



## Chatham County Planning Board Agenda Notes

**Date: November 2, 2021**

**Agenda Item: VII-1**

**Attachment #: 15**

- Subdivision**
         
  **Conditional Use Permit**
         
  **Rezoning Request**  
 **Other:**

<b>Subject:</b>	Request by Mark Ashness on behalf of TBM Partners for subdivision <b>First Plat</b> review and approval of <b>Chapel Oaks Subdivision</b> , consisting of 31 lots on 76 acres, located off Old Lystra, SR-1724 and Peak View Place SR-1886, parcels numbers 18659, 18661,61553, and 60646.
<b>Action Requested:</b>	See Recommendation
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Major Subdivision Application and checklist</li> <li>2. Authorized Agent for Legal Representation Form, NC Special Warranty Deed, and Authorized Agent Letter dated September 16, 2021</li> <li>3. First Plat titled 'Chapel Oaks Subdivision First Plat', prepared by CE Group</li> <li>4. 8" X 11.5" First Plat</li> <li>5. Chapel Oaks Subdivision Adjoiner Exhibit Map</li> <li>6. Vicinity map</li> <li>7. Copy of Community Meeting Report Form dated September 19, 2019</li> <li>8. Water Service email correspondence dated August 9, 2021</li> <li>9. Detailed Soil Scientist Report, Soils Map dated December 3, 2018 and Chatham County Environmental Health email correspondence dated September 21, 2021</li> <li>10. Riparian Buffer Report, dated August 17, 2021</li> <li>11. US Army Corp. of Engineers Notification of Jurisdictional Determination dated June 3, 2020</li> <li>12. Road name approval from Chatham County Emergency Operations Office</li> <li>13. Comments from Chatham County Historical Association</li> <li>14. Notification to Chatham County Schools</li> <li>15. Copy of General Environmental Documentation approval letter dated August 18, 2021</li> </ol>

**Introduction & Background:****Zoning:** R-1**Water System:** Public Water**Sewer System:** Private on-site and off-site**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. The minimum lot size requirement for the project is 40,000 square feet of useable area. The Planning Board has two (2) meetings in which to act on the proposal.

**Discussion & Analysis:**

The request is for First Plat review and recommendation of Chapel Oaks Subdivision, consisting of 31 lots on 79 acres, located off Old Lystra, SR-1724 and Peak View Place SR-1886, parcels numbers 18659, 18661, 61553, and 60646. A vicinity map showing the property location, attachment # 6, is included in the agenda packet. Per the Subdivision Regulations, Section 5.2C(4), a Public Hearing shall be held at the first Planning Board meeting to receive comments on the proposed subdivision. Item (b) states that 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. As stated above the Planning Board has two (2) meeting to act on the proposal.

**Roadways:** Chapel Oaks Lane, Twisted Oak Way and Peak View Place are proposed to be built with a 20-foot-wide travel way and a 60-foot-wide public right-of-way and is to be state maintained. Peak View Place will extend through the proposed project.

**Historical:** The applicant contacted Sy Robbins and Bev Wiggins, Chatham County Historical Association (CCHA), on August 16, 2021 via email correspondence. There are shelters on the property that were constructed in the 1950s and no gravesites. After the September 15, 2021 TRC meeting Mr. Ashness corresponded by email dated September 19, 2021 with recorded documents dating to 1844. CCHA asked the applicant to document the existing structures with digital photos, measurements, and provide locations of the structures marked on a map or aerial photo. See attachment #13.

**Schools:** Notification of the proposed development was provided to the Chatham County School System. Mr. Randy Drumheller, Chatham County Schools Director of Maintenance and Construction corresponded by email dated August 17, 2021. See attachment # 14.

**General Environmental Documentation:** The developer submitted the General Environmental Documentation and a letter dated August 2, 2021, from North Carolina Department of Natural and Cultural Resources Natural Heritage Program to Chatham County Land & Water Resources Division for review. See attachment 15. The letter states "A query of the NCNHP database, indicates that there are no records for rare species, important natural communities, natural areas, and/or conservation/managed areas within

the proposed project boundary. Please note that although there may be no documentation of natural heritage elements within the project boundary, it does not imply or confirm their absence; the area may not have been surveyed.”

Rachael Thorn, Watershed Protection Director, reviewed the information submitted. Ms. Thorn replied in a letter dated August 18, 2021 that the requirement has been met. Additional comments included any Allowable uses and Allowable with Mitigation uses in the protected riparian buffer will require a Buffer Authorization from Chatham County, all permits with wetland and stream impacts from NC Division of Water Resources and the US Army Corps of Engineers will need to be obtained prior to receiving approval from Chatham County for a Grading Permit and Land Disturbing Permit.

**Community Meeting:** A community meeting was held on August 10, 2021 at The Parlour at Manns Chapel, 175 Poythress Road, Chapel Hill. Approximately twenty-one people attended the meeting. Items/issues discussed included:

- when will the road connection be completed?
- has a traffic study been performed?
- limited visibility on Peak View Place and Old Lystra Road
- can a stop sign be added where Legend Oaks stops and Chapel Oaks begins?
- will there be sidewalks?
- Is there a project schedule?
- will there be lighting within the development?
- how does the project relate to the County’s 20-year plan?
- will there be any school bus stops?
- what are the setbacks for each lot?
- can neighbors ask for access to public water being built?
- can a privacy fence be placed near Old Lystra Road?
- will the pond have aeration?

**Technical Review Committee:** The TRC met virtually on September 15, 2021 to review the First Plat submittal. The applicant Mark Ashness, P.E. was present and items discussed included that wetland buffers need to be shown, 12’ wide access drives needs to be shown as easements, all grading and right-of-way on Peak View Place must stay out of the riparian buffer, if there will be street lighting it must comply with county outdoor lighting standards, the width of the flag lots for septic need to increase to 15’, and if the connection on Old Lystra will be looped. Watershed Protection Department staff stated it appears that the no practical alternatives standards were met. Mr. Ashness stated there are a total of five septic areas across the stream buffer and that they would likely use a directional bore to cross the buffer. There will be lighting within the development and the lighting plans will be provided to Planning staff. Mr. Ashness stated that if the flow rate can be reached from Legend Oaks, they would not need to loop the waterlines.

**Septic:** A soils report and map, attachment #8, was submitted to James Tiger, On Site Wastewater Supervisor, REHS, with Chatham County Environmental Health, for review. Mr. Tiger stated that the report and map appear to be fine and recommends the 10’ wide

connections between several lots to the proposed septic systems increase to 15' wide to install a pump line and maintain a 5' wide property setback. Mr. Jeff Foster, P.E. stated the 15' wide increase has been revised.

**Water:** Water will be public and provided by Chatham County Water Dept. for this development.

**Road Name:** The road names Chapel Oaks Lane, Twisted Oak Way and Peak View Place have been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval.

**Water Features:** Steven Ball with Soil and Environmental Consultants, PA (S&EC), submitted the Riparian Buffer Review Application along with a riparian buffer map, to Drew Blake, Senior Watershed Specialist for review. Mr. Blake and Mr. Ball completed an on-site riparian buffer review on May 18, 2021, to verify the consultant's findings. Mr. Andrew Williams with the U.S. Army Corps of Engineers visited the site on June 3, 2020. Mr. Blake issued a confirmation letter of his findings dated August 17, 2021, confirming five (5) intermittent streams, four (4) perennial streams, and ten (10) wetlands were identified. The five (5) intermittent streams require 50-ft buffers, the four (4) perennial streams require 100-ft buffers, and the ten (10) wetlands require 50-ft buffers from all sides landward.

**Stormwater and Erosion Control:** Three stormwater devices are proposed and will be placed in open space. The devices are located between Lots 26 and 27 and nears Lots 14 and 12. 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:** The site visit scheduled for September 22, 2021 was rescheduled to September 30, 2021, due to inclement weather. At the time of preparing the notes for Planning Board packets staff has not visited the site. Pictures of the site visit can be viewed on the Planning Department webpage at [www.chathamcountync.gov/planning](http://www.chathamcountync.gov/planning), Rezoning and Subdivision Cases, 2021.



**Planning Board Discussion October 5, 2021:**

A public hearing was held during the October 5, 2021 Planning Board meeting. Mr. Tony Pendola had concerns with septic area on Lot 17 of the proposed subdivision being approximately 100-feet from his well and would the developer be willing to provide landscaping or fencing between his property and the adjacent lots. Mr. Ashness stated the county requires a 50-foot separation between wells and septic systems and the entire septic field area will not be used and the septic repair area may never be used. To address the landscaping and fencing request, Mr. Ashness explained the lots are 240-feet deep, the lots will not be fully cleared, and wooded areas will remain. Mr. Joe Cebina with the development team stated they would be willing to split the cost of fencing with Mr. Pendola. Staff stated that providing a buffer is not a requirement and it would be an agreement between the property owners.

Discussion on this item was postponed to the November 2, 2021 meeting since the discussion started at approximately 11:00 p.m.

**Plan Chatham Evaluation:**

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. These properties are in an area of the county identified as Neighborhood Center, Compact Residential, and Rural on the Future Land Use and Conservation Plan Map. A small western portion of the project is identified as neighborhood center, a small center portion of the project is identified as compact residential, and the northern portion of the project is identified as rural. The description for neighborhood center includes small-

scale retail, office, and service uses. The description for compact residential includes a mix of detached and attached residential units, local and collector streets are connected with access to surrounding development, and open space with small pocket parks and gardens. The description for rural includes single family homes on large lots, low density development, mix use of agriculture, home-based and small-scale businesses, open space, greenway trails, protected lands, and conservation easements.

The proposed subdivision meets the adopted riparian buffer and stormwater control standards of the county. 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 Department recommends granting approval of the road names Peak View Place, Twisted Oak Way, and Chapel Oaks Lane and granting approval of subdivision First Plat for **Chapel Oaks Subdivision** with the following conditions:

1. Approval of the First Plat shall be valid for a period of twelve (12) months following the date of approval by the Board of Commissioners and the Construction Plan approval shall be valid for a period of twenty-four (24) months from the date of approval by the Technical Review Committee or Board of Commissioners.
2. The county attorney shall review and approve the contract and performance guarantee prior to final plat recordation.