

## **..TITLE**

Vote on a request to approve by Mark Ashness on behalf of The Vickers Bennett Group, LLC for subdivision **First Plat** review and approval of **Vickers Village**, consisting of 184 lots on 101.8 acres, located off US 15-501 N, Vickers SR-1719 and Jack Bennett SR-1717, parcels numbers 18847, 18848, 18857, 60719, 18636, 60653, 79965, 89281, 89395, 80493, 69057, 89206, 18857, 87996, 89272, 18856, 87093, 93157, 79288, 93156, 93155, 93154,85875, and 18914.

## **..ABSTRACT**

### **Action Requested:**

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### **Introduction & Background:**

**Zoning:** Currently R-1 with an application for a Conditional District Compact Community rezoning pending and running concurrently with this application.

**Water System:** Public

**Sewer System:** Public

**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.

### **Discussion & Analysis:**

The request is for First Plat review and recommendation of Vickers Village, consisting of 184 lots (181 residential and 3 lots for open space, commercial, and wastewater plant) on 101.8 acres, located off Vickers Road, S.R. 1719, Jack Bennett S.R. 1717 and US Hwy 15-501. A vicinity map showing the property location, attachment # 2, 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:** Vickers Village Drive, Herndon Trail Court, Village Place Way, Cross Ridge Drive, and Townes Lane are proposed to be built with a 25-foot-wide travel way and a 60-foot-wide and 70-foot-wide public right-of-way and are to be state maintained.

The alleyways are proposed to be built with a 14-foot-wide travel way and a 30-foot-wide private right-of-way.

**Perimeter and Viewshed Buffers:** One-hundred-foot wide (100') perimeter buffers are proposed along parcels 18845, 18846, 18843, 78786, 18836, 70507, 69712, 70031, 64632, and 66592. Fifty and fifty-five foot wide (50' and 55') viewshed buffers are proposed along Jack Bennett Road, US Highway 15-501, Vickers Road, parcel 19338, and parcel 71691

**Outparcel:** Parcel 18636 (11.8 acres) off Henley Road will not be developed and will be subject to a permanent conservation covenant.

**Amenities:** Picnic shelters and lawn area are proposed on the 1.75 acres amenity site. Walking trails with pedestrian bridges are proposed within the open space.

**Commercial:** One commercial parcel, 3.94 acres is planned with up to fifteen (15) apartments or condominium units.

**Historical:** The applicant contacted Bev Wiggins, Chatham County Historical Association (CCHA) on July 15, 2019, via email correspondence. Chatham County GIS had an icon that indicated a small cemetery of 12-15 graves within the project boundaries. A letter dated April 28, 2021, by Tracy Millis, Senior Archoelgist with TRC Environment Corporation stated there are no graves. Email correspondence dated April 29, 2021, from Ms. Wiggins stated "We appreciated your efforts to discover the cemetery. All we had to go on are the very rough estimates of location provided by Mr. Gerald Oldham years ago. It is possible that the cemetery is nearby, but not on your parcel or that it has been destroyed. You have satisfied our request that an effort be made to locate the cemetery." See attachment #20.

**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 acknowledgment of the proposed project by email dated July 20, 2021. See attachment # 21.

**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 July 13, 2021 and August 16, 2021 was prepared by Sage Ecological Services and peer reviewed by Johnson, Mirmiran & Thompson, Inc. (JMT). See attachments 23.

Per the EIA, Section 1, the eastern portion of the site was logged between 2014 and 2015 and is currently very densely vegetated with early successional species such as blackberry, greenbrier, yellow poplar, sweet gum, and loblolly pine. The western portion of the project is dominated by oak and hickory species in the uplands and yellow poplar,

sycamore, and beech in and adjacent to the drainages. The outparcel off Henley Road contains mature oaks and hickory trees. The topography of the site ranges from a low +/- 376 feet above mean sea level at the northeastern site boundary, to a high point of +/-548 feet above mean sea level at the northwestern site corner. Drainages within the project area tend to be well-defined topographically.

The letter dated April 2, 2021, from the North Carolina Natural Heritage Program (NCNHP) 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.”

**Community Meeting:** A community meeting was held on June 28, 2021, at Bradshaw Robinson Slawter, LLP, 128 Hillsboro Street, Pittsboro. Approximately thirty-one people attended the meeting. Items/issues discussed included what will the commercial look like and will there be separate parking, location of the community center, who will manage the sewer treatment, can mosquitos be controlled, 24-hour lighting along nature trails, will there be affordable housing, wastewater treatment plant and irrigation ponds beside the Laney family, wastewater treatment plant (WWTP) location, lot size, impervious surface limits, who are the builders, odor concerns from the WWTP, wastewater pond placement, time frame for building, etc.

**Technical Review Committee:** The TRC met virtually on September 15, 2021, to review the First Plat submittal. The applicant Mark Ashness, P.E., Antonio McBroom, Andy Greene, and Wade Barber were present. Items discussed were to remove one of the three pedestrian bridge crossings because it does not meet the “no practical alternative” requirement for the Jordan Lake buffer rules and should be removed and rerouted, show stormwater pipe routes on the utility plan, renumber stormwater ponds as the ponds will be constructed, pond #4 shows an irrigation area within the riparian buffer, pond #3 appears to be encroaching into the perimeter buffer and needs to be removed, wetland buffers were missing, road names are approved, Public Works may need to place a hydrant on the north side of the Vickers Road, Fire Marshal would like to receive a fire truck exhibit, and location of the old home on the property.

**Septic:** Soils report provided by Piedmont Environmental Associates, P.A. Private wastewater treatment plant is proposed within the project on a separate .97 acres tract. A letter dated September 16, 2021, from Aqua states “Aqua will have the capacity to provide service to approximately 200+ proposed units, amenities, and commercial properties to be located within the Vickers Village Compact Community. The structure of the Agreement would include the following: Developer to install 50,000 gallon per day

wastewater treatment plant in addition to the wastewater utility system infrastructure including spray fields with the appropriate capacity to serve all approved units, amenities and commercial properties based on Aqua's specifications and DEQ rule and regulations."

**Water:** Water will be public and provided by Chatham County Water Dept. A 12-inch waterline is along Jack Bennett Road, the proposed project will create internal loops with two (2) connection points to the 12-inch waterline.

**Road Name:** The road name Vickers Village Drive, Village Place Way, Townes Lane, Cross Ridge Drive, Herndon Trail Court have been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval.

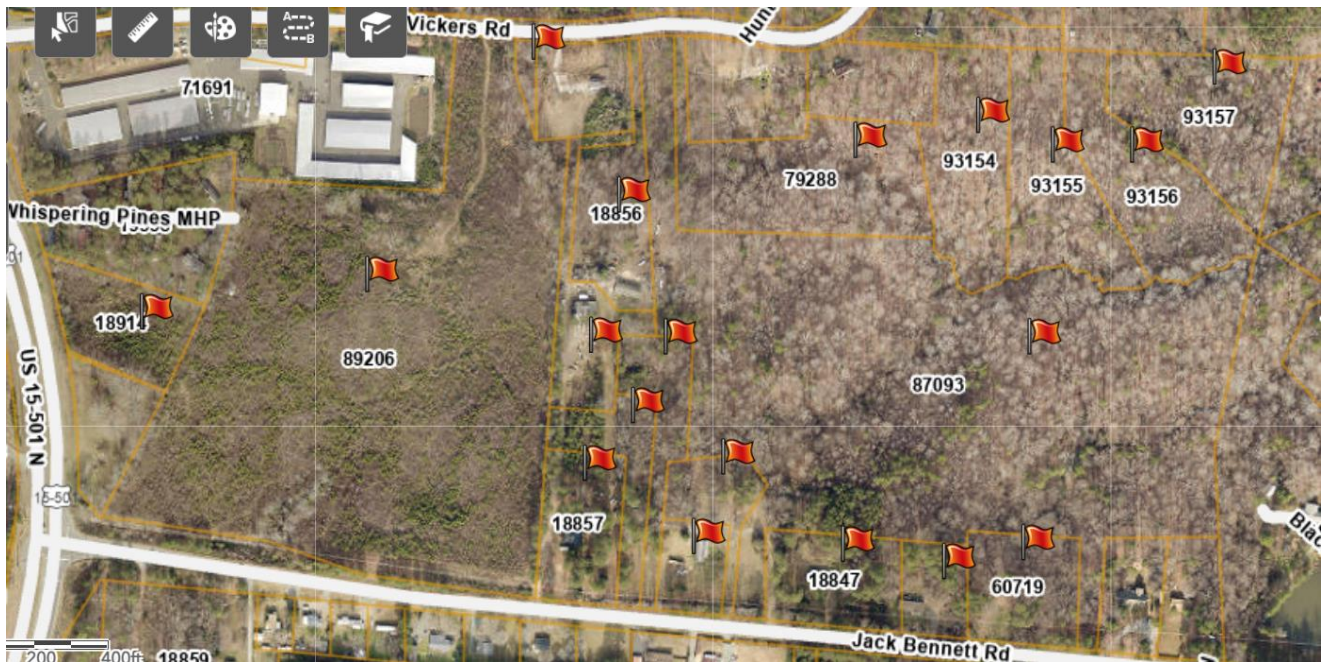
**Development Schedule:**

Three phases are proposed for the project. Per the Subdivision Regulations Section 5.2C(6), the first phase of phased subdivision must submit Construction Plans within two (2) years of approval of First Plat. The developer has proposed Phase 1: 66 residential lots Final Plat by December 31, 2024; Phase 2: 115 residential lots Final Plat by December 31, 2026; Phase 3: commercial area submitted by December 31, 2027.

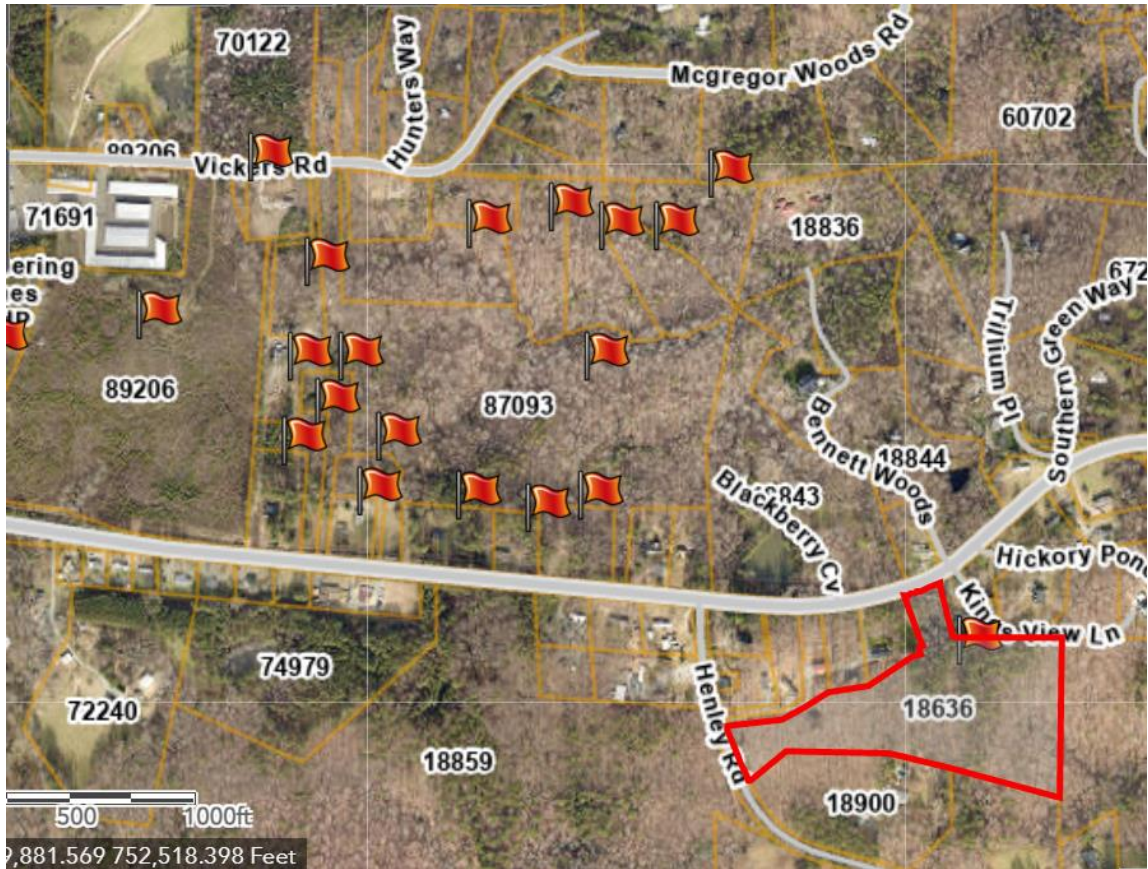
**Water Features:** Sage Ecological Services, Inc., submitted the Riparian Buffer Review Application along with a riparian buffer map, to Drew Blake, Senior Watershed Specialist for review. Mr. Blake completed an on-site riparian buffer review on multiple dates to verify the consultant's findings. Mr. Andrew Williams with the U.S. Army Corps of Engineers visited the site on August 24, 2017 and completed a desk determination on March 16, 2021. Mr. Blake issued a confirmation letter of his findings. The August 31, 2021, confirmation letter stated four (4) ephemeral streams, six (6) intermittent streams, four (4) perennial streams, and fourteen (14) wetlands were identified. The (4) ephemeral streams require 30-ft buffers, six (6) intermittent streams require 50-ft buffers, the four (4) perennial streams require 100-ft buffer, and the fourteen (14) wetlands require 50-ft buffers from all sides landward.

**Stormwater and Erosion Control:** Per the first plat, five stormwater devices and two irrigation ponds are proposed and will be placed in open space. 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 September 23, 2021, and September 29, 2021, Planning Department and Watershed Protection Department staff, and various Board members attended. Antonia McBroom, Warren Mitchell, Andy Greene, and Nick Robinson were present to walk and discuss the property with staff and Board members. Areas viewed included wetlands, perennial streams, intermittent streams, ephemeral streams, and the 11.8 acres of natural open space. Questions raised during the site visit were if some of the mature trees will remain in the watershed buffer along 15-501, how will the watershed look along Jack Bennett Road. 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.



Lots with flags are proposed in the project.



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### **Planning Board:**

The Planning Board met on October 5, 2021 and Mr. Antonio McBroom, Developer; Mr. Mark Ashness, P.E.; Mr. Warren Mitchell, P.E.; Mr. Nick Robinson, Attorney were present. Mr. Ashness addressed condition number two and stated while on the September 29, 2021 site visit Mr. Drew Blake, Senior Watershed Specialist, requested that one of stream crossings be eliminated. Per Mr. Blake's recommendation one stream crossing was eliminated. Mr. Ashness provided an updated development schedule with sub-phasing. Phase 1 A, B, and C Final Plat submitted by 12/31/2024 with a total of 66 residential lots, Phase 2 A, B, and C Final Plat submitted by 12/31/2026 with a total of 115 residential lots, and Phase 3 Final Plat submitted by 12/31/2027 for the commercial lot. The board was shown the fire truck route and how there should be plenty of space with a 70-foot public right-of-way with sidewalks within the community.

Board discussion included whether the trail located within the natural area will be paved or left natural, if 196 total units will be considered instead of 203 total units, will there be lighting on the trails, concerns with the wastewater being close to residential areas and if there are any plans to mitigate the impacts of the plant, and concerns with capacity of the holding ponds when there are extreme rain events and the ponds are located near dwellings and streams. Mr. Ashness recommended the trails be paved but received

feedback during the meeting from the developers that the trails will be unpaved in the natural areas. Staff asked if the trail will be ADA compliant and Mr. Ashness stated they would not. Mr. McBroom addressed the question on the total units. He stated the group's goal is to be as visionary as possible and not be capped. Staff explained the number of dwellings units is locked in with the conditional district rezoning. The final number is decided at first plat and the rezoning is for a maximum not to exceed 203 dwellings. No lighting will be on the natural trails. Regarding the concerns with wastewater being close to residential areas and if there are any plans to mitigate, Mr. Ashness stated, there will be landscaping around the pond and the pond will have chlorine feeds. The chlorine feeds will provide better water quality in the pond while being stored. The NC Department of Environmental Quality requires additional disinfectant beyond the treatment plant and before the pond which will help with odor. Mr. Ashness also included he has never observed one of the ponds overflowing during heavy rain events.

During the public hearing there were two speakers who had concerns with the wastewater treatment plant and one speaker who endorsed the project.

**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. These properties are in an area of the county identified Compact Residential and Rural on the Future Land Use and Conservation Plan Map. The proposed project areas are identified as compact residential, a small portion of the natural open space (parcel 18636) is identified as rural. The description for compact residential includes a mix of detached and attached residential units, community centers, amenities, recreational uses, schools, and churches, connected system of local and collector streets with access to surrounding development, and 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 comprehensive plan. 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 and the Planning Board by unanimous vote recommends granting approval of the road names Village Place Way, Townes Lane, Cross Ridge

Drive, Herndon Trail Court, and Vickers Village Drive granting approval of subdivision First Plat for **Vickers Village** with the following conditions:

1. The following development schedule shall apply: Construction Plan submittal for Phase 1A within 2 years of First Plat approval, Phase 1A, 1B, and 1C: 66 residential lots Final Plat by 12/31/2024; Phase 2A, 2B, and 2C: 115 residential lots Final Plat by December 31, 2026, and Phase 3: Commercial Area Final Plat by December 31, 2027.
2. The county attorney shall review and approve the contract and performance guarantee prior to final plat recordation.
3. One pedestrian bridge crossing shall be removed and rerouted.
4. All riparian buffers and streams shall be labeled on the final plat.