



## Chatham County Planning Board Agenda Notes

**Date: January 4, 2022**

**Agenda Item: VII-4**

**Attachment #: 15**

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

|                          |  |
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| <b>Subject:</b>          | Request by Mark Ashness, P.E. for on behalf of The Conservancy Real Estate Group, LLC for subdivision <b>First Plat</b> review and approval of <b>The Conservancy at Jordan Lake</b> , consisting of 1,524 lots on 1,262.9 acres, located off Old US Hwy 1, S.R. #1011 parcels #62390, 5774, 5775, 5780, 5233, 60441, 65275, 85343, 65274, 85344, 5558, 5238, 68379, 5570, 85342, 5504, 5211, 5569, 85341, 5519, 85340, 85346, 85347, 5551, 69379, 85339, 5545, 5559, 5502, 5568.  |
| <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. Vicinity map</li> <li>3. Comments from Chatham County Historical Association</li> <li>4. Notification to Chatham County Schools</li> <li>5. EIA report may be viewed on website<br/><a href="https://www.chathamcountync.gov/government/departments-programs-i-z/planning/rezonings-subdivision-cases/2022-items/conservancy-at-jordan-lake-first-plat">https://www.chathamcountync.gov/government/departments-programs-i-z/planning/rezonings-subdivision-cases/2022-items/conservancy-at-jordan-lake-first-plat</a></li> <li>6. TIA report may be viewed on website</li> <li>7. Copy of Community Meeting Report Form dated December 3, 2020</li> <li>8. Road name approval from Chatham County Emergency Operations Office</li> <li>9. Soils Report with maps and letter dated September 16, 2021 from Aqua</li> <li>10. Riparian Buffer Report, dated February 1, 2021</li> <li>11. US Army Corp. of Engineers Notification of Jurisdictional Determination dated June 4, 2021</li> <li>12. Fragmentation and On-Site Inventory Map approved November 17, 2021</li> <li>13. Utility Plan</li> <li>14. Unit Type</li> </ol> |

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|  | 15. First Plat titled 'The Conservancy at Jordan Lake, prepared by CE Group dated November 19, 2021 |
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**Introduction & Background:**

**Zoning:** R-1

**Water System:** Public

**Sewer System:** Proposed Private Wastewater Treatment Plant

**Subject to 100 year flood:** Special Flood Hazard Area is located within a portion of the development adjacent to Shaddox Creek.

**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 Regulation, 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"

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 The Conservancy at Jordan Lake, consisting of 1,524 lots (1,521 residential lots, 2 amenity lots, and 1 wastewater treatment plant) on 1262.9 acres, located off Old US Hwy 1, S.R. 1011. A vicinity map showing the property location, is included in the agenda packet. As previously stated, 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 47.2 acres. This amount (47.2 acres) was deducted from the total acreage of 1262.9 acres to arrive at the net land available consisting of 1,215.7 acres. Based on the net land area the lot yield would be 1,324 lots and with the 10% density bonus and the 5% agricultural bonus would increase to 1521 lots. The proposed project is 1521 lots.

**Conservation Space:** Of the total project area of 1,262.9 acres, 524 acres is required to be in Conservation Space and the site plan indicates that 524 acres will be set aside. See the site plan for the breakdown and location of the Conservation Space. The developer allowed staff from the 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 524 acres designated as Conservation Space 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 29-foot-wide travel way and 50-foot-wide public right-of-way, the parkway will be built with a 74-foot-wide travel way and 100-foot-wide public right-of-way, a total of 65,303 linear feet of public rights-of-way. The roads are to be state maintained. The entrance to the development is within approximately 1.2 miles of Old US 1 and US 1 interchange. Improvements at the entrance on Old US 1 and at the interchange are planned, link to TIA

<https://www.chathamcountync.gov/home/showpublisheddocument/58351/637743993358700000> .

An emergency access road is located off Partian Road and the 4,883 linear feet private road will be paved. The emergency access road will be siren activated and a knox box will

be provided. There will be connections on some of the areas with cul-de-sacs to allow emergency access.

**Dwelling Type:** Single family dwellings, townhomes, and duplexes are proposed within the project. The duplex units will count as two dwelling units with one unit being located per lot on the site plan. One thousand (1,000) lots will be age-targeted and five hundred twenty-one (521) lots will be traditional.

**Historical:** The developer corresponded with Bev Wiggins and Sy Robbins with Chatham County Historical Association (CCHA). CCHA stated the Holt cemetery is near the proposed project and to place protective measures as needed. The Holt cemetery is one CCHA would like to document and requested access through the proposed project. CCHA asked that if any older structures, wells, walls, old roadbeds, foundations, etc. are found to please contact them.

A letter from North Carolina Department of Natural and Cultural Resources dated December 20, 2020, stated, "no archaeological sites have been previously recorded within the project area, the project area has not been systematically surveyed for archaeological resources. The project area contains numerous areas considered to have high probability for archaeological sites especially along Weaver Creek and nearby tributaries. Based on the topographic and hydrological setting, we expect the project area may contain intact, significant archaeological sites. Prior to the initiation of any ground disturbing activities within the project area, we recommend that a comprehensive archaeological survey be conducted by an experienced archaeologist."

**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 September 27, 2021 was prepared Sage Ecological Services and peer reviewed by Johnson, Mirmiran & Thompson, Inc. (JMT). Per the EIA, majority of the area is loblolly pine that varies in age. A few stands exhibit shrubs and herbs, however most stands contain dense understories of greenbrier, muscadine grape, giant cane and a mix of hardwood species as sweet gum, red maple, tulip poplar, and black cherry. Bottomland hardwood forest community was present in two wetland areas along a perennial stream.

The developer engaged the NC Natural Heritage Program to visit the site and provide a survey report. Justin Robinson, Special Projects Botanist with NC Dept. of Natural and Cultural Resources visited the site and provided a report dated October 12, 2020 (Appendix C of the EIA). The report included that there are records for rare species, important natural communities, natural areas, and/or conservation/managed areas within the proposed project boundary. Per the report, the element occurrences documented within the project area are red-cockaded woodpecker and piedmont swamp forest. The natural area documented within the project area is Shaddox Creek Swamp. Managed areas documented within project area is B. Everett Jordan Dam and Lake. The element

occurrences documented within one-mile radius are red-cockaded woodpecker, bald eagle, regal darter, waterbird colony, dry-mesic oak-hickory forest, dry oak-hickory forest, piedmont/coastal plain heath bluff, piedmont swamp forest and Virginia Quillwort. Natural areas within one-mile radius are New Hope Overlook Bluff and Slopes and Shaddox Creek Swamp. Managed areas documented within one-mile radius is B. Everett Jordan Dam and Lake. Managed areas documented within one-mile radius are Harris Game Land, Jordan Lake State Recreation Area, New Hope Creek Overlook Bluffs and Slopes and Registered Heritage Area.

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. The developer worked extensively with Rachael Thorn, Watershed Protection Director. Ms. Thorn provided a letter dated November 17, 2021 that included signed on-site inventory and fragmentation maps

**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 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.

**Amenities:** Two amenities are located within the project. Amenity 1 will be 6.5 acres and Amenity 2 will be 8.4 acres. Each neighborhood will their own amenity center. The amenities will include two pools with clubhouse/shelters, dog parks, tot lots, trails, frisbee

golf, passive play lawns, active play lawns, pickle ball, tennis, outdoor kitchens/grilling, and food services.

**Community Meeting:** A second community meeting was held in-person October 18, 2021 at New Hill Community Center 3101 New Hill Holleman Road, New Hill NC, 27562 as well as virtually. Approximately sixteen people attended the meeting. Some concerns and/or comments were how the age-targeted housing will be enforced, concerns with the wastewater treatment system, will the age-targeted homes prices be reduced, stormwater concerns, is the 40% conservation area mandated, what is the percentage of lots adjacent to conservation/open space, personal firing range on Rush Road, spray irrigation concerns, why there is only one entrance, what will be in the agricultural area, who will maintain Rush Road, road widening at Old US 1, who will be building the homes, who will conduct the grading, concerns with the coyote population, why was the golf course taken out, who maintains the common area, concerns with weed killers and pesticides, beekeepers concerns with spray irrigation, and design standards.

**Technical Review Committee:** The TRC met virtually on December 15, 2021 to review the First Plat submittal and the applicant, Mark Ashness, was present. Mr. Ashness provided a brief overview of the proposed project. There will be a single primary parkway access with a median, no homes on the boulevard, and limited cross connections. The single access is located off Old US 1. The emergency access road will be paved with a siren activated gate and Knox box. Two separate amenities are proposed and 60% of open space is proposed within the project. The back portion of the project will be the age-targeted area. The majority of the property was in timber management and has been actively timbered. The NCNHP has visited the site and found the primary and secondary areas. A private wastewater treatment plant is proposed with spray fields and 12" piping for the public water. There was also discussion if more than 50% of the lots back up to open space.

Comments and items discussed included fire hydrants will need to be spaced every 500-feet on the public road and 1000-feet on the private road, cul-de-sac connections for emergency vehicles are supported, what type of amenities will be provided, concerns with one 12" water line, if the park areas will be private or public, utilities needs to be located outside of the pavement for state maintained roadways, small traffic-calming circles aren't approved for NCDOT and traditional intersections are preferred, if the lot lines for each duplex represents one unit or two units, how many mail kiosks will be provided in the community and if the developer would be willing to donate land for a fire station.

The connecting trails for the cul-de-sacs will have the infrastructure to handle fire trucks and the cul-de-sac width will be 90'. Some areas within the project will be less than 500' for the hydrants. The amenities in the traditional area will be a clubhouse with pool and the amenities in the age-targeted area will have food service and the food service will be offered to the community. Blake Mills, Utilities Director stated there will need to be some flushing and a lot of maintenance with a 12" water line and if there's ever a break in the line 1,000 residence would be without water and no fire prevention. Mr. Blake advised it would be best to discuss the proposed waterline connections and Mr. Ashness stated he

would be open to a discussion. The parks are proposed to be private Mr. Ashness commented NCDOT has allowed and approved roundabouts all over the state and they will be pushing back unless NCDOT regulations have changed. The lot lines on the plat represent one duplex unit not two units. Approximately two mail kiosks may be proposed within the project. Moncure Fire Chief Shi asked if land can be donated for a fire station, Fire Marshal William Judson after the TRC meeting via email, stated it will be the interest of the Fire Department servicing the district, not necessarily an interest of the County.

**Septic:** A soils report was provided by Piedmont Environmental Associates, P.A. A private wastewater treatment plant is proposed within the development and will be located off the emergency access road. A letter dated September 16, 2021, from Aqua NC states “aqua will have the capacity to provide service to approximately 1350+ proposed units, amenities and affiliated properties to be located within The Conservancy at Jordan Lake development. This offer is contingent upon Aqua and the developer entering into Wastewater Utility System Agreement with mutually acceptable terms, permit approvals by the North Carolina Department of Environmental Quality, and the North Carolina Utility Commission’s approval of this transaction. The structure of the Agreement would include the following: Developer to install a 360,000 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.”

A site investigation has been conducted by Piedmont Environmental and Eagle Resources to identify areas suitable for spray irrigation application. The spray irrigation areas will be maintained landscaped areas, parks, agricultural use, or meadows. All irrigation within the project will be reclaimed.

**Water:** Water will be public and provided by Chatham County Water Department. The County has a 24-inch water line on Pea Ridge Road, the proposed project will create internal loops with 12-inch offsite extension from the existing 24-inch water line.

**Road Name:** The road names The Conservancy Parkway, Adelaide Circle, Ellerston Place, Crystals Downs Lane, Oakland Hills Avenue, Starmount Forest Drive, Lahinch Lane, Somerset Hills Court, Bakers Bay Lane, Ballyneal Drive, Ganton Circle, Carnoustie Court, Saint Andrews Loop, Rock Barn Circle, Sand Hill Court, Muirfield Circle, Kingsbarns Court, Kingston Heath, Pine Needles Lane, Melbourne Trail, Hope Valley Circle, Winged Foot Drive, Sunningdale Circle, Myers Park Trail, Kiawah Circle, Prairie Dunes, Riviera Place, Bandon Dunes Trail, Oakmont Drive, West Sussex Place, Sawgrass Pond Lane, Royal Birkdale Lane, Mid Pines Place, Swinley Forest Drive, Bethpage Circle, Valderrama Drive, Victoria Pines Drive, Pine Valley Lane, Woodhall Lane, Cabot Links, Friars Head Place, Shoreacres Drive, Winding Bay Drive, and Whistling Straits Way have been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval.

**Water Features:** Sean Clark with Sage Ecological Services, Inc. (Sage) submitted the Riparian Buffer Review Application and riparian buffer map, to Drew Blake, Senior

Watershed Specialist for review. Mr. James Lastinger of the US Army Corps of Engineers completed an on-site determination on June 4, 2021, to verify wetlands. Mr. Blake and Mr. Clark with Sage Ecological Services, Inc. visited the site November 19, 2020. Mr. Blake's confirmation letter dated February 1, 2021, states eight (8) ephemeral stream segments, fourteen (14) intermittent stream segments, eight (8) perennial stream segments and fifty-eight (58) wetlands were identified. The eight (8) ephemeral stream require 30-ft buffers, fourteen (14) intermittent streams require 50-ft buffers, the eight (8) perennial streams require 100-ft buffers, and the fifty-eight (58) wetlands require 50-ft buffers from all sides landward.

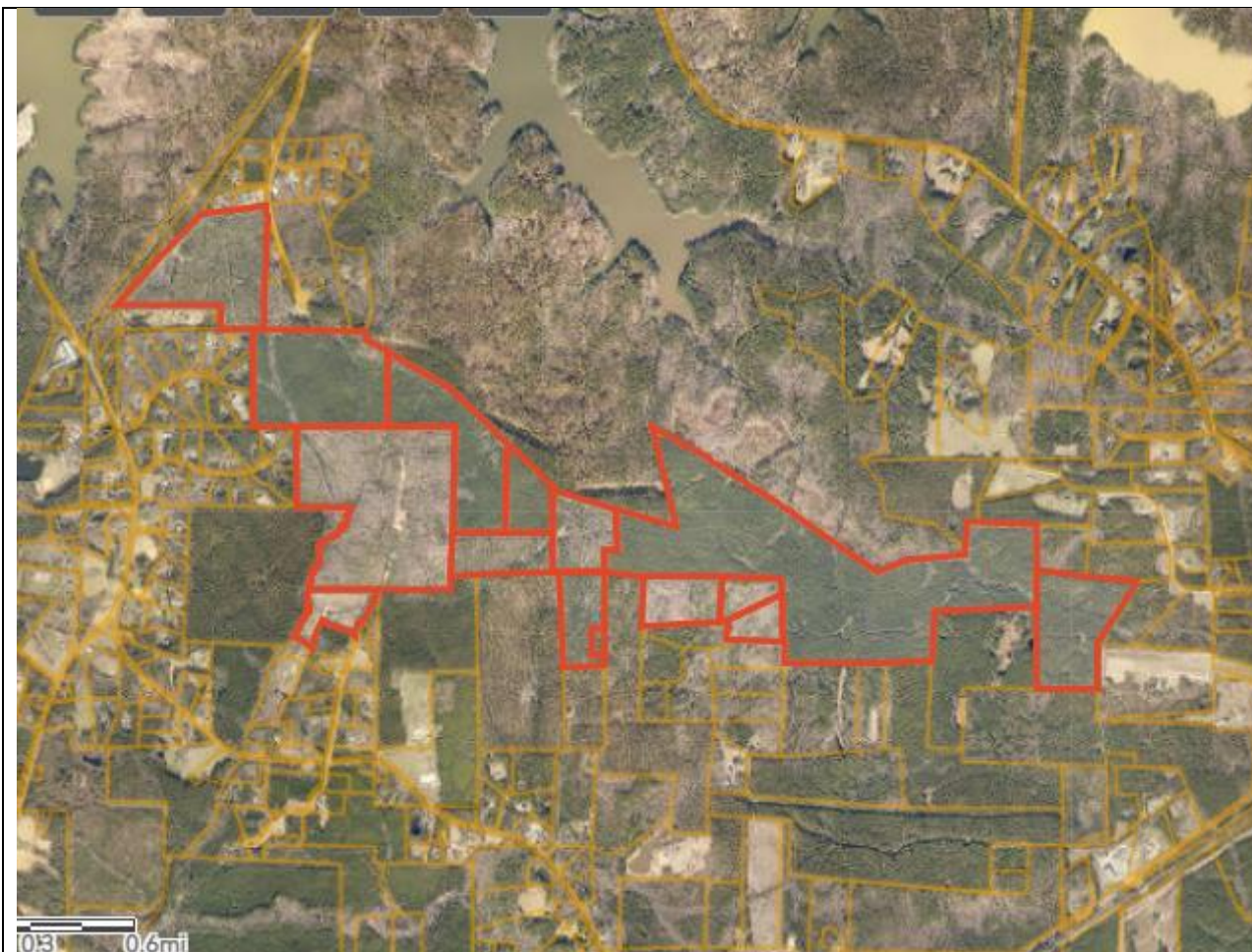
**Development Schedule:**

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. Four phases with sub-phases are proposed for the project. Phase 1: 322 lots; Phase 2: 348 lots; Phase 3: 437 lots and Phase 4: 414 lots. Phase 1 Construction Plans within two (2) years of approval of First Plat and Final Plat by December 31, 2027; Phase 2: 348 lots Final Plat by December 31, 2030; Phase 3: 437 lots by December 31, 2032, and Phase 4: 414 lots December 2035.

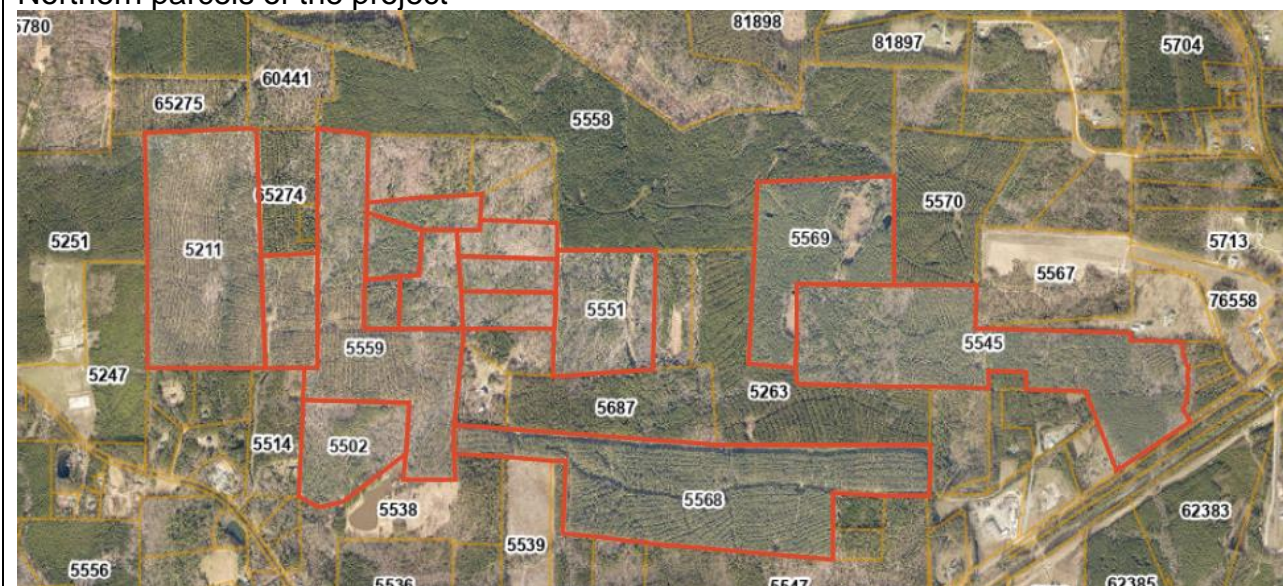
**Stormwater and Erosion Control:** Multiple stormwater devices are proposed. As part of the stormwater permitting process additional information will be provided to the Watershed Protection Department. A Stormwater Permit and Sedimentation & Erosion Control Permit will be obtained from the Chatham County 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 held on December 21 and 22, 2021 and Planning Department staff and various Board members attended. Mark Ashness, P.E., was present to walk the property with staff and Board members and discuss the project. Areas viewed included the proposed 12 acres of hardwoods noted by the NC Natural Heritage Program. 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, 2022. Mr. Ashness provided an overview of the site prior to walking the proposed project.





Northern parcels of the project



Southern parcels of 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 as agriculture and a small portion of the proposed project is rural on the Future Land Use and Conservation Plan Map. The description for agriculture includes single family homes, large-scale agriculture, related processing facilities, supporting commercial and service use. The description for rural includes low density development, agriculture, large residential lot, home-based and small-scale businesses, conservation easements, regional greenway trails, and protected lands. 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 some 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 The Conservancy Parkway, Adelaide Circle, Ellerston Place, Crystals Downs Lane, Oakland Hills Avenue, Starmount Forest Drive, Lahinch Lane, Somerset Hills Court, Bakers Bay Lane, Ballyneal Drive, Ganton Circle, Carnoustie Court, Saint Andrews Loop, Rock Barn Circle, Sand Hill Court, Muirfield Circle, Kingsbarns Court, Kingston Heath, Pine Needles Lane, Melbourne Trail, Hope Valley Circle, Winged Foot Drive, Sunningdale Circle, Myers Park Trail, Kiawah Circle, Prairie Dunes, Riviera Place, Bandon Dunes Trail, Oakmont Drive, West Sussex Place, Sawgrass Pond Lane, Royal Birkdale Lane, Mid Pines Place, Swinley Forest Drive, Bethpage Circle, Valderrama Drive, Victoria Pines Drive, Pine Valley Lane, Woodhall Lane, Cabot Links, Friars Head Place, Shoreacres Drive, Winding Bay Drive, and Whistling Straits Way and granting approval of subdivision First Plat for **The Conservancy at Jordan Lake Subdivision** with the following conditions:

1. The following development schedule shall apply: Construction Plan submittal for Phase 1: 322 lots within 2 years of First Plat approval with Final Plat by December 31, 2027, Phase 2: 348 lots Final Plat by December 31, 2030, Phase 3: 437 lots Final Plat by December 31, 2032 and Phase 4: 414 lots by December 31, 2035.
2. 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.
3. The county attorney shall review and approve the contract and performance guarantee prior to final plat recordation.
4. Final Plat shall provide the Emergency Operation approved road name Bakers Bay Lane.