



# Chatham County Planning Board Agenda Notes

**Date: January 4, 2022**

**Agenda Item: VII-1**

**Attachment #: 1**

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

<b>Subject:</b>	Request by Chad Abbot, P.E. for subdivision <b>First Plat</b> review and approval of <b>Ridgecrest Estates</b> , consisting of 30 lots on 49.41 acres, located off Hamlets Chapel Road, SR-1525, parcels #1798.
<b>Action Requested:</b>	See Recommendation
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. First Plat titled 'Ridgecrest Estates Subdivision First Plat', prepared by C3 Design &amp; Engineering, PLLC</li> <li>2. Chapel Oaks Subdivision Adjacent Property Owner List</li> <li>3. Major Subdivision Application and Authorized Agent for Legal Representation Form.</li> <li>4. Location map</li> <li>5. Comments from Chatham County Historical Association</li> <li>6. Notification to Chatham County Schools</li> <li>7. Copy of General Environmental Documentation and approval letter dated October 19, 2021.</li> <li>8. US Army Corp. of Engineers Notification of Jurisdictional Determination dated June 30, 2021</li> <li>9. Copy of Community Meeting Report Form dated March 3, 2021</li> <li>10. Technical Review Committee Comments</li> <li>11. Detailed Soil Scientist Report and Map dated March 6, 2021, and Chatham County Environmental Health email dated August 5, 2021.</li> <li>12. Road name approval from Chatham County Emergency Operations Office</li> <li>13. Riparian Buffer Report dated July 20, 2021</li> <li>14. Topographic Map</li> </ol> <p><b>Additional Attachments:</b></p> <ol style="list-style-type: none"> <li>1. Email Correspondence dated December 8, 2021, with Jen Britt with NCDOT</li> </ol>

**Introduction & Background:**

**Zoning:** R-1  
**Water System:** Public Water  
**Sewer System:** Private on-site and off-site  
**Subject to 100-year flood:** Special flood hazard area within the development.  
**Township:** Baldwin

**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 Ridgecrest Estates Subdivision, consisting of 30 lots on 49.41 acres, located at the corner SR-1525 (Hamlet's Chapel Road) and SR-1532 (Mann's Chapel Road), parcel 1798. A vicinity map showing the property location 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:** Ridgecrest Estates Drive and Berg Drive 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.

**Historical:** The applicant contacted Sy Robbins, Chatham County Historical Association (CCHA) on July 22, 2021, via email correspondence. CCHA is unaware of any cemeteries on the proposed project, and it was requested of the developer to notify CCHA if any evidence of graves is discovered. The site location is adjacent to the abandoned Old Hillsboro Road and located in the general area of Pace & Cotton Mill and possible artifacts may be located on the site. If any structures, foundation, wells, etc. it is requested that the applicant notify CCHA. Mr. Robbins stated the Gattis family owned the property approximately 100 years and asked if the developer could name something after the family.

**Schools:** Notification of the proposed development was provided to the Chatham County School System. Mr. Chris Blice, Chatham County Schools Chief Operations Officer responded the school system was fine by email dated August 5, 2021.

**General Environmental Documentation:** The developer submitted the General Environmental Documentation and a letter dated August 24, 2021, from North Carolina Department of Natural and Cultural Resources Natural Heritage Program to Chatham County Land & Water Resources Division for review. 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 October 19, 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 March 26, 2021, on the proposed site. Approximately twelve people attended the meeting and items/issues discussed included:

- Entrance off Hamlet’s Chapel Road due to the wetland
- Holding pond
- Working with property owner of parcel 1796

**Technical Review Committee:** The TRC met virtually on November 17, 2021, to review the First Plat submittal. The applicant, Chad Abbott, P.E. was present. Items discussed included that the project is proposed for thirty lots and NC Department of Transportation requested the removal of the proposed road connection of Ridgecrest Estates Drive to Hamlet’s Chapel Road closest to the intersection with Mann’s Chapel Road. NCDOT staff also requested that the intersection of Berg and Ridgecrest Estates Drives be a “T” instead of a bulb. Both those modifications were made to the First Plat layout prior to mailing the Planning Board packets. The Chatham County Fire Marshal, William Judson, requested an emergency access between Hamlet’s Chapel Road and Ridgecrest Estates Drive, which has also been accommodated on the revised layout. Discussion also included if lots 1 and 8 driveways could access Mann’s Chapel Road instead of Ridgecrest Estates Drive to minimize impacts to buffer and reduce driveway impacts within the development. It was suggested lot 9 and 9A have connectivity, concerns with lot 8 driveway encroaching on lot 7 or will lot 7 and 8 have a shared driveway. Street lighting was discussed, and Mr. Abbott stated that none is proposed, and that the builder will accommodate exterior lighting with each home. There was a question if the soil scientist checked to see if the neighboring wells are near any septic fields. It appears parcel 1796 has shed encroachments and a note will need to be added to the final plat addressing them. There was also a request to move the theoretical house site further from riparian buffers once individual permits are submitted.

**Septic:** A soils report and map were submitted to Thomas Boyce, LSS, REHS Environmental Health (now retired) and James Tiger, On Site Wastewater Supervisor, REHS, with Chatham County Environmental Health for review. Mr. Boyce stated the preliminary lot layout met the requirements at this time. Mr. Tiger added that any shared supply line easement must comply with offsite rules including all weather access, provide a layout with house box to demonstrate the septic system will fit, and offsite rules will apply to the proposed project.

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

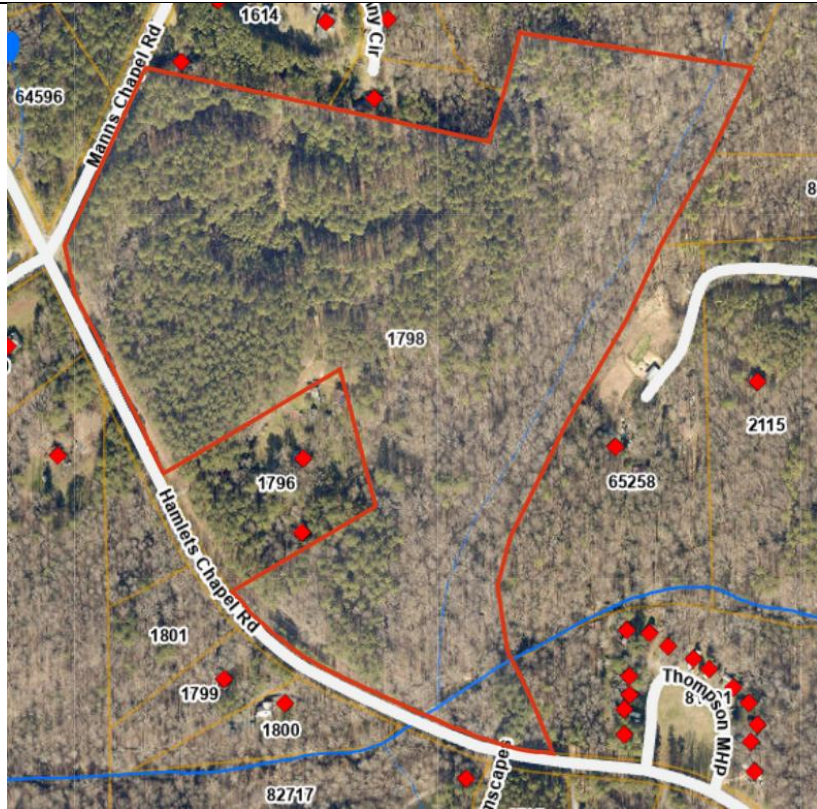
**Encroachment:** Parcel 1796 has sheds encroachments on lots 25 and 28. The following note shall be added to the final plat "Approval of the subdivision plat by Chatham County is limited to Subdivision Regulation approval and does not constitute approval of any possible zoning setback violations shown on the plat."

**Road Name:** The road names Ridgecrest Estates Drive and Berg Drive have been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval. Emergency Operations requires the main entrance to the subdivision to be the same name of the subdivision. Ridgecrest Estates Drive is currently shown on the plat as the interior road and not the main entrance. Berg Drive and Ridgecrest Estates Drive will need to swap on the final plat.

**Water Features:** Robert Turnbull with Terracon submitted the Riparian Buffer Review Application with a riparian buffer map to Drew Blake, Senior Watershed Specialist, for review. Mr. Blake and Mr. Turnbull completed an on-site riparian buffer review on June 23, 2021, to verify the consultant's findings. Mr. James Lastinger with the U.S. Army Corps of Engineers visited the site on June 1, 2021. Mr. Blake issued a confirmation letter of his findings dated July 20, 2021, confirming four (4) ephemeral streams, four (4) perennial streams, one (1) potential wetland, and one (1) mapped floodplain were identified. The four (4) ephemeral streams require 30-ft buffers, the four (4) perennial streams require 100-ft buffers, and the ten (1) wetland require 50-ft buffers from all sides landward. The Watershed Protection Department requested natural area markers be labeled and placed on the property 30'-50' apart with a minimum of two (2) signs per lot marking the riparian buffer area.

**Stormwater and Erosion Control:** Three stormwater devices are proposed, two devices will be placed in open space and one device is proposed on Lot 2. The devices located in open space are near Lot 22 and between Lots 19 and 20. Watershed Protection wasn't favorable of the driveway location on Lot 1. 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 was November 16, 2021, various staff and board members attended. 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:**

The Planning Board met December 7, 2021 to review the request. Three speakers provided comments during the public hearing and concerns raised were: Mr. Erik Berg would like to work with the developer with his shed encroachment and to purchase some land; Ms. Anna Berg stated various artifacts from the original plantation home and an old road runs through the proposed project and down the creek; items she has discovered are belt buckles, tools, plow pieces, pieces of bridges, and stone foundation has been found in the area; Ms. Kathy Dowd had concerns with placing 30 homes on the proposed site with the current conditions of the creek crossing. Comments also included that when it rains significantly there are problems with creek crossings.

Board discussion included if the driveways for Lots 1 and 8 could come off Mann's Chapel Road; how much piping is required for Lot 19/19A septic; resolution with Mr. Berg shed encroachments; off-site septic; odd-shaped lots; and house sites bordering riparian buffers.

Mr. Chad Abbot, P.E. and Peter Griffin, Developer were present. Mr. Abbot commented that if NCDOT would be open to allowing the driveways for Lots 1 and 8 they would be willing for the driveways to come off Mann's Chapel Road. The septic lines for Lot 19/19A is approximately 1200' and the line will follow the road then turn onto Lot 14. Both lot 14 and 19 septic lines will run in the same ditch and cross the stream in the same easement having one impact to the buffer. Mr. Abbot explained he was aware of Mr. Ricky Spoon and Mr. Berg's discussions, but at the time he was well into the project design and the developer had contractual obligations. He stated the shed encroachment is non-compliant with zoning.

Board members voted to postpone making a recommendation on the project to January 4, 2022, meeting. They stated there are too many lots for the proposed project, home sites are being forced too close to the buffers, if Lots 1 and 8 could be accessed from Mann's Chapel Road, and resolution with Mr. Berg's shed encroachments,

After the Planning Board meeting, staff received email correspondence dated December 8, 2021, from Jen Britt, EI with NCDOT. Ms. Britt stated, "it is unfavorable to access Mann's Chapel Road so close with Hamlet's Chapel intersection; given the small size of Lot 1, the configuration would potentially put traffic backing out of Lot 1 onto Mann's Chapel Road to get out." Ms. Britt asked if the access for lot 1 could be located between Lots 2 and 3 and if it would help if the driveway for lot 8 could be located between Lots 5, 6, or 7.

**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 Rural on the Future Land Use and Conservation Plan Map. 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 Ridgecrest Estates Drive and Berg Drive and granting approval of subdivision First Plat for **Ridgecrest Estates** 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.
3. Final plat shall show the entrance road as Ridgecrest Estates Drive and the interior public right-of-way shall be shown as Berg Drive.
4. Final plat shall add a note that states "Approval of the subdivision plat by Chatham County is limited to Subdivision Regulation approval and does not constitute approval of any possible zoning setback violations shown on the plat."

