



## Chatham County Planning Board Agenda Notes

**Date: October 1, 2024**

**Agenda Item: VII-1**

**Attachment #: 2**

- Subdivision**
                 
  **Special Use Permit**
                 
  **Rezoning Request**  
                                 
  **Other:**

<b>Subject:</b>	Request by Jeff Foster, P.E. on behalf of Maurice Nunn for subdivision <b>First Plat</b> review of <b>New Hope Overlook</b> , consisting of 22 lots on 45.115 acres, located off New Hope Church Road (SR-1733), parcels 75213 & 19704.
<b>Action Requested:</b>	See Recommendation
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Major Subdivision Application</li> <li>2. Preliminary plat titled "New Hope Overlook Major Subdivision First Plat Plan Chatham County, NC" dated August 16, 2024.</li> </ol> <p style="text-align: center;"><b>The following items may be reviewed on the website</b>  <a href="https://www.chathamcountync.gov/government/departments-programs-i-z/planning/rezonings-subdivision-cases/2024-items/new-hope-overlook-first-plat">https://www.chathamcountync.gov/government/departments-programs-i-z/planning/rezonings-subdivision-cases/2024-items/new-hope-overlook-first-plat</a></p> <ol style="list-style-type: none"> <li>3. Vicinity map</li> <li>4. Chatham County Historical Association Comments</li> <li>5. Email correspondence dated August 6, 2024, with Chatham County Schools</li> <li>6. General Environmental Documentation (GED), approval letter dated August 8, 2024</li> <li>7. Soils Report dated April 18, 2022</li> <li>8. NCNHP Report dated June 6, 2024</li> <li>9. Riparian Buffer Report dated July 12, 2024</li> <li>10. Approved Road Names from Chatham County Emergency Operations Office dated September 9, 2024</li> <li>11. US Army Corps Notification of Jurisdictional Determination dated September 13, 2024</li> <li>12. Copy of Community Meeting Report dated June 11, 2024 Adjacent Property Owners</li> </ol>

**Introduction & Background:**

**Zoning:** R-1  
**Water System:** Private  
**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 usable 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 New Hope Overlook, consisting of 22 lots on 45.115 acres, located off New Hope Church Road, S.R. 1733. 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.

**Historical:** The applicant received comments during the Concept Plan TRC Meeting. The Chatham County Historical Association asked to be contacted if any gravesites or old structures are found.

**Schools:** Notification of the proposed development was provided to the Chatham County School System. Randy Drumheller, Chatham County Schools Director of Maintenance and Construction was contacted by email dated August 6, 2024.

**General Environmental Documentation:** The developer submitted the General Environmental Documentation, and a letter dated June 6, 2024, 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 records for rare species, important natural communities, natural areas, and/or conservation/managed areas within the proposed project boundary. 'Potential Occurrences' table summarizes rare species and natural communities that have been documented within one-mile radius of the property boundary. The proximity of these records suggests that these natural heritage elements may potentially be present in the project area if suitable habitat exists." Taylor Burton, Senior Watershed Specialist, reviewed the information submitted. Ms. Burton replied in a letter dated August 8, 2024, 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. GED approval letter can be viewed online <https://www.chathamcountync.gov/government/departments-programs-i-z/planning/rezonings-subdivision-cases/2024-items/new-hope-overlook-first-plat>

**Community Meeting:** A community meeting was held on June 11, 2024, at New Hope Baptist Church. Approximately six people attended the meeting. The attendees voiced their concerns about the lack of utilities i.e. internet and public water.

**Technical Review Committee:** The TRC met on September 11, 2024, to review the First Plat submittal. Mr. Jeff Foster, P.E. with CE Group were present and gave a brief overview of the project. Mr. Foster stated they have been working with the soil scientist to finalize the septic areas and lot lines between lots 6 & 7 will need to be adjusted.

Staff discussion included:

- Location of the mail kiosk.
- Standard setbacks will apply to the subdivision and concerns with lot 11 building footprint setbacks.
- Need to apply for a driveway permit with NCDOT and Mr. Foster stated he will confirm the sight distance.
- A possible missing wetland on the buffer report. The SCM located at the beginning of the subdivision easement is encroaching into the riparian buffer. Will a sign easement be on lot 16? Mr. Foster stated a sign easement will be placed on lot 16.
- Environmental Health stated LSS identified surface and subsurface drip soils in 2022. LSS report indicates more work needs to be completed to determine the number of lots the soil can support.

**Septic:** A soils report has been completed by Soil & Environmental Consultants, PA. and fieldwork was completed March and April of 2022 per the soils report .

**Water:** Individual wells

**Road Name:** The road name New Hope Overlook Drive has been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval.

**Water Features:** Kevin Murphrey with Soil & Environmental Consultants, Inc. (S&EC) completed a site visit in April and June of 2024, and identified eight (8) surface waters within the review area that were potentially subject to riparian buffers. Kevin Murphrey, with S&EC completed the on-site riparian buffer and Watershed Protection staff confirmed the findings of S&EC personnel. A confirmation letter dated July 12, 2024, stated two (2) ephemeral streams, two (2) intermittent streams, and four (4) potential wetlands. 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 all perennial streams. On-site determination expires five years from the date of the riparian buffer report. The Jurisdictional Determination has been submitted to the Army Corp of Engineers.

**Stormwater and Erosion Control:** There are three (3) proposed stormwater devices and 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 18 & 19, 2024, for Planning Department staff and various board members to attend.

Pictures of the site visit can be viewed on the Planning Department webpage.

<https://www.chathamcountync.gov/government/departments-programs-i-z/planning/rezonings-subdivision-cases/2024-items/new-hope-overlook-first-plat>

**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. This project is located in a rural area of the county on the Future Land Use and Conservation Plan Map. The description for rural is low density development comprised of single-family homes on large lots or in conservation subdivisions with some commercial buildings designed to protect function and form of rural character. Pastures, farms, and forests dominate the landscape. Mix use includes agriculture, large lot residential, supporting service uses, and home-based and small-scale businesses. 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 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 recommends granting approval of the road name New Hope Overlook Drive granting approval of the First Plat for **New Hope Overlook** with the following conditions:

1. Approval of the First Plat shall be valid for a period of twenty-four (24) 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.