

Jordan Retreat First Plat

Planning Staff: Kimberly Tyson, Planner II

Applicants: Oak Crest Commercial, LLC

Request by Landon Lovelace, P.E. on behalf of Oak Crest Commercial, LLC for subdivision **First Plat** review and approval of **Jordan Retreat**, consisting of 33 lots on 52.17 acres, located off Jordan Dam Road (SR-1970), parcel 11433 in Haw River Township.



Introduction and Background

Zoning: R-1

Water System: Public

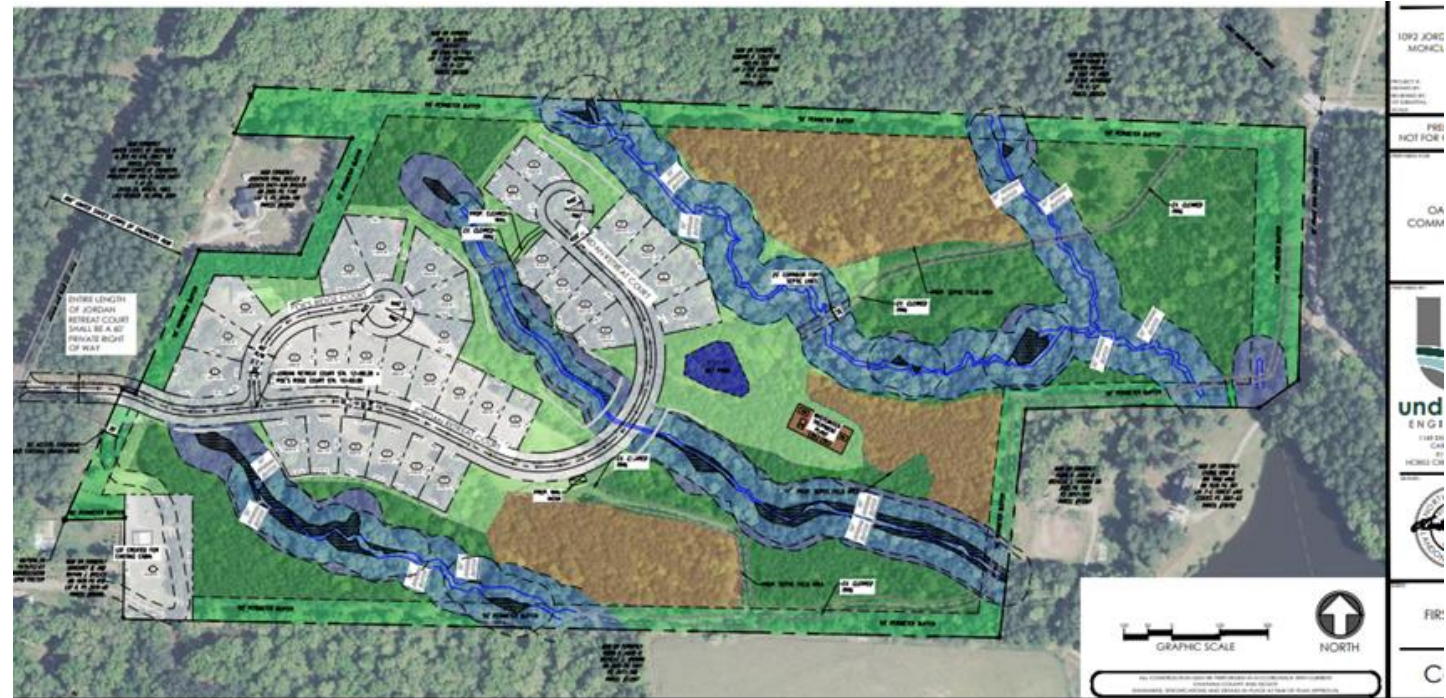
Sewer System: Proposed private wastewater treatment tanks

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 and Analysis

- The request is for First Plat review and recommendation of Jordan Retreat, consisting of 33 lots on 52.17 acres, located off Jordan Dam Road, S.R. 1970. There is a cabin on the property and one of the 33 lots will be reserved for the existing cabin.



Discussion & Analysis

- **Density Calculations:** The land required to be protected within a Conservation Subdivision under other regulatory provisions, i.e. riparian buffers and floodplain, is 15.58 acres and 13.22 acres of riparian buffers. This amount (15.58 acres) was deducted from the total acreage of 52.17 acres to arrive at the net land available consisting of 36.59 acres. Based on the net land area the lot yield would be 56 lots and without adding the 10% density bonus. The proposed project is 33 lots.
-
- **Conservation Space:** Of the total project area of 52.17 acres with 38.95 acres outside of the riparian buffers, 15.58 acres are required to be in Conservation Space and the site plan indicates that 21.84 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.

Discussion & Analysis

- **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 38.95 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 – 8 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.
- **Previous Conversation Calculations:** Conservation calculation prior to amending the regulations would allow the riparian buffers to be included in the overall calculations of the project. With this project 52.17 acres 40% of the conservation space would be 20.87 acres and all riparian buffers could have been included in the 20.87 acres. Under the current regulations riparian buffers will need to be subtracted from the overall acres. With this project there are 13.22 acres of riparian buffers that would be subtracted from 52.17 acres leaving 38.95 acres for the project; 40% of 39.15 acres is 15.58 acres of conservation plus the 13.22 acres of riparian buffers.

Discussion and Analysis



Roadways: The roads are to be built with a 20-foot-wide travel way and 60-foot-wide private right-of-way, a total of .43 miles of private right-of-way. The roads are to be privately maintained.

Historical: The developer corresponded with Sy Robbins with Chatham County Historical Association (CCHA). CCHA stated they looked over the reports and maps and have no comments or concerns. They request to keep a sharp lookout for burial sites and artifacts during construction activities.

Schools: Notification of the proposed development was provided to the Chatham County School System.

Community Meeting: A community meeting was held in-person October 4, 2022, at Spratt Youth Center in Moncure. Approximately twenty-five people attended the meeting. Some concerns and/or comments:

Concerns with septic fields located near the eastern property line near the Hoods property.

Will traffic signals be installed at existing intersections?

Will there be any contribution to the local public schools by the developer?

Will the developer make additional contributions to schools/fire and police departments outside of what is required?

Size of homes to be built and cost.

Will the houses be excessively tall due to the small lot sizes?

Why are the lots small?

How will the tree roots not conflict with the pipes in the systems if the septic fields contain trees?

What safety mechanisms are in place if the septic systems malfunction?

Does the County inspect the system? If yes, how often?

Who is responsible for maintaining the septic system?

How large is the force main?

Is the HOA financially responsible for the spills or malfunctions of the septic?

Discussion and Analysis

- **General Environmental Documentation:** The developer submitted the General Environmental Documentation and a letter dated May 12, 2021, from North Carolina Department of Natural and Cultural Resources Natural Heritage Program (NCNHP) 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. Per the NCNHP letter it states, “rare species and natural communities that have been documented within a one-mile radius of the property. The proximity of these records suggests that these natural heritage elements may potentially be present in the project area if suitable habitat exists.” Some of the element occurrences documented within one-mile radius are Checkered White, Drey-Mesic Oak Hickory Forest, bog spicebush, buttercup phacelia, etc. NCNHP recommends contacting the US Fish and Wildlife Services (USFWS) for guidance.
- Taylor Burton, Watershed Specialist, reviewed and approved the information submitted.



Technical Review Committee: The TRC met virtually on September 13, 2023, to review the First Plat submittal and the applicant Landon Lovelace and developer Nate Byelick, were present.

Septic: A soils report and map by Piedmont Environmental Associates, P.A. was submitted to James Tiger, R.E.H.S. Chatham County Environmental Health On-Site Wastewater Supervisor. Mr. Tiger stated that a review by Environmental Health is not required since the project will be using an EOP private option permit

Water: Water will be public and provided by Chatham County Water Department.

Road Name: The road names Jordan Retreat Court and Poe's Ridge Court have been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval.

Discussion & Analysis

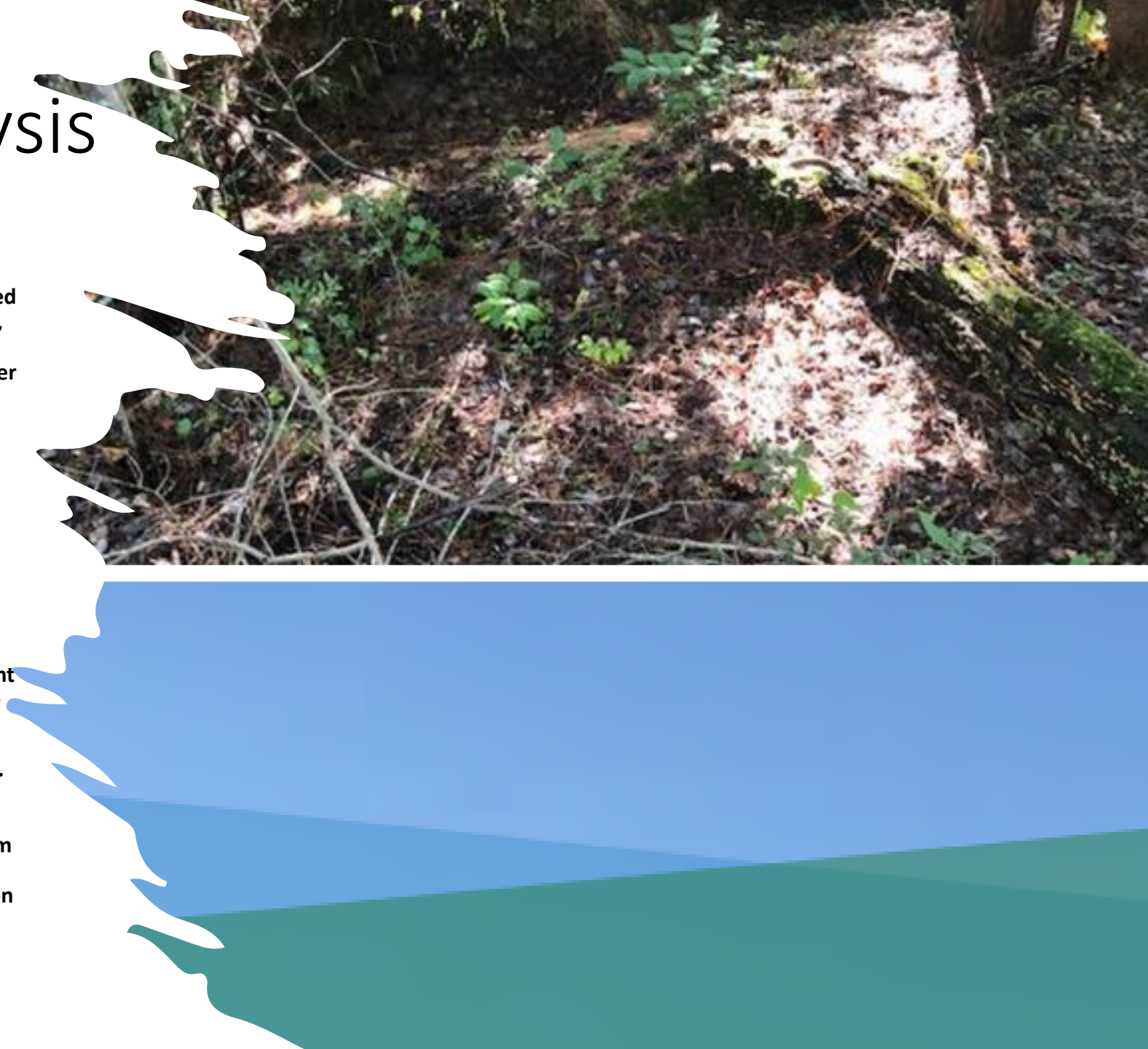
- **Existing Conditions:**

There are trails and access road to the cabin lot within the 50' perimeter buffer and within the project most of the trails will remain. Parcel 93052 owned by Jonathan and Jessica Byelick has ownership to the center of the proposed 60' wide private right-of-way. When the final plat is approved, the portion of parcel 93052 that lays within the 60' wide private right-of-way will become part of the private right-of-way for the approved subdivision.

Discussion and Analysis

- **Kim Hamlin with Sage Ecological Services, Inc. (Sage) submitted the Riparian Buffer Review Application and riparian buffer map, to Drew Blake, Watershed Protection Asst. Director and Phillips Cox, Senior Watershed Specialist for review. Sage Ecological Services previously visited the site and found the following three (3) potential ephemeral segments, three (3) potential intermittent segments, and fifteen (15) potential wetlands on the property. Mr. Blake and Mr. Cox visited the site December 16, 2022. Mr. Blake's confirmation letter dated January 23, 2023, states two (2) ephemeral stream segments, four (4) intermittent stream segments, and 15 (15) wetlands were identified. The two (2) ephemeral streams require 30-ft buffers, four (4) intermittent streams require 50-ft buffers, and the fifteen (15) wetlands require 50-ft buffers from all sides landward. Mr. Christopher Hopper with the US Army Corps of Engineers provided an email dated February 3, 2023, that stated on November 28, 2022, and January 3, 2023, received information requesting the Wilmington District, Regulatory Division review and concur with the boundaries of an aquatic resource delineation. The email states, "the aquatic resources delineation has been verified by the Corps to be sufficiently accurate and reliable representation of the location and extent for aquatic resources within the identified review area." Permits shall be provided at construction plan submittal.**

- **Stormwater and Erosion Control: One stormwater device is 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 September 18 and September 20, 2023, and Planning Department staff and various Board members attended. Landon Lovelace, P.E., was present to walk the property with staff and Board members and discuss the project.





Site Visit

Comprehensive Plan Evaluation

PLAN ELEMENTS

-  Economic Development
-  Land Use
-  Housing
-  Health
-  Agriculture
-  Natural Resources
-  Resiliency
-  Parks and Recreation
-  Transportation
-  Utilities and Public Services



PLAN CHATHAM
working together to preserve & progress

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 in an area of the county identified as conservation on the Future Land Use and Conservation Plan Map. The description for conservation includes single family detached lots and attached units with overall very low density, some tourism related uses allowed. Passive recreation areas, greenway trails, and a variety of valuable natural resource areas. 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.



Planning Staff Recommendation

- The Planning Department recommends granting approval of the road names Jordan Retreat Court and Poe's Ridge Court and granting approval of subdivision First Plat for **Jordan Retreat** with the following conditions:
 - 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.
 - The county attorney shall review and approve the contract and performance guarantee prior to final plat recordation.
 - Developer shall provide Planning Dept. staff a copy of the private road agreement per Section 7.2(D)2