



# Chatham County, NC

## Legislation Text

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**File #:** 22-4506, **Version:** 1

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Vote on a request by True Homes to approve a revision to the sketch plan approval and development schedule for The Parks at Meadowview consisting of 788 lots on 948.3 acres, located off Old Graham Rd (S.R. 1520) and NC 87.

### **Action Requested:**

Vote on a request by True Homes to approve for a revision to the sketch plan approval and development schedule for The Parks at Meadowview consisting of 788 lots on 948.3 acres, located off Old Graham Rd (S.R. 1520) and NC 87.

### **Introduction & Background:**

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. The last subdivision activity in the development was February 2014 when the Board of Commissioners approved one lot for a wastewater pump station. The Parks at Meadowview is 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:**

Zoning District: R1

Watershed District: WS-IV Protected Area in the Jordan Lake drainage

Water source: Aqua NC

Sanitary Sewer source: Aqua NC

Total project area: 948.3 acres

Acreage by phase: Ph. 1 = 255 acres, Phs. 2-4 = 538.1 acres, Ph. 5 = 155.4 acres.

Special Flood Hazard Area: approximately 38.8 acres

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## Map showing the watershed district (WS-IV PA - Jordan Drainage)

The request before the board is a revision to the sketch plan approval for Phases 2-4 only and include:

- Increasing the number of dwelling units from 739 to 788 dwelling units (a 49-unit increase). Phase 2-4 will increase from 404 to 453 dwelling units.
- Revising the development footprint to a smaller area.
- Revising the development schedule to December 31, 2023 for preliminary plat submittal of Phase 2 and submittal of final plats for phases 2 through 4 by December 31, 2028.

Phase 1 was previously platted and the county holds two financial guarantees to cover the completion of improvements in those phases. Phase 5 is held by a separate entity and no changes are proposed for that phase. As noted in the introduction, the request is being submitted as an amendment to the current approval in order for the project to remain vested under the pre-2008 Subdivision Regulations. At the time this development was approved this area was unzoned so a conditional/special use permit was not required.

### Subdivision Layout Reconfiguration

The request includes a reconfiguration of the remaining lots from the current approval and increase in the number of lots by 49 dwelling units. The currently approved layout (see attachment #4) shows 404 dwelling units in phases 2 through 4 with those phases spanning both sides of The Parks Drive. There is one additional road connection to Park Meadows Drive which is a publicly dedicated road. Parks Meadow Drive connects to NC 87 and the roundabout connecting Chapel Ridge and The Parks at Meadowview. Parks Meadow Drive terminates at the roundabout and all the roads within Chapel Ridge are privately maintained. The proposed amendment increases the dwelling unit count but reduces the development footprint. All the lots for phases 2 - 4 are proposed to be located west of The Parks Drive and include a mix of single-family homes and townhomes (see attachment #3).

Attachment #2 is a narrative provided by the applicant and includes a breakdown of the dwelling unit calculation. As previously noted, The Parks at Meadowview is approved as a PUD under the pre-2008 Subdivision Regulations. Section 8.3 of the regulations outline the requirements for a PUD and includes that a minimum of 15% of the development be set aside as open space. The total acreage for The Parks at Meadowview is 948.3 acres with 111.2 acres in right-of-way, floodplain, streams and wetlands resulting in a net of 837.1 acres. The maximum number of dwelling units for a PUD under this scenario is 911.6 dwelling units and the request is to increase the count to 788 dwelling units.

### Development Schedule Extension

The request includes an extension to the development schedule to include submittal of the preliminary plat for phase 2 by December 31, 2023 and submittal of all final plats for phases 2-4 by December 31, 2028. The current development schedule would have expired on December 31, 2021 but falls under a third permit extension under covid legislation adopted by the Legislature. House Bill 196 / Senate Bill 172 (now Session Law 2021-3) pushes the expiration of qualifying development approvals out to 150 days from the date the executive order establishing the COVID-related state of emergency is rescinded. More information about permit extensions under covid related legislation is found here -

<https://canons.sog.unc.edu/2020/10/extension-extended-general-assembly-expands-development-permit-extension/> . Section 8.1 of the pre-2008 Subdivision Regulations includes that "the time limit on the validity of sketch and preliminary approval may be extended by the Board of Commissioners



for Planned Unit Developments.”

### **Open Space**

The PUD standards include that a minimum of 15% of the development be set aside as open space. This request increases the open space from 583 to 603 acres, a total of 63% of the development which exceeds the minimum requirement.

### **Sedimentation & Erosion Control and Stormwater Standards**

Each phase of the development is subject to the sedimentation and erosion control standards in effect when each phase is permitted for construction. The county did not have a stormwater ordinance in effect when The Parks at Meadowview was originally approved, and this would continue to apply if this request is approved. However, the applicant has committed to “provide wet ponds (meeting the current Chatham County stormwater standards) for any development associated with Phases 2-4 and the central amenity.” It is not clear if county staff will have enforcement authority under the currently adopted stormwater ordinance since this a voluntary commitment by the developer.

### **Riparian Buffers**

The current approval for The Parks at Meadowview is subject to the pre-2008 riparian buffer standards which will still be in effect if this request is approved. However, the applicant has committed to meeting the current riparian buffer standards, in addition to the pre-2008 standard, whichever is greater. Soil & Environmental Consultants, PA has delineated the water features for this project using the currently adopted riparian buffer standards and those calls are under review by Watershed Protection staff (see attachment #6). Like the stormwater commitment, it is not clear if county staff will have enforcement authority under the currently adopted riparian buffer standards since this a voluntary commitment by the developer

### **Traffic and Roads**

The Parks at Meadowview was approved with private roads and some of those were constructed as part of Phase 1 and the county holds financial guarantees for their final construction. Additionally, the homeowners association has activated the gates on The Parks Drive. The new site plan and application proposes that the roads within phases 2-4 be public and connect to Parks Meadow Drive which is also public. The internal connection to The Parks Drive which is shown on the current site plan will be removed and there will be no interconnection between phase 1 and phases 2-4. A shared amenity is proposed that will provide access to residents who live in phases with both public and private roads.

The application includes a Traffic Impact Analysis prepared by Ramey Kemp Associates (see attachment #5). The report includes in Section 4, Site Trip Generation and Distribution, that phases 2-4 “will generate approximately 3,943 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily volume, it is anticipated that 294 trips (72 entering and 219 exiting) will occur during the weekday AM peak hour and 397 trips (250 entering and 147 exiting) will occur during the weekday PM peak hour.” The trip distribution is anticipated to be “10% to/from the north via Old Graham Road, 5% to/from the north via NC 87, 30% to/from the south via Old Graham Road, and 55% to/from the south via NC 87.”

### **Additional Comments**

At the time these notes were written, planning staff had received numerous written comments from residents of Chapel Ridge with concerns primarily about traffic pattern changes between the currently

approved plan and the new proposal. Comments focused on the disconnection between phase 2-4 and the gated section of The Parks at Meadowview, two access points on Parks Meadow Drive, and increased traffic on the privately maintained Chapel Ridge Drive. It is possible that Chapel Ridge Drive could also be gated resulting in all the traffic from phases 2-4 having to access NC 87.

### **Planning Board Meeting - July 5, 2022**

The Planning Board held a public hearing on this request during their regular meeting on July 5, 2022 and 150+ attendees joined the remote meeting. 16 speakers provided comments and a brief overview follows.

#### *Comments in support of the application*

- The current residents in The Parks at Meadowview will have access to a pool, walking trails, and more open space.
- There currently aren't enough residents in The Parks at Meadowview to support major amenities.
- The gates on both ends of The Parks Drive were activated because of drivers speeding.
- Activating the gates has eliminated traffic from drivers using The Parks Drive as access between Old Graham Road and Chapel Ridge golf course.
- Current Parks at Meadowview residents have the same concern as Chapel Ridge residents regarding private road maintenance and support the proposed layout which won't connect to The Parks Dr.
- The majority of traffic generated from the proposed layout will use Highway 87 instead of Old Graham Rd.

#### *Comments in opposition to the application*

- The Chapel Ridge HOA President commented that it will cost \$3.5 to \$4 million to rebuild the roads in their community based on the current condition and additional traffic from The Parks at Meadowview Phases 2-4 will accelerate the road deterioration.
- 465 Chapel Ridge residents have signed a petition opposing the request.
- The traffic impact analysis isn't correct because Old Graham Rd. is the easiest route to Chapel Hill
- The two wastewater spray irrigation areas north of Parks Meadow Dr. are a concern for Chapel Ridge residents living close to those areas.
- There are foul odors from the effluent storage ponds that are part of the wastewater treatment plant located in Chapel Ridge, which also serves The Parks at Meadowview.
- The applicants want to sidestep the regulations currently in effect and should follow the currently approved plan or submit under regulations in effect now.
- The Parks Drive was designed to handle 800 homes under the currently approved layout whereas Chapel Ridge roads were not designed to absorb the additional traffic.
- The Chapel Ridge HOA can install gates to restrict access within the development, but it will cost \$1/2 million and there are on-going maintenance costs.
- Traffic has increased considerably on Old Graham Road, yet the road hasn't been widened and there needs to be more law enforcement present during rush hour to slow drivers down.

Planning Board discussion included the following and responses from the applicant are also provided:

| Planning Board Comments/Questions  | Applicant Responses (if applicable)   |
|--|---|
| Are there other users of Aqua NC utilities in this area other than The Parks and Chapel Ridge?                     | Approximately 200 lots outside of those two developments are connected or will connect to Aqua's utilities. Several additional projects that were entitled have been withdrawn and between 1,800 and 2,000 dwellings will ultimately be connected to the utilities. |
| Have there been any issues with the wastewater system like those that have occurred in Briar Chapel?               | The project engineer responded he wasn't aware.   |
| Is it realistic to think 40% of the traffic will travel through Chapel Ridge to access Old Graham Road?            | The traffic engineer responded that their study is based on existing land uses, adjacent development and future development. They also coordinated with NCDOT on traffic analysis. The analysis is supported.   |
| Why are there fewer vehicle trips generated by townhomes vs. single family dwellings?                              | It is based on the IT trip generation manual based on single family developments throughout the US. Townhome developments are smaller in size and tend to have older residents who don't have children.   |
| Has the developer considered re-opening the gates at The Parks at Meadowview to make The Parks Dr. a through road? | The developer met with the current residents of The Parks at Meadowview and keeping the main road gated was a priority for them.  |
| How much impervious surface is anticipated?  | The project engineer estimates 18%.   |

The Planning Board also discussed whether the developers offer to voluntarily meet current riparian buffer and stormwater standards could be enforced by staff. Planning staff commented that there had been a discussion with the county attorney the afternoon of the meeting and his opinion was that they can be enforced and suggested adding conditions if the recommendation is for approval. The Planning Board voted 11-0 to postpone discussion to allow staff time to prepare conditions to be considered by the board.

Staff prepared the first two conditions below regarding riparian buffers and stormwater and the county attorney reviewed them and added the third condition.

- The applicant shall comply with the more stringent of the pre-2008 riparian buffer standards or those currently in effect in the Chatham County Watershed Protection Ordinance and shall be shown on the Construction Plan and Final Plat layouts when they are submitted to the county for approval. The Watershed Protection Department shall have full authority to administer and enforce either riparian buffer standard as authorized in the Watershed Protection Ordinance.

- The applicant shall comply with Chatham County Stormwater Ordinance currently in effect and shall be shown on the Construction Plan and Final Plat layouts when they are submitted to the county for approval. The Watershed Protection Department shall have full authority to administer and enforce the Stormwater Control Ordinance.
- The two preceding conditions were requested by and agreed to by the applicant.

#### **Planning Board Meeting - August 2, 2022**

The Planning Board resumed discussion regarding the proposed revisions and voted to postpone taking action to allow the applicant additional time to work with the Chapel Ridge Homeowners' Association regarding their concerns. The applicant has provided an updated exhibit showing an interconnecting road between Phases 2-4 and The Parks Dr. which will be gated.

#### **Planning Board Meeting - September 6, 2022**

The Planning Board did not have a quorum and could not meet on September 6. This item is regulated under the Subdivision Regulations in effect prior to December 2, 2008, and Section 4.7A(1) provides 65 days for Planning Board review. Since the board did not have a quorum and 65 days have passed since their review started, the application is automatically forwarded to the Board of Commissioners with a recommendation for approval. The Planning Board Chair and Vice-Chair prepared comments regarding this application about the Planning Board's deliberations and it is included as an attachment.

#### **How does this relate to the Comprehensive Plan:**

Promote a compact growth pattern by developing in and near existing towns, communities, and in designated, well planned, walkable, mixed use centers.

#### **Recommendation:**

It is Planning Department staff and Planning Board recommendation (pursuant to Section 4.7A(1) of the Subdivision Regulations) that the proposed layout meets the requirements of the pre-2008 Subdivision Regulations.