



## Agenda Abstract

Department: Planning

Authorizing Signature: \_\_\_\_\_

Submitting Official: Jason Sullivan, Planning Director

Meeting Date:	August 20, 2012
Subject:	Request by Bill Mumford, Assistant Vice President, on behalf of NNP Briar Chapel, LLC for subdivision final plat approval of <b>"Briar Chapel – Phase 6 South"</b> , consisting of 138 lots on 51.25 acres, located off Andrews Store Road, SR-1528 and Parker Herndon Road, SR-1526, Baldwin Township.
Action Requested:	See Recommendations
Attachments: (List Individually)	<ol style="list-style-type: none"> <li>1. Major subdivision application.</li> <li>2. Letter dated July 10, 2012, prepared by Chris Seamster, RLS, stating that the roadways were suitable for emergency vehicle access.</li> <li>3. Revised final plat titled "Final Subdivision Plan and Right-of-Way Dedication of Briar Chapel Development – Phase 6 South", prepared by McKim &amp; Creed, dated June 14, 2012 posted to Planning Department website.</li> </ol>

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 <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</p>	



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	<p>at <a href="http://www.chathamnc.org/planning">www.chathamnc.org/planning</a>, then click on Rezoning &amp; 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, consisting of 134 lots 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>
Discussion & Analysis:	<p>This request is for subdivision final plat approval of "Final Subdivision Plan and Right-of-Way Dedication of Briar Chapel Development – Phase 6 South", and approval of a financial guarantee for completion of infrastructure.</p> <p>Section 3.1 B. (1) of the pre-2008 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 <u>may</u> 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) for the complete language. Section 3.1 B, (2) states in part <u>"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."</u> Staff recommends that the</p>



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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 at that time.

Chris Seamster, Registered Landscape Architect, with McKim & Creed has provided a total cost of improvements letter stating that the required improvements are approximately 54% complete along with the estimated cost of completing required improvements for Phase 6 South, which includes the portion of Briar Chapel Parkway as shown on the final plat for Phase 6 South. County water is available for fire protection and a letter has been provided stating that the roadways are currently accessible for emergency vehicles. See attachment # 2 posted to website. 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 final plat for Phase 6, South includes four (4) additional lots, for a total of 138 lots, than were approved on the preliminary plat. The four additional lots will front on Briar Chapel Parkway but will be accessed by Pebble Throw Lane, a private easement. The road configuration has not changed. A revised plat has been posted to the Planning Department website to show the following: (1) There are two retaining walls in Phase 6 South. Both retaining walls are located in common area and will be maintained by the developer until such time as the common area is turned over to a homeowners association. The maintenance area needed for the retaining wall located near Lot 674 is located completely within the common area. The maintenance area for the retaining wall located near Lot 687 will encroach slightly into that lot. The final plat will include a private maintenance easement for the encroachment area. See note # 11 on the revised map regarding retaining wall maintenance. (2) A note regarding the pedestrian trail stating "Developer will install a pedestrian trail located within the common area in Phase Six South. The precise location and length of the trail is undetermined at the time of recordation of the plat." See note 10 on the revised plat. (3) The off-street parking spaces along Treywood Lane and Sagebrush Road . The Fire Marshall



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	<p>recommends 'no parking' signs be posted on one side of each public roadway.</p> <p>There are no affordable housing lots in Phase 6 South. The developer will pay a fee of \$460.44 per lot for affordable housing and a Recreation Exaction Fee of \$926.00 per lot will also be paid to Chatham County prior to recordation of the plat.</p> <p>The Planning Board discussed the request at their meeting on July 10 and recommend approval.</p>
Budgetary Impact:	
Recommendation:	<p>The Planning Department and Planning Board, by unanimous vote (8-0), recommends approval of the financial guarantee and approval of the plat titled "Briar Chapel – Phase 6 South" with the following conditions:</p> <ol style="list-style-type: none"><li>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.</li><li>2. The plat not be recorded until the changes as specified above are made to the plat, i.e. show the retaining wall maintenance easement, a note added regarding the pedestrian trail and the off-street parking areas along Treywood Lane and Sagebrush Road.</li></ol>