



# Chatham County, NC

## Legislation Details (With Text)

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<b>Type:</b>	Agenda Item	<b>Status:</b>	Passed
<b>File created:</b>	1/31/2020	<b>In control:</b>	Planning
<b>On agenda:</b>	2/17/2020	<b>Final action:</b>	2/17/2020
<b>Title:</b>	Vote on a request by Mark Ashness, P.E. on behalf of Shaddox Creek Developers, LLC for subdivision First Plat review and approval of The Conservancy at Jordan Lake, consisting of 47 lots on 105 acres, located off Old US #1, SR-1011, parcel #66894, 5334, 5545, & 5557.		
<b>Sponsors:</b>			
<b>Indexes:</b>	Comp Plan Goal 5: Conserve natural resources.		
<b>Code sections:</b>			
<b>Attachments:</b>	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 by Mark Ashness, P.E. on behalf of Shaddox Creek Developers, LLC for subdivision **First Plat** review and approval of **The Conservancy at Jordan Lake**, consisting of 47 lots on 105 acres, located off Old US #1, SR-1011, parcel #66894, 5334, 5545, & 5557.

### Action Requested:

Vote on a request by Mark Ashness, P.E. on behalf of Shaddox Creek Developers, LLC for subdivision **First Plat** review and approval of **The Conservancy at Jordan Lake**, consisting of 47 lots on 105 acres, located off Old US #1, SR-1011, parcel #66894, 5334, 5545, & 5557.

### Introduction & Background:

**Zoning:** R-1

**Water System:** Public Water

**Sewer System:** Private on-site

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

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 The Conservancy at Jordan Lake Subdivision, consisting of 47 lots on 105 acres, located off Old US 1, S.R. 1011. 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 20 foot wide travelway with a 60 foot wide public right-of-way and is to be state maintained.

**Historical:** The applicant contacted Bev Wiggins, Chatham County Historical Association. Ms. Wiggins corresponded by email dated November 18, 2019 and stated if anything of interest is discovered to please contact her. See attachment #3.

**Schools:** Notification of the proposed development was provided to the Chatham County School System. Randy Drumheller, Chatham County Schools Director of Maintenance and Construction corresponded by email dated November 18, 2019. See attachment # 4.

**General Environmental Documentation:** The developer submitted the General Environmental Documentation and a letter dated August 26, 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 September 24, 2019 at New Hill Community Center, 3101 New Hill Holleman Rd, New Hill. Approximately seven people attended the meeting. Items/issues discussed included improving road condition of an existing easement, availability of public water to adjoining properties, plans for the remaining land, availability for natural gas, high speed internet, prices of the proposed homes, personal rifle range north of the proposed property, and private airfield adjacent to the proposed property.

**Technical Review Committee:** The TRC met December 18, 2019 to review the First Plat submittal. The applicant/developer was not present. Larry Bridges, Chatham County Public Works Director states there's some deficiencies in the system and a preliminary fire flow test will be conducted. Staff had no concerns.

**Septic:** A soils report and map, attachment #8, 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.

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

**Road Name:** The road name Conservancy Parkway, Twisted Branch Lane, and Rustic Pine Lane

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 near Lot 1.

**Water Features:** Kevin Murphrey of Environmental Services, Inc. (ESI), submitted the Riparian Buffer Review Application along with a riparian buffer map, dated June 2019, to Drew Blake, Senior Watershed Specialist for review. Mr. Blake and Mr. Murphrey completed an on-site riparian buffer review on August 12, 2019 to verify the consultant's findings. On October 8, 2019 Mr. Andy Williams of the US Army Corps of Engineers completed a site visit with ESI staff member. Streams SXC, SXF, and SXG were upgraded from ephemeral to intermittent streams. October 16, 2019 Mr. Blake issued a confirmation letter of his findings. The October 16, 2019 confirmation letter stated six (6) intermittent streams were found, seven (7) wetlands, and one (1) perennial stream. 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 the perennial stream.

Mr. Jeffery Harbour of ESI provided an email correspondence from Mr. Andy Williams dated November 5, 2019. Mr. Williams stated "The survey appears to show the tributaries and wetlands as they were flagged during my site visit on October 8, 2019. I will use this map to complete the Preliminary Jurisdictional Determination request."

**Stormwater and Erosion Control:** Three stormwater devices are proposed and will be placed by Lots 1, 35, 28 & 29 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. No land disturbing activity can commence on the property prior to obtaining Construction Plan approval.

**Site Visit:** Site visits were scheduled for December 11, 2019 for Planning Department staff and various Board members to attend. Mark Ashness was 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, 2020.

**Planning Board:**

The Planning Board reviewed the application during their January 7, 2020 meeting. Mr. Scott Smith, an adjacent property owner, has no objections to the development, but commented that his hobby is competitive shooting and he has a private shooting range on his property. He wants the get the information on record, so in the future he isn't asked to stop using his personal range because a subdivision located next door to his home. Mr. Smith and his neighbor also share a grass landing strip for personal use of small aircraft. He stated he received a letter from the previous Chatham County Planning Director in 2004 stating the use of a private grass landing strip is considered an accessory function for the property and is allowed. His long term concerns are people not complaining about his personal use landing strip and personal gun range.

Mark Ashness, P.E., was present to answer questions and Planning Board discussion included which direction the rifles are fired, if Mr. Smith could be impacted by neighbors complaining, if there will be

any trails or conservation easements, what's the average lot size, will there be a homeowners' association, will the water be supplied from Sanford, per the adopted Comprehensive Plan this area is rural/agriculture and will this affect future planning, and if there were more plans to develop. The rifle range is pointing north and Mr. Smith stated, "he has high berms in excess of NRA recommendations". Staff commented that this is Mr. Smith's personal range and personal air strip and those activities are allowed to continue even as residential development occurs near his property. Mr. Ashness explained they will inform the future home owners of these issues and have an obligation to do so. No trails or conservation easements are proposed in this section. The average lot size is 1.83 acres with 8.65 acres of open space. There will be an HOA. At times public water will be purchased from Sanford and other times the water will come from the Jordan Lake and depends on the county's operation of the water system. The proposed subdivision is in a rural/agriculture area of the Comprehensive Plan but won't be a conflict for future planning because Plan Chatham is not a regulatory document and is used as an information tool for subdivision review. There are plans to either develop more land or sell the additional acres and this subdivision is intended to test the market and see if this area is desirable for residential development.

### **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. These properties are located in an area of the county identified as Rural and Agriculture on the Future Land Use and Conservation Plan Map and Strategy 5.2. The description for rural includes low density, single family homes on large lots, agriculture, home-based & small scale businesses, regional greenway trails, and conservation easements. The description for agriculture includes large-scale working farms, related processing facilities, supporting commercial and service uses, and single family homes.

The proposed conventional subdivision 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 recommends granting approval of the road names Conservancy Parkway, Twisted Branch Lane and Rustic Pine Lane and granting approval of subdivision First Plat for **The Conservancy at Jordan Lake Subdivision** with the following conditions:

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.