

..TITLE

Vote on a request to approve NNP Briar Chapel, LLC for Final Plat approval of Briar Chapel, Phase 10, Section 1, consisting of 41 lots on 7.84 acres, located off Andrews Store Road, SR-1528, Baldwin Township, parcel #2714.

..ABSTRACT

Action Requested:

Request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision Final Plat approval of Briar Chapel, Phase 10, Section 1, consisting of 41 lots on 7.84 acres, located off Andrews Store Road, SR-1528, Baldwin Township, parcel #2714.

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 10, Section 1

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.

Phase 10 consisting of 99 lots received preliminary plat approval by the Board of Commissioners on June 20, 2016. There were four (4) conditions of approval:

1. The final plat shall state the width of the perimeter buffer.
2. The final plat shall state the width of the riparian buffer.
3. The final plat shall state the names, deed book and page numbers of all adjoining property owners to Phase 10 lying outside of Briar Chapel boundary and the phase numbers(s) of the adjoining properties within the boundary of Briar Chapel.

The three (3) conditions above have been met for Phase 10, Section 1.

A dedication of public right-of-way shall be shown to the boundary of Parcel #2817 and Parcel #2717 to provide future connectivity as required by the Subdivision Regulations in Section 6.2, rural Roads, B (3). *This condition does not apply to Phase 10, Section 1.*

Discussion & Analysis:

This request is for final plat approval of Briar Chapel, Phase 10, Section 1 consisting of 41 lots on 7.84 acres. This is a portion of the Phase 10 preliminary plat approved in June, 2016. The submittal includes a request for a financial guarantee for completion of the required infrastructure. Per the pre-2008 Subdivision Regulations, when a minimum of 40% of the infrastructure has been completed 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 can post an adequate security at the time of application

for final subdivision approval. Per Chris Seamster, RLA, the Phase 10, Section 1 required infrastructure is 45% complete. The county attorney is required to review and approve the form of the contract and financial guarantee. Staff has received a certification dated November 10, 2016 from Grant Livengood, PE, stating the roads are "built to subgrade and are passable by emergency vehicles if necessary". Per the Fire Marshal, in order to protect the public health and safety, the roads will need sufficient gravel to allow for emergency vehicle access. Mr. Livengood has stated that the roads are anticipated to be paved prior to review by the Board of Commissioners on January 17, 2017. At a minimum, the roads in Phase 10, Section 1 will need to have sufficient gravel prior to final plat recordation and the engineer will need to submit a revised certification letter to staff prior to recordation of the final plat. The Fire Marshal will need to review and approve the road certification letter. Staff recommends granting the request for a financial guarantee and recommends a revised road certification letter be submitted.

The plat submittal shows an encroachment into the 10 foot no-build area by the stormwater easement, although no permanent features are proposed to be located within the 10' no-build area. Staff recommends that the plat be revised to remove any encroachment into the 10' no-build area. Per Brian Burkhart, P. E., Environmental Quality Director, the following stormwater language is to be added to the final mylar:

"This plat contains a stormwater management measure that must be maintained in accordance with the recorded Covenant or Operations and Maintenance Agreement"

The Technical Review Committee met on November 16th to review the project. The Fire Marshal stated his continuing concern regarding delayed access to the lots by emergency vehicles if on-street parking is allowed.

The Planning Board met on December 6, 2016 to review the final plat submittal request. Lee Bowman, Project Manager, Garretson Browne, Construction Manager, Chris Seamster, RLA, McKim & Creed, and Nick Robinson, Attorney-at-Law were present to represent the developer. Ms. Weakley asked when the final layer of asphalt was to be completed and stated that until the final layer of asphalt is completed there may be stormwater runoff along the road due to the asphalt not being high enough for the stormwater to hit the drains. Mr. Seamster stated that the final lift of asphalt is generally not installed until construction of the homes is completed due to heavy construction traffic and that the stormwater drains are designed to capture the stormwater prior to the completion of the final lift of asphalt. Mr. Lucier asked if any on-street parking would be allowed and restated the Fire Marshal's continuing concern regarding on-street parking and access for emergency vehicles. Mr. Robinson stated that there is no additional off-site parking planned within Phase 10, Section I and that on-street parking is not allowed

Recommendation:

The Planning Board by unanimous vote and the Planning Department recommend granting final plat approval of Briar Chapel, Phase 10, Section 1 with the following conditions:

1. The plat not be recorded until the county attorney has reviewed and approved the form of the contract and financial guarantee.
2. The plat not be recorded until staff has received a revised certification letter from an engineer regarding emergency vehicle access and the Fire Marshal has reviewed and approved the letter and the status of the roadways.
3. The final plat be revised to remove any encroachment into the 10' no-build area.
4. The following stormwater language shall be added to the final copy of the plat:
"This plat contains a stormwater management measure that must be maintained in accordance with the recorded Covenant or Operations and Maintenance Agreement"