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Vote to approve a request by Mark Ashness, P.E. on behalf of SRE NC Landco, LLC for subdivision **Preliminary Plat** review and approval of **Parks at Meadowview Phases 2-4**, consisting of 453 lots on 261.23 acres, located off Parks Meadow Drive (SR-1680), parcels 61935, 10893, 89726.

..Abstract

Introduction & Background:

Zoning: R-1

Water: Public water Aqua NC

Sewer: Public Aqua NC

Watershed District: WSIV-PA Protected Area in the Jordan Lake drainage

Within 100-year flood: Yes

The sketch plan for the “Meadowview” was originally approved on May 16, 2005 as a Planned Unit Development (PUD) consisting of 715 lots on 793 acres. On March 20, 2006, the PUD sketch plan was amended to reduce the number of lots from 715 to 600, to have all roadways be private, redesign the lot layout, and change the name to “The Parks at Meadowview”. On May 15, 2006, the PUD sketch plan was revised to add approximately 155 acres and increase the number of dwelling units to 739. In February 2014, the Board of Commissioners approved one lot for a wastewater pump station. October 17, 2022, the Board of Commissioners approved the revised sketch plan for Phases 2-4 consisting of 788 lots on 948.3 acres.

The Parks at Meadowview was approved as PUD under the pre-2008 Subdivision Regulations and there is no special use permit. PUDs require a special use permit; however, zoning was not adopted in this area until November 2007. If this request is approved the PUD will remain vested under the pre-2008 Subdivision Regulations.

Discussion & Analysis:

The request before the Board is for preliminary plat review and approval of Phases 2-4 consisting of 453 lots on 261.23 acres

Water: Aqua NC will provide public water. The Water Main Extension Permit and the Authorization to Construct, dated July 12, 2024, issued by NC Department of Environmental Quality (NCDEQ), Division of Water Resources have been provided.

Sewer: Sewer service will be provided by Aqua NC. The Wastewater Collection System Extension Permit, issued by the NCDEQ, Division of Water Resources, dated May 15, 2024, has been provided.

Roadways: All roads are proposed to be public rights-of-way, except the road to the amenity area, that will be a private road with a gate. The public rights-of-way are proposed to be 50’ and 60’ wide.

Road Names: The road names Hampstead Street, Cherry Branch Drive, Gardenview Drive, Owls Branch Drive, Goldenleaf Drive, Freemont Avenue, Misty Pine Street, Burkdale Drive, Hidden Pond Place, and Hawks View Point, have been approved by the Chatham County Emergency Operations Office as acceptable to submit for approval by the Board of County Commissioners.

Stormwater: Stormwater devices are proposed. However, the county did not have a

stormwater ordinance in effect when The Parks at Meadowview was originally approved, and this continues to apply. The applicant has agreed to “provide wet ponds meeting the current Chatham County stormwater standards for any development associated with Phases 2-4 and the central amenity.”

Water Features: The project is subject to the pre-2008 riparian buffer standards. The applicant has agreed to provide the current riparian buffer regulations in addition to the pre-2008 standards or whichever is greater.

Soil Erosion and Sedimentation Control: An approval letter with modifications dated June 12, 2024, by Mr. Justin Hasenfus, Watershed Protection Erosion Control Program Manager with Chatham County stated the soil erosion and sedimentation control plans are acceptable with modifications.

Open Space: Open space is proposed within the phases.

Technical Review Committee: The TRC meeting was held July 17, 2024; Mr. Mark Ashness attended the meeting stated the roads will be NCDOT public maintained except for the road leading to the amenity area will be private and gated. The project will be a mix of single-family homes and townhomes. The riparian buffers were made more substantial than pre-'08 standards.

Discussion included:

- Restrictive covenants need to be very clear since zoning enforcement will mostly fall on the HOA because the project was approved prior to zoning in this area. **Response:** This is going to be built by the same builder, so we should have strong restrictive covenants in place.
- Watershed Protection Department thanked Mr. Ashness for increasing the buffer width and at final plat will need a note stating Chatham County can only enforce buffers on the mapped streams, all others will have to be enforced by the HOA.
- Stormwater Operation & Management agreement must be recorded and referenced on the final plat.
- Stormwater note from 405(B) must be added.
- Make sure SCF “F” will have access to maintenance, the retaining wall could be a potential problem for equipment, unless the 35-ft PDE at north or south end of retaining wall is enough room for heavy equipment.
- On callouts at each Stormwater Control Measure (SCM) specify the width of SCM maintenance/access easement (it's implied that it's the same as the 20ft PDE, but better to specify), also at each access connected to a public right-of-way, label SCM access and maintenance easement.

Planning Board Discussion:

The Planning Board reviewed this application during their August 6, 2024 meeting. Staff informed the board that the county does not have authority over private matters between the developer and the Chapel Ridge HOA. Mr. Mark Ashness, P.E. with CE Group and John Ward with TrueHomes were present. Mr. Ashness stated during his presentation this project started in the early 2000's, development has stopped and re-started multiple times, and it has been a significant juggling act. He also commented that Chapel Ridge has private roads, Parks at Meadowview did not have an amenity and their roads were gated in the existing phase. The compromise was to redesign phases 2-4 of the development and compact it, leaving more open space inside the Parks at Meadowview, and agree to build an amenity to serve the existing

residents as well as the new residents. Mr. Ashness stated they also provided direct access to the portion that is gated, so the existing homeowners within the original phase have access to the amenity. Phases 2-4 will have two access points that will tie to the existing public road. All permits are in hand, as a pre-'08 subdivision Mr. Ashness stated, they are meeting and exceeding current buffer regulations and current stormwater regulations.

Mr. Ward stated two years ago Sangerman had an agreement, but the agreement had a deadline, and the deadline has since lapsed. It is not clear why the lawyers placed a time duration on the agreement. The project owner is working with the current HOA board of Chapel Ridge to enter into a new agreement.

Several Chapel Ridge residents and adjacent property owners expressed their concerns about spray fields, completing a traffic analysis due to heavy traffic, road agreement between Parks at Meadowview and Chapel Ridge, and paying as much in taxes and utilities as a mortgage and/or rent.

Board discussion included:

- Clarification on the two access points. Response: The two access points both connect to a state-maintained road and Mr. Ashness added that a TIA was completed in 2022.
- Why are the spray fields located close to residents? Response: Per Mr. Ashness, there is a 50' perimeter buffer around Chapel Ridge, and there is also a 50' perimeter buffer around Park at Meadowview. They also located the spray nozzles 90' back from the edge of the spray field, so they have provided 190' buffer from any resident and spray reclaimed water. Currently, they are spraying on the other side of the road in Chapel Ridge that sprays right up to the lots, so when designing the plan, it was not seen to be an issue.
- Is TrueHomes working to extend the agreement? Response: Mr. Ward stated, yes, they hope to come to an agreement within a few days.
- Traffic study was completed in 2022, but data was most likely from 2021 during the pandemic when traffic was lighter.

Chair Spoon reminded the board they are reviewing the preliminary plat and its consistency with the sketch plan. The Board recommended proposing the vote and encourage the developer to work with Chapel Ridge HOA.

Planning Board Discussion:

The Planning Board met August 6 and September 3, Mark Ashness, P.E. with CE Group and John Ward with TruHomes were present. Mr. Jason Sullivan, Planning Director, spoke at the beginning of the board meeting. Mr. Sullivan stated there were several public comments questioning the role of the Planning Board in reviewing The Parks at Meadowview preliminary plat. There were also comments requesting additional review of the preliminary plat based on the length of time between sketch plan and submittal of the preliminary plat. Mr. Sullivan explained the county regulations that apply to this project and the limitations imposed on local governments by the Legislature. The Parks at Meadowview was submitted through the major subdivision process and there was no corresponding zoning process required at that time because the property was unzoned. The subdivision process is ministerial meaning that if someone submits a layout in conformity with the regulations, they have a legal expectation of approval. If the local government does not like the project the appropriate remedy is to change the regulations for future applications. The reason the subdivision process is ministerial or administrative comes from the Legislature. In North Carolina, local governments are formed by

the state meaning that locally elected officials do not have broad discretion when the Legislature has created specific statutes governing a particular activity. For subdivision applications, the Legislature has mandated specific parameters for local governments to use when drafting subdivision regulations. For example, the Planning Board can request an updated Traffic Impact Analysis but cannot require it under the current regulations. The reason being the regulations do not mandate a TIA for every project. However, the NC Department of Transportation can require a TIA when they deem it is necessary and, in this instance, did not require an update prior to issuing their permit for this project.

During the public hearing on September 3, 2024, approximately eight residents spoke. Chapel Ridge HOA representative, Karen Styre stated, the HOA has been in conversations with TruHomes and an agreement is on the table and details are being worked out. One resident asked what is the cause of the friction and what is the new agreement? Six residents spoke about looking forward to the amenities with the swimming pool, looking forward to the development being completed after decades sitting dormant, and making memories with their families in the community.

The Planning Board discussion included:

- If the agreement between the parties would be reached before the Board of Commissioners meeting? Mr. Ashness stated that he was not part of the negotiations but feels the agreement has almost reached completion.
- Has there been any progress made in working with NCDOT possible having another traffic study conducted? Mr. Ashness stated, the traffic study that was conducted anticipated not only the delay in the project, but also the growth of the project and anticipated a background growth of transportation traffic on Hwy 87. When the study was done two years ago all of that was fully calculated, it is not a snapshot of two years ago. These studies look out through the whole growth of the project until its full buildout.
- The traffic study projected 3% annual growth, Chapel Ridge increased by 29% over the past two years and there are 788 lots now opposed to 715 lots. There are concerns about how dangerous Hwy 87 is currently.
- The Board asked Karen Styres, Chapel Ridge HOA Representative, if she was asking the board to recommend approval of the subdivision. Ms. Styres said yes.

On September 19, 2024, planning staff received an email from Mark Ashness that included an executed agreement between TruHomes and the Chapel Ridge HOA, as well as email feedback from Jen Britt, Senior Assistant District Supervisor for Division 8, District 1 with NCDOT that the existing Traffic Impact Analysis was adequate for a few years' difference in build-out.

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. (Strategy 5.2) These properties are in an area of the county identified as compact residential on the Future Land Use and Conservation Plan Map. The description for compact residential includes mix of single family detached, attached residential units, and some multifamily units complemented by a variety of open space. Community centers, amenities, recreational uses, schools and churches. 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.

Budgetary Impact: N/A

Recommendation/Motion:

The Planning Department and Planning Board recommends by vote of 6-1 granting approval of the road names Hampstead Street, Cherry Branch Drive, Gardenview Drive, Owls Branch Drive, Goldenleaf Drive, Freemont Avenue, Misty Pine Street, Burkdale Drive, Hidden Pond Place, and Hawks View Point and granting approval of subdivision Preliminary as submitted with the following conditions:

1. The final plat shall provide setbacks.
2. The county attorney shall review and approve the contract and performance guarantee prior to final plat recordation.
3. Prior to final plat recordation the engineer shall certify to the county that there is all weather access for emergency vehicles and the certification must be approved by the Fire Marshal.

Planning Board added:

The Planning Board encourages/suggests an updated Traffic Impact Analysis for the traffic around Parks at Meadowview and encourage/suggest having an agreement finalized between Chapel Ridge HOA and developer (TruHomes) prior to the BOC meeting on October 21, 2024.