



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 20-3405      **Version:** 1

**Type:** Agenda Item      **Status:** Passed

**File created:** 1/31/2020      **In control:** Planning

**On agenda:** 2/17/2020      **Final action:** 2/17/2020

**Title:** Vote on a request to approve by Karelian Homes, Inc. for subdivision Final Plat review and approval of The Lane at Cattail Creek, consisting of 19 lots on 58.67 acres, located off Rebecca Lane, S. R. 2524, Hadley Township, parcel #60065.

**Sponsors:**

**Indexes:** Comp Plan Goal 5: Conserve natural resources.

**Code sections:**

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

Date	Ver.	Action By	Action	Result
2/17/2020	1	Board of Commissioners	approved	Pass

Vote on a request to approve by Karelian Homes, Inc. for subdivision **Final Plat** review and approval of **The Lane at Cattail Creek**, consisting of 19 lots on 58.67 acres, located off Rebecca Lane, S. R. 2524, Hadley Township, parcel #60065.

**Action Requested:**

Vote on a request to approve by Karelian Homes, Inc. for subdivision **Final Plat** review and approval of **The Lane at Cattail Creek**, consisting of 19 lots on 58.67 acres, located off Rebecca Lane, S. R. 2524, Hadley Township, parcel #60065.

**Introduction & Background:**

**Zoning District:** R-1

**Watershed District:** WSIV-PA / Jordan Lake Buffer Area

**Water Source:** Private Wells

**Septic:** On-site septic and repair areas

**Subject to 100 year flood:** No floodable area

**Reviewed:** Under pre-2008 Subdivision Regulations.

This subdivision application is reviewed under the Pre-2008 Subdivision Regulations. Cattail Creek received Sketch Plan approval in 2004 for 76 lots and Preliminary Plat approval in 2005 for 72 lots. There are 21 lots remaining to be final platted. The preliminary plat for the remaining 21 lots received approval for a development schedule extension request by the Board of Commissioners on October 16, 2017.

Phase 1 received Final Plat approval of 6 lots in 2005, Phase 2 received Final Plat approval of 5 lots in 2006, Phase 3 received Final Plat approval of 6 lots in 2006, Phase 4 received Final Plat approval of 16 lots in 2006, and Phase 5 received Final Plat approval of 18 lots in 2007. The Permit Extension Act of 2009 extended the preliminary plat expiration date to November 15, 2013 and the previous

developer, Complete Development, LLC, had requested and received three (3) additional extensions of the preliminary plat with expiration date of November 15, 2019. Complete Development, LLC sold the remaining acres of Cattail Creek to Karelian Homes, Inc. in December 2017.

### **Discussion & Analysis:**

The request is for Final Plat approval of The Lane at Cattail Creek consisting of 19 lots on 58.67 acres with a financial guarantee for the completion of required infrastructure. Cattail Creek received preliminary plat review and approval by the Board of County Commissioners in 2005 for 72 lots. There was a decrease of two lots due to lack of soils for septic. The submittal includes a request for a financial guarantee for completion of the required infrastructure. Under the pre-2008 Subdivision Regulations, a project must have a minimum of 40% of the infrastructure completed prior to submittal of a final plat and the roads must be accessible to emergency vehicles. A cost estimate letter, dated November 11, 2019, has been provided by Donald L. Curry, Jr., P.E., Curry Engineering Group, PLLC stating that the required infrastructure is 44.84% complete. The cost letter may be updated prior to plat recordation if additional work has been completed. Staff recommends granting the request for a financial guarantee. Staff also recommends that the final plat not be recorded until the engineer has certified that the roadway providing access to the parcels are accessible to emergency vehicles and recommends that the final plat not be recorded until the county attorney has reviewed and approved the form of the contract and financial guarantee.

Per the approved preliminary plat, roadways are proposed to be public and state maintained roads. The Lane at Cattail Creek is located off Rebecca Lane. There is one public road Anneliis Lane.

An updated Soil Erosion and Sedimentation Control approval letter and revised NCDOT approval was provided.

Riparian buffer widths of 50 feet per side and a voluntary 50 foot buffer has been placed on the stream as shown on the plat. The voluntary buffer will not count against the usable lot area and septic systems can be located within the voluntary buffer. Dwellings, concrete and paved driveways and walkways, and wells cannot be placed in the voluntary buffer.

The Technical Review Committee met on December 18, 2019 to review the request. Staff discussed mail kiosk location, road name Anneliis Lane spelling and if Olivia Lane will be removed, labeling the buffers, what will be allowed in the 50' voluntary buffer, buffer calculations, providing consecutive numbers for the lots, and stub-outs being shown as dedicated rights-of-way. There were no other staff concerns.

### **Planning Board:**

The Planning Board reviewed the application during their January 7, 2020 meeting. Allison Snow, Cattail Creek resident, had concerns about the Pre-'08 Subdivision Regulations which allows development to continue under Pre-'08 regulations and not current regulations, notification to residents, wetland setbacks, and stormwater runoff.

Planning Board discussion included Ms. Snow's concerns, enforcement of buffers, allowed activities in voluntary buffers, under the current regulations would 100' wide buffer be required, when do adjacent property owners receive notifications, location of the septic areas, and concerns about the lengthy timeframe the development has taken. Mr. Tapani Kymalainen, Developer, was present for questions. Discussion included that the buffers are reviewed and enforced when applying for a floodplain or zoning permit, staff reviews the recorded plat and if the proposed site shows a structure

in the buffer the permit will not be approved. Lots 52-54 are Jordan Lake Rules buffers with 50' wide buffers measured from top of bank landward and Lots 62-64 and 70 have 50' wide riparian buffers and 50' wide voluntary buffers. Under the current regulations a 100' wide buffer would be required on either side of perennial streams. Board members expressed appreciation of the 50' wide voluntary buffer, but wished that septic and gravel driveways weren't allowed in the buffer.

Board members wanted to know if any septic systems were located in the voluntary buffer. Mr. Kymalainen commented he didn't know all locations of the septic and didn't bring the Environmental Health permits to the meeting. He thought that at least one of the systems was located in a 50' voluntary buffer due to poor soils on the remainder of the lot and that he lost two lots due to these issues. He said he would try to avoid placing the septic in the voluntary buffer. Discussion also included concern that the layout didn't include stormwater controls due to being "grandfathered" under pre-2008 regulations.

Staff explained that adjacent property owners and the HOA are mailed a notification letter at preliminary plat and not at final plat. A certified document is signed and placed in a file and any return letters are retained in the same file.

Some board members expressed concerns about the lengthy time taken to develop the property.

Chatham County Environmental Health Department have provided the septic permits and the permits may be reviewed online -

<https://www.chathamnc.org/government/departments-programs/planning/rezonings-subdivision-cases/2020-items/cattail-creek-final-plat>.

### **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. This property is located in an area identified as agriculture on the Future Land Use and Conservation Plan Map. Strategy 5.2 encourage residential development types that fit the character of different areas of the county. The proposed project is agriculture and the description includes large-scale working farms, related processing facilities, supporting commercial and service uses, and single family homes. The Lane at Cattail Creek is designed for single family homes with a minimum lot size of 1.5 acres and maximum of 5.09 acres. 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 and Planning Board by a vote of 6-5 recommends granting final plat approval of "**The Lane at Cattail Creek**" and road name Anneliis Lane with the following conditions:

1. Prior to final plat recordation the county attorney shall approve the form of the contract and financial guarantee.

2. 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.
3. Chatham County Environmental Health Department septic permits shall be provided.