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Vote on a request to approve an application submitted by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision review and approval of **Phase 16 South, Revised Preliminary Plat; Final Plat approval of Common Area # 61 and Final Plat for Briar Chapel, Phase 16 South, Section 2**, consisting of 73 lots on 27.7 acres, located off SR-1528, Andrews Store Road, and Boulder Point Drive, Baldwin Township, parcel #82829.

..ABSTRACT**Action Requested:**

Request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision review and approval of **Phase 16 South, Revised Preliminary Plat and Final Plat for Briar Chapel, Phase 16 South, Section 2**, consisting of 73 lots on 27.7 acres, located off SR-1528, Andrews Store Road, and Boulder Point Drive, Baldwin Township, parcel #82829.

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 including increasing the dwelling unit count to 2,500.

Reviewed: Under pre-2008 Subdivision Regulations and Compact Community Ordinance.

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 Planning 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 in 2016 and final plat submittal of Section 2 in 2017. 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 require a revised preliminary plan with either revised permits or acknowledgement from agencies that the revision was acceptable along with a final plat submittal

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 the entire 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 to the roadway 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.

The Technical Review Committee met on April 12, 2017 to review the request. Discussion included increased number of lots; acknowledgements from agencies regarding roadway modification; cover letter to address changes; and potential crossing of the creek in the future to access Phase 16 North.

The Planning Board met on May 2, 2017 to review the request. Lee Bowman, Project Manager, Garretson Browne Construction Manager, Chris Seamster, RLA McKim & Creed, and Nick Robinson were present to represent Briar Chapel. The Planning Board discussed the request and had questions / concerns regarding why the roadway layout

was modified; original and revised master plans did not show crossing the creek; was there a safety concern that required the crossing; has any off-site parking for residents been provided in this phase; is on-street parking allowed; and what is the penalty for making the roadway modification without prior approval. Several of the Board members stated that they could not support the application with the potential for future crossing of the creek.

Nick Robinson and Lee Bowman addressed the questions and stated that Briar Chapel did not think that the roadway modification was a significant change to the plan and therefore did not consult with Planning staff prior to final plat submittal; that they better understand the concern regarding modifications to approved plans based the pre-2008 subdivision requirements; that the reason for the future potential creek crossing was for better traffic circulation within the development and gives Briar Chapel more options to meet market demands; that there is no off-street overflow parking for residents and their guests in this phase; that on-street parking is allowed; and that the penalty for not consulting with Planning staff was that their final plat submittal was delayed a month.

Recommendation:

The Planning Board by a 5-4 vote and Planning Department recommend granting **Revised Preliminary Plan approval of Briar Chapel, Phs. 16 South** and granting final plat approval of **Briar Chapel, Phase 16 South, Section 2** with one condition stated below. For clarification, the recommendation for approval also included approval of the **Final Plat for Common Area # 61**.

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