

## **..TITLE**

Vote on a request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision **Preliminary Plat** review and approval of **Briar Chapel, Phase 13, Section 3**, consisting of 59 lots on 15.80 acres, located off Great Ridge Parkway, SR-1692, Baldwin Township, parcel #2617.

## **..ABSTRACT**

### **Action Requested:**

Vote on a request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision **Preliminary Plat** review and approval of **Briar Chapel, Phase 13, Section 3**, consisting of 59 lots on 15.80 acres, located off Great Ridge Parkway, SR-1692, Baldwin Township, parcel #2617.

### **Introduction & Background:**

**Zoning: Conditional Use District / Compact Community**

**Water System:** Public, Chatham County

**Sewer System:** Private wastewater treatment plant

**Subject to 100 year flood:** Zone X and Zone AE

**General Information:** Compact Community approved in 2005 for 2,389 dwelling units on 1,589 acres, permit revised in 2012, 2014 and 2017. The Current number of lots allowed based on the 2017 CUP amendment is 2,650.

**Reviewed:** Briar Chapel is reviewed under the pre-2008 Subdivision Regulations

The Board of Commissioners has 60 days to review and make a recommendation on the request.

### **Discussion & Analysis:**

The request before the Board is for subdivision preliminary plat review and approval of Briar Chapel, Phase 13 Section 3, consisting of 59 lots on 15.80 acres.

**Roadways:** The lots will be accessed by a state maintained road connecting to Great Ridge Parkway. There are no alleyways proposed and no additional parking in this phase. NCDOT reviewed the road plans for Phase 13, Sections 3. Great Ridge Parkway received final plat approval as part of Briar Chapel, Phases 3 & 4, and Great Ridge Parkway right-of-way dedication plat in 2007. The road plan for Great Ridge Parkway was reviewed and approved by NCDOT in April, 2007 prior to preliminary plat approval.

**Road Names:** The following road name has been approved by the Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval: Monteith Drive.

**Permits:** The applicant has submitted the approved agency permits, as required for a preliminary plat request, which include Chatham County Erosion Control, US Army Corps of Engineers, NC Department of Environmental Quality Division of Water Quality, NC Department of Environmental Quality Division of Water Resources, and Chatham County Public Utilities Department. The permits can be viewed on the Planning Department webpage at [www.chathamnc.org/planning](http://www.chathamnc.org/planning) Rezoning & Subdivision Cases, 2019.

**Water/Sewer:** County water is available and will be utilized. Per Larry Bridges, Public Works Administration Director, the plans have been approved. The lots will be served by the private waste water treatment plant that serves Briar Chapel and a Wastewater Collection System Extension Permit dated September 8, 2017 from NC Division of Water Resources has been approved.

**Historical / Archaeological:** Per the application there are no cemeteries or structures eligible for the National Register within the project area of Phase 13, Section 3 nor any structures or cemeteries 50 years old or older.

**Stormwater:** There are two stormwater BMPs located in Phase 13, Section 3. A note shall be placed on the final plat stating the maintenance responsibility of the stormwater features. A copy of the Stormwater Plan was submitted to Morgan DeWit, Chatham County Watershed Protection, for review and was approved in a letter dated January 10, 2019. Approval of the plan by the Stormwater Administrator is required per the Compact Community Ordinance and the 2014 CUP revision prior to preliminary plat approval.

**Water Features/Common Area:** There is a stream, Pokeberry Creek, shown on the site plan along with the required 100 foot per side riparian buffers. An intermittent stream also located on the west side of this phase and includes a 50' buffer on either side of the feature. The streams are located within common area and there are two (2) retaining walls shown on the construction plan within the common area.

**The Technical Review Committee:** The TRC met on January 16, 2019 to review the request. Chris Seamster, RLA, McKim & Creed was present to represent the developer. John Strowd, North Chatham Fire Chief was thankful there were no alleyways in this phase. Chief Strowd and Tom Bender, Chatham County Fire Marshal both had concerns with people parking in the road and ignoring the 'no parking signs'. Mr. Bender expressed concern that there will be delays because of the obstructions in the road in the event of an emergency response. There was a brief discussion about the 100' perimeter buffer, retaining walls, and which home builder will work in the phase. Rachael Thorn, Watershed Protection Director, and Larry Bridges, Public Works Administration Director, had no concerns.

It is staff opinion that the application meets the requirements of the Subdivision Regulations for preliminary plat review.

The Planning Board reviewed the application during their February 5, 2019 meeting and discussion include the retaining wall heights; on-street parking guidelines; difference between public and private drainage easements; and parking enforcement. Chris Seamster, representative for the developer, responded that the retaining walls will be approximately 6-7' along the perimeter buffer and 8-12' adjacent to the riparian buffer. He also commented that the public drainage easements are for NCDOT maintenance and private are areas that builders need to avoid for home construction to maintain positive storm water flow. Lee Bowman, Newland Communities representative, commented that on-street parking is restricted to one side of the streets and alternates monthly and that parking is enforced through a contracted service and has been effective. The Board voted unanimously (9-0) to recommend granting approval of the preliminary plat application with staff's recommendations.

**How does this relate to the Comprehensive Plan:**

The subject property is located in an area designated as Compact Residential which allows a mix of detached and attached residential units complemented by a variety of open spaces. Phase 13, Section 3 will have 59 single family detached homes. Compact Residential allows community centers, amenities, recreational uses, schools and churches. Briar Chapel development has various amenities including parks, walking trails, club house and pool, along with schools either within the development or on adjacent properties. Compact Residential areas are to be connected by a system of local and collector streets. Phase 13, Section 3 has public roadways connecting to the balance of Briar Chapel.

**Recommendation:**

The Planning Board, by unanimous vote (9-0) and Planning Department recommend granting approval of the road name Monteith Drive and granting preliminary plat approval of Briar Chapel, Phase 13 – Section 3 with the following conditions:

1. The final plat shall include the approximate location of the BMP using top of bank of existing feature (no pipes or risers); the BMP maintenance easement be labeled and shown as 'private' with a minimum of 10 feet clearance; and the location of the access to the stormwater easement from the public right-of-way.
2. A note shall be placed on the final plat stating the maintenance responsibility of the stormwater features.