



## **Chatham County Planning Board Agenda Notes**

**Date:** May 3, 2016

**Agenda Item:** VII. 2

**Attachment #:** 1-4

☒ **Subdivision**      ☐ **Conditional Use Permit**      ☐ **Rezoning Request**  
☐ **Other:**

---

<b>Subject:</b>	Request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel for subdivision preliminary plat review of <b>Briar Chapel, Phase 10</b> , consisting of 99 lots, on 19.40 acres, Baldwin Township, parcel #2714.
<b>Action Requested:</b>	See Recommendation
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Major Subdivision Application</li><li>2. Conditional Use Permit Stipulation Update</li><li>3. Construction Plan including preliminary plan titled "Briar Chapel, Phase 10", prepared by McKim &amp; Creed, dated April 6, 2016.</li></ol>

### **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

**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:**

**Request:** Preliminary plat approval of Briar Chapel, Phase 10 consisting of 99 lots on 19.40 acres.

**Roadways:** The roads within Phase 10 will be built to the NCDOT, public state maintained standards. The road plans for Phase 10 have been reviewed and approved by NCDOT. A copy of the road plan permit, dated March 30, 2016, can be viewed on the Planning Department webpage at [www.chathamnc.org/planning](http://www.chathamnc.org/planning) , Rezoning and Subdivision Cases, 2016. A commercial driveway permit is not required for Phase 10. There is one (1) private alley in Phase 10. No additional parking is planned for this phase. Sidewalks will be provided. The site plan shows Hawk Point Road, a proposed public

road, stubbed out to the edge of the 100 foot wide Perimeter Buffer. The Pre-2008 Subdivision Regulation states in part in Section 6.2, Rural Roads, B (3) "Where necessary to provide public street access to adjoining landlocked property or connectivity to large tracts with future development potential, proposed public streets shall be extended by dedication of right-of-way to the boundary of such property. Legal documents shall be recorded assuring future public accessibility." The property owner adjacent in this location is XDS, Inc, parcel #2817, consisting of 38.498 acres. This property is a non-conforming, non-profit, rehabilitation facility and is known as The Farm at Penny Lane. The property has access on Penny Lane, a pre-1975 road bed which limits development and subdivision potential. Staff recommends that Hawk Point Road be shown as a dedication of public right-of-way to the property boundary of XDS, Inc. as required by the pre-2008 Subdivision Regulation. Parcel #2717, owned by Moore Family Partnership consists of 25 acres, and is an undeveloped, landlocked property. Pokeberry Creek runs through both of these properties and does have floodable area along the creek. The existing development on Parcel #2817 is situated close to Penny Lane and not near the creek. Future development of Parcel #2717 may require crossing Pokeberry Creek. Staff was contacted by one of the owners of Parcel #2717 regarding access being provided to the parcel. Based on Section 6.2 (B) of the Pre-2008 Subdivision Regulations stated above, staff recommends that a dedication of public right-of-way be provided to the boundary line of parcel #2717.

**Road Names:** The following road names have been approved by the Emergency Operations Office for submittal to the Board of Commissioners for approval: Ryegrass Run Trail and Hawk Point Road. Cardinal Ridge Road, Mallard Landing Drive, and Quarter Gate Trace have been previously approved.

**Permits:** Agency permits required for preliminary plat approval have been received. The permits include the NCDOT Road Plan Approval, the Chatham County Sedimentation and Erosion Control Permit, the US Army Corps of Engineers 404 Permit, the NCDEQ Water Quality 401 Permit, NCDEQ DWQ Wastewater Treatment Permit, NCDEQ Water Main Extension and Authorization to Construct, and the NCDWR Stormwater Permit. The permits may be viewed on the Planning Department webpage. This packet includes a complete set of Construction Plan drawings. See attachment # 3.

**Stormwater:** a stormwater pond to serve Phase 10 is shown located within the common area. The NC Department of Environmental Quality, Division of Water Resources approved the Stormwater Plan for Phase 10 on January 19, 2016. The permit can be viewed on the Planning Department webpage.

**Historical / Archaeological:** Per the application submittal information, there are no cemeteries within Phase 10 and there are no structures eligible for the National Register with the project area and no structures that are 50 years or older that are not eligible for the National Register.

**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 stream with associated buffers and the required 10 foot no build area in Phase 10 that is located within the common area.

**Technical Review Committee:** The TRC met on April 13, 2016 to review the application for Phase 10. The Fire Marshal stated his continued concerns regarding on-street parking and emergency vehicle access.

**Recommendation:**

The Planning Department recommends granting approval of the road names Ryegrass Run Trail and Hawk Point Road and recommends preliminary plat approval of Briar Chapel, Phase 10 with the following conditions:

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 number(s) of the adjoining properties within the boundary of Briar Chapel.
4. 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).