



# Chatham County, NC

## Legislation Text

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**File #:** 17-2056, **Version:** 1

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Vote on a request to approve NNP Briar Chapel, LLC for subdivision Preliminary Plat review and approval of SD West, consisting of 9 non-residential lots, on 29.20 acres, located off Taylor Road, SR -1529, and US 15-501 N, parcels #18911 and #86288, Baldwin Township.

### **Action Requested:**

Request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision Preliminary Plat review and approval of SD West, consisting of 9 non-residential lots, on 29.20 acres, located off Taylor Road, SR-1529, and US 15-501 N, parcels #18911 and #86288, Baldwin Township.

### **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 floodable area in SD West

**General Information:** Compact Community approved in 2005 for 2,389 dwelling units and commercial uses on 1.589 acres, permit revised in 2012 and 2014.

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”. Per Chris Seamster, RLA, McKim & Creed, a greenway to connect Briar Chapel to SD West is under design by another designer and they are working with NCDOT to gain approval. Staff recommends that the design of the greenway be completed and necessary permits be obtained prior to final plat submittal.

### **Discussion & Analysis:**

**Request:** The request before the Board is for preliminary plat approval of nine (9) non-residential

lots and two (2) stormwater pond lots on 29.20 acres located off Taylor Road, S. R. 1529 and US 15-501, Baldwin Township, parcel #18911 and #86288. The request is for approval of the lots only at this time. The uses proposed are not known at this time. The Appearance Commission reviewed a preliminary perimeter landscaping plan on 9/23/2015 to allow the developer to start grading the site. Site plans for the specific uses will be presented to the Planning Department for review of the lighting plan, number of parking spaces required, and signage prior to obtaining a building permit. After review of the site plan, Planning staff may determine that the individual site plan be reviewed by the Appearance Commission. Permitted uses are uses listed in the 2008 Zoning Ordinance list of permitted uses in the O/I (Office and Institutional); B-1 (Business); NB (Neighborhood Business); CB (Community Business; and RD (Regional Business) districts.

**Roadways:** SD West Commercial area will be accessed off both Hwy 15-501 and SR-1529, Taylor Road. An Encroachment Agreement and Commercial Driveway Permit have been issued for each entrance as part of the superstreet widening project for Hwy 15-501. A copy of the Encroachment Agreement and Right-of-Way Encroachment Agreement for Curb and Gutter, Pavement Widening and Storm Drainage is included with the preliminary plat submittal. The internal roadway serving the lots is a variable width (30 foot wide minimum) private right-of-way. Maintenance of the private R/W will be the responsibility of the developer and/or a homeowners association.

**Road Name:** The road name 'Ballentrae' has been approved by the Emergency Operations Office as suitable to submit to the Board of Commissioners for approval.

**Site Plan:** The pre-2008 Subdivision Regulations states in part in Section 6.4 C (3) "Properties reserved or platted for commercial, institutional or industrial purposes shall be adequate in size to provide for the type of use and development contemplated.....Land subdivided for commercial, institutional or industrial use shall follow the major subdivision procedure with preliminary plat review by the Board of County Commissioners. Land shall not be platted for commercial, institutional or industrial purposes unless the subdivider can demonstrate the following to the Board of County Commissioners:

- a. A site arrangement that prevents undue interference with through traffic.
- b. An integrated parking area.
- c. An insulation against any adverse effect on any present or future adjacent residences..
- d. A parcel size sufficient in area to allow future expansion.
- e. A plan that demonstrates that the first ½ inch of storm water runoff will be managed on site, if more than six (6) percent of the lot area is covered with impervious surfaces such as buildings, parking, and drives."

Attachment # 4 is a general site plan prepared to demonstrate that the proposed lots will have adequate access; adequate internal traffic flow; that there is sufficient area for parking; that the viewshed buffers (ranging in width from 50 ' to 200' wide) will insulate against any adverse effect on

present or future owners; and that the parcel size will allow for future expansion. The maximum impervious surface allowed for SD West per the Impervious Surface Summary submitted by the developer is 637,005 square feet / 14.62 acres. The maximum impervious surface area allowed for both the residential and commercial development is 24% overall. The cumulative coverage for the overall development will be approximately 21.38% based on the Impervious Surface Summary. As stated previously, the Appearance Commission reviewed and approved the perimeter landscaping plan on 9/23/2015. Prior to obtaining building permits on any of the lots, the owner/developer will present a specific site plan for review by the Zoning Administrator for review of the lighting plan, signage, and adequate parking for the proposed use(s).

**Permits:** Other agency permits required for preliminary plat approval have been received.

**Water/Sewer:** County water is available and will be utilized. Sewer service will be provided by the Briar Chapel WWTP. A permit dated November 3, 2016 was received from NC Division of Water Resources for the wastewater collection system extension. A county water line was required to be relocated for the project. A permit dated 11/10/2016 was obtained from NCDWR for the SD West Water Main Relocation along with the Authorization to Construct, dated 11/14/2016.

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

**Conditional Use Permit Stipulations:** See attachment # 5 for the specific language for Conditions 11 and 14 (g). Condition # 11, Parking and off-street loading areas, of the 2014 CUP revision states in part "Future submittals for preliminary subdivision plat approval will designate park-and-ride parking spaces (such as additional spaces in proposed parking lots above the minimum number required for retail or office uses) and transit stops, pedestrian and bicycle facilities, and traffic calming devices, as reasonable and necessary to accommodate then-existing multi-modal transit needs at those locations." Per the cover letter, attachment # 2, and the CUP Stipulation Update, attachment # 3, Briar Chapel is currently working with County officials to determine a mutually agreed upon location for the parking spaces and a park and ride shelter facility; that Briar Chapel understands the number of parking spaces to be in the range of 12-18 spaces; and that Chatham Transit has requested 18-20 parking spaces. Per an e-mail from Anna Testerman, Executive Director of Chatham Transit, dated December 20, 2016, Ms. Testerman stated "...after meeting with the developers and much discussion I agreed on 20 spaces plus the bus shelter". Staff recommends that the issue be resolved prior to final plat submittal.

Condition # 14, Public Facilities, Item (g), of the 2014 CUP revision states in part "Applicant shall subject one of the commercial lots within SD North, SD East or SD West to a reservation of 5,000 square feet of shell space, to be constructed and provided to the County at no cost or charge to the Count, for the Chatham County Sheriff's Office for a satellite office (the "Reservation"). Because timing, size and potential commercial developers or tenants are unknown at the time of approval of this amendment to the Conditional Use Permit, the selection of which commercial lot shall will be

subjected to the Reservation shall be entirely in the discretion of Applicant. Applicant, however, shall make good faith efforts to reserve said space within the agreement to convey the first lot located within the portion of SD West located north of Taylor Road". Per the cover letter, attachment # 2, and the CUP Stipulation Update, attachment # 3, "The County and NNP Briar Chapel, LLC are currently in the process of addressing the substation square footage reservation in the context of a contract to convey the first SD West lot to Chatham County for the CCCC Health Sciences building site." Please see entire cover letter. The county has not reached an agreement with the developer regarding this issue and staff recommends that the issue be resolved prior to final plat submittal.

**Water Features:** The subject property has two water features, one within Parcel B (pond lot) and one within a portion of the viewshed buffer along the common boundary with Herndon Woods and Taylor Road. Staff recommends that the final plat state the width of the riparian buffers and 10' no build.

**Viewshed Buffers:** The subject property borders Herndon Woods, Taylor Road (SR-1528), and US 15-501. Viewshed buffers have been provided as required by the Compact Community Ordinance. Section 9.3. The CCO requires a 100 foot wide viewshed buffer along all roadways, but allows a reduction to 50 feet if it is determined that the impact of the compact community is adequately mitigated by community design, topography, etc. The developer requested and received a reduction of the viewshed buffer to 50 feet along Taylor Road and US 15-501. The developer has also agreed to provide a 200 foot wide viewshed buffer along the common boundary with Herndon Woods.

**Stormwater Features:** There are two lots designated as pond lots, Parcel A (5.2 acres), and Parcel B (2.7 acres). A Stormwater Management Plan for SD West, dated October 28, 2016 has been approved by NC Division of Water Quality. A copy of the Stormwater Management Plan is also required to be submitted to Chatham County Environmental Quality Department for review.

**Fire Department Review:** Prior to a building permit being issued for a structure, the Fire Marshal will review and approve the plan which will include fire hydrant placement and emergency vehicle access to the structure.

**Technical Review Committee:** The TRC met on December 14, 2016 to review the request. Lee Bowman, Chris Seamster, and Garretson Brown were present to answer question on behalf of the developer. The TRC discussed the park-and-ride lot and bus shelter, shell space for Sheriff's Office, relocation of the waterline, and the viewshed buffers.

The Planning Board met on January 3, 2017 to review the request. Lee Bowman, Project Manager, Garretson Browne, Construction Manager, Chris Seamster, RLA, McKim & Creed, and Nick Robinson, Attorney-at-Law were present to represent the developer. The Board had questions and concerns on the following:

1. That the location of the proposed greenway was not shown on the preliminary plat and that the

design was not completed to allow for Planning Board review. Mr. Seamster stated that the greenway design was being prepared by a third party; that the greenway would be located within the public right-of-way of Taylor Road and Catullo Road; and that required permits for the construction of the greenway were being obtained from NCDOT.

2. Concerns regarding the location and number of parking spaces related to Chatham Transit and the bus shelter facility. Ms. Testerman, with Chatham Transit, was not present at the meeting. Mr. Lucier asked if Briar Chapel would commit to at least 18 spaces. Other Board members were concerned that the number of parking spaces allotted for Chatham Transit may not be adequate for future riders. Mr. Robinson stated that Briar Chapel was continuing to work with Chatham Transit on the location, number of spaces, construction of the spaces and bus shelter; and long term maintenance of the area; and that Briar Chapel was not in a position at that time to commit to a number of spaces. After continuing discussion between the Board members and Briar Chapel, Mr. Bowman agreed to at least 18 spaces and to continue discussions with Chatham Transit.

3. Concerns regarding the location of the sheriff's office shell space. Mr. Robinson stated that Briar Chapel is in discussion with Chatham County regarding this issue.

4. Questions regarding proposed uses of the lots. Mr. Robinson stated that the future owners and uses of the lots is not known at this time. Mr. Bowman stated that the uses will be similar to SD North and that there may be approximately 200 apartments. Ms. Siverson asked if the only access to the lots was through the private easement. Mr. Robinson stated that there would be no access to the lots from either US 15-501 or Taylor Road and that the private easement, Ballentrae, would serve all the lots and that the maintenance of the private roadway will be the responsibility of a homeowners association. The maintenance access easement to the stormwater ponds will be off the public roadway.

The Planning Board discussed tabling the request for one month due to the unanswered questions regarding the greenway, Chatham Transit, and the sheriff's office shell space; however, since all issues are required to be resolved prior to final plat submittal, the Board voted 9-2 to recommend approval with conditions.

**Recommendation:**

The Planning Board by vote of 9-2 and the Planning Department recommend granting approval of the road name, 'Ballentrae' and recommend granting preliminary plat approval of Briar Chapel, SD West with the following conditions:

1. The design of the greenway from Briar Chapel to SD West be completed and necessary permits be obtained prior to final plat submittal.
2. Condition # 11 of the 2014 CUP revision regarding designation of park-and-ride spaces and the bus shelter be resolved between Chatham Transit and NNP Briar Chapel, LLC prior to final plat submittal with the understanding that Briar Chapel has committed to at least 18 spaces.

3. Condition 14 (g) of the 2014 CUP revision regarding reservation of 5,000 square feet of shell space, to be constructed and provided to the County at no cost or charge to the County, for the Chatham County Sheriff's Office for a satellite office (the "Reservation") be resolved between Chatham County and NNP Briar Chapel, LLC prior to final plat submittal.
4. The final plat shall state the width of the riparian buffers and clearly designate the 10 foot no-build.
5. The access and maintenance easement for the stormwater pond on Parcel A shall be located as shown on attachment # 4 in order to lessen the impacts on the viewshed buffer and adjacent property owners.