



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 20-3643      **Version:** 1

**Type:** Agenda Item      **Status:** Board Priorities

**File created:** 10/1/2020      **In control:** Planning

**On agenda:** 11/16/2020      **Final action:**

**Title:** Vote on 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 14, consisting of 89 lots on 31.45 acres, located off Catullo Run, Baldwin Township, parcels #89624.

**Sponsors:**

**Indexes:** Comp Plan Goal 3: Promote a compact growth pattern by developing in and near existing towns, communities, and in designated, well planned, walkable, mixed use centers.

**Code sections:**

**Attachments:** 1. More information from the Planning department website

Date	Ver.	Action By	Action	Result
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Vote on 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 14**, consisting of 89 lots on 31.45 acres, located off Catullo Run, Baldwin Township, parcels #89624.

### Action Requested:

Vote on 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 14**, consisting of 89 lots on 31.45 acres, located off Catullo Run, Baldwin Township, parcels #89624.

### 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 14

**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 14 consisting of 89 lots on 31.45 acres with a financial guarantee for the completion of required infrastructure. Phase 14 received preliminary plat review and approval by the Board of County Commissioners on October 21, 2019 for 89 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 August 7, 2020, has been provided by Chris Seamster, PLA, McKim & Creed, Inc. stating that the required infrastructure is 40% 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 14 is located off Catullo Run and there are thirteen on-street parking spaces and each townhome will have front loading garages.

Phase 14 has one common area, Common Area #98, and contains 24.272 acres. Common Area #98 has a common boundary with Richard and Anne Marie Telford (parcel 79908) and there is a 100' perimeter buffer provided along the boundary.

Riparian buffer widths of 50 feet per side (100' total) measured from top of bank landward has been shown on the plat. There are stormwater features in Phase 14. 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.
3. The final plat shall state the width of the riparian buffers.

The Technical Review Committee met on August 12, 2020 to review the request. Staff had no concerns.

This is the final residential phase of Briar Chapel and staff has met with the developer to discuss closing out the project. The developer will be providing staff with an update on the conditional use permit and each section of the compact communities ordinance prior to release of the final plat for this phase. The update will include an assessment of items that have been completed, those that are on-going, and those that remain to be completed. A separate assurance will be prepared between the developer and county to cover the completion of the remaining items.

### **Planning Board:**

The Planning Board met on September 1, 2020 virtually. Board member discussion included minor corrections on the plat and whether a vote should be postponed to provide the applicant more time to provide an update on the wastewater system. Nick Robinson, attorney for the applicant, commented that there was no need to postpone a vote because he didn't think the outcome would change over the course of a month. Concerns raised during public input that were discussed in the notes for Briar Chapel Phase 13 Section 3 apply to this request as well and were noted by planning board members.

Nick Robinson, Attorney; Tanya Matzen, Vice President, Chris Seamster, PLA, and Mark Ashness, P.E. were present. Board members expressed the floodplain zone should be placed on the plat cover sheet and application. Board members explained the same items of the sewage spills applies to this project, the board members asked the developer if they wanted the item to be postpone or voted on. Attorney Robinson stated to vote on the item.

### **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 14 will have 89 single family detached homes on 31.45 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 14 has public roadways connecting to the balance of Briar Chapel.

### **Recommendation:**

The Planning Board unanimously recommends denial by a vote of 10-0. The Planning Department recommends granting final plat approval of **"Final Subdivision, Easement, and Right-of-Way Dedication Plat of Briar Chapel Development Phase 14 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.
3. Prior to release of the final plat the developer will provide staff with an update of the conditional use permit and compliance with the Compact Communities Ordinance for the entire project. This includes the county and developer entering into an agreement, such as a financial guarantee, to cover completion of the remaining items.