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Vote on a request by Zach Daugherty on behalf of Garden Street Communities Southeast, LLC for subdivision **First Plat** review and approval of **Savannah Ridge**, consisting of 158 lots on 150.58 acres, located off Moncure School Road, SR-1931, parcels #11229.

..ABSTRACT

Action Requested:

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Introduction & Background:

Zoning: R-1

Water System: Public Water

Sewer System: Private and Community

Subject to 100 year flood: No special flood hazard area within the development.

General Information: The subdivision process is a four (4) step process: Concept Plan, First Plat, Construction Plan, and Final Plat. The applicant has completed the community meeting and the Concept Plan review. This is a conservation subdivision and lot sizes and setbacks vary, but the method to calculate net density is outlined in the Subdivision Regulations. Per Section 5.2 C (4) (a) "During a First Plat review, the first Planning Board meeting shall include a Public Hearing to receive comment on the proposed subdivision." Item (b) states "Following the Public Hearing, the Planning Board shall review the proposal, staff recommendation and public comments and indicate their recommendation for approval, disapproval or approval subject to modifications. If the Board recommends disapproval or approval subject to modifications, the necessary reasons or modifications will be specified in the minutes of the meeting"

Discussion & Analysis:

The request is for First Plat review and recommendation of Savannah Ridge, consisting of 158 lots on 150.58 acres, located off Moncure School Road, S.R. 1931. A vicinity map showing the property location, attachment # 3, is included in the agenda packet. As stated above, the Planning Board has two (2) meeting to act on the proposal.

Section 7.7 of the Subdivision Regulations, Conservation Subdivision – Alternative Standards for Development states in part "As an alternative to conventional layouts, Chatham County encourages the preservation of large, contiguous blocks of land....When a project voluntarily preserves Conservation Space in accordance with this Section, a project can increase the number of units that would be allowed on the overall property by ten (10) percent. Calculations of the density bonus shall be based on

the applicable underlying land use regulations(s) dictating allowable development density.” Section 7.7 J. states in part “conservation subdivisions proposed for the purposes of sustaining existing on-site bona fide agricultural operations are entitled to a five (5) percent increase in permitted density (this in addition to the ten (10) percent density bonus). . . .” Please read the entire Section 7.7, Items A – N for a complete understanding of Conservation Subdivisions. Also, please refer to the Chatham County Conservation Subdivision Guidelines for Conservation Space Selection which is available on the Planning Department webpage under Ordinances and Regulations. A conservation subdivision requires that a minimum of 40% of the project area be retained as Conservation Space. A minimum of 80% of such Conservation Space shall be Natural Space and a maximum of 20% of the Conservation Space may be Open Space.

Density Calculations: The land required to be protected within a Conservation Subdivision under other regulatory provisions, i.e. riparian buffers and floodplain, is 22.2 acres. Based on the net land area the lot yield would be 150 lots and with the 10% density bonus would increase to 165 lots. The proposed project is 158 lots.

Conservation Space: Of the total project area of 150.58 acres, 60.23 acres is required to be in Conservation Space and the site plan indicates that 81.93 acres will be set aside. See the site plan for the breakdown and location of the Conservation Space. The developer allowed NC Natural Heritage Program to visit the proposed project prior to designing the subdivision layout. The area set aside for Conservation Space meets the requirement that 40% of the project area be retained as Conservation Space.

Natural Space: 80% of the Conservation Space is required to be Natural Space. The Conservation Space Guidelines states “Natural space is unimproved land in its naturally occurring state, or preserved to regenerate to its naturally occurring state, unaltered by human activity, and preserved to maintain or improve the natural, scenic, ecological, cultural, hydrological, or geological values of an area.” The site plan indicates this requirement will be met.

Open Space: A maximum of 20% of the Conservation Space may be Open Space, of the 60.23 acres designated as Conservation Space and the site plan indicates this will be met. The ‘Guidelines’ state “Open space, as defined in the Subdivision Ordinance, allows amenities such as recreational uses and some non-intrusive common uses (e.g. when land application is not the preferred means of wastewater disposal, community septic systems are allowed in Open Space areas). Open space should be located as close to proposed development as practicable, taking into account considerations such as public safety and soil suitability.” See Section 7.7 (D), Items 1 – 7 for allowed uses in Open Space related to Conservation Subdivisions. All land disturbing activities associated with the Conservation Subdivision are subject to the full provisions of the

Soil Erosion and Sedimentation Control Ordinance, regardless of the designated use or status of a given area.

Roadways: The roads are to be built with a 50-foot-wide travelway with a 20-foot-wide public right-of-way, will be approximately 1.4937 miles in length, and are to be state maintained.

A newly proposed 20' wide access easement is provided to parcel 11371.

Historical: Bev Wiggins and Sy Robbins with Chatham County Historical Association commented that per the will of Joseph Minter dated September 25, 1822 (Will Book B-108), refers to “the graveyard where my father and mother’s buried with other of the family, which is one eighth of an acre.” It is believed the graves are on or near parcel 11371. The Minters where very early settlers and were known to have a plantation of 1000+ acres.

A letter from the North Carolina Department of Natural and Cultural Resources dated August 26, 2020. (*EIA Appendix D*) stated “While no archaeological sites have been recorded within the project area, a potential historic cemetery associated with the Minter family has been reported... We recommend that a reconnaissance level survey of the project area be conducted by an experienced archaeologist.”

The current property owner of parcel 11371, Brenda Harrington, provided a statement (EIA Appendix D) “there are no graves on this property related to the Minter family at any time in the past or currently and has no knowledge of this property ever having graves located within its boundary.” Ms. Harrington is a daughter of Clarence and Mottie Minter whom where previous owners of parcel 11371.

Schools: Notification of the proposed development was provided to the Chatham County School System.

Environmental Impact Assessment: Due to the number of lots, an Environmental Impact Assessment (EIA) was required to be submitted and peer reviewed. The EIA, dated February 10, 2021 and updated, March 14, 2021 was prepared by Timmons Group and peer reviewed by Johnson, Mirmiran & Thompson, Inc. (JMT). Per the EIA Appendix B noted that Notched Rainbow, Septima’s Clubtail, Coppery Emerald, Cape Fear Shiner, Dry Mesic Oak Hickory Forest, Dry Oak Hickory Forest, Mesic Mixed Hardwood Forest, Piedmont Boggy Streamhead, Buttercup Phacelia, Bog Spicebush, Harperella, and Piedmont Basic Glade has been documented in a one-mile radius of the site.

The developer engaged the NC Natural Heritage Program to visit the site and provide a survey report. Justin Robinson, Special Projects Botanist visited the site March 2020

and provided a report dated June 27, 2020 (the report is included as Appendix B in the EIA). The report included that “no records for rare species, important natural communities, natural areas, and/or conservation/managed areas within the proposed project boundary, it does not imply or confirm their absence...”

In the Conservation Subdivision Guidelines for Conservation Space Selection two maps are required to be submitted, a Fragmentation Map and an On-site Inventory Map. The Fragmentation map illustrates the project site and all land within one mile of its boundaries and is designed to assist the applicant in deciding where Conservation Space should generally be located to create connections with existing Natural Space or allow future Natural Space connections on adjacent properties. The Onsite Inventory Map is used as the “primary decision-making tool for the applicant in selecting specific areas to include in Conservation Space, and the County in issuing approvals. Data required to generate this map should be available on the Chatham County GIS and from on-site investigations. This can include information on existing landcover, proposed natural space preservation locations and acreages, topography, locations of streams, wetland, floodplains, and required buffers, adjacent natural areas, and cultural and historic resources. Watershed Protection Department staff has reviewed the maps and determined they are adequate to meet the minimum submittal requirements.

Ownership / Management of Conservation Space: Section 7.7 (F) of the Subdivision Regulations requires that the applicant identify the current and intended future owners(s) of the Conservation Space and who will be responsible for maintaining the area / facilities. Per the Draft Conservation Management Plan the Natural Space and the Open Space will be maintained by the Savannah Ridge Conservation Subdivision Homeowners Association. Section 7.7 (G) requires that a management plan for the Conservation Space be submitted to and approved by the County. A copy of the draft plan has been provided by the applicant. Per Section (G) “Upon initial approval of the management plan by the County, changes to the plan shall be allowed only when approved by the County Board of Commissioners.” Section (H) requires that the Conservation Space shall be protected in perpetuity by a binding legal document that is recorded with the deed upon review and approval by the County. The applicant has provided a draft copy of the deed which will convey the Conservation Space to the third party (homeowners association) and has included a draft copy of the Declarations of Covenants and Restrictions. Prior to final plat recordation, the county attorney shall review and approve the form of the Management Plan, the Declaration of Covenants and Restrictions, and the deed for the Conservation Space.

Community Meeting: A community meeting was held March 9, 2020, at Moncure School Cafeteria. Approximately thirty-two people attended the meeting. Some concerns were price range of the homes, size of lots, will the school system be able to support the development, location of graves, location of construction entrance, any road

improvements, water runoff, what is the timeline of the project, any amenities, any additional parking on proposed project for the school and a walkway to the school, water pressure concerns, and can the fire department support the growth.

The applicant's response included the home price range will be \$60,000 for lots and homes between \$200-\$300k, 73+/- lots will be 6,000 square feet and 88+/- lots will be 20,000 square feet, stormwater ponds are required by Chatham County to help with the runoff, and it's proposed for the amenity to have a clubhouse and pool.

Technical Review Committee: The TRC met virtually on June 16, 2021 and July 14, 2021 to review the First Plat submittal. Representatives for the applicant were Zachary Daugherty, Liz Ange, and Beth Blackmon. Items discussed during the June 16, 2021 included

- On-site inventory and fragmentation maps will need to be reviewed and approved again.
- Lot 23, if converted into open space or a park, would remove a stream crossing impact.
- Lots 30-35, combine the red route with purple route to combine several pipes into one stream crossing.
- Live Oak Drive lots, route was brought behind lot 124, reduce the impact to one stream crossing.
- Accommodation for additional parking - designated on-street parking or parking within the community.
- Cul-de-sac radius is 35', needs to be changed, county requires 40' with 55' Right-of-Way.
- Water tie-in at intersection of Jordon Dam Road and Moncure School Road, then brought down the Right-of-Way of Moncure School Road into the subdivision.
- Access easements going to the septic fields needs to be established up front because that will go into your open space and not be calculated as natural space.
- Numbering of the lots be more consecutive.
- Correction on the application for total acres, Minter parcel was removed, 1.5 acres from total.
- Septic line needs to be shown for lot 105 (supposed to be part of lots 100-104)
- Stormwater ponds should have an easement around them and needs to be labeled.
- Show the streams inside the riparian buffers and wetlands.
- Provide the development schedule on a sperate sheet.
- Coordinate with the Fire Marshal and Moncure Fire Department regarding accommodation for additional parking in areas with 6,000 square foot lots.

July 14, 2021 TRC comments included:

- The development team stated they deleted Lot 23 and its currently open space, the layout is the same, extra parking located at the amenity center, stream crossings were adjusted for septic, cul-de-sac corrected, and labeling and numbered.
- Concerns with the space requirements for most of the on-site and off-site septic systems. Environmental Health recommends the soil scientist demonstrate to the developer that all septic systems, homesites, driveways, walkways, etc can be accommodated within the space provided. The developer must follow the Off-Site Rules for septic system placement.
- If graveyard has been located?
- Fire Marshal had concern with the density of the lots and if there would be additional parking. -The development team stated they added no parking signs, and the road design would be a ditch and swale cross-section, which is less likely to have on-street parking.

Septic: A soils report and map were submitted to Thomas Boyce, Chatham County Environmental Health, LSS, REHS, Chatham County Environmental Health, for review. Mr. Boyce indicated that the report and map were adequate for a First Plat review, the off-site septic systems must comply with the State's innovative approval. The project is proposed for private and community septic.

Water: County water is available; the developer is proposing to extend a water line to serve the development. Larry Bridges, Chatham County Utilities Director, has reviewed the proposal and stated during the TRC meeting on June 16, 2021, it's preferred that the tie-in be made at the intersection of Jordan Dam Road and Moncure School Road.

Road Name: The road names Live Oak Drive, Orleans Drive, Harper Lane, Mercer Ridge, Savannah Ridge Lane, Telfair Lane, Warren Drive have been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval.

Water Features: Lauren Norris-Heflin, submitted the Riparian Buffer Review Application along with a riparian buffer map, to Drew Blake, Senior Watershed Specialist for review. Ms. Jean Gibby of the US Army Corps of Engineers completed an on-site determination on August 31, 2020, to verify wetlands. Drew Blake, Morgan Gilbert, and Lauren-Heflin visited the site July 28, 2020. Mr. Blake confirmation letter dated August 28, 2020, stated three (3) ephemeral streams, two (2) intermittent streams, one (1) perennial stream, and eleven (11) wetlands were identified. The three (3) ephemeral streams require a 30-ft buffer, the two (2) intermittent streams require 50-ft buffers, the one (1) perennial stream require 100-ft buffer, and the eleven (11) wetlands require 50-ft buffers from all sides landward.

Phasing: The applicant has provided a phasing schedule stating, Construction Plan submittal for Phase 1 (74 lots) by November 30, 2022, and Final Plat submittal for Phase 2 (84 lots) by August 31, 2023.

Stormwater and Erosion Control: Two stormwater devices are proposed. As part of the stormwater permitting process additional information will be provided to the Watershed Protection Department. A Stormwater Permit and Sedimentation & Erosion Control Permit will be obtained from the Chatham County Watershed Protection Department prior to Construction Plan submittal. No land disturbing activity can commence on the property prior to obtaining Construction Plan approval.

Site Visit: Site visits were scheduled for July 21, 2021 and July 22, 2021, for Planning Department staff and various Board members to attend. Zachary Daugherty, Elizabeth Ange, and Mike Zaccardo were present to walk the property with staff and board members and discuss the project. Areas viewed included wetlands, perennial streams, ephemeral streams, proposed conservation spaces and off-site septic areas. Pictures of the site visit can be viewed on the Planning Department webpage at www.chathamcountync.gov/planning, Rezoning and Subdivision Cases, 2021. Questions raised during the site visit include additional parking and off-site septic areas.



Special Buffers: Chatham County Conservation Viewer shows the proposed project is within a hunting safety buffer and a smoke awareness area. The hunting safety buffer is shown in pink and the smoke awareness area shown in green. These are not regulatory buffers, but notifications from the NC Forestry Service and Wildlife Resources Commission regarding activities that occur on the adjoining property owned by the Army Corps of Engineers.



Planning Board Discussion August 3, 2021:

The Planning Board reviewed the application during the August 3, 2021 meeting. Ms. Susan Miller spoke at the public hearing of her concerns with the existing school traffic and potentially more traffic on a small rural road with the proposed subdivision. Ms.

Miller stated the current school traffic is turning around in her driveway due to the school traffic back up.

Mike Zaccardo, P.E. with the Timmons Group was present on behalf of the developer. Mr. Zaccardo stated the off-site septic fields are located where the best soils were identified, public water will serve the development, there will be posted 'no on-street parking' signs within the neighborhood, and the homes will be built by Adams Homes Builder an affordable custom home builder and the homes will sell for the low \$300,000s. It was explained, on the smaller lots, six homes in a row will have their own individual pump systems tying into a common force main and the wastewater will flow to the remote septic drain fields. Since, the drain fields will be in a common area the HOA will need to hire a certified wastewater operator to monitor the off-site septic systems and/or the remote fields. There will be one area with a drip irrigation system.

Board members questions/concerns included the following:

- how much of the open space is covered by the off-site septic fields,
- the off-site septic fields will need to be monitored by a certified entity hired by the HOA and the Planning Board members do not know what company will be used,
- concerns with large areas of septic fields and how much grading will be involved,
- if the pools and wetland areas were from old logging roads,
- why wasn't a traffic analysis completed,
- was approval sought from the U.S. Army Corp to allow access off Jordan Dam Road,
- concerns with parking and why the Chatham County Fire Marshal hasn't been contacted,
- concerns with access roads to the septic areas will go through secondary natural space.

The board voted to postpone the proposed project to the next Planning Board meeting and requested the developer work with staff and bring the project back.

Since the last Planning Board meeting on August 3, 2021, the developer has provided three emails. Email dated August 17, 2021, provides the provision regarding vehicles and parking restrictions that states, "Vehicles shall not be allowed to park on any street within the subdivision of on any portion of a Lot other than in the driveway or garage", email dated August 11, 2021 provides correspondence from Fire Chief Shi with the Moncure Fire Department and email dated August 24, 2021, provides a copy of title insurance. Planning Staff contacted the Fire Marshal, and he has not been contacted by the applicant or their representatives.

Planning Board Discussion September 7, 2021:

The Planning Board resumed their review of this item during the September 7, 2021 meeting. Beth Blackmon, P.E. with Timmons Group and Zach Daugherty, Acquisitions and Development with Garden Street Communities Southeast were present. Mr. Daugherty gave a brief introduction. He expressed that Garden Street Communities Southeast pride themselves as an affordable custom home developer and Adams Homes Builder will be the builder for the project. There is overwhelming support from Moncure School teachers, administration, and local fire fighters. Mr. Daugherty expressed that Moncure Fire Chief Shi supported the project and was agreeable with the no parking signs proposed to be posted within the development.

Mr. Daugherty proposed there will be lighting at every fourth dwelling and natural space will serve as a buffer between the adjacent commercial property. Per Mr. Daugherty NCDOT stated a Traffic Impact Analysis would not be required, but they are willing to offer a full TIA as a condition of approval. Mr. Daugherty stated if there were graves on the property the cemetery would show up during the title insurance process. If any graves are discovered they will report them to the appropriate agencies.

Ms. Blackmon stated 24.7 acres of off-site septic are in the open space, but not in the primary and secondary natural space. All streams and riparian buffers are located on 25.14 acres of primary natural area and there are two crossings to access the off-site septic areas. Of the 17 acres preserved for primary natural space 14.35 acres are Dry Mosaic Oak Hickory Forest. The second natural area includes 27.59 acres which includes the hunting safety buffer, smoke awareness area, and prime farmland area.

Planning Board discussion included primary natural areas, what is the level of disturbance for the off-site septic, not meeting Section 7.7K(3), and concerns with the traffic impact. The Board stated, "primary natural areas will be either State Natural Heritage areas and Natural Heritage element occurrences, NC Wildlife action plan upland systems more than 5000 sq ft, of historic and cultural resources." The Board stated it does not appear that any of the primary natural areas fit into those classifications. Ms. Blackmon stated this site does not have some of those items and there is forest land that is preserved but this site doesn't have a lot to preserve particularly for wildlife. She commented they are preserving the primary areas that we could and the items that are ecologically important.

Ms. Blackmon explained for the level of disturbance the septic pipes will hug along the outside edge of the septic area to not disturb the primary and secondary natural areas in the middle of the site. The piping would be a little longer to allow as little disturbance as possible.

Section 7.7 K (3) states "open space shall be accessible to the largest number of lots, majority of the lots should abut open space." The Board expressed that the lots do not abut a majority of open space and primarily adjacent to the streams and natural area. Ms. Blackmon stated the conservation areas surround the open space, a homeowner is

not going to look at the primary or secondary natural space or open space as anything different but open space.

How does this relate to the Comprehensive Plan:

Plan Chatham was adopted by the Board of Commissioners in November 2017 and is a comprehensive plan that provides strategic direction to address the most pressing needs in the county. This property is in a split area of the county a portion of the property is identified as compact residential and the other portion of the property identified as conservation on the Future Land Use and Conservation Plan Map (Strategy 5.2). The description for compact residential includes single family homes, community centers, amenities, recreational uses, schools, churches, large natural resource areas to small pocket parks and garden. The description for conservation includes single family, low impact development, passive recreation areas, and greenway trails. Conservation subdivisions are encouraged to protect nature resources while not disrupting agricultural practices. The developer also contacted the NC Natural Heritage Program to review their database for any rare species, important natural communities, natural areas, or conservation/managed areas within the project boundary and no rare species were identified in their records. It should be noted that Plan Chatham is not intended to be used as a regulatory tool but is a policy document. When reviewing subdivision applications, the boards can use the plan as a tool to identify future regulatory changes.

Recommendation:

The Planning Board voted unanimously to recommend denial of the request based on errors and inconsistency with the conservation subdivision standards and guidelines. Specific deficiencies noted were that the primary natural space is inconsistent with what is required in the guidelines, the design does not meet Section 7.7 K (3) of the regulations which require that open space shall be accessible to the largest number of lots and a majority of the lots should abut open space, and infrastructure issues with sewer lines crossing the secondary natural areas and possibly the primary area. If the application is recommended for approval the Planning Department recommends granting approval of the road names Live Oak Drive, Orleans Drive, Harper Lane, Mercer Ridge, Savannah Ridge Lane, Telfair Lane, Warren Drive and granting approval of subdivision First Plat for **Savannah Ridge** with the following conditions:

1. The following development schedule shall apply: Construction Plan submittal for Phase 1 of 74 lots by November 30, 2022, and Final Plat submittal for Phase 2 of 84 lots by August 2023.
2. The Final Plat shall provide consecutive lot numbering.
3. Prior to final plat recordation, the county attorney shall review and approve the form of the Management Plan, the Declaration of Covenants and Restrictions, and the deed for the Conservation Space.