



# Chatham County, NC

## Legislation Text

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**File #:** 19-3265, **Version:** 1

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Vote on a request to approve by Garretson Browne, Project Manager on behalf of NNP Briar Chapel, LLC for subdivision **Preliminary Plat** review and approval of **Briar Chapel Phase 14**, consisting of 89 lots on 31.82 acres, located off Catullo Run, parcel #89624.

**Action Requested:**

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**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

**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 Planning Board has two meetings 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 14, consisting of 89 lots on 31.82 acres. The proposal is for eighty-nine (89), four (4) unit townhomes with front load garages. There is on-street parking located within the phase. A portion of the project will have a greenway to SD West and there is a one hundred feet (100') perimeter buffer placed along the southern boundary.

**Roadways:** The lots will be accessed by state maintained roads that will connect to Catullo Run. There are two (2) public roads proposed and three (3) areas for on-street parking. NCDOT has reviewed and approved the construction plans for Phase 14.

**Road Names:** The following road names have been approved by the Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval: Deardom Way (Road A) and Balfour Run (Road B).

**Permits:** The applicant has submitted the approved agency permits, as required for a preliminary plat application 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 a private waste water treatment plant and Newland Communities has received a Wastewater Collection System Extension Permit dated July 25, 2019 from the NC Division of Water Resources.

**Historical / Archaeological:** Per the application there are no cemeteries or structures eligible for the National Register within the project area of Phase 14 nor any structures or cemeteries 50 years old or older.

**Stormwater:** The stormwater best management practices are located outside the 10' no-build area, riparian buffers and special flood hazard areas. A note will need to 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 July 25, 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 one stream within the area of disturbance for Phase 14 and the required 50 foot per side riparian buffer and 10' no-build setback are shown on the plans. The stream is also located within common area. Adjacent to the proposed project are wetlands and special flood hazard areas, although there are no floodable areas within the developable area of Phase 14. Additionally, the Special Flood Hazard areas have been conveyed to the Briar Chapel Communication Association as shown on a recorded survey (plat book 2014 page 245).

**The Technical Review Committee:** The TRC met on August 14, 2019 to review the request. Chris Seamster, RLA, McKim & Creed was present to represent the developer.

Issues discussed included possible road name change, greenway to SD West, on-street parking, labeling some public drainage easements private and Phase 14 being the last phase.

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

### **Planning Board:**

The Planning Board reviewed the application during their September 3, 2019 meeting. Chris Seamster and Garretson Browne was present to answer questions. The board discussed the overall lot count total, number of on-street parking spaces were provided, number of units per townhome cluster, why a second crossing of an intermittent stream and not connecting to Briar Chapel Parkway,

labeling the stream for clarity, where school bus stops were located, and location of sidewalk wheelchair ramps. Mr. Seamster and Mr. Browne answered the board's questions. The overall lot count is 2,650 including apartments and the development will be one lot short of the overall project. Eleven on-street parking spaces are proposed and each townhome will have a long driveway with two car garage. The townhomes will be clustered in 3, 4, or 5 units. Mr. Seamster explained that Briar Chapel Parkway is 30' or 40' higher with topographic challenges which resulted in crossing an ephemeral stream and part of the 2014 CUP amendment allowed the ephemeral stream crossing. Mr. Seamster agreed to label the streams for clarity. Mr. Browne stated there are four bus stops within Briar Chapel and wheelchair ramps are located 200' apart as required by NCDOT. The Planning recommended approval by a vote of 10-0.

### **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. 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 14 has public roadways connecting to the balance of Briar Chapel.

### **Recommendation:**

The Planning Department and Planning Board unanimously (10-0 vote) recommends granting approval of the road names Deardom Way and Balfour Run and granting preliminary plat approval of Briar Chapel, Phase 14 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.
3. The final plat shall state the width of the riparian buffers and label the stream types.
4. The final plat shall include relabeling the intermittent and ephemeral streams and incorporate the recorded plat buffer.