

## **..TITLE**

Vote to approve a request by Tanya Matzen, Vice President, on behalf of NNP Briar Chapel, LLC for subdivision **Final Plat** review and approval of **Briar Chapel, Phase 12B**, consisting of 60 lots on 27.5 acres, located off Great Ridge Parkway, SR-1692, Baldwin Township, parcels # 80418 and 87088.

## **..ABSTRACT**

### **Action Requested:**

Vote to approve a request by Tanya Matzen, Vice President, on behalf of NNP Briar Chapel, LLC for subdivision **Final Plat** review and approval of **Briar Chapel, Phase 12B**, consisting of 60 lots on 27.5 acres, located off Great Ridge Parkway, SR-1692, Baldwin Township, parcels # 80418 and 87088.

### **Introduction & Background:**

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

**Water System:** Public, Chatham County

**Sewer System:** Private wastewater treatment plant

**Subject to 100 year flood:** Floodable area in Phase 12B

**General Information:** Compact Community approved in 2005 for 2,389 dwelling units on 1,589 acres, permit revised in 2012, 2014 and 2017. Current number of dwelling units allowed based on the 2017 CUP amendment is 2650.

**Reviewed:** Under pre-2008 Subdivision Regulations.

Current number of dwelling units allowed based on the 2017 CUP amendment is 2650.

### **Discussion & Analysis:**

The request is for Final Plat approval of Briar Chapel, Phase 12B consisting of 60 lots on 27.5 acres with a financial guarantee for the completion of required infrastructure. Phase 12B received preliminary plat review and approval by the Board of County Commissioners on March 18, 2019 for 134 lots. The submittal includes a request for a financial guarantee for completion of the required infrastructure. Under the pre-2008 Subdivision Regulations, a project must have a minimum of 40% of the infrastructure completed prior to submittal of a final plat and the roads must be accessible to emergency vehicles. A cost estimate letter, dated March 13, 2020, has been provided by Chris Seamster, PLA, McKim & Creed, Inc. stating that the required infrastructure is 57% complete. The cost letter may be updated prior to plat recordation if additional work has been completed. Staff recommends granting the request for a financial guarantee. Staff also recommends that the final plat not be recorded until the engineer has certified that the roadway providing access to the parcels are accessible to emergency vehicles and recommends that the final plat not be recorded until the county attorney has reviewed and approved the form of the contract and financial guarantee. Per the approved preliminary plat, roadways are proposed to be public and state maintained roads. Phase 12B is located off Great Ridge Parkway. There's one private alleyway

(Twin Leaf Street), one public street (Copper Leaf Avenue) and 7 on-street parking spaces in Phase 12B.

Phase 12B has two common areas, Common Area #94 and #95. As shown on the plat, Common Area #94 has 1.209 acres and Common Area #95 has 15.048 acres. Common Area #94 has a common boundary with Richard and Margaret Wilson and Common Area #95 has a common boundary with Donald Medlin, Manns Chapel Development, LLC, David Leeper, and Chapel in the Pines Presbyterian Church Inc. There is a 100' perimeter buffer provided along Richard and Margaret Wilson (parcel 62256), Donald Medlin (parcel 62269), Manns Chapel Development, LLC (parcel 2533), David Leeper (parcel 2623), and Chapel in the Pines Presbyterian Church Inc. (parcel 87596).

Riparian buffer widths of 50 feet per side (100' total) measured from top of bank landward with a 10 feet no build zone both have been shown on the plat. There is one stormwater feature in Phase 12 B, but a total of two in the phase. The final plat information includes the approximate BMP location using top of bank of the existing features and has been reviewed and approved by Watershed Protection staff. The required stormwater note regarding the Operations and Maintenance Agreement and the maintenance responsibility of the stormwater features is included on the final plat.

The following conditions were added to the preliminary plat approval for this phase –

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."

The BMP, access to the BMP and a note stating the maintenance responsibility of the stormwater feature is shown on final plat.

The Technical Review Committee met on March 18, 2020 to review the request. Staff discussion included what is in the common areas, the utilities department approved the construction plans, initial water line construction is completed, and need to pass a bac-T test and a walk-thru w/ punch list must be completed. There were no other staff concerns.

### **Planning Board:**

The Planning Board reviewed the application during their June 2, 2020 meeting. Planning Board discussion included questions regarding what will be placed in the common areas, location of homes in relation to Half Dollar Road, and will the final plat have a note about what can or cannot be placed in the riparian buffers. Mr. Chris

Seamster, Ms. Tanya Matzen, and Attorney Nick Robinson were present and addressed the questions asked by the board. Common areas will remain grass areas with riparian buffers within the common areas. Mr. Seamster explained homes located in the cul-de-sac (Copper Leaf) will be the closest to Half Dollar Road and will be approximately 85' to 90' away. A portion of the right-of-way where Half Dollar Road is constructed is owned by Newland Communities, this final plat will dedicate the portion to NCDOT. Mr. Robinson explained what can and cannot be placed in the riparian buffers and restrictions are included in the restrictive covenants which are governed by the compact communities ordinance. The Planning Board by unanimous vote (11-0) recommends approval of the final plat with conditions requested by staff.

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

The subject property is located in an area designated as Compact Residential (Strategy 2.2) which allows a mix of detached and attached residential units complemented by a variety of open spaces. Phase 12B will have 60 single family detached homes on 27.5 acres. 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 public 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 12B has public roadways connecting to the balance of Briar Chapel.

**Recommendation:**

The Planning Board, by unanimous vote, and Planning Department recommends granting final plat approval of **“Final Subdivision, Easement, and Right-of-Way Dedication Plat of Briar Chapel Development Phase 12B for NNP Briar Chapel, LLC”** with the following conditions:

1. Prior to final plat recordation the county attorney shall approve the form of the contract and financial guarantee.
2. Prior to final plat recordation the engineer shall certify to the county that there is all weather access for emergency vehicles and the certification must be approved by the Fire Marshal