



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 22-4412 **Version:** 1

**Type:** Agenda Item **Status:** Board Priorities

**File created:** 8/1/2022 **In control:** Planning

**On agenda:** 8/24/2022 **Final action:**

**Title:** Vote on a request by Ben Mayo, P.E. of Withers Ravenel on behalf of Windjam Development (RBV 1525, LLC) to approve for Subdivision First Plat review and approval of Flatiron Forest, consisting of 29 lots on 42.124 acres, located off Hamlets Chapel Rd (S.R. 1525), Parcel 2037.

**Sponsors:**

**Indexes:** Comp Plan Goal 10: Foster a healthy community., Comp Plan Goal 5: Conserve natural resources.

**Code sections:**

**Attachments:** 1. More information from the Planning department website

Date	Ver.	Action By	Action	Result
8/24/2022	1	Board of Commissioners	approved	Pass

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### Action Requested:

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### Introduction & Background:

**Zoning:** R-1 Residential

**Water System:** Public Water

**Sewer System:** Individual Septic Systems

**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 Flatiron Forest Subdivision consisting of 29 lots on 42.12 acres, located off of Hamlets Chapel Road (S.R. 1525). A vicinity map showing the property location (attachment #2) is included in the agenda packet. The parcel ID is 2037. 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.

The Planning Board discussed this item at their July 5<sup>th</sup> meeting. Planning staff gave a presentation to the board. Mr. Eric Andrews recused himself from any discussion and votes on this item. Mr. Spoon asked for clarification to make sure the roads will not be connecting to Buck Branch Road as it is a concern from the neighbors. He also asked what was being proposed for street lighting. Ms. Smith stated Buck Branch Road is a private road and they will not be connecting to it, and they also discussed the street lighting, and it was decided to not have that because of the community comments. Mr. Lucier had a question about the silviculture and if there was any issue with developing the site. The applicant explained that a large portion of the property to the south will remain in timbering, and that the tax office is aware of the change of use on the north side of the parcel. They will collect three years of back taxes at market rate.

There were some concerns about the suitability of soils on some of the lots. The engineer stated that the lots were most likely big enough to find suitable septic areas. Ms. Weakley stated that the soils report was not a glowing report for soils on this site and was worried about availability of soils. Ms. Weakley asked what would happen if considerable changes needed to be made to the plat once the soils were evaluated more closely. Planning staff explained that soil science work is usually limited before the construction plan phase because of land disturbance restrictions. Staff explained that if they have to reconfigure lots a little bit, it will be done administratively, normally there is just some minor lot line adjustments. The applicant also explained that there were innovative septic system options as well. There was also some concern over wetland impacts. The engineer explained that there are many wetlands on the property and every measure was taken to limit impact.

**Roadways:** Flatiron Forest Drive and Copley Court, are proposed to be built with 20-foot-wide travel way and a 60-foot-wide right-of-way and is to be state maintained.

**Historical:** There has not been any communication with the Chatham County Historical Association associated with this project. Sy Robbins informed the applicant that they would want to be informed if any old foundations or other significant structures are encountered during development.

**Schools:** Notification of the proposed development was provided to the Chatham County School System. Chris Blice Chatham County Schools Assistant Superintendent for operations said they had no concerns with the development as proposed.

**Timbering:** This property has been used for timbering in the past and is currently in Agricultural/Present Use tax status.

**General Environmental Documentation:** Withers Ravenel completed the GED for this project on behalf of the applicant and that information was submitted to Watershed Protection for review. The site has three streams, one ephemeral subject to a 30' buffer; one perennial subject to 100' buffer; and one intermittent subject to a 50' buffer. There are six delineated wetlands on the property subject to 50' buffers. This site is comprised of undeveloped woodlands and has historically been timbered. The dominant vegetation across the site is pine forest. The canopy is comprised of predominantly loblolly pine, a sparse understory of red maple, sweet gum, and American holly.

**Community Meeting:** A community meeting was held on May 10<sup>th</sup>, 2022, at 50 Windfall Creek Dr.

Chapel Hill, NC. Approximately 12 people attended. The following comments and questions were discussed:

- Can proposed lighting be kept minimal?
- Adjacent homeowners would like a dedicated landscape buffer.
- Will the HOA established for this development be able to enforce standards on adjacent homeowners?
- Homeowners off Buck Branch Road concerned about these homes being able to access Buck Branch Road
- Will utilities be stubbed to adjacent properties?
- Will water be made available to 624 Hamlets Chapel Road?
- Concerns about runoff on Hamlets Chapel Road
- Concerns about runoff during construction - homeowners wanted to confirm tree protection and silt fence will be installed prior to land disturbance
- When will proposed culvert crossings be sized?
- What are the proposed stormwater control measures?
- What are the impervious surface requirements for this development?
- Concerns over this development meeting required zoning standards for minimum lot square footage
- When will homeowners be able to see building envelope locations on each lot?
- When is the First Plat being submitted?
- Will fencing be installed as part of this development?
- What is the price range for houses being built as part of this development?
- Will there be a traffic signal installed at entrance? Concerns about traffic on Hamlets Chapel.
- Will residents of this development be okay with adjacent homeowners' pets?
- Have soils been tested for septic feasibility?
- A homeowner requested the "Coming Soon" sign posted on the property be moved as to not be directly across from their home and that the "For Sale" sign be removed.

**Technical Review Committee:** The TRC met to review this project at their June 15<sup>th</sup> meeting. Planning staff informed the applicant that the minimum size for all the lots needed to be at least 40,000 square feet. The plat would need to be revised to show those changes and that has been done. Watershed staff said the plat was showing suitable soils within the buffer, which will need to be removed and that has been done. Also, staff raised concerns about lots 1,9, and 10 if they will have enough buildable areas with the septic area and buffers being show on those lots. Staff asked about the stormwater control measure (SCM) in front of lot 16 and if it was an easement or an open lot. Both SCMs would have their own open lot spaces. Watershed staff recommended extra care be taken in construction of the SCM because it was so close to a buffer.

There was some discussion if the applicant can make these changes before the July 5<sup>th</sup> Planning Board deadline. The new application and revised plats were provided to staff and have been included in the packets for the meeting.

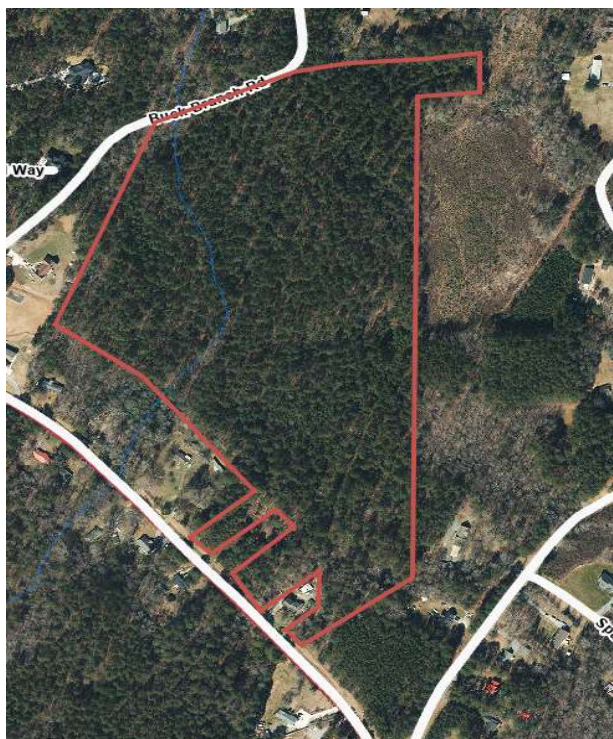
**Septic:** According to Environmental Health septic field layouts will be needed for 1,2,6,7,11,16,22,28, &29 depending on the amount of suitable soils that will be available once the house sites are located. Central Carolina Soil Consulting, PLLC submitted a soil/site evaluation to the applicant on December 11<sup>th</sup>, 2021. The report is attachment 7.

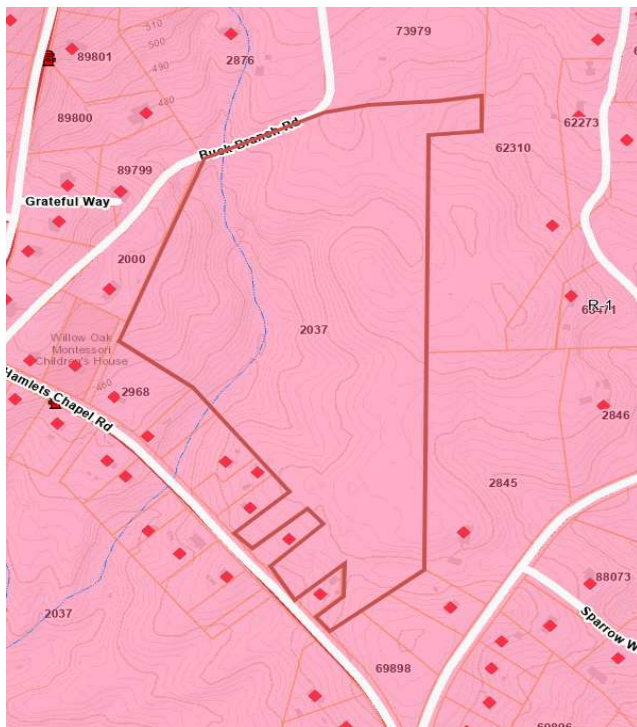
**Water:** The site is served by a 10" county waterline on Hamlets Chapel Rd.

**Road Names:** The applicant has proposed four road names for the roads within the development and those names have been submitted to Emergency Operations. The plat is showing Flatiron Forest Dr and Copley court to be used for the road names within the subdivision.

**Water Features:** The site has three streams, one ephemeral subject to a 30' buffer; one perennial subject to 100' buffer; and one intermittent subject to a 50' buffer. There are six delineated wetlands on the property subject to 50' buffers.

**Stormwater and Erosion Control:** There are two SCMs proposed for the site. One device is located between lots 15 and 17 and in front of lot 16. The other device is located between lots 19 and 20 right next to the road right-of-way. 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 Visits:** June 23<sup>rd</sup> at 5:30 and June 24<sup>th</sup> 9:00. At the time of preparing the notes for Planning Board packets staff has not visited the site. Pictures of the site visit can be viewed on the Planning Department webpage at [www.chathamcountync.gov/planning](http://www.chathamcountync.gov/planning) <<http://www.chathamcountync.gov/planning>>, Rezoning and Subdivision Cases, 2022.

### 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. The entirety of this project is located within the rural designation on the future land use and conservation map. 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. 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 Board voted 9-1 to approve the Flatiron Forest First Plat submittal.

The Planning Department recommends granting approval of the road names Flatiron Forest Dr and Copley Court and granting approval of subdivision **First Plat** for **Flatiron Forest Subdivision** 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.