



# Chatham County, NC

## Legislation Text

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**File #:** 19-2993, **Version:** 1

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Vote on a request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision **Preliminary Plat** review and approval of **Briar Chapel, Phase 12**, consisting of 134 lots on 36.19 acres, located off Great Ridge Parkway, SR-1692, Baldwin Township, parcels #80420, 80418, 87088, 88053

### **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 and Zone AE

**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 Board has 60 days 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 12, consisting of 134 lots on 36.19 acres. There are alleyways and on-street parking located within the phase.

**Roadways:** The lots will be accessed by state maintained roads that will connect to Great Ridge Parkway. There are three (3) public roads, two (2) alleyways proposed and thirty- four (34) on-street parking. NCDOT has reviewed and approved the construction plans for Phase 12.

**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: Vandalia Avenue, Chauncey Circle, Copper Leaf Avenue, Twin Leaf Street, and Mills Gap Road.

**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) 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 the private waste water treatment plant serving Briar Chapel. Briar Chapel has received a Wastewater Collection System Extension Permit dated November 30, 2018 from 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 12 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 December 7, 2018. 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 are multiple streams shown on the overall site plan and the required 50 foot per side riparian buffers and 10' no-build setbacks are provided. Both the 100- and 500-year flood lines are shown on the overall site plan, although the Flood Damage Prevention Ordinance standards only apply to the 100' floodplain. The streams are also located within common areas.

**The Technical Review Committee:** The TRC met on January 16, 2019 to review the request. Chris Seamster, RLA, McKim & Creed was present to represent the developer. Mr. Seamster explained there are steep slopes on the north portion of Section 3 and an alleyway was needed. This phase has a mix of front- and rear-loaded lots. It was noted that the stormwater BMPs are outside the 100 year floodplain. There is no connection to Half Dollar Road, which was a concern raised by several residents in the surrounding community, and a 50' voluntary buffer has been provided adjacent to the Roberts property. There was a brief discussion about the Mills Gap Road (alleyway shown in C1.1 of the overall site plan), and whether it connects to Great Ridge Parkway, which it does not. Chief John Strowd asked if the developer would widen the alleyway by Lot 2218 to improve fire vehicle access and Mr. Seamster stated they would make the area wider. Tom Bender, Chatham County Fire Marshal, had concerns about the road radius by Lot 2167 on Chauncey Circle and asked if it had been checked for emergency access. Mr. Seamster stated he didn't believe the area was tested, but it's the standard road design a 30' radius and can be widened if needed. There was a brief discussion about drainage to a neighboring property and if there will be berms placed in the area. Mr. Seamster stated no berms will be placed because of the slopes and no drainage will go to the neighboring property.

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

The Planning Board reviewed the application during their February 5, 2019 meeting and several neighboring property owners provided comments about the proposal. Comments included that the Half Dollar Road cul-de-sac should be removed; there are existing riparian buffer issues; and that blasting shouldn't be allowed. Two speakers who live near this phase expressed support for the application because it does not connect to Half Dollar, which had been considered by the developer (written comments from one of the speakers is provided on the Planning Department website). Staff noted that none of the roads in Phase 12 were proposed to connect to Half Dollar Road and concerns about the existing cul-de-sac should be directed to NCDOT.

Planning Board discussion included questions about the road width; whether parking is allowed in the alleys; the turning radius onto the alley from Copperleaf Avenue; speed limit; type of housing; and what is allowed in the 50' voluntary buffer adjoining the Dollar property. Chris Seamster and Lee Bowman, both representing Newland Communities, responded that the road width is the typical cross section that has been used throughout Briar Chapel; the turning radius onto the alley from Copperleaf Avenue will be modified to address North Chatham Fire Department's concern; the speed limit is 25 mile per hour on the roads serving the homes; single family dwellings will be constructed on the 26' and 32' lots, not townhomes; the 50' voluntary buffer would be graded in some areas and would have a planted berm in certain areas. The Board voted unanimously (9-0) to recommend granting approval of the preliminary plat application with staff's recommendations.

#### **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 12 will have 134 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 12 has public roadways connecting to the balance of Briar Chapel.

#### **Recommendation:**

The Planning Board by unanimous vote (9-0) and Planning Department recommend granting approval of the road names Vandalia Avenue, Chauncey Circle, Copper Leaf Avenue, Twin Leaf Street, and Mills Gap Road and granting preliminary plat approval of Briar Chapel, Phase 12 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.