

## **..TITLE**

Vote on a request by Ashton Smith, P.E. on behalf of Gilberto Lopez-Ponce for subdivision **First Plat** approval of **Eden Parcels**, consisting of 11 lots on 14.87 acres, located off US 15-501 N (SR-15), parcel 2949 in Baldwin Township.

## **..ABSTRACT**

### **Action Requested:**

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### **Introduction & Background:**

**Zoning:** R-1  
**Water System:** County 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 Eden Parcels, consisting of 11 lots on 14.87 acres, located off US 15-501 N, S.R. 15. 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.

**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. Parcel 2934 has a driveway encroachment on Lot 1 and the developer is working with the landowner to correct the encroachment. The telecommunication notes that is shown within the 20' wide travel way will be relocated and the driveway for parcel 2932 will continue to access US 15-501. The existing travel way, known as Lanes Legacy meanders along the project boundary and the area that is within the project boundaries will revert to a natural vegetated state. Access to parcels 74715 and 78531 will connect to the new Lanes Legacy public road.

**Historical:** The applicant contacted Sy Robbins and Bev Wiggins, Chatham County Historical Association (CCHA). Mr. Robbins provided an email to the developer's team and county staff after the October 12, 2022 Technical Review Committee meeting. Mr. Robbins stated "There are no known cemeteries located on or near the parcel, but there is still the possibility of graves being located on the site: a thorough title search is needed to assess this possibility. Also, the proximity of Wilkerson Creek increases the likelihood of finding Native American artifacts. The applicant is encouraged to follow the CCHA's checklist."

**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 November 5, 2022. Mr. Blice suggested considering where school buses will pick up students. The school cannot travel on private roads and in this case the stop would likely be on US 15-501.

**General Environmental Documentation:** The developer submitted the General Environmental Documentation and a letter dated July 13, 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, 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 October 5, 2022, at Chatham Homes Realty, 490 West Street, Pittsboro, NC. Approximately seven people attended the meeting. Items/issues discussed included how changes to the road and removal of easement would affect the adjacent landowners, keeping the name of the existing road, timelines, and types of sewer service for the lots.

**Technical Review Committee:** The TRC met April 12, 2023, to review the revised First Plat submittal. The representative Mr. Ashton Smith, P.E. and Luke Shealy were present. Discussion included what size water line will be proposed and Mr. Shealy stated 6-inch. Currently there's an 8-inch supply line and Water Dept. staff explained that a valve will be needed to transition to a 6-inch line. A fire flow test will be needed and provide the Water Dept. with utility plans. A stormwater plan is being reviewed by the Watershed Protection Dept and currently no ponds are proposed because the

developer is requesting to use the 10% Rule in the County Stormwater Ordinance. This request is being considered by the Watershed Protection Dept. No street lighting, subdivision sign, or trails are being proposed. There is an encroachment of neighboring property driveway to the west. The existing gravel driveway that's partially within the 60' wide public right-of-way will need to revert to a natural vegetated stated. The telecommunication structure is to be relocated but the light pole will stay in place. The developer will need to provide staff proof of the easement abandonment for the existing Lanes Legacy.

**Septic:** A soils report and map was submitted to James Tiger, Chatham County Environmental Health Supervisor II, for review. Mr. Tiger stated, "assuming the site and soil suitability area provided based on site and soil conditions for each property, the proposal appears adequate."

**Water:** County water is proposed.

**Road Name:** The road names Olive Lane and Eden Parcels Way has been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval. The subdivision will maintain the existing road named Lanes Legacy. A mail kiosk is proposed to be located near Lot 7.

**Water Features:** Emma Radford with Kimley-Horn submitted the Riparian Buffer review application along with a riparian buffer map to Drew Blake, Asst. Director Watershed Protection Dept., and Phillip Cox Watershed Specialist for review. Drew Blake, Phillip Cox, Emma Radford, and Caroline Vinter completed an on-site riparian buffer review on February 7, 2023 to verify the consultant's findings. On February 10, 2023 Drew Blake issued a confirmation letter of the findings. The February 10, 2023 confirmation letter stated one (1) intermittent stream, five (5) potential wetlands, one (1) ephemeral stream, and two (2) perennial streams. A 30-ft buffer from top of bank landward on both sides of the feature for all ephemeral streams, 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 Jurisdictional Determination (JD) request has been submitted to the Army Corp of Engineers and is currently being processed. The JD will be required at construction plan submittal.

**Stormwater and Erosion Control:** The project is proposing to use the 10% Rule which is included in the County Stormwater Ordinance. 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 17 and April 20, 2023 for Planning Department staff and various board members to attend. Ashton Smith and Luke Shealy were 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.

**Planning Board Meeting 5/2/2023:**

The Planning Board reviewed this item during their May 2, 2023 meeting and discussion included:

- Clarification of the Stormwater Ordinance 10% Rule
- Stream crossings
- If there are any septic systems inside riparian buffer
- School bus stop on US 15-501 North and why the bus stop isn't within the subdivision, and whether the school bus could enter the subdivision for a bus stop.
- Portions of the current gravel road meander outside the travel way to revert its natural vegetated state.

One adjacent property owner spoke during the public hearing, Mr. Daniel Paxson. Mr. Paxson stated currently only 2 cars use the road and with the development up to 30 cars will be using the road. Mr. Paxson owns the first two lots on the north side of the project and stated pavement of the proposed road will be 35' from the house he owns.

Board members postponed the vote until more information was received on the US 15-501 bus stop and if the bus could stop within the subdivision.

Staff contacted Mr. Chris Blice, Chatham County Schools Asst. Superintendent for Operations, to check on the bus stop status for this area. Mr. Blice's email correspondence dated May 5, 2023, states that buses generally do not go into housing developments unless there is an amenity location with parking off the thoroughfare. This provides a pathway for the bus to travel outside of the area where the parents park. The school guidelines are directed towards group stops and when Mr. Blice talks with developers, he encourages them to create a group stop at or close to an entrance. Mr. Blice stated there are numerous bus stops on US 15-501 and 64 and this is generally not an issue.

**Planning Board Discussion:**

The Planning Board met June 6, 2023, and Mr. Luke Shealy with Kimley-Horn was present on behalf of the developer. Board discussion included the following:

- Per the email received in the packets the school buses will not be traveling in the development.
- Board members expressed concerns with bus stops on Hwy 64 and Hwy 15-501, these roads are very busy and suggested sending a note to the Board of Commissioners about their concerns. They also discussed including a recommendation for school bus stops in subdivisions located adjacent to a 4-lane highway as part of the UDO.

### **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 Rural on the Future Land Use and Conservation Plan Map (Strategy5.2) . 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 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 unanimously recommends granting approval of the road names Olive Lane and Eden Parcels Way and granting approval of the First Plat for **Eden Parcels** 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 existing travelway currently known as Lanes Legacy which crosses the project shall revert to a natural vegetated state once the new road is constructed.