

..TITLE

Vote on a request to approve NNP Briar Chapel for subdivision preliminary plat review of Briar Chapel, Phase 10, consisting of 99 lots, on 19.40 acres, Baldwin Township, parcel #2714.

..ABSTRACT

Action Requested:

Request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel for subdivision preliminary plat review of Briar Chapel, Phase 10, consisting of 99 lots, on 19.40 acres, 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

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, 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." Condition # 12 of the 2014 Briar Chapel revision states "Streets: Roads will be stubbed-out and/or areas will remain underdeveloped as reasonably necessary to allow for future connections with

currently undeveloped parcels, so long as such access takes into account physical features and other access points and are no more than necessary, and with the understanding that future connecting roads will be designed and constructed to approximately the same standards as the connecting roads in Briar Chapel. Where roads are constructed they will be built to required standards up to the perimeter buffer. The exact location of said roads may be determined during preliminary plat review. Signs shall be posted on the property advising of the future extension of said roads”.

One of the property owners adjacent to Phase 10 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. Parcel #2717, owned by Moore Family Partnership also adjoins Phase 10 and consists of 25 acres, and is an undeveloped, landlocked property. Pokeberry Creek runs through both of these properties. Pokeberry Creek does have floodable area along the creek. The existing development on parcel #2817 is situated close to Penny Lane and not near the creek. Staff was contacted by Ted Koenig, one of the owners of parcel #2717 regarding access being provided to the parcel. Mr. Koenig stated that the property is landlocked and requested access be provided. Staff recommends that Hawk Point Road be shown as a dedication of public right-of-way to the common property boundary of XDS, Inc., parcel #2817 and Moore Family Partnership, parcel #2717 as required by the pre-2008 Subdivision Regulation and Condition 12 of the 2014 Conditional Use Permit revision. Per Mr. Bowman, the typical public ROW for a Briar Chapel road is 40' with 27' BOC-to-BOC (back of curb). The construction of the connecting roadway will be the responsibility of the owners of Parcels 2717 and 2817. The construction of the roadway may need to be extended into both parcels in order for each parcel to have access on a public road to allow for development of the parcels. If county water is considered available, the waterline may have to be extended to serve any future development of the two parcels and would be the responsibility of the owners of Parcels 2817 and 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.

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.

The Planning Board met on May 3rd to review the request. Lee Bowman, Senior Project Manager, Chris Seamster, RLA, McKim & Creed, and Nick Robinson, Attorney were present to represent the developer. Mr. Ted Koenig was present to represent the Moore Family Partnership regarding access to their property, parcel #2717. Mr. Robinson presented the Board with a proposed drawing, see attached, showing a stub-out / dedication of public right-of-way of Hawk Point Road through the perimeter buffer to the Briar Chapel boundary line and common property boundary line of Parcels 2817 and 2717. Mr. Robinson noted that Briar Chapel would construct the public road, Hawk Point Road, to the inside edge of the perimeter buffer and that the owners of parcels 2817 and 2717 would be responsible to construct the public road from that point to their properties (through the perimeter buffer) if and when those properties are developed. Mr. Elza questioned Mr. Bowman regarding the distance between houses and fire protection. Mr. Bowman stated that typically there is a 6 foot separation between homes and that the sides of the homes are constructed as a fire wall for added protection.

Recommendation:

The Planning Department and the Planning Board (by a vote of 7-1) recommend granting approval of the road names Ryegrass Run Trail and Hawk Point Road and recommend granting 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. The final plat shall include a dedication of public right-of-way, as shown on the attachment, to the common boundary line of Parcel #2817 and Parcel #2717 to provide future connectivity as required by the Subdivision Regulations in Section 6.2, Rural Roads, B (3) and Condition # 12 as stated in the Briar Chapel 2014 Resolution Approving a Revision to a Conditional Use Permit Request.