

## **..TITLE**

Vote on a request by Adam Freeman, P.E. on behalf of 501 Prairie View, LLC to approve for subdivision **First Plat** review and approval of **Valiant Reserve**, consisting of 19 lots on 23.064 acres, located off Lystra Road (SR-1721), parcel 18892 and 65382 in Williams Township.

## **..ABSTRACT**

### **Action Requested:**

Vote on a request by Adam Freeman, P.E. on behalf of 501 Prairie View, LLC to approve for subdivision **First Plat** review and approval of **Valiant Reserve**, consisting of 19 lots on 23.064 acres, located off Lystra Road (SR-1721), parcel 18892 and 65382 in Williams Township.

### **Introduction & Background:**

**Zoning:** R-1

**Water System:** Public 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 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 Valiant Reserve, consisting of 19 lots on 23.064 acres, located off Lystra Road, S.R. 1721. 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.

**Roadways:** The road is to be built as a 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, Kelly Gomez, and Bev Wiggins, Chatham County Historical Association (CCHA). CCHA requested a 30' wide buffer be placed around the Luke Riggsbee Cemetery that is located on Lot 1. The developer will place the cemetery in open space with a 30' buffer and the cemetery will be fenced. CCHA has planned to meet with the developer and confirm the cemetery location and condition.

**Schools:** Notification of the proposed development was provided to the Chatham County School System. Chris Blice, Chatham County Schools Assistant Superintendent for Operations corresponded by email dated March 13, 2023. Mr. Blice commented that the school buses are unable to enter the development and the bus stop will be on Lystra Road.

**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.”

Rachael Thorn, Watershed Protection Director, reviewed and approved the information submitted.

**Community Meeting:** A community meeting was held on February 1, 2023, at Bradshaw, Robinson, Slawer, and Rainer LLP, 128 Hillsboro St., Pittsboro, NC 27312. Approximately eight people attended the meeting. Items/issues discussed included tree clearing, soil testing, who is the developer, traffic impact, sizes of homes, public or private road, what are the plans for the remaining property, size lots, will the lots be mass graded, any connection to Williams Corner, prices of the homes, and will there be trail/road connection to adjacent property. No changes were made to the proposal after the community meeting.

**Technical Review Committee:** The TRC met April 12, 2023, to review the First Plat submittal. Nick Robinson was present on behalf of the developer. Discussion included will there be street lighting and staff asked for a photometric plan and application for street lighting and subdivision sign. The Watershed Protection Dept. commented that the developer needs to make sure there is enough area for grading a stormwater pond and that grading is outside of the riparian buffer. NCDOT asked for street lighting plans to be submitted and mail kiosk to be 100' from the entrance.

**Septic:** A soils report and map was submitted to Carl Kivett, Chatham County Environmental Health, REHS, LSS, Chatham County Environmental Health, for review. Mr. Kivett stated that the soils report and first plat appear to meet the requirements at this time based on the proposed plat.

**Water:** Chatham County Water Dept.

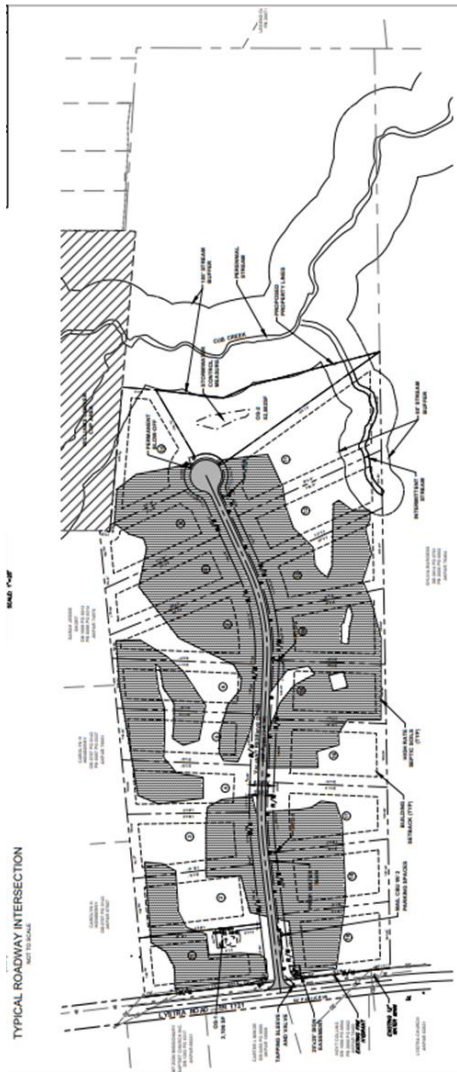
**Road Name:** The road name Valiant Reserve Drive has been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval. A mail kiosk is proposed to be located near Lot 18.

**Water Features:** Chris Huysman of Wetlands & Waters, Inc, submitted the Riparian Buffer Review Application along with a riparian buffer map, dated October 21, 2019, to Drew Blake, Asst. Director Watershed Protection for review. Mr. Blake completed an on-site riparian buffer review on November 5, 2019, to verify the consultant's findings. Streams SF6, SF7, and SF8 were determined to not meet the requirements of an ephemeral stream. Wetland boundaries were previously confirmed by Andy Williams with U.S. Army Corps of Engineers. Mr. Blake issued a confirmation letter of his findings. The November 12, 2019, confirmation letter stated seven (7) intermittent streams, three (3) perennial streams, fourteen (14) wetlands and one (1) pond. 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. It is to be noted not all features will be within the proposed project because this is a portion of a larger parcel.

**Stormwater and Erosion Control:** One stormwater device is proposed and will be placed between Lots 10 and 11 within 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 26, 2023, for Planning Department staff and various Board members to attend. 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.





**Planning Board Discussion:**

The Planning Board reviewed the submittal during their May 2, 2023 meeting. Nick Robinson with Robinson, Bradshaw Robinson Slawter LLP, was present on behalf of the developer. One property owner spoke during the public hearing and had questions about the project. The landowner had questions about how the project fit into Williams Corner overall plans? What are the long-range plans? And the property owner had concerns about the school bus stop being on Lystra Road and not within the proposed subdivision. Planning Board discussion included the following:

- What will become of the remaining acres? Mr. Robinson explained, if this project is approved there may be a recombination of a portion of the remaining acres. Williams Corner was approved for a CUP in 2006 with residential and commercial uses and this proposed subdivision does not affect that approval.
- Cemetery on Lot 1 will be maintained by the homeowners association and fencing will be installed around it.

- Concerns with the school bus not entering the subdivision to pick-up children but the children will be picked up at the entrance of the subdivision. The school system prepares the routes using state statutes and guidelines.
- During the site visit a board member spotted a large patch of invasive plants near the old agricultural site and hopes the developer or builder will manage the invasive plants or eradicate it completely.

**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 located in an area of the county identified as Compact Communities and Neighborhood Center on the Future Land Use and Conservation Plan Map (Strategy 5.2). The description for compact communities includes detached and attached residential units, dome multifamily units, community centers, amenities, recreational uses, schools, churches, connected systems of local and collector streets with access to surrounding development. The description for the neighborhood center includes mix use of retail, restaurants, office uses, single family homes, and small usable green spaces.

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 and Planning Board by unanimous vote recommends granting approval of the road Valiant Reserve Drive and granting approval of the First Plat for Valiant Reserve 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.