



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 18-2614      **Version:** 1

**Type:** Agenda Item      **Status:** Passed

**File created:** 5/1/2018      **In control:** Planning

**On agenda:** 5/21/2018      **Final action:** 5/21/2018

**Title:** Vote on a request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision Final Plat approval of "Final Subdivision Easement and Private Right-of-Way Dedication Plat of Briar Chapel SD East - Parcels 10 - 15., consisting of 5 non-residential lots, 1 over 10 acre non-residential lot, and 1 common area lot, on 35.528 acres, located off US HWY 15-501, parcel #18911.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. More Information from the Planning Board Website

Date	Ver.	Action By	Action	Result
5/21/2018	1	Board of Commissioners	approved	Pass

Vote on a request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision **Final Plat approval of "Final Subdivision Easement and Private Right-of-Way Dedication Plat of Briar Chapel SD East - Parcels 10 - 15.**, consisting of 5 non-residential lots, 1 over 10 acre non-residential lot, and 1 common area lot, on 35.528 acres, located off US HWY 15-501, parcel #18911.

Action Requested: Vote on a request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision **Final Plat approval of "Final Subdivision Easement and Private Right-of-Way Dedication Plat of Briar Chapel SD East - Parcels 10 - 15.**, consisting of 5 non-residential lots, 1 over 10 acre non-residential lot, and 1 common area lot, on 35.528 acres, located off US HWY 15-501, parcel #18911.

**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 special flood hazard 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, 2014, & 2017. Current number of dwelling units allowed based on the 2017 CUP amendment is 2,650.

**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”.

1. The final plat shall include a note regarding cross parking easement for all parcels. During the review and approval process for the final plat for SD East parcels 7-9, the County agreed that this condition was intended to require pedestrian cross access easements, not cross parking easements. The following note has been added to the plat “Pedestrian sidewalk access between separately developed parcels will be provided”. *This condition has been met.*
2. The final plat(s) shall include the width of the riparian buffers and label the 10 foot no build area. *This condition has been met.*
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. *This condition has been met.*
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. *This condition has been met.*

SD East, Parcels 7, 8, & 9 received final plat approval from the Board of Commissioners on February 19, 2018.

#### Discussion & Analysis:

The request before the Board is for final plat approval of Briar Chapel SD East - Parcels 10-15. The parcels are for non-residential/ commercial uses. The request is for lot approval only. As stated above, there were 4 conditions of preliminary plat approval and these conditions have been met and are addressed in the cover letter, attachment #2. The lot numbers listed on the preliminary plat have changed to allow for consecutive numbering of the commercial lots in Briar Chapel. The final plat request is being submitted with a request for a financial guarantee for the completion of required infrastructure. Under the pre-2008 Subdivision Regulation, 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 9, 2018, has been provided by Chris Seamster, PLA, McKim & Creed, Inc. stating that the required infrastructure is 66% 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 is 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.

A 50 foot wide viewshed buffer is shown along 15-501 and a 300 foot perimeter buffer is shown along

the common boundary of Fearington Village residents and the Betty Stallings property.

The Technical Review Committee met on March 14, 2018 to review the request. Staff discussed lot numbering, access and utility easement to Lot 15, and flood map panel number and date.

A private easement and public utility easement is shown to provide access to Lot 15. The road name Saponi Oaks Drive is shown as the road name. The Emergency Operations Office has stated this road name is suitable to be submitted to the Board of Commissioners for approval. Market Chapel Road was approved by the BOC during the preliminary plat review and approval.

How does this relate to the Comprehensive Plan: The subject property is located in an area designated as Community Center which allows retail hubs located along key roadway corridors and can accommodate regional retail tenants complemented by local-serving commercial development. Uses can include retail, restaurants, services, and office uses (+/-125-400K SF commercial). The area can also include up to 60% residential uses.

The Planning Board has 60 days to make a recommendation on the request.

#### **Planning Board Discussion:**

The Planning Board met on April 3, 2018 to review the request. Nick Robinson, Attorney-at-Law, and Garretson Browne were present to represent the developer and answer questions from the Board. The board members asked what type of businesses will be placed in the area, Mr. Robinson stated retail, medical, and apartments are possible uses. Parcel 15 is accessed by a private easement and there are two buffers on the lot, a 50' viewshed buffer and a 300' perimeter buffer and approximately .50 acre can be developed. There was a discussion that the 300' perimeter buffer be extended and clearly shown on the plat. Mr. Robinson stated it was shown on the master plan. A board member had questions in regard to what uses can be done in the 300' perimeter buffer and if there would be greenways? Mr. Sullivan stated that the perimeter buffer is an undisturbed buffer and no uses are allow. No greenways are planned. Board members were disappointed that there's no pedestrian access across 15-501 to SD-East. A board member also noted that the stormwater BMP on Common Area #4 encroaches on Parcel 12. Staff stated that an easement is shown on the plat to cover the encroachment and that the stormwater plan was reviewed and approved by Brian Burkhart, P.E., Environmental Quality Director.

#### **Budgetary Impact:**

Recommendation: The Planning Department and Planning Board by vote 8-2 recommends granting approval of the road name Saponi Oaks Drive, approval of the request for a financial guarantee, and recommends granting approval of **“Final Subdivision Easement and Private Right-of-Way Dedication Plat of Briar Chapel SD East - Parcels 10 - 15** with the following conditions:

1. The final plat shall not be recorded until the county attorney has reviewed and approved the language of the contract and financial guarantee.
2. The final plat shall not be recorded until the engineer has certified that the roadway providing access to the parcels is accessible to emergency vehicles.