



## Chatham County Planning Board Agenda Notes

**Date: May 2, 2023**

**Agenda Item: VII-3**

**Attachment #: 16**

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

<b>Subject:</b>	Request by Mark Ashness, P.E. on behalf of The Conservancy Real Estate Group, LLC for subdivision <b>First Plat</b> review and approval of <b>The Estates at Finley Farm</b> , consisting of 45 lots on 105 acres, located off Old US 1 (SR-1011), parcel 5545 in Cape Fear Township.
<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. Cover letter</li> <li>3. Vicinity map</li> <li>4. Reduced First Plat map</li> <li>5. Location map</li> <li>6. Report from the Chatham County Historical Association</li> <li>7. Notification to Chatham County Schools</li> <li>8. Flood Plain Determination Application</li> <li>9. Copy of General Environmental Documentation approval letter dated February 28, 2023</li> <li>10. Letter from North Carolina Department of Natural and Cultural Resources, Natural Heritage Program, dated February 7, 2023</li> <li>11. Copy of Community Meeting Report Form dated May 1, 2019</li> <li>12. Detailed Soil Scientist Report, Soils Map dated February 20, 2020</li> <li>13. Road name approval from Chatham County Emergency Operations Office</li> <li>14. Riparian Buffer Report, dated September 16, 2019</li> <li>15. Army Corp. of Engineers Notification of Jurisdictional Determination dated February 11, 2020</li> <li>16. First Plat titled "The Estates at Finley Farm" prepared by CE Group.</li> </ol>

**Introduction & Background:**

**Zoning:** R-1  
**Water System:** Private Water  
**Sewer System:** Private on-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 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 The Estates at Finley Farm formerly The Conservancy at Jordan Lake Subdivision, consisting of 45 lots on 105 acres, located off Old US 1, S.R. 1011. 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) meetings to act on the proposal.

**Background:** The Board of Commissioners approved the First Plat for The Conservancy at Jordan Lake Subdivision on February 17, 2020. The project was approved for 47 lots on 105 acres with public water. After the First Plat was approved, the developer determined that the cost to extend county water to the site was cost prohibitive. The length of the off-site water line to the project is over 7,150 linear feet. The developer submitted a another First Plat using individual wells instead of county water and the Board of Commissioners approved on June 15, 2020. The project was approved for 45 lots on 105 acres with private well and septic. A third First Plat was prepared for a larger development on this property plus additional area and the Board of Commissioners approved a conservation subdivision for The Conservancy at Jordan Lake Subdivision on March 21, 2022. The project was approved for 1,524 lots on 1,262.9 acres with private wastewater treatment plant and public water.

Per the summary provided in the packets, the current proposal of 45 lots is identical to the First Plat subdivision application approved in June of 2020. Since the conservation subdivision was approved, several economic development projects have been announced in the County, including Vinfast which is near this subdivision. Additionally, the County is currently preparing a small area plan in the Moncure area in response to the Vinfast announcement and The City of Sanford is extending utilities into the area. The developer would like to wait for the small area plan update before moving forward with the remainder of the conservation subdivision but is requesting approval for a smaller development in the interim.

**Roadways:** The proposed road is to be built as 20 foot wide travel way with a 60 foot wide

public right-of-way and is to be state maintained.

**Historical:** The applicant contacted Sy Robbins and Bev Wiggins with Chatham County Historical Association. CCHA found no record of any known cemeteries or structures of historic/architectural significance.

**Schools:** Notification of the proposed development was provided to the Chatham County School System. Randy Drumheller, Chatham County Schools Director of Maintenance and Construction corresponded by email dated March 15, 2023.

**General Environmental Documentation:** The developer submitted the General Environmental Documentation and a letter dated February 7, 2023, 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, based on the project area mapped with your request, 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 or near the project boundary, it does not imply or confirm their absence; the area may not have been surveyed. The results of this query should not be substituted for field surveys where suitable habitat exists."

Taylor Burton, Watershed Specialist, reviewed and approved the information submitted.

**Community Meeting:** A community meeting was held on March 6, 2023 at New Hill Community Center, 3101 New Hill Holleman Rd, New Hill. Approximately four people attended the meeting. Items/issues discussed included whether the project will have individual wells and septic, construction timing, any additional entrances, the plans for the remaining acreage, and why aren't the plans to continue with the conservation subdivision.

**Technical Review Committee:** The TRC met April 12, 2023, to review the revised First Plat submittal. The applicant/developer was present. Discussion included Watershed Protection commenting that the land disturbance permit has expired but are allowing the permits to be renewed because of COVID legislation. NCDOT representatives asked if a new Traffic Impact Analysis (TIA) will be completed with this project. Clay Matthews with CE Group explained this project is stand alone and does not require a TIA.

**Septic:** A soils report and map was submitted to Thomas Boyce, Chatham County Environmental Health, LSS, REHS, Chatham County Environmental Health, for review. Mr. Boyce stated that the report and map were adequate for a First Plat review.

**Water:** Private well

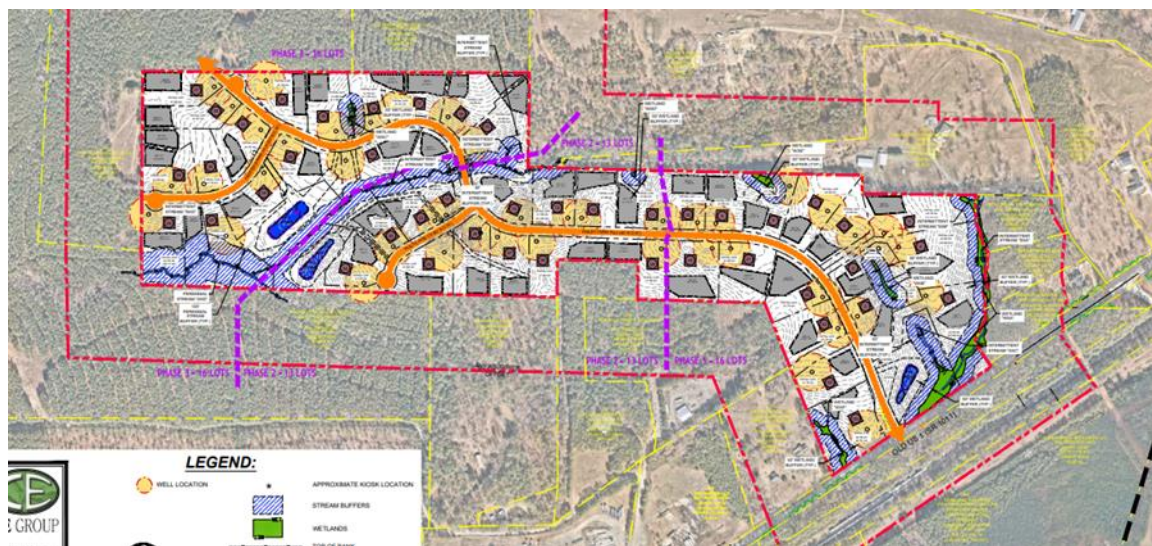
**Road Name:** The road name Finley Farm Way, Twisted Branch Lane, and Rustic Pine Lane has been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval. A mail kiosk is proposed to be

located near Lot 1.

**Water Features:** Kevin Murphrey of Environmental Services, Inc. (ESI), submitted the Riparian Buffer Review Application and a riparian buffer map, dated June 2019 to Drew Blake, Asst. Director Watershed Director for review. Mr. Blake and Mr. Murphrey completed an on-site riparian buffer review on August 12, 2019 to verify the consultant's findings. On October 8, 2019 Mr. Andy Williams of the US Army Corps of Engineers completed a site visit with ESI staff member. Streams SXC, SXF, and SXG were upgraded from ephemeral to intermittent streams. October 16, 2019 Mr. Blake issued a confirmation letter of his findings. The October 16, 2019 confirmation letter stated six (6) intermittent streams were found, seven (7) wetlands, and one (1) perennial stream. A 50-ft buffer will be required beginning at the flagged boundary and proceeding landward on all wetlands, a 50-ft buffer from top of bank landward on both sides of the feature for all intermittent streams and a 100-ft buffer from top of bank landward on both sides of the feature for the perennial stream. The Corp of Engineers Notification of Jurisdictional Determination was signed by Andrew Williamson February 11, 2020.

**Stormwater and Erosion Control:** Three stormwater devices are proposed and will be placed by Lots 1, 34, 28 & 29 in the subdivision. 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 April 18 and April 25 for Planning Department staff and various Board members to attend. Clay Matthews was present to walk the property with staff and Board members and discuss the project. Pictures of the site visit can be viewed on the Planning Department webpage at [www.chathamnc.org/planning](http://www.chathamnc.org/planning), Rezoning and Subdivision Cases, 2023.



**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 located in an area of the county identified as Rural and Agriculture on the Future Land Use and Conservation Plan Map. The description for rural includes low-density, single-family homes on large lots, agriculture, home-based & small scale businesses, regional greenway trails, and conservation easements. The description for agriculture includes large-scale working farms, related processing facilities, supporting commercial and service uses, and single-family homes.

The proposed conventional 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 none 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 Finely Farm Way, Twisted Branch Lane and Rustic Pine Lane and granting approval of the subdivision First Plat for **The Estates at Finley Farm Subdivision** with the following conditions:

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.