

P..TITLE

Vote on a request to approve NNP Briar Chapel for subdivision final plat review of Boulder Point Drive Extension on 4.75 acres, Baldwin Township, parcel #'s 87024 and 82828.

..ABSTRACT**Action Requested:**

Request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel for subdivision final plat review of Boulder Point Drive Extension on 4.75 acres, Baldwin Township, parcel #'s 87024 and 82828.

Introduction & Background:

Zoning: Conditional Use District / Compact Community

Water System: Chatham County

Sewer System: Private Wastewater Treatment Plant

Subject to 100 year flood: No floodable area within this site request

General Information: Compact Community approved in 2005 for 2,389 dwelling units on 1,589 acres. Permit revised in 2012, and 2014 increasing the dwelling units to 2,500.

Reviewed: Under pre-2008 Subdivision Regulations

Discussion & Analysis:

On August 17, 2015 Briar Chapel received preliminary plat approval on a portion of Boulder Point Drive that provided access to the wastewater treatment plant and consisted of 3.58 acres, see attachment # 2. At that time the roadway section was graded and the travel-way had been graveled. The request was for approval to complete the construction of that portion of the roadway to a public, NCDOT standard. This was considered infrastructure construction and required preliminary plat approval with review and permits from other agencies. Also in 2015, Briar Chapel received preliminary plat approval on Phase 15 North consisting of 50 lots. The access to Phase 15 North was by Boulder Point Drive. The final plat request before the Board now consists of the area of Boulder Point Drive Extension that received preliminary plat approval in 2015 and a portion of Boulder Point Drive as shown on the Phase 15 North preliminary plat approved in 2015. See area highlighted in red on attachment # 3. The final plat request consist of 4.75 acres with no residential lots.

Prior to submittal of the preliminary plat for Boulder Point Drive Extension, it was discovered that NNP-Briar Chapel installed two storm drain pipes ten years previously, in 2005, in accordance with NCDENR standards, prior to delegation of the erosion control process to Chatham County. The installation of the storm drain pipes

encroached into the 10' no-build zone of one riparian buffer and into both the no-build zone and buffer area of the other riparian buffer location. The buffers were adjacent to Boulder Point Drive Extension which was being used at the time as an unpaved access road to the Briar Chapel Waste Water Plant. The location of the storm drainage pipes were shown on the preliminary site plan for the preliminary request. Nicolas Robinson, Attorney, on behalf of NNP-Briar Chapel, submitted a request for a *Waiver to Ratify Previously Installed Drainage Structures and Minimal Grading* encroachments in riparian buffers near the Briar Chapel WWTP. It was acknowledged by both Briar Chapel and Chatham County that the storm drain pipes had been installed for a number of years and it may cause more damage to remove them than to leave them in the current location. Briar Chapel stated that there would be no additional disturbance in or near the buffers. On July 20, 2015 the Board of Commissioners approved the Waiver Request.

This request for final plat approval is submitted with a request for approval of a financial guarantee. Chris Seamster, RLA, McKim & Creed, has submitted a cost estimate letter certifying that a minimum of 41% of the required infrastructure has been completed. Per the pre-2008 Subdivision Regulations, a minimum of 40% of the required infrastructure must be completed prior to final plat submittal and the roadway must be accessible to emergency vehicles. Prior to final plat approval, it is estimated by Mr. Seamster that approximately 76% of the required infrastructure will be constructed. An updated cost letter will be submitted prior to final plat approval along with a sealed letter from an engineer that the roadway is accessible to emergency vehicles. The Planning Department recommends granting approval of the financial guarantee.

The Planning Board met on May 3, 2016 to review the request. Lee Bowman, Senior Project Manager, Chris Seamster, RLA, McKim & Creed, and Nick Robinson, Attorney, were present to represent the developer. The Planning Board discussed the request. One of the members asked why this request was before the Board for review. Mr. Sullivan explained that this project is reviewed under the pre-2008 Subdivision Regulations that requires any dedication of right-of-way, public or private, must be approved by the Board of Commissioners. There was no other discussion.

Recommendation:

The Planning Board and Planning Department by unanimous vote recommend granting final plat approval of the plat titled "Right-of-Way and Easement Dedication Plat of Boulder Point Drive for NNP-Briar Chapel, LLC" with the following conditions:

1. The final plat not be recorded until staff has received a sealed letter from an engineer stating the roads are accessible to emergency vehicles.
2. The final plat not be recorded until the county attorney has approved the form of the contract and the financial guarantee.