



# Chatham County, NC

## Legislation Text

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**File #:** 17-2285, **Version:** 1

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Vote on a request to approve Lee Bowman, Project Manager, for subdivision Recombination and Final Plat review and approval of SD West - Parcels A and D, consisting of 2 lots on 10.10 acres, located off SR-1529, Taylor Road, Baldwin Township, parcel #'s 18911 and 86288.

### **Action Requested:**

Request by Lee Bowman, Project Manager, for subdivision Recombination and Final Plat review and approval of SD West - Parcels A and D, consisting of 2 lots on 10.10 acres, located off SR-1529, Taylor Road, Baldwin Township, parcel #'s 18911 and 86288.

### **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 and dwelling units increased to 2,500.

Briar Chapel is reviewed under pre-2008 Subdivision Regulations. The preliminary plat for SD West, consisting of 9 non-residential lots and 2 stormwater pond lots was approved by the Board of Commissioners on February 20, 2017.

### **Discussion & Analysis:**

This request is for recombination of property and a final plat approval.

**Recombination:** In 2010 NNP Briar Chapel petitioned the North Carolina Department of Transportation to abandon state maintenance along a portion of Old Highway US 15-501. The request was approved by the North Carolina Department of Transportation on February 4, 2010.

NNP Briar Chapel also requested that Chatham County permanently close the same portion of the Right-of-Way of Old Highway 15-501 in Baldwin Township. The request was approved by the Board of Commissioners on April 5, 2010 and an Order closing said portion of Right-of-Way was recorded in Deed Book 1514, Page 251. The portion of rofw closed was described in the Order and allowed the property within the abandoned rofw to be recombined to the two (2) adjacent properties, Parcel #'s 18911 and 86288, both owned by Briar Chapel. Parcel #86288 is being recombined with the northern portion of Parcel #18911 as shown on the Final Plat.

Per Jep Rose, County Attorney, the Order contained sufficient language to protect the rights of

existing utility easements, i.e. Chatham County Utility Department, Time Warner Cable, PSNC, etc., that were located within the abandoned area of the Right-of-Way and any future relocation of said easements on Petitioners property to be selected by Petitioners. See Note # 9 on the Final Plat.

The conditions of preliminary plat approval are listed below and have been addressed as follows:

1. The design of the greenway from Briar Chapel to SD West be completed and necessary permits be obtained prior to final plat submittal. The design has been completed and approved by NCDOT. The applicant has received an executed Right of Way Encroachment Agreement which covers "The Installation of curb & gutter and sidewalk on SR 1529 in Chatham County, and any associated pre-construction work." A copy of the Encroachment Agreement and design plan can be viewed on the Planning Department webpage at [www.chathamnc.org/planning](http://www.chathamnc.org/planning) <<http://www.chathamnc.org/planning>> 2017 , Rezoning and Subdivision Cases. Condition # 1 has been met.
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. Staff received confirmation from Dan LaMontagne, Assistant County Manager, Jep Rose, County Attorney, and Anna Testerman, Executive Director, Chatham Transit Network, that the park & ride spaces and bus shelter will be part of Lot D and 18 spaces will be provided. Condition # 2 has been met.
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. Dan LaMontagne, Assistant County Manager, and Jep Rose, County Attorney have confirmed that the language as stated in the cover letter, Item # 2, is correct and acceptable. Condition # 3 has been met.
4. The final plat shall state the width of the riparian buffers and clearly designate the 10 foot no-build. Condition # 4 has been met.
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 view shed buffer and adjacent property owners. Condition # 5 has been met.

#### **Final Plat:**

The final plat submittal is for two (2) lots, Lots A & D. Lot A is a stormwater pond lot and Lot D is a non-residential lot. Rachael Thorn, Water Protection Supervisor has reviewed the final plat and requested the following two (2) revisions be made to Lot A prior to final plat recordation:

1. Provide the approximate location of the stormwater BMP (using existing top of bank).

2. Label the stormwater easement "Private" and specify the entity responsible for maintenance.

Per Chris Seamster, RLA, McKim & Creed, the revisions will be made and approved by Ms. Thorn prior to final plat recordation.

The final plat was submitted with a request for a financial guarantee for completion of the necessary infrastructure for Lots A & D. Per the cost letter submitted by Chris Seamster, RLA, dated June 15, 2017, the improvements for Lots A & D were 67% complete as of the final plat submittal date. An updated cost letter will be provided prior to final plat recordation. The county attorney will review and approve the form of the contract and financial guarantee prior to final plat recordation.

As discussed during the preliminary plat review, the roadway serving the lots will be a 60 foot wide private easement to be maintained by the developer or Briar Chapel Commercial Association, Inc.

The Technical Review Committee met on June 21, 2017 to review the request. Various county staff attended the meeting along with Chief John Strowd, North Chatham Fire Department. Chief Strowd stated that the private roadway would provide accessibility to the lots for emergency vehicles. Other items discussed included meeting required conditions from the preliminary plat review, recombination of property, and revisions to the final plat regarding the stormwater pond.

The Planning Board met on July 11, 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 and answer questions from the Planning Board. Questions from the Board included whether Lot D had been purchased yet by Chatham County; how is Briar Chapel guaranteeing that condition 14 G regarding the sheriff substation will be met; maintenance of stormwater pond and private roadway; is greenway located with the public road right-of-way; and who is responsible for maintenance of greenway.

Nick Robinson spoke and stated that the lot purchase would not be completed until after final plat recordation; that NNP and Chatham County had reached a resolution of the Sheriff's Substation Reservation condition 14(g) and that language had been reviewed and approved by the county manager and by the county attorney that will be included in the contract for sale of the CCCC site in SD West, Lot D; that a private commercial property owner association will be responsible for the stormwater pond and private roadway; that the greenway is located within the public right-of-way along Taylor Road, SR-1529, but that the Briar Chapel Homeowners Association will be responsible for the maintenance of the greenway and not NCDOT.

#### **Recommendation:**

The Planning Board by a vote of 10 - 1 and the Planning Department recommend granting approval for subdivision Recombination and Final Plat of SD West - Parcels A and D.