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Vote on a request by Chad Abbott, P.E. on behalf of Lovin Spoonful, LLC to approve a subdivision **First Plat** application for **Ridgecrest Subdivision**, consisting of 28 lots on 49.41 acres, located off Hamlet Chapel Road (SR-1525), parcel 1798 in Baldwin Township.

..ABSTRACT

Action Requested:

Vote on a request by Chad Abbott, P.E. on behalf of Lovin Spoonful, LLC to approve a subdivision **First Plat** application for **Ridgecrest Subdivision**, consisting of 28 lots on 49.41 acres, located off Hamlet Chapel Road (SR-1525), parcel 1798 in Baldwin Township.

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 28 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. 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:

Ridgecrest Estates First Plat was approved for 30 lots by Chatham County Board of Commissioners on March 21, 2022. From the date of approval, the developer had twelve months to submit construction plans for review and approval by the Technical Review Committee. The developer was unable to submit their Construction Plan

application because they did not have enough time to receive the needed permits from the various agencies.

The proposed project layout was decreased by two lots, shed encroachments from the Berg property have been resolved, and no proposed stream crossing for septic.

Roadways: Ridgecrest Estates Drive and Gattis Way Court 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. Mr. Robbins provided a comment at TRC meeting stated no additional comments to be added.

Schools: Notification of the proposed development was provided to the Chatham County School System. Mr. Chris Blice, Chatham County Schools Asst. Superintendent for 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 April 6, 2023, at the parking lot of Perry Harrison School. Approximately five people attended the meeting and items/issues discussed included:

- The revised layout is welcome.

Technical Review Committee: The TRC met on May 17, 2023, to review the First Plat submittal. The applicant, Chad Abbott, P.E. and Peter Griffin, Developer was present. Items discussed included:

- The Utility Dept. requested the fire hydrant to be located near Lot 25, a fire flow test is needed, and asked what size water line will be proposed. Mr. Abbott sated 8-inch water line.
- The Watershed Protection Dept. had concerns about lots 2-4 not having enough room for homesite, suggested to move the access easement to the stormwater pond to between Lots 1 and 2, and remove the Wilkinson Creek labeling that goes through Lots 14 and 15.
- Road name was approved by Emergency Operations.
- Show cul-de-sac radius on the plat.
- NCDOT stated that in the future they would like to see the rolling terrain design criteria used in this area and they thought the mountainous terrain criteria may have been used.
- Lot 1 septic easement will be located on the Berg property, and this will require Berg to sign the final plat and sign the first plat application.

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.

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

Encroachment: Parcel 1796 currently has shed encroachment on proposed Lot 28. The developer has worked with the owner of parcel 1796 about the shed encroachment and both agreed to exchange properties. The new lot lines will place the sheds inside parcel 1796 and the sheds will meet the minimum zoning setbacks. The recombination will be completed at the time of filing the final plat.

Road Name: The road names Ridgecrest Estates Drive and Gattis Way Court have been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval.

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, one stormwater pond on lots 2 & 3, and sand filters devices on Lots 13 & 14, and Lots 24 & 25. 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 May 23 and May 24, various staff and board members attended. Pictures of the site visit can be viewed on the Planning Department webpage at www.chathamcountync.gov/planning, Rezoning and Subdivision Cases, 2023.

Planning Board Discussion:

The Planning Board met June 6, 2023, and Mr. Daniel Fenton was present on behalf of the developer. Mr. Eric Berg spoke during public hearing and stated it has been good to work with Mr. Abbott and Mr. Griffin to have the project as close to perfect as they possibly could. Board discussion included the following:

- The Board stated that this layout is a much better plan than the previously approved layout.
- The Board confirmed this layout had fewer lots, the developer had worked with Mr. Berg on swapping land for encroaching building on the Berg property within the proposed project and this layout has fewer off-site septic systems.

- Board members stated the previous project was not recommended for approval by the Planning Board previously and was approved at Board of Commissioners by default with no action. The applicant has clearly addressed and fixed all the concerns the Planning Board had during the review of the prior approval.
- A board member wanted to know if it's typical to see such diversions of septic routes.
- Wanted to know if US Fish and Wildlife Service had been contacted since the NCNHP reports states rare species are within a 1-mile radius of the project. Staff commented that the NC Natural Heritage Program (NHP) comment was occasionally raised and there is a list of species on the NHP website with the types of state and federal designations but it did not mean the species was necessarily found on this subject property.
- Some board members are concerned with the off-site septic systems.
- Board members would like to see a legal way for pedestrians to walk from the proposed cul-de-sac to Hamlets Chapel Road, such as an easement between Lots 24 & 25. NCDOT would need to put in a crosswalk at the intersection which would be beneficial for children who will be walking to school. The Board stated we cannot require you to provide access or crosswalks, but we ask that you go back and discuss this with your team and see what you might be able to do to address these concerns and the safety of the children. Staff commented that this would also require coordination with the school system because there was no sidewalk on their property, and this would require additional review for the school site. Staff also commented this should be included as an item to review during the UDO drafting process.

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 Rural on the Future Land Use and Conservation Plan Map (Strategy 5.2). 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 and Planning Board by 9-0-1 recommends granting approval of the road names Ridgecrest Estates Drive and Gattis Way Court 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. Property owner(s) of parcel 1796 shall sign the final plat prior to recordation.
4. The Final Plat shall provide septic access to Lot 1.
5. The developer or representative shall contact the US Fish and Wildlife Service and work with the agency with any rare species found within 1 mile of the project.