



Chatham County Planning Board Agenda Notes

Date: August 1, 2017

Agenda Item: V11-3

Attachment #: 5

- Subdivision**
 Conditional Use Permit
 Rezoning Request
 Other:

Subject:	Request by Lee Bowman, Project Manager on behalf of NNP Briar Chapel, LLC for subdivision Preliminary Plat review and approval of SD East , consisting of 11 lots which includes 7 non-residential lots, 2 exempt lots, and 2 stormwater pond lots, located off US HWY 15-501, on 31.31 acres, Baldwin Township, parcel #18911
Action Requested:	See Recommendation
Attachments:	<ol style="list-style-type: none"> 1. Major Subdivision Application 2. Cover letter prepared by Chris Seamster, RLA, McKim & Creed, dated July 19, 2017 3. Concept Site Plan 4. CUP Stipulation update, dated July 7, 2017. 5. Preliminary Plat titled "Briar Chapel, SD East", sheets C1.0, C1.1, and C1.2 dated April 28, 2017, prepared by McKim & Creed

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 SD East
General Information: Compact Community approved in 2005 for 2,389 dwelling units and commercial uses on 1.589 acres, permit revised in 2012 and 2014 and dwelling units increased to 2,500.
Reviewed: Briar Chapel is reviewed under pre-2008 Subdivision Regulations.

The 2014 revisions to the Conditional Use Permit, Item #5, Commercial Uses states "The commercial component of the development shall be limited to 510,000 square feet in the locations shown on the Revised Master Plan, and the commercial uses allowed within the development shall be all those uses now allowed or later added as allowed in December, 2008 Zoning Ordinance under Section 10.13 Table 1: Zoning Table of Permitted Uses under the Zoning District denominated as "O/I", "B-1", "NB", "CB", and "RB". Irrespective of whether such uses are shown as permitted or as requiring a conditional use permit, all

such uses shall be deemed allowed as of right within the Briar Chapel development. Applicant has agreed to this specification of allowed uses in order to bring clarity to the scope of allowed commercial uses with the express agreement of the County that the district-specific restrictions regarding maximum size of buildings and setbacks shall not apply. Signage for the commercial uses shall comply with the Design Guidelines from the original 2005 approval and the signage provisions set forth in the Chatham County Zoning Ordinance in effect on February 15, 2005 (original approval date). Commercial components of the Briar Chapel Development shall be accessible via public sidewalks, greenways, paths or trails”.

Discussion & Analysis:

Request: The request before the Board is for preliminary plat approval of seven (7) non-residential lots (Parcels 2A, 2B, 4, 5, 7, 8, and 9); two exempt parcels (over 10 acres in size) (Parcels 3 and 10); and two (2) stormwater pond lots (Parcels 1 and 6) on 29.20 acres located off Taylor Road, S. R. 1529 and US 15-501, Baldwin Township, parcel #18911. The request is for approval of the lots/parcels only at this time. The uses proposed are not known at this time. Site plans for the specific uses will be presented to the Planning Department for review of the lighting plan and signage prior to obtaining a building permit. Permitted uses are uses listed in the 2008 Zoning Ordinance list of permitted uses in the O/I (Office and Institutional); B-1 (Business); NB (Neighborhood Business); CB (Community Business); and RD (Regional Business) districts.

Roadways: The SD East Commercial area will be accessed by two entrances off Hwy 15-501. Per the cover letter, attachment # 2, the turning movements at the two entrances were established by the NCDOT approved synchronized street package prepared by Kimley Horn. See attachment # 2 for a description of the turning movements. A map of the turning movements, prepared by Kimley Horn is posted to the Planning Department webpage. An Encroachment Agreement and Commercial Driveway Permit have been issued for each entrance as part of the superstreet widening project for Hwy 15-501. A copy of the Encroachment Agreement for Curb and Gutter, Pavement Widening and Storm Drainage is included with the preliminary plat submittal. The internal roadway serving the lots is proposed as a 54 foot wide private right-of-way. The private r/w will be a portion of the individual parcels. Maintenance of the private R/W will be the responsibility of the developer and/or a property owners association.

Road Names: The road names Market Chapel Road and Coharie Pines Drive have been approved by the Emergency Operations Office as suitable to submit to the Board of Commissioners for approval. The name Market Chapel Road will serve the two entrances off 15-501 and all other parcels except for Parcels 2A, 2B, and 3. The applicant has stated that Parcels 2A, 2B, & 3 may be recombined into one exempt, over 10 acre parcel in the future. Per EOC, if these lots/parcels are recombined, and the road name, Coharie Pines Drive, is not required to be used in SD East, the road name could be used elsewhere in the Briar Chapel Development in the future.

Site Plan: The pre-2008 Subdivision Regulations states in part in Section 6.4 C (3) “Properties reserved or platted for commercial, institutional or industrial purposes shall be adequate in size to provide for the type of use and development contemplated....Land subdivided for commercial, institutional or industrial use shall follow the major subdivision procedure with preliminary plat review by the Board of County Commissioners. Land shall not be platted for commercial, institutional or industrial purposes unless the subdivider can demonstrate the following to the Board of County Commissioners:

- A. A site arrangement that prevents undue interference with through traffic.
- B. An integrated parking area.
- C. An insulation against any adverse effect on any present or future adjacent residences.
- D. A parcel size sufficient in area to allow future expansion.
- E. A plan that demonstrates that the first ½ inch of storm water runoff will be managed on site, if more than six (6) percent of the lot area is covered with impervious surfaces such as buildings, parking, and drives.”

Attachment # 3 is a general site plan prepared to demonstrate that the proposed lots will have adequate access; adequate internal traffic flow; that there is sufficient area for parking; that the 50’ wide viewshed buffer along Hwy 15-501 and the 300’ foot wide perimeter buffer adjacent to Ferrington Village and the Betty Stallings properties will insulate against any adverse effect on present or future owners; and that the parcel size will allow for future expansion. Parcel # 10 of 12.78 acres has a limited area for development due to the required buffers and shape of the property. A stormwater management plan for SD East was approved by NCDWR on July 5, 2017. The Briar Chapel development, including all residential and non-residential lots, is limited to 24% impervious surface coverage. Per the Impervious Surface Summary submitted with the preliminary plat application, SD East is proposed to have a maximum of 869,458 square feet / 19.96 acres of impervious surface coverage. The updated summary states that the project is proposed to have 23.01% overall coverage at build-out. Prior to obtaining building permits on any of the lots, the owner/developer will present a specific site plan for review by the Zoning Administrator for review of the lighting plan, signage, and adequate parking for the proposed use(s).

Staff recommends the final plat(s) include a note regarding cross access easements for all parcels. Per the cover letter, dated July 19, 2017, there will be no pedestrian access to SD East from Briar Chapel by way of ‘sidewalks, greenways, paths or trails’ due to development of the Super Street plan for 15-501 in order to keep traffic moving; however, all commercial components will have sidewalk accessibility between and among the commercial elements of SD East.

Permits: Other agency permits required for preliminary plat approval have been received which include Chatham County Erosion Control, USACOE 404 Permit, NCDEQ Water Quality 401 Permit, NCDEQ DWQ Wastewater Collection System Extension Permit, NCDEQ DWQ Wastewater Treatment/Reclaimed Water/Spray Irrigation System, Chatham County Public Works Water Plan, NCDEQ Water Main Extension Permit, NCDEQ Authorization to Construct/Water System, and Stormwater Management Plan. The permits can be viewed on the Planning Department webpage at www.chathamnc.org/planning , Rezoning and Subdivision Cases, 2017.

Water/Sewer: County water is available and will be utilized. Sewer service will be provided by the Briar Chapel WWTP.

Historical / Archaeological: Per the application, there are no cemeteries or structures eligible for the National Register within the project area of SD East nor any structures or cemeteries 50 years old or older.

Conditional Use Permit Stipulations: The applicant has provided an update on the 2014 Conditional Use Permit stipulations. See attachment # 4. As stated in the cover letter dated July 19, 2017, Conditions #11 and #14 G of the 2014 CUP Revision have been addressed in the final review of SD West, Lots A & D.

Water Features: The preliminary plat Overall Site Plan shows several water features. A portion of these features will be located within the individual parcels/lots. Staff recommends that the final plat(s) label the width of the riparian buffers and show the 10 foot no build area as required. There are two retaining walls shown on the preliminary plan. Both are shown located outside the 10 foot no build area along the streams as required.

Stormwater: There are two stormwater ponds shown on the preliminary plat, Parcel 1 and Parcel 6. Per Rachael Thorn, Water Quality Supervisor, the final plat needs to include the required stormwater note, approximate location of the stormwater BMP (using existing top of bank), label the stormwater easement 'Private'; and specify the entity responsible for maintenance. During discussion of the request at the July 12, 2017 Technical Review Committee meeting, Ms. Thorn emphasized that the Compact Community Ordinance, the Chatham County Stormwater Ordinance, and the 2014 CUP Revision all require a stormwater management plan to be approved by the County Stormwater Administrator prior to approval of a preliminary plat for each phase of the project. As stated above, the applicant has received a stormwater permit from NCDWR for SD East; however, the plan has not been review and approved by the County Stormwater Administrator.

Fire Department Review: Prior to a building permit being issued for a structure, the Fire Marshal will review and approve the plan which will include fire hydrant placement and emergency vehicle access to the structure.

Technical Review Committee: The TRC met on July 12, 2017 to review the request. The discussion included emergency vehicle access to structures, access off Hwy 15-501 and turning movements, submittal of stormwater plans to Chatham County for review and approval, possible future recombination of lots to accommodate end users, and cross access easements for all parcels.

Recommendation:

The Planning Department recommends granting approval of the road names *Market Chapel Road and Coharie Pines Drive* and recommends granting preliminary plat approval of **SD East** with the following conditions:

1. The final plat(s) shall include a note regarding cross parking easement for all parcels.
2. The final plat(s) shall include the width of the riparian buffers and label the 10 foot no build area.
3. The final plat shall include the required stormwater note, approximate location of the stormwater BMP (using existing top of bank), label the stormwater easement 'Private'; and specify the entity responsible for maintenance.
4. The County Stormwater Administrator shall review and approve the stormwater management plan prior to construction or installation of infrastructure pursuant to condition #4 of the conditional use permit.