



Chatham County Planning Board Agenda Notes

Date: November 7, 2023

Agenda Item: VI-1

Attachment #: 2

- Subdivision**

 Special Use Permit

 Rezoning Request

 Other:

Subject:	Request by Jeff Foster, P.E. on behalf of Zadell Development, LLC for subdivision First Plat review and approval of Anfield Estates , consisting of 11 lots on 24.7 acres, located off Beaver Creek Road (SR-1008), parcel 5491 in Cape Fear Township.
Action Requested:	See Recommendation
Attachments:	<ol style="list-style-type: none"> 1. Major Subdivision Application and checklist 2. Vicinity map 3. Email correspondence dated August 10, 2023 with Environmental Health. 4. Email correspondence dated July 11, 2023 with Chatham County Schools 5. Notification from Chatham County Historical Association 6. Copy of General Environmental Documentation approval letter dated August 18, 2023 7. Letter from North Carolina Department of Natural and Cultural Resources, Natural Heritage Program, dated July 11, 2023 8. Copy of Community Meeting Report dated July 26, 2023 9. Detailed Soil Scientist Report, Soils Map dated November 2, 2022 10. Road name approval from Chatham County Emergency Operations Office dated August 11, 2023 11. Riparian Buffer Report, dated July 24, 2023 12. Submittal confirmation from Army Corp. of Engineers for Jurisdictional Determination dated August 15, 2023 13. First Plat titled "Anfield Estates Major Subdivision First Plat Chatham County, NC" prepared by CE Group dated September 6, 2023 14. Adjacent Property Owner titled "Anfield Estates Subdivision Adjacent Properties Chatham County, NC" prepared by CE Group dated July 14, 2023 <p>Additional Information Received:</p> <ol style="list-style-type: none"> 15. Email correspondence dated October 20, 2023 with USACE

	16. Frist Plat titled “Anfield Estates Major Subdivision First Plat Chatham County, NC” prepared by CE Group dated October 19, 2023
--	---

Introduction & Background:

Zoning: R-1

Water System: Private on-site

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 Anfield Estates, consisting of 11 lots on 24.7 acres, located off Beaver Creek, S.R. 1008. 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, Chatham County Historical Association (CCHA). Mr. Robbins provided an email dated July 14, 2023, stating there are a number of houses along Beaver Creek Road that are of significant historical/architecture interest; don’t believe this project will negatively affect these. Keep an eye out for unmarked gravesites, old foundations, etc. and contact CCHA. The applicant is encouraged to follow the CCHA's guidance document checklist.

Schools: Notification of the proposed development was provided to the Chatham County School System. Randy Drumheller, Chatham County Schools Director of Maintenance was contacted by email dated July 11, 2023.

General Environmental Documentation: The developer submitted the General Environmental Documentation and a letter dated July 11, 2023, 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 records for rare species, important natural

communities, natural areas, and/or conservation/managed areas within the proposed project boundary. The proximity of these records suggest that these natural heritage elements may potentially be present in the project area if suitable habitat exists." NCNHP recommends contacting the US Fish and Wildlife Services (USFWS) for guidance.

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

Community Meeting: A community meeting was held on July 26, 2023, at Chatham County Library, Pittsboro, NC. Approximately six people attended the meeting. Items/issues discussed included will fiber be brought to the area, effect on the water table, will the power be underground, who will build the shared driveway, any street lighting, can lots be recombined, and will there be a feature at the entrance.

Technical Review Committee: The TRC met September 13, 2023, to review the First Plat submittal. The representatives Mr. Jeff Foster P.E., Clay Matthews, P.E., and Kyler Zadell were present. Discussion included if the applicant has received anything from US Army Corps on the wetlands, location of the mail kiosk, and Environmental Health stated most of the septic systems will require NCDEQ approval.

Septic: A soils report and map was submitted to James Tiger, Chatham County Environmental Health Supervisor II, for review. Mr. Tiger stated, "We cannot comment the available space for configuration for state permitted systems. Planning will have to rely on your experience and expertise for the proposed subdivision."

Water: Individual wells

Road Name: The road names Anfield Road has been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval.

Water Features: Rhiannon Graham with Terracon Consultants, Inc submitted the Riparian Buffer review application along with a riparian buffer map to Drew Blake, Asst. Director Watershed Protection Dept. Drew Blake and Rhiannon Graham completed an on-site riparian buffer review on July 17, 2023, to verify the consultant's findings. The consultant previously visited the site October 31, 2022, and identified one (1) ephemeral stream. On February 10, 2023, Drew Blake Asst. Director Watershed Protection Dept. and Taylor Burton, Senior Watershed Specialist issued a confirmation letter of the findings. The July 24, 2023, confirmation letter stated two (2) intermittent streams, three (3) potential wetlands, and one (1) ephemeral stream. 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, and a 50-ft buffer from top of bank landward on both sides of the feature for all intermittent streams. 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: There is one proposed stormwater device. As part of the stormwater permitting process additional information will be provided to the Watershed Protection Department during the permitting process. 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 September 19, 2023, and September 20, 2023, for Planning Department staff and various board members to attend. Clay Matthews and Kyler Zadell 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, Rezoning and Subdivision Cases, 2023.

Planning Board:

The Planning Board met Oct. 3, 2023, Clay Matthews and Kyler Zadell were present. During public input Mr. Rick Burch, who resides adjacent to the proposed subdivision spoke. Mr. Burch had concerns with water features that are not shown on the proposed plat, the abandoned railroad track, Bald Eagles and Redheaded Woodpeckers in the area, and a NCDOT pipe that crosses under Beaver Creek Road allowing water from the north side of Beaver Creek Road to discharge in an area near the railroad track that flows to a wetland. He lives in Jordan Lake Farms Subdivision which requires a 50-foot perimeter buffer, the proposed driveway in Anfield Estates is proposed directly adjacent to Mr. Burch's property line and he is concerned the clearing for the driveway will damage the tree roots and possibly kill the trees on his property. He stated he asked Mr. Zadell if they plan to require a buffer and was told it was in discussion, but not promised. He doesn't like the location of the driveway because it stretches for most of his property line.

Planning Board discussion included the following:

- Shared driveways for Lots 4, 5, 7, 8, & 9
- What species are endangered that may be in this area?
- Has the developer reached out to the US Army Corp or the US Fish and Wildlife Service?
- Who is responsible for the shared driveway? Mr. Matthews stated the HOA will be responsible.
- Concerns with tree clearing in the easement for Lots 7-9.
- Why there are so many state approved septic systems?
- The layout of the project appears to be loaded with as many lots as possible and not well organized.
- Would like to see the shared driveway for Lots 7-9 moved far away from the adjacent property.
- The Board voted to postpone making a recommendation on the item and asked the developer to look into a shared driveway for Lots 4 & 5, move the shared driveway for Lots 7-9 away from Mr. Burch's property, a notation for the pipe that will run under the easement near the "T" turnaround, provide a location for the mail kiosk,

address the drainage pipe under Beaver Creek Road, and contacting the US Fish and Wildlife Service to ask if they will conduct a survey of the project.

To address the concerns expressed by the Board had during their October 3, 2023 meeting the following information was received from the developer's representative:

- Shared driveway potential for lots 4 & 5. – The developer's preference is for individual driveways. Lots conform to Chatham County Subdivision requirements for lot width and access.
- Move shared driveway for lots 7, 8, and 9 as far over as possible. – At this time the driveway location is optimal to provide access to lots 7, 8, and 9. Should site conditions allow the relocation of the driveway during construction plan review, it may be relocated.
- Add notation for pipe under shared driveway. – Crossing pipe added.
- Show location of mail kiosk. – Mail kiosk added to cul-de-sac bulb.
- Address drainage pipe running under Beaver Creek Rd. – Pipe running under Beaver Creek Rd. is an NCDOT maintained pipe. Pipe appears to be silted in at this time. Current drainage patterns flow water away from Beaver Creek Rd on both sides with little to no drainage flowing onto parcel 65045. See image clip from Chatham GIS below. We will make NCDOT aware of the silted pipe during construction process. Should NCDOT decide to clean this pipe, the developer will ensure that any resulting discharge will not flow onto parcel 65045.
- Contact US Fish and Wildlife Service to request a survey. – Email from Rachel Capito with USACE dated 10/20/23 states, "if there is no trigger (no permits, funding, or other federal involvement) then there is no federal hook for the Endangered Species Act review under Section 7. Unless there is a listed species or habitat within the project area, and you need an Incidental Take Permit which you would do directly with FWS through Section 10 consultation. There may be additional local or state requirements that I may be unaware of, but USACE would not be involved if there is no trigger for a permit. Let me know if you have any additional questions."

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 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 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 Anfield Road and granting approval of the First Plat for **Anfield 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.