structures that are being built and for the number of proposed building sites, with only a small portion being completed. The Fire Department continues to deal with parking issues by homeowners, sales personnel and construction, etc. I'm not sure who is responsible for monitoring the parking issue, I only know it has not improved that I have seen.

Thanks, John

John Strowd, Chief North Chatham Volunteer Fire Department Station 1 919-542-3380 Fax 919-542-6613 Mobile 919-842-7739

From: pyro@nc.rr.com

Sent: Friday, March 16, 2012 9:43 AM

To: Benjamin Howell

Cc: Thomas Bender

Subject: Fw: Emailing: DSC00722, DSC00723, DSC00724, DSC00725, DSC00726, DSC00727,DSC00728, DSC00729, DSC00730, DSC00731, DSC00732, DSC00733, DSC00734, DSC00735, DSC00736, DSC00737, DSC00738, DSC00739, DSC00740, DSC00741, DSC00742, DSC00743, DSC00744, DSC00745

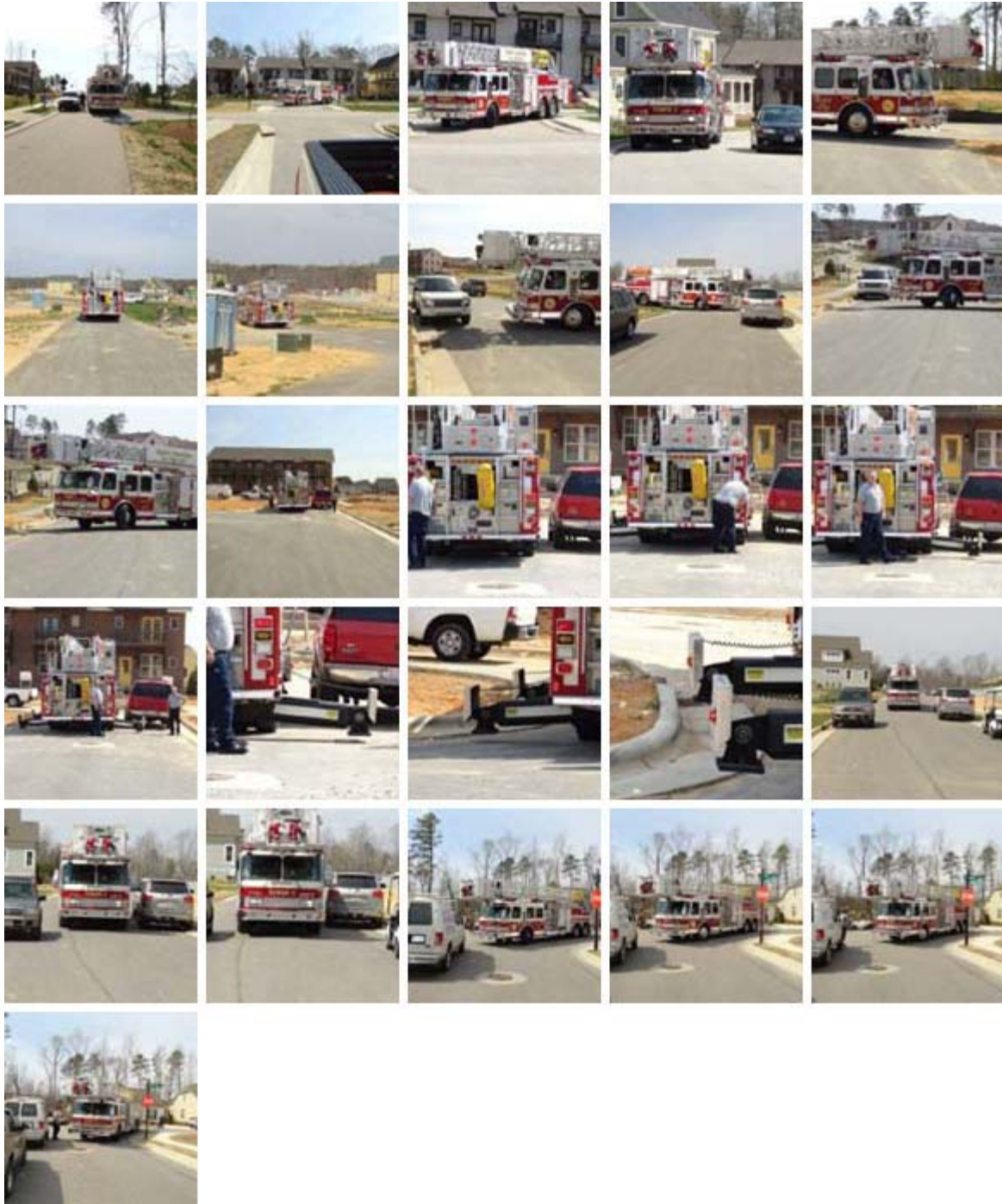
Benjamin,

Hope you are doing well today, the following are pictures we took in Briar Chapel on 3-15-2012. Most of the pictures reflect parking issues found in normal daily activities Briar Chapel. As you

will be able to see the difficulty with on street parking. Even when there is know parking on the street T-2 (aerial) takes up a large area to maneuver. Can you imagine what driving in Briar Chapel will be like when completed.

If you have questions, please give me a call.





Attachment 6 – Public Works & Utilities Comments; Chatham County Water Availability Fee Ordinance

From: David Hughes
Sent: Wednesday, March 14, 2012 1:30 PM
To: Benjamin Howell; Leonard McBryde
Cc: Jason Sullivan
Subject: RE: Briar Chapel CUP Amendment - Utilities Concerns

They should follow the policy in effect regarding approval of plans and payment of fees. The policy is actually an ordinance passed by the BOC.

Water System Availability Fee Ordinance Approved 04/03/2006 Revised 04/01/08
(Included by Reference)

Attachment 7 – Comments from Chatham County Manager's Office regarding Library

Information Regarding Briar Chapel Library Condition

The population growth in the northeastern area of Chatham County has far out-paced that of all other areas, although growth has slowed considerably with the recession and does not appear to be likely to rebound for several years. Library services to this area have not followed this growth. The 2001 Strategic Plan for Library Facilities in Chatham County recommended building a 25,000 sq. ft. library in the northeast; however, the economic advantages of building the new library on the CCCC campus made it a more attractive option. The assumption was that the people in the northeast would travel to Pittsboro and use the new facility. The former county bookmobile served for many years as a stop-gap, de facto branch; however, technology demands and low usage made this an inadequate service. The bookmobile averaged only 537 users county-wide, did not provide public Internet access or children's programming, and had a very limited collection. The citizens who used this service have been vocal in their opposition to the discontinuation of the bookmobile. Many of these citizens have voiced their inability or unwillingness to use the existing branches, either due to distance of travel or physical disability. They have requested that library services be brought to the northeast area. The Board of Commissioners approved a northeast library as a "future project" in its 2013-2019 Capital Improvements Program (CIP), meaning that the county intends to revisit this project and possible schedule it when firm cost estimates and a revenue source are identified.

The Briar Chapel subdivision is obligated to provide land and infrastructure for a 10,000 square foot facility and lease it back to the county under its conditional-use agreement. Briar Chapel officials have estimated that the land and infrastructure would be valued at \$80,000. Some residents are under the impression that Briar Chapel is required to build the library, but if the developers did that, they would lease the building back to the county and this lease would count

as debt. The county currently lacks the debt capacity to construct a library. Leasing commercial space is a more viable option in the short-term, but operating and start-up costs are substantial.

The county has the following options for addressing this need:

1. Build a branch at Briar Chapel: Briar Chapel officials have discussed the possibility of providing the county with one of two possible tracts on 15-501 to satisfy the requirements of their conditional use permit from the county. The county could build a new library on this land, however the presence of a library in a commercial development raises potential safety and security issues, especially in the parking areas, and the location on 15-501 is not much closer than the Chatham Community Library for some residents in the northeast sector of the county.
2. Lease commercial space in the northeast sector of the county for a library: Briar Chapel has discussed the possibility of providing the county with funding equal in value to the land and infrastructure of a 10,000-square-foot library. The county could apply this funding toward startup costs and rent space to establish a library in the northeast, although, as discussed above, there are potential safety and security issues involved with housing a library in a commercial development. The cost to up fit the space and rent it would be approximately \$180,000/year.
3. Construct another joint-use facility: The current joint-use facility in Pittsboro, the Chatham Community Library, has worked well due to the careful collaborative planning of the county and the college. This was a planned, specifically designed building/system, not an “add on” to an existing facility. Both partners agreed on a single staff structure (all staff are County employees) and computerized operating system. The most obvious partner for a new joint-use library in the northeastern area of the county is Chatham County Schools. The new high school could be a viable option, since it is still in the planning phase. The Chatham County Schools Superintendent has indicated interest and willingness to work with the county. The payment in lieu could be applied to this joint facility.

Attachment 8 – Comments from the Chatham County Historical Association

Comments on Briar Chapel CUP Revision Request

**Submitted by Jane Pyle and Beverly Wiggins for Chatham County Historical Association
5 March 2012**

Aspects of the CUP relative to the concerns of the Chatham County Historical Association (CCHA) are minimal. Item 16 under Miscellaneous Stipulations regards the Archaeological Survey set forth in the original CUP (p. 60 of revision request). The request for revision states that all archaeological survey requirements have been satisfied.

While we agree that the requirements for conducting the original archaeological survey of the area have been satisfied, we would like to see Briar Chapel acknowledge that some of the recommendations contained in the report resulting from that survey, as well as some

understandings between Briar Chapel leadership and the CCHA and Chatham County Planning staff that have been reached subsequent to the survey have yet to be fulfilled. CCHA has no objection to the revision of the CUP as long as it is understood that Briar Chapel has outstanding obligations in order to meet its promise to preserve historic assets (p. 73 of CUP revision request).

Since the approval of the original CUP, representatives of CCHA have met with several representatives of Briar Chapel, including Ed Timoney, Mitch Barron, and Lee Bowman. We have felt that agreement has been reached on several issues, only to find that, as personnel changed, we had to renegotiate these understandings—often under the time-pressure of Briar Chapel's requests for permits or approvals. While we understand that Briar Chapel may not be in a position to provide detailed plans for some of the issues about which we are concerned, we feel that it would benefit both Briar Chapel and CCHA if the general areas of agreement were put in writing. We request that Briar Chapel agree to work toward the development of such a document in the next few months. We are willing to prepare a list of issues for discussion to start this process.

Attachment 9 – NC Department of Transportation comments

From: Blakley, Reuben [rblakley@ncdot.gov]

Sent: Friday, March 02, 2012 3:42 PM

To: Benjamin Howell Subject:

RE: Chatham County Technical Review Committee - Briar Chapel Conditional Use Permit Amendment Comments

Ben,

I would like to see a comparison of the traffic generated by the proposed CUP and the June, 2004 TIA.

Reuben Blakley, PE District Engineer

300 DOT Drive PO Box 1164 Asheboro, NC 27204 336-318-4005

Attachment 10 – Chatham County Sheriff's Office comments

From: Gary Blankenship

Sent: Friday, March 16, 2012 2:27 PM

To: Benjamin Howell

Cc: Richard Webster; Renee Paschal

Subject: RE: Briar Chapel CUP Amendment - Require space for Sheriff Substation Office
Correction on lease payment. The Governors Club property is nearly \$17,000 a year not \$25,000.
Sorry about that.

Gary Blankenship

*Major Gary Blankenship, Chief of Staff Chatham County Sheriff's Office
PO Box 429, Pittsboro, NC 27312 (919) 545-8124*

From: Gary Blankenship

Sent: Friday, March 16, 2012 2:20 PM

To: Benjamin Howell

Cc: Richard Webster; Renee Paschal

Subject: RE: Briar Chapel CUP Amendment - Require space for Sheriff Substation Office

Mr. Howell,

The Sheriff's Office would like to obtain space in the Briar Chapel Community. We have had to acquire space in the Governors Club community already to deal with the call volume in the North Chatham area and space problems we currently have at the Sheriff's Office. This acquired space is currently costing the county more than \$25,000 per year to lease. We would be very interested to use Briar Chapel because it's a more central location in our northeastern zones and is closer to the major thoroughfare (15-501) which helps reduce response times to calls for service. In our estimation, we would need a space of 1000 square feet, at least two designated parking spaces, access to bathrooms, and a space that could be accessed only by employees after business hours. If you have any questions, please contact me directly at the number listed below. There is probably other needs I haven't thought of but those are the major issues.

Gary Blankenship

*Major Gary Blankenship, Chief of Staff Chatham County Sheriff's Office
PO Box 429, Pittsboro, NC 27312 (919) 545-8124*

Attachment 11 – Comments from Chatham County Transportation Planner

From: Melissa Guilbeau

Sent: Thursday, March 08, 2012 3:57 PM

To: Benjamin Howell

Subject: briar chapel comments

Ben, Here are my comments on the Briar Chapel CUP amendment:

On the revised master plan, they need to note the major streets. It appears that they are indicated by white lines, but this should be made clear in the legend. Also, there are at least four locations where what appears to be a major street does not cross a buffer, making it even less clear that is what the white lines represent.

Tab VI-1, pg. 27, Commercial Component. The second sentence of the response states that "all [commercial components] will be accessible via public sidewalks and greenway paths/trails."

Need to further stipulate that those sidewalks will be constructed by the developer from the residential areas to the commercial areas along any connecting public roads, even those not within the development, such as Taylor Rd.

Melissa A. Guilbeau, AICP

Transportation Planner

Chatham County, North Carolina

Planning Department

PO Box 54, 80 East St, Pittsboro, NC 27312 919.545.8337 Fax: 919.542.2698

melissa.guilbeau@chathamnc.org