



# Chatham County, NC

## Legislation Text

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**File #:** 24-5402, **Version:** 1

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Vote to adopt a resolution approving a request by Sam Nye, P.E. for subdivision First Plat review of Ridgewood Hills, consisting of 25 lots on 130.306 acres, located off Hatley Road, parcel 17357

Introduction & Background:

Zoning: R-5

Water System: Public

Sewer System: Private on-site

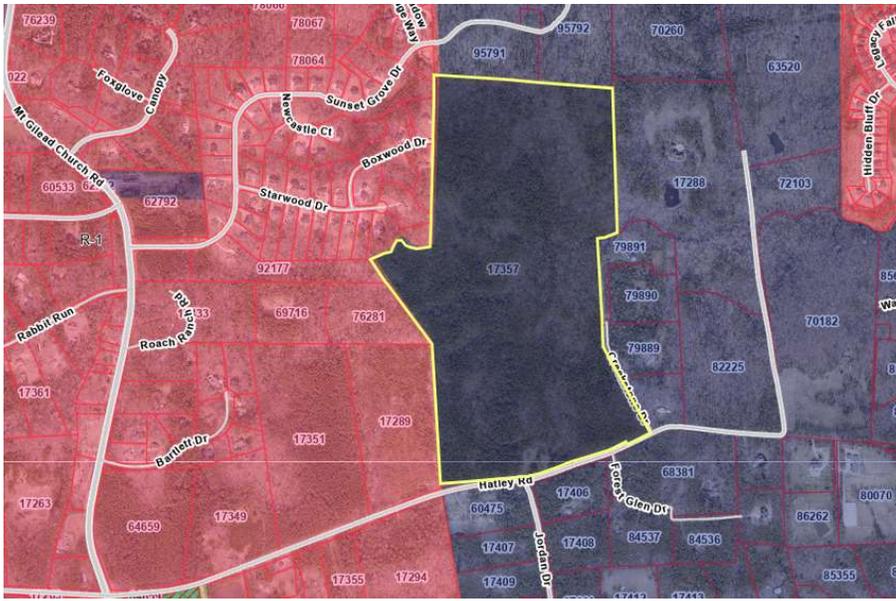
Subject to 100-year flood: No special flood hazard area within the development.

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 3-acres with an overall average of 5-acres. 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 Ridgewood Hills, consisting of 25 lots on 130.306 acres, located off Hatley Road, S.R. 1714. 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.

Background: Parcel 17357 was previously zoned Conditional Use-RA90 with a conditional use permit for a major subdivision and the Board of Commissioners approved rezoning the property to R-5 on October 16, 2023. Prior to the CU-RA90 zoning, the property was zoned R5.

*Screenshot showing R5 zoning in purple and R1 zoning in red.*



Roadways: The road is to be built as a 20-foot-wide travel way with a 60-foot-wide private right-of-way.

Historical: The applicant received comments at Concept Plan TRC Meeting. The Chatham County Historical Association recommended the developer look at the history of the property for potential naming opportunities. The site was the location of Hamm Windham House. There are numerous water features, and the likelihood of Native American habitation is increased. CCHA requested photos and measurements of the buildings on the property.

Schools: Notification of the proposed development was provided to the Chatham County School System. Chris Blice, Chatham County Schools Assistant Superintendent for Operations was contacted by email dated May 6, 2024.

General Environmental Documentation: The developer submitted the General Environmental Documentation and a letter dated October 23, 2023, 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. Rare species and natural communities that have been documented within a 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 April 3, 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/ridgewood-hills-first-plat>

Community Meeting: A community meeting was held on September 28, 2023, at Chatham County Community Library in the Holmes Family Meeting Room, 197 NC Hwy 87N, Pittsboro.

Approximately eighteen people attended the meeting. Items/issues discussed included the following:

- Will there be street lighting? Response: Enough lighting to provide walkability throughout the subdivision at night.
- How will the development affect the surrounding roads and who will maintain the roads during and after construction? Response: The builder will be responsible for maintaining the roads.
- Currently there are no turnarounds for waste collectors on Boxwood Drive. How will the proposed gate impact that? Response: A turnaround will be provided just before the gate.
- There have been well and water pressure issues. Response: Working with the County on the waterline requirement.
- Will the new water line run all the way down Hatley Road to the development? Response: Yes

Additional items may be viewed online

<https://www.chathamcountync.gov/home/showpublisheddocument/67883/638506804291500000>

Technical Review Committee: The TRC met May 15, 2024, to review the First Plat submittal. Mr. Sam Nye, P.E. with The Site Group, was present. Discussion included if there will be street lighting and subdivision signage, wells will need to be abandoned, water features on the plat needs to be labeled, septic fields needs to be located outside of the riparian buffers, concerns property owners will disturb the riparian buffers, keep a lookout for graves and artifacts, and Hamm Windham house was torn down in 2012 but some out buildings still exist and CCHA would like some photos and measurements.

Septic: A soils report and map were submitted to James Tiger, Chatham County Environmental Health Supervisor II, for review. Mr. Tiger stated, "The proposed subdivision appears adequate based on the limited information provided.

1. Stormwater control measures may impact useability of soils areas - work with your soil scientist to verify required setbacks.
2. Several sites show surface drip soils - permitting through NCDEQ will be required.
3. Several sites show subsurface drip soils - designs by an engineer will be required.
4. Sites with less than 15,000 sq.ft. of low-profile/conventional soils may require additional work by a consultant or alternative systems to permit depending on topography, soil depth, soil group, final house dimensions and location, number of bedrooms, driveway locations, site grading plans, the need for interceptor drains, etc.

Water: County water will serve the subdivision.

Road Name: The road names Ridgewood Hills Drive, Windham Court, Hamm Court, Stony Meadow, and Spring Branch Court has been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval.

Water Features: Hart & Hickman personnel completed a site visit in September 2023 and identified fifty-eight (58) surface waters within the review area that were potentially subject to riparian buffer. Matt Hugo with Hart and Hartman, PC completed the on-site riparian buffer visit with Drew Blake, Asst. Director Watershed Protection Dept. on February 5, 2024 to verify the consultant's findings. A confirmation letter dated February 14, 2024 stated eleven (11) ephemeral streams, ten (10) intermittent streams, six (6) perennial streams, twenty-two (22) 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 two (2) 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 May 23, 2024, for Planning Department staff and various board members to attend. Kevin O'Neal and John Stroud were present to walk the property with staff and Board members and discuss the project. 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, 2024.

Planning Board Discussion: The Planning Board reviewed this request during their June 4, 2024 meeting. Mr. Sam Nye, P.E. was present on behalf of Mr. Pranay Parekh and gave a brief presentation. Two residents spoke during the public hearing.

Ms. Gigi Davidson spoke during the public hearing and had concerns about Parker's Creek and its tributaries should have a 100-foot buffer between the creeks and development. Her property was recently surveyed by the North Carolina Natural Heritage Program and the survey noted, her property and 1-mile radius area from her property have current evidence and historical records of rare species and important natural communities. Parkers Creek now suffers from major erosion and upstream runoff, causing severe flooding that washes out our driveway. Ms. Davidson urges the County to work closely with the NC Natural Heritage Program and the US Fish and Wildlife Service to develop and maintain a 100-foot protective riparian buffer along the entirety of Parker's Creek and its tributaries.

Mr. Charles Balan expressed his concern about the amount of septic being proposed because the surrounding residents are on wells, and it would be coming down onto the residents' properties and the residents are concerned about the pollution to the well water. Mr. Balan stated he is not against the rezoning, he was glad to see it reverted to the R-5 zoning, but he wants the developer to be aware that there are neighbors.

Board discussion included:

- Who is the legal property owner? Response: Mr. Nye stated that Rutherglen Holdings, LLC is the owner, and his clients own both LLCs Rutherglen Holdings and ITAC 525.
- Who maintains the private roads? Response: The developer is responsible until the road is transferred to the HOA.
- Will the developer be willing to increase the 50' riparian buffer to 100' on lot 19? Staff stated if this is agreed, the additional 50' will be voluntary. Response: Mr. Nye stated the developer is willing to increase the riparian buffer to 100' on lot 19.
- How does septic get to the homes when septic fields are across the stream? Response: Several ways to cross the stream for septic, one way to cross the water feature is to bore under the water feature with a 1.5-inch pipe.
- How will the proposed turnarounds be accommodated for the gated entrances. Response: We will try to avoid using any private properties for turnarounds. Lots 13 and 14 could support a cul-de-sac for emergency vehicles.

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 project is located in a rural area (strategy 5.2) 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, and the subdivision is proposing a 30' wide greenway trail. 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.

Budgetary Impact: N/A

Recommendation/Motion: The Planning Department and the Planning Board by 8-1 vote recommends granting approval of the road names Ridgewood Hills Drive, Windham Court, Hamm Court, Stony Meadow, and Spring Branch Court granting approval of the First Plat for Ridgewood Hills 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.
3. The final plat shall include the road names.
4. Place a 50' voluntary riparian buffer on lot 19.
5. A copy of the road maintenance policy shall be provided to planning staff prior to recordation of the final plat.