

..TITLE

Vote on a request to approve Preliminary Plat of Briar Chapel, Phase 15 North, consisting of 50 lots on 20.32 acres, located off Andrews Store Road, SR-1528 and US 15-501 N, Baldwin Township, parcel #82828.

..ABSTRACT

Action Requested:

Request by NNP Briar Chapel, LLC for subdivision Preliminary Plat approval of Briar Chapel, Phase 15 North, consisting of 50 lots on 20.32 acres, located off Andrews Store Road, SR-1528 and US 15-501 N, Baldwin Township, parcel #82828.

Introduction & Background:

Zoning: Conditional Use District / Compact Community

Water System: Public, Chatham County

Sewer System: Private wastewater treatment plant

Subject to 100 year flood: No floodable area in Phase 15N

General Information: Compact Community approved in 2005 for 2,389 dwelling units on 1,589 acres, permit revised in 2012 and 2014.

Reviewed: Under pre-2008 Subdivision Regulations.

Discussion & Analysis:

The Planning Board continued discussion of this item to allow the applicant and staff additional time to review comments provided by a neighboring property owner, Sledd Thomas, during the review of the Phase 15 North preliminary plat. Mr. Thomas commented that a pond on his property was directly impacted by development in Briar Chapel. He also provided information from the Environmental Impact Assessment (EIA) provided by Newland Communities during the 2004 application submittal for the original project approval. Mr. Thomas questioned whether Newland Communities was mass grading phases of the development when the EIA indicated that individual lot disturbance was supposed to occur separately from the installation of infrastructure. Additional information has been provided with these notes that include portions of the 2004 Environmental Impact Assessment and original conditional use permit approved in 2005 (see attachments 4 & 5).

The EIA, in Section 5.10.1.2, notes that water quality can be impacted by construction, including off-site impacts; that erosion control measures will be permitted and installed; that post-construction stormwater run-off could impact off-site properties; and that stormwater controls will be installed. This section also includes that “to the extent practical, entire areas of home sites will not be cleared at a given time; rather lots will be cleared individually as houses are built which will minimize the amount of land cleared and greatly reduce the amount of time that soil is bare.”

An EIA is not a regulatory tool, but serves to provide additional information about the impacts of a project and possible alternatives to those impacts. Condition #22 of the original conditional use permit clarifies that erosion control permits will be obtained prior to land disturbance, which has and continues to be met. That condition has remained unchanged through several revisions to the conditional use permit.

Planning staff also contacted Land & Water Resources Division staff following the October Planning Board meeting regarding the concerns that were introduced. They inspected the area upstream of Mr. Thomas’ pond and found that the erosion control devices were functioning properly, the site was in compliance, and did not find offsite sediment. In 2014, the county received similar complaints and inspected the pond and upstream conditions within Briar Chapel with NC Division of Water Resources staff. They found no violations from Briar Chapel, but did explain to Mr. Thomas that turbidity is difficult to address, but is not a violation of erosion control measures.

Request: Preliminary plat approval of Briar Chapel, Phase 15 North consisting of 50 lots on 20.32 acres.

Roadways: Public roadways. The cul-de-sac radii shown on the site plan do not meet the county requirements per Section 6.2(C) (1) of the pre-2008 Subdivision Regulation which states “The minimum cul-de-sac pavement radius for curb and gutter section and shoulder section is 40 feet. The minimum right-of-way radius for curb and gutter section and shoulder section is 55 feet”. The developer has acknowledged the discrepancy and will provide a revised site plan showing the correct radius requirements and will obtain a revised NCDOT road plan prior to commencement of construction. Staff recommends that construction not commence within Ph 15 North until staff has received documentation from NCDOT that the revision has been approved. Sidewalks are provided in this phase for pedestrian and bicycle circulation. There are no private alleyways in this phase. There is no additional parking proposed for Ph 15 North.

Site Plan: Attachment # 3 is the site plan showing Phase 15 North.

Permits: Agency permits required for preliminary plat approval have been received. You may view a copy of the permits at www.chathamnc.org/planning, 2015, Briar Chapel, Ph 15 North.

Historical / Archaeological: The application materials state that there are no cemeteries or structures eligible for the National Register within the project area of Phase 15N. Staff has requested confirmation that there are no structures/cemeteries within Phase 15 N that are 50 years or older that are not eligible for the National Register.

Road Names: The Emergency Operations Center has stated that the cul-de-sacs proposed on the site plat to be named Rosebank Drive will require an additional road name for addressing purposes. The developer has stated that the roadway will be named Rosebank North and Rosebank South. The road name 'Rosebank' has been approved as acceptable to submit for approval by the Board of Commissioners and using North and South is acceptable to EOC.

The correct road names will be shown on the final plat.

Conditional Use Permit Stipulations: See attachment # 2 for an update on the status of meeting the Conditional Use Permit Conditions of approval.

Water features: There is a perennial stream within Ph 15 North, as shown on the site plan, with a 100 foot wide riparian buffer along with a 10 foot no build area.

Technical Review Committee Review: The Technical Review Committee met on September 16, 2015 to review the request. The comments/concerns were as stated above, the cul-de-sac radius and an additional road name. There was also discussion regarding the stormwater pond being located outside of the 10' no build area.

The Planning Board met on November 2 and reviewed this request. Lee Bowman, Project Manager, Chris Seamster, RLA, and Nick Robinson, Attorney were present to represent the developer and answer any questions the Board had. The Planning Board discussed the request and had questions of the Planning Director regarding stormwater permitting and monitoring, and erosion and sedimentation control permitting and monitoring. Mr. Sullivan stated that Briar Chapel has a state approved Stormwater Control Permit and stormwater measures are monitored by the state and that Chatham County issues the Erosion and Sedimentation Control Permits for each phase and monitors all erosion control measures. The Planning Board had no other questions.

Recommendation:

The Planning Board by vote of 9-1 and Planning Department recommends granting approval of the road names Rosebank North and Rosebank South and preliminary plat approval of Briar Chapel, Phase 15 North with the following conditions:

1. The Developer shall provide staff with a copy of the revised NCDOT permit to meet the requirement of the pre-2008 Subdivision Regulations, Section 6.2(C) (1), prior to commencement of construction.
2. The cul-de-sacs shall have different names as required by the Emergency Operations Office and the names shall be shown on the final plat.