



Chatham County Planning Board Agenda Notes

Date: July 10, 2012

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 final plat approval of “Right-of Way and Easement Dedication Plat of Briar Chapel – Briar Chapel Parkway and Boulder Point Drive” , located off Andrews Store Road, SR-1528, and Parker Herndon Road, SR-1526, Baldwin Township.
Action Requested:	See Recommendations
Attachments:	<ol style="list-style-type: none"> 1. Major subdivision application. 2. Plat titled “Briar Chapel Parkway and Boulder Point Drive”, Right-of-Way and Easement Dedication Plat, prepared by McKim & Creed, dated June 14, 2012

<p>Introduction & Background</p> <p>Zoning: Conditional Use District / Compact Community</p> <p>Water System: Chatham County</p> <p>Sewer System: Private Wastewater Treatment Plant</p> <p>Subject to 100 year flood: No</p> <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 <i>“An Ordinance Amending the Zoning Ordinance of Chatham County”</i> and <i>“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”</i> 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. The conditional use permit was revised in June 2012 and a copy of <i>“A Resolution Approving a Revision to a Conditional Use Permit Request by NNP-Briar Chapel, LLC”</i> may be viewed on the online under the 2012 cases. A copy of the Compact Community Ordinance can also be found on the Planning Department web page.</p> <p>The preliminary plat for this request was approved by the Board of County Commissioners on December 6, 2011 with no conditions. Briar Chapel requests are reviewed under the pre-2008 Subdivision Regulations and the Compact Community Ordinance.</p>	
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Discussion & Analysis: This request is for final plat approval of “Right-of Way and Easement Dedication Plat of Briar Chapel Parkway and Boulder Point Drive”, and approval of a financial guarantee for completion of improvements. Section 3.1 B. (1) of the Subdivision Regulations states that, “When either forty (40) percent of the total cost of improvements has been completed or when a statement of record for the subdivision has been filed in accordance with the Federal Interstate Land Sales Full Disclosure Act, and 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. The amount of the security shall not be less than an amount determined by a licensed architect, registered engineer, surveyor or licensed contractor acceptable to the county as sufficient to secure to the county the satisfactory construction, installation and dedication of the incomplete portion of required improvements including labor and material payments.....(2) Such adequate security shall comply with all statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency (i.e. inflation or rising construction costs shall be taken into account of security amount, and manner of execution as set forth in these regulations.” See Section 3.1 B (1) and (2) for the complete language. Section 3.1 B, (2) states in part “The period in which required improvements must be completed shall be specified by the County in the resolution approving the final subdivision plat and shall be incorporated in the security.” Staff recommends that the contracts between the developer and the County that are required to be submitted with a financial guarantee, and are required to state the length of time necessary for completion of required improvements, should extend out for no more than an approximate two (2) year period. At that time, if the developer requests the contract/financial guarantee to be renewed or reduced, there should be an updated Total Cost of Improvements letter provided to the County to assure that the remaining costs of improvements are verified.

County water is available for fire protection. Chris Seamster, Registered Landscape Architect, with McKim & Creed has provided a total cost of improvements letter covering the uncompleted work for that portion of Briar Chapel Parkway and Boulder Point Drive as shown on the final plat, and has stated that as of June 14, 2012, the improvements are approximately 42% complete. There has also been a letter provided stating that the roadways are currently accessible for emergency vehicles. Staff recommends approval of the financial guarantee with county attorney review and approval as to form, sufficiency, and manner of execution as stated in Section 3 of the Subdivision Regulations.

The preliminary map showed Briar Chapel Parkway extending to connect to the existing approved portion of Briar Chapel Parkway which provided access to Phase 6 South. The final plat shows Briar Chapel Parkway stopping at the boundary of Phase 6 South and not connecting to the existing portion of Briar Chapel Parkway. The Phase 6 South final plat includes the balance of the public roadway which will complete Briar Chapel Parkway and provide access to Phase 6 South.

The plat has the necessary information and meets the requirements of the Subdivision Regulations.

Recommendation: The Planning Department recommends approval of the financial guarantee and approval of the plat titled “Briar Chapel – Briar Chapel Parkway and Boulder Point Drive Extensions” with the following condition:

1. The plat not be recorded until the county attorney has approved the financial guarantee and contract, not to exceed two years, for the completion of the remaining improvements.