



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 19-3266      **Version:** 1

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

**File created:** 10/7/2019      **In control:** Planning

**On agenda:** 10/21/2019      **Final action:** 10/21/2019

**Title:** Vote on a request to approve by Ricky Spoon for subdivision First Plat review and approval of Hobby Farm, consisting of 11 lots on 12.91 acres, located corner of Mann’s Chapel Road and Andrew’s Store Road, SR-1532 and SR-1526, parcel #68308.

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
10/21/2019	1	Board of Commissioners	approved	Pass

Vote on a request to approve by Ricky Spoon for subdivision **First Plat** review and approval of **Hobby Farm**, consisting of 11 lots on 12.91 acres, located corner of Mann’s Chapel Road and Andrew’s Store Road, SR-1532 and SR-1526, parcel #68308.

**Action Requested:**

Vote on a request to approve by Ricky Spoon for subdivision **First Plat** review and approval of **Hobby Farm**, consisting of 11 lots on 12.91 acres, located corner of Mann’s Chapel Road and Andrew’s Store Road, SR-1532 and SR-1526, parcel #68308.

**Introduction & Background:**

**Zoning:** R-1

**Water System:** Public Water

**Sewer System:** Private on-site and off-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 Hobby Farm Subdivision, consisting of 11 lots on 12.919 acres, located at the corner of Mann’s Chapel Road, S.R. 1532 and Andrew’s Store Road, S.R. 1526. A vicinity map showing the property location, attachment # 2, 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) meeting to act on the proposal.

**Roadways:** The road is to be built as an 18 foot wide travelway with a 60 foot wide public right-of-way and is to be a state maintained road.

**Historical:** The applicant contacted Bev Wiggins, Chatham County Historical Association. Ms. Wiggins corresponded by email dated June 27, 2019 and stated if any structural remains are found to contact her. See attachment #3.

**Schools:** Notification of the proposed development was provided to the Chatham County School System. Chris Blice, Chatham County Schools Chief Operations Officer corresponded by email dated July 15, 2019 and stated there were no concerns. See attachment # 4.

**General Environmental Documentation:** The developer submitted the General Environmental Documentation and a letter dated July 8, 2019 from North Carolina Department of Natural and Cultural Resources Natural Heritage Program to Chatham County Land & Water Resources Division for review. See attachments 5 & 6. The letter states “A query of the NCNHP database, based on the project area mapped with your request, indicates that there are no records for rare species, important natural communities, natural areas, and/or conservation/managed areas within the proposed project boundary. Please note that although there may be no documentation of natural heritage elements within or near the project boundary, it does not imply or confirm their absence; the area may not have been surveyed. The results of this query should not be substituted for field surveys where suitable habitat exists”

Rachael Thorn, Watershed Protection Director, reviewed and approved the information submitted.

**Community Meeting:** A community meeting was held on June 4, 2019 on site (3267 Andrew’s Store Road). Approximately eleven people attended the meeting. Items/issues discussed included a reduction in the speed limit, if the hardwood would be left, and buffers. The applicant addressed most of the concerns from the community meeting and revised the proposed plat to add a voluntary 20’ undisturbed perimeter buffer along parcels 1671 and 73488 owned by Jimmy and Sheila Sturdivant. The developer proposes to place a 10’ wide easement over the existing gravel driveway located at the back of Lots 1 and 2.

**Technical Review Committee:** The TRC met August 14, 2019 to review the First Plat submittal. The applicant/developer was present. Items discussed included moving the location of the fire hydrant and adding an additional fire hydrant, 20’ easement to the public road for the two stormwater BMPs for maintenance, ensuring the timbering doesn’t damage the useable soils for septic systems, HOA being responsible for BMPs, BMPs being on four private lots, whether the proposed BMPs are permanent or temporary, and 20’ undisturbed buffer.

**Septic:** A soils report and map, attachment #9, was submitted to Thomas Boyce, Chatham County Environmental Health, LSS, REHS, Chatham County Environmental Health, for review. Mr. Boyce

stated that the report and map were adequate for a First Plat review. Lots 1 and 2 are proposed to have off-site septic.

**Water:** County water is available and will serve the project.

**Road Name:** The road name Hobby Farm Road has been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval. A mail kiosk is proposed to be located between Lots 1 and 2.

**Water Features:** Robert Turnbull of Environmental Services, Inc. (ESI), submitted the Riparian Buffer Review Application along with a riparian buffer map, dated May 2019, to Drew Blake, Senior Watershed Specialist for review. Mr. Blake and Mr. Turnbull completed an on-site riparian buffer review on June 20, 2019 to verify the consultant's findings. Mr. Blake issued a confirmation letter of his findings dated June 21, 2019. No revisions to the findings made by ESI were required based on the on-site review. The June 21, 2019 letter stated one (1) intermittent segment was found and will require a 50-ft buffer from top of bank landward on both sides of the feature.

Mr. Jeffery Harbour of ESI also provided a letter to Mr. Blake dated July 12, 2019. Mr. Harbour stated "Further investigation throughout the property identified no other areas that would be subject to Section 404 or 401 jurisdiction or permitting requirements. The proposed site plan provided by the applicant shows complete avoidance of the stream near the southern boundary. It is our professional opinion that the project will not affect any jurisdictional wetlands or WOUS. As such, we believe that no Section 404/401 consultation with the U.S. Army Corps of Engineers or the NC Division of Water Resources is currently necessary."

Mr. Blake was provided a copy of the US Army Corps of Engineers Approved Jurisdictional Determination dated August 21, 2019.

**Stormwater and Erosion Control:** Two stormwater devices are proposed and will be placed on Lots 1 and 2 and Lots 6 and 7 in the subdivision. 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. The developer is proposing to remove all soft wood (i.e. pines and some trees for the home site). No land disturbing activity can commence on the property prior to obtaining Construction Plan approval.

**Site Visit:** Site visits were scheduled for August 19, 2019 and August 20, 2019 for Planning Department staff and various Board members to attend. Ricky Spoon was present to walk the property with staff and Board members and discuss the project. Areas of the property viewed were the center line of the proposed road alignment, 20' undisturbed buffer, and 10' right-of-way easement. Pictures of the site visit can be viewed on the Planning Department webpage at [www.chathamnc.org/planning](http://www.chathamnc.org/planning) <<http://www.chathamnc.org/planning>>, Rezoning and Subdivision Cases, 2019.

**Planning Board:**

The Planning Board reviewed the application during their September 3, 2019 meeting. Planning Board discussion included whether drainage ditches will be created around the perimeter of the

project, if mass grading will be occur, distance from the entrance of the project to the intersection of Manns Chapel and Andrews Store Road, and entity responsible for ownership and maintenance of the stormwater ponds. Ricky Spoon was present to answer questions. Mr. Spoon stated that all the drainage ditches will be removed from the site plan and weren't intended for the project, but to show the existing drainage. Planning staff spoke with the Chad Abbott, P.E. for the project after the Planning Board meeting, Mr. Abbott stated there may be drainage ditches by Lots 1 and 2 for the stormwater pond. Mr. Spoon also commented that there would be no mass grading, soft wood trees would be removed and the individual lots would have a 50' by 80' area cleared for the home site. The entrance is approximately 300' - 400' from the intersection of Manns Chapel and Andrew Store Road. Mr. Spoon doesn't want a homeowners association, but knows it's required for the stormwater pond maintenance. The Planning Board voted 10-0 to recommend approval of the First Plat application.

### **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 of the county identified as Compact Residential in the Conservation on the Future Land Use and Conservation Plan Map. The description for Compact Residential includes development that is mix use of single family and/or multifamily units, community centers, recreational uses, amenities, churches, and schools complemented by a variety of open spaces.

Although the proposed subdivision is not a compact residential design it 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 and Planning Board unanimously (10-0 vote) recommends granting approval of the road name Hobby Farm Road and granting approval of subdivision First Plat for **Hobby Farm 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.