

PLANNING & ZONING REVIEW NOTES

III. B. 2.

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**SUBJECT:** Request by Joe Grady, Jr., PLS on behalf of NNP Briar Chapel, LLC for subdivision final plat approval of "**Briar Chapel, Phase 4; Section 2**", consisting of 120 lots on 35 acres, located off SR-1532, Mann's Chapel Road and US 15-501 N.

**ACTION REQUESTED:** See Recommendation.

**ATTACHMENTS:** The following may be viewed on the Planning Department website at [www.chathamnc.org](http://www.chathamnc.org) under Planning, Rezoning & Subdivision Cases, 2007.

1. Major subdivision application.
2. Memorandum from Kevin Hamak, Project Manager, Land Planning, John R. McAdams Company, Inc. addressing conditions of preliminary plat approval of Phase 4, Pods A, B, C, and D and conditions of the zoning Conditional Use Permit approval.
3. Briar Chapel – Phase 4, Start and Completion Projections
4. Final plat titled "Briar Chapel, Phase 4, Section 2", prepared by The John R. McAdams Company, Inc., dated August 8, 2007

**INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS:**

Zoning: Conditional Use District / Compact Community  
Water System: Chatham County  
Sewer System: Private Wastewater Treatment Plant  
Watershed District: WS-IV PA  
Subject to 100 year flood: No floodable area within this section of development.

This request is a portion of the Briar Chapel Planned Residential Development, consisting of 2,389 dwelling units on 1,589 acres, located off Hwy 15-501 N and Mann's Chapel Road, SR-1532, approved by the Chatham County Board of Commissioners on February 15, 2005. A copy of "*An Ordinance Amending the Zoning Ordinance of Chatham County*" and "*A Resolution Approving An Application For A Conditional Use Permit For A Request By Mitch Barron On Behalf Of Newland Communities for Briar Chapel Planned Residential Development*" may be viewed on the Chatham County web site at [www.co.chatham.nc.us](http://www.co.chatham.nc.us), then click on Planning, Rezoning & Subdivision Cases, Miscellaneous Prior to 2005, Briar Chapel. A copy of the Compact Community Ordinance can also be found on the Planning Department web page.

**Re: "Briar Chapel, Phase 4"**

**INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS** - con't

The Board of County Commissioners approved a preliminary plat for Briar Chapel, Phase IV, Pods A, B, C, and D (Including Phase 3 ROW) consisting of 323 lots on October 16, 2006. A copy of staff preliminary notes can be viewed on the Planning Department web site at [www.chathamnc.org](http://www.chathamnc.org) – Departments and Programs, Planning, Rezoning and Subdivision Cases, 2007, Briar Chapel, Phase IV, Pods A, B, C, and D (Including Phase 3 ROW).

**ISSUES FOR FURTHER DISCUSSION AND ANALYSIS:** This request for final approval of "Briar Chapel, Phase 4, Section 2", consisting of 120 lots on 35 acres is a portion of the above referenced preliminary approval. A financial guarantee for the completion of the infrastructure for Phase 4, Section 2 has been submitted to the county attorney for review and approval of the form of the financial guarantee. Per Tommy L. Vance, PE, John R. McAdams Company, Inc. improvements completed to date are approximately 43 percent complete. The improvements remaining to be completed include: Public/Private roadway clearing, grading, erosion control, paving, curbing, striping, signage, sidewalk, seeding and final clean-up. Section 3.1 B. (1) of the Subdivision Regulations states that, "When either forty (40) percent of the total cost of improvements have been completed or when a statement of record for the subdivision has been filed in accordance with the Federal Interstate Land Sales Full Disclosure Act, and when the public health and/or safety will not be endangered, the County may waive the requirement that the applicant complete all required improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant post an adequate security at the time of application for final subdivision approval." See Section 3.1 B (1) for the entire language. Great Ridge Parkway, entering from Mann's Chapel Road is the roadway serving these lots. To date, the roadway is not considered accessible to emergency vehicles due to several culverts that must be installed and a lack of sufficient gravel. It is staff's recommendation that the final plat not be recorded until staff has received verification from the engineer that the road is accessible to emergency vehicles. County water is available to the development for fire service protection; therefore water availability is not an issue in consideration of whether the public health/safety will be endangered. It is the staff opinion that this development qualifies for acceptance of a financial guarantee once the roadway is verified as accessible to emergency vehicles.

The previous final approval by The Board of County Commissioners of *Briar Chapel-Phase 3 and 4 and Great Ridge Parkway Right-of-Way Dedication* on May 21, 2007 included a financial guarantee for completion of Great Ridge Parkway and county water lines. The plat associated with this referenced approval has not yet been recorded due to some concerns by NCDOT. These concerns are in the process of being met by the developer, and once they have been met, the plat will be presented for signature and recordation. This plat also may not be recorded until staff has received verification that the roadway is accessible to emergency vehicles. The final plat for the current submittal, Phase 4, Section 2, cannot be recorded until the previous plat is recorded since Great Ridge Parkway is considered the only access at this time for the Phase 4, Section 2 lots.

Attachment # 2 from Kevin Hamak, Project Manager, Land Planning, John R. McAdams Company, Inc. addresses the conditions of preliminary approval and includes responses to each of the Conditional Use Permit conditions. Attachment # 3, is the "Start and Completion Projections" for Phase 4. Lots 112, 134 & 159 are designated as 'affordable lots'.

**Re: "Briar Chapel, Phase 4"**

**RECOMMENDATION:** *The plat displays the necessary information and meets the requirements of the Subdivision Regulations with the final approvals of other agencies.*

The Planning Department recommends granting final approval of **"Briar Chapel, Phase 4, Section 2"** with the following two (2) conditions:

1. The final plat not be recorded until the county attorney has approved the form of the financial guarantee.
2. The final plat not be recorded until staff has received verification that Great Ridge Parkway is accessible to emergency vehicles, i.e. culverts have been installed and roadway is graveled.