

..TITLE

A request by Lee Bowman, Project Manager on behalf of **NNP Briar Chapel, LLC** for subdivision final plat approval of SD East Parcels 7 – 9, consisting of 3 lots on 18.59 acres, located off US Hwy 15-501 N., Baldwin Township, parcel #18911.

..ABSTRACT

Action Requested:

Vote on a request by Lee Bowman, Project Manager on behalf of NNP Briar Chapel, LLC for subdivision final plat approval of SD East Parcels 7 – 9, consisting of 3 lots on 18.59 acres, located off US Hwy 15-501 N., Baldwin Township, parcel #18911.

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 East

General Information: Compact Community approved in 2005 for 2,389 dwelling units and commercial uses 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: Briar Chapel is reviewed under pre-2008 Subdivision Regulations.

The Board of County Commissioners granted preliminary plat approval of SD East on September 18, 2017 consisting of 7 non-residential subdivision parcels, 2 exempt over 10 acre parcels, and 2 stormwater pond parcels. There were four (4) conditions of approval as follows:

1. The final plat(s) shall include a note regarding cross parking easement for all parcels. The applicant added a note to the final plat stating "Pedestrian sidewalk access between separately developed parcels will be provided." This condition has been met.
2. The final plat(s) shall include the width of the riparian buffers and label the 10 foot no build area. This condition has been met.
3. The final plat shall include the required stormwater note, approximate location of the stormwater BMP (using existing top of bank), label the stormwater easement 'Private'; and specify the entity responsible for maintenance. This condition has been met.
4. The County Stormwater Administrator shall review and approve the stormwater management plan prior to construction or installation of infrastructure pursuant to condition #4 of the conditional use permit. This condition has been met.

Discussion & Analysis: The request before the Board is for final plat approval of Parcels 7 – 9 and Commercial Common Area # 3 (stormwater pond parcel). These parcels were numbered on the preliminary plat as Parcels 1 (pond lot), 2A, 2B, and 3. The application is being submitted along with a request for a financial guarantee. The

pre-2008 Subdivision Regulation requires that 40% of the total cost of improvements be completed prior to submittal of a final plat and that the public health and/or safety not be endangered. Per the cost letter dated December 8, 2017, prepared by Chris Seamster, PLA, McKim & Creed, the improvements are 52% complete. An updated cost letter may be submitted prior to final plat recordation if additional work has been completed. Staff recommends granting the request for a financial guarantee. Staff also recommends that the final plat not be recorded until the engineer has certified that the roadway providing access to the parcels is accessible to emergency vehicles and that the final plat not be recorded until the county attorney has reviewed and approved the form of the contract and financial guarantee.

The final plat shows the 50 foot riparian buffer along the intermittent streams along with the 10 foot no-build area. A 50 foot viewshed buffer is shown along 15-501 and a 300 foot perimeter buffer is shown along the common boundary of Fearrington Village residents and the Betty Stallings property.

The Technical Review Committee met on December 13, 2017 to review the submittal. Issues discussed included conditions of preliminary plat approval, platting of public water line easement, and emergency vehicle access.

The Planning Board met on January 2, 2018 to review the request. Nick Robinson, Attorney-at-Law, Chris Seamster, PLA, McKim & Creed, and Garreston Browne were present to represent the developer and answer questions from the Board. Ms. Richardson reviewed the agenda notes and stated that condition # 1 as stated in the Planning Board agenda notes which read "A note shall be added to the final plat to state that there will be a cross parking easement between the separately developed parcels" could be removed; that the discussion at preliminary plat review was regarding cross pedestrian access and not cross parking access; and that there was a note on the final plat stating that "*Pedestrian sidewalk access between separately developed parcels will be provided.*" Mr. Robinson addressed the Board and stated that he agreed that condition # 1 should be removed and that parking needs for each parcel will be determined by the end user. Board discussion followed and included concern that some businesses may not allow parking for other uses in their parking areas and have cars towed; were there cross parking easements provided in SD North; how will cross parking be handled; any idea who end user(s) of the lots will be at this time; and is SD East treating stormwater from NCDOT Hwy 15-501. Mr. Robinson stated that there were no cross parking easements in SD North; that a skilled nursing facility was under contract to purchase Lots 7, 8, & 9; that if the purchase was finalized, Lots 7, 8, & 9 would be recombined into one parcel; that parking needs of end user is addressed by private restrictive covenants and there could be designated parking depending on the use. Mr. Seamster stated that the stormwater pond on Commercial Common Area # 3 is not design to handle any stormwater from NCDOT Hwy 15-501. Ms. Richardson stated that prior to a building permit being issued on any lot, the Zoning Administrator will review and approve the site plan for the use regarding setbacks, lighting, landscaping, required parking, etc.

How does this relate to the Comprehensive Plan:

Goal 3: Promote a compact growth pattern by developing in or near existing towns, communities, and in designated, well planned, walkable, mixed use centers.

Recommendation: The Planning Department and the Planning Board by a unanimous vote, recommend granting approval of the request with a financial guarantee and granting final plat approval of SD East Parcels 7 – 9, with the following conditions:

1. The final plat shall not be recorded until the county attorney has reviewed and approved the language of the contract and financial guarantee.
2. The final plat shall not be recorded until the engineer has certified that the roadway providing access to the parcels is accessible to emergency vehicles.