



# Chatham County, NC

## Legislation Text

---

**File #:** 17-2448, **Version:** 1

---

Vote on a request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision Preliminary Plat approval of Briar Chapel, Phase 13 - Sections 1 & 2, consisting of 43 lots on 11.03 acres, located off SR-1532, Mann's Chapel Road, and Great Ridge Parkway, parcel #'s 80418, 86285, and 2617

**Action Requested:**

Vote on a request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision Preliminary Plat approval of Briar Chapel, Phase 13 - Sections 1 & 2, consisting of 43 lots on 11.03 acres, located off SR-1532, Mann's Chapel Road, and Great Ridge Parkway, parcel #'s 80418, 86285, and 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

**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

**Discussion & Analysis:**

The request before the Board is for subdivision preliminary plat review and approval of Briar Chapel, Phase 13, Sections 1 & 2 consisting of 43 lots on 11.03 acres.

**Roadways:** The lots will be accessed by private alleyways off Great Ridge Parkway. Although the lots are accessed by private alleyways, NCDOT reviewed the road plans for Phase 13, Sections 1 & 2 due to driveway connections and drainage. 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. A financial guarantee is in place for the completion of construction of Great Ridge Parkway and this financial guarantee is in the process of being increased to reflect current construction costs. Completion of the construction of Great Ridge Parkway will be coordinated with construction of Phase 13, Sections 1 & 2. A new erosion control permit will be obtained from the Chatham County Environmental Quality Department prior to commencement of construction of this portion of Great Ridge Parkway. Eighteen (18) over flow parking spaces are being provided along alleyway # 6 and ten (10) overflow spaces are being provided along alleyway # 2. The overflow parking spaces will be part of the private alley and will be maintained by the homeowners

association.

**Road Names:** The following road names have been reviewed by the Emergency Operations Office and deemed acceptable for submittal to the Board of Commissioners for approval: Crestridge Lane and Covil Trace. Per the Emergency Operations Office only alleyway # 2 and alleyway # 6 are required to be named.

**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) <<http://www.chathamnc.org/planning>> Rezoning & Subdivision Cases, 2017.

**Water/Sewer:** County water is available and will be utilized. Per Larry Bridges, Utilities Director, the water line that will serve Phase 13, Sections 1 & 2 was previously installed and has been accepted by Chatham County. The lots will be served by the private waste water treatment plant. Briar Chapel has received a Wastewater Collection System Extension Permit dated September 8, 2017 from NCDWR.

**Stormwater:** There are two stormwater features proposed as shown on the overall site plan and construction plans. The construction plan shows two existing storm pipes and scour holes previously approved as part of Great Ridge Parkway, located to the north of Phase 13, that are within the 10 foot no-build area. Information to be shown on 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 is to be labeled and shown as 'private' with a minimum 10 feet of clearance; and the location of the stormwater access easement from the public right-of-way. A note shall be placed on the final plat stating the maintenance responsibility of the stormwater features. A copy of the Stormwater Plan has been submitted to Brian Burkhart, Chatham County Environmental Quality Director, for review and approval. Approval of the plan by the Stormwater Administrator is required per the Compact Community Ordinance, Section 8 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. The stream is located within a common area. There are two (2) retaining walls shown on the construction plan within the common area. The Technical Review Committee met on October 18, 2017 to review the request. Chris Seamster, RLA, McKim & Creed was present to represent the developer. Issues discussed included labeling riparian buffers, providing a map showing the location of adjacent property owners, that the water line was previously installed and accepted, review of stormwater plan by Stormwater Administrator is required, obtaining a new erosion control permit prior to commencement of construction of Great Ridge Parkway, overflow parking spaces, existing scour pipes located within 10 foot no build area, no new features allowed in 10 foot no build along stream, and retaining walls.

The Planning Board met on November 7, 2017 to review the request. Lee Bowman, Project Manager, Chris Seamster, RLA, McKim & Creed, and Nick Robinson, Attorney-at-Law were present to represent the developer. The Board discussed the request and had questions/concerns that included:

--why are there two existing stormwater features within the 10 foot no build area and can those features be removed?

--has the Stormwater Administrator reviewed and approved the stormwater plan as required prior to preliminary plat approval?

Mr. Seamster addressed the Board and stated that the two existing stormwater features were scour hole that were approved by the state as part of a 2007 stormwater plan and to remove the pipes now would cause additional disturbance to the stream buffer and it is better to leave them in place and not add any additional features in the 10 foot no-build.

Mr. Sullivan stated that in 2007 Chatham County did not have a stormwater review program and that all stormwater plans were issued and administered by the state. Mr. Sullivan also stated that the 2014 Briar Chapel CUP Revision requires the Stormwater Administrator to review and approve the stormwater plan prior to preliminary plat approval by the Board of County Commissioners; that Brian Burkhart, Chatham County Stormwater Administrator was in the process of reviewing the current stormwater plan and had sent an e-mail stating that he had not issued his approval yet, but that he sees no problems.

Planning staff received an e-mail from Mr. Burkhart on November 22, 2017 that he had reviewed the stormwater plan and found the plan acceptable.

**Recommendation:**

The Planning Department and the Planning Board by a vote of 6 - 2 recommend granting preliminary plat approval of Briar Chapel, Phase 13 - Sections 1 & 2 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.