



## Chatham County Planning Board Agenda Notes

Date: May 2, 2017

Agenda Item: VII.

Attachment #: 1.

- Subdivision**
                 
  **Conditional Use Permit**
                 
  **Rezoning Request**  
 **Other:**

<b>Subject:</b>	Request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision review and approval of <b>Phase 16 South, Revised Preliminary Plat and Final Plat Briar Chapel, Phase 16 South, Section 2</b> , consisting of 73 lots on 27.7 acres, located off SR-1528, Andrews Store Road, and Boulder Point Drive, Baldwin Township, parcel #82829
<b>Action Requested:</b>	See Recommendation
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Major Subdivision Application</li> <li>2. Cover letter dated April 19, 2017</li> <li>3. Portion of Preliminary Plat approved by BOC on 3/21/16 for 125 lots</li> <li>4. Revised overall site plan, dated 9/30/15</li> <li>5. Final plat titled "Final Subdivision, Easement and Right-of-Way Dedication Plat of Briar Chapel Development Phase 16 South, Section 2", prepared by McKim &amp; Creed, dated 04/07/17</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 16 South  
**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.

Briar Chapel, Phase 16 South, consisting of 125 lots received preliminary plat approval from the Board of Commissioners on March 21, 2016.  
Briar Chapel, Phase 16 South, Section 1 consisting of 61 lots received final plat approval on July 18, 2016.

On March 10, 2017, Briar Chapel submitted a final plat application for Phase 16 South, Section 2 consisting of 73 lots. During the sufficiency review by staff it was discovered that a portion of the road layout approved on the preliminary plat had been revised and constructed in conflict with the layout approved by the Board of Commissioners. The preliminary plat approved road layout between Lots 1571, 1572 and 1686 was revised between preliminary plat approval and final plat submittal of Section 2. See attachment # 3 showing a portion of the 3/21/16 preliminary plat approved site plan and the area of the revision. Staff advised the applicant that the final plat application could not proceed due to the road layout revision and the application was returned. The applicant was advised that a future final plat submittal for Section 2 would also require a revised preliminary plan with either revised permits or acknowledgement from agencies that the revision was acceptable.

**Discussion & Analysis:** The request before the Board is for a Revised Preliminary Plan for Phase 16 South and a Final Plat for Phase 16 South, Section 2, consisting of 73 lots.

Revised Preliminary Plan: On April 7, 2017, Briar Chapel submitted a revised preliminary plan for Phase 16 South to show the change to the road layout from a 'bulb' to a 'stub street'. See attachment #4 for the revised layout. Per the cover letter, dated 4/19/17, Item # 1 "The roadway change was made to provide the possibility of another option for connecting to Phase 16 North in the future." The currently approved conditional use permit and associated site plan does not include authorization to cross a water feature, and associated riparian buffer, to connect Phase 16 South and North. The applicant provided confirmation from NCDOT, NCDEQ, DWR (wastewater), NCDEQ, DWR (water), and Chatham County Utilities that the modification was acceptable. Staff received confirmation from Environmental Quality that the modification was acceptable. The road names Pulaski Trail, Abercorn Circle, Coventry Lane, and Middleton Place have been previously approved.

Final Plat: On April 7, 2017, Briar Chapel submitted a final plat request for Phase 16 South, Section 2. The number of lots in Phase 16 South increased by nine (9) from 125 (approved at preliminary) to 134. Five (5) of those lots were approved as part of the Section 1, final plat and four (4) have been included in the Section 2 final plat. Per Item # 2 of the cover letter, the increased number of lots is due to current market demands. The additional Preliminary plat fees of \$45.00 per lot have been paid. The lot numbers were also changed in order to continue consecutive numbering from Phase 10, Section 1, per the cover letter.

The final plat request is submitted with a request for a financial guarantee for completion of required infrastructure. Per the cost letter dated April 7, 2017, Phase 16 South, Section 2 is 95% complete and the roadways have been paved and are accessible to emergency vehicles. Prior to final plat submittal the county attorney will review and approve the form of the contract and financial guarantee.

The final plat request includes Common Area #76 and Common Area # 61. Common Area # 61 consist of 5.5 acres and received a separate preliminary plat review and approval by the Board of Commissioners on 8/15/15 in order to obtain building permits to construct several retaining walls.

**Recommendation:** The Planning Department recommends granting **Revised Preliminary Plan approval of Briar Chapel, Ph 16 South** and granting final plat approval of **Briar Chapel, Phase 16 South, Section 2** with the following conditions:

1. The plat shall not be recorded until the county attorney has approved the form of the contract and financial guarantee.