



# Chatham County, NC

## Legislation Text

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**File #:** 17-2055, **Version:** 1

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Vote on a request to approve Lewis Metty Development, Inc. for subdivision Revised Preliminary/Final Plat approval of Cedar Mountain, Phase 3A, consisting of 16 lots on 30.79 acres located off Jones Ferry Rd, SR-1540 and Cedar Grove/Cedar Mountain Road, Baldwin Township, parcels #'s 1611 and 1721.

### **Action Requested:**

Request by Lewis Metty Development, Inc. for subdivision Revised Preliminary/Final Plat approval of Cedar Mountain, Phase 3A, consisting of 16 lots on 30.79 acres located off Jones Ferry Rd, SR-1540 and Cedar Grove/Cedar Mountain Road, Baldwin Township, parcels #'s 1611 and 1721.

### **Introduction & Background:**

**Zoning:** R-1

**Watershed:** WSVI-PA / JLBA

**Water:** private wells

**Septic:** private on-site and off-site septic systems and repair areas.

**Roadways:** public, NCDOT state maintained roads. (The previously approved roads within Cedar Grove Subdivision and Cedar Mountain Subdivision have not yet been taken over by NCDOT for maintenance.)

Cedar Mountain Subdivision received sketch design approval from the Board of County Commissioners on July 17, 2006 and consisted of 65 lots. There were two conditions of approval:

1. The emergency access easement be widened to a minimum of 50 feet and be labeled as "50 foot wide dedication of public right-of-way and emergency vehicle access".
2. The emergency vehicle access shall be constructed to a minimum standard of a 16 foot wide, all weather travel surface. A note shall be placed on the preliminary and final plat detailing the standards to which said access is constructed and future upkeep and maintenance responsibilities.

The conditions above will be completed when the next phase of the subdivision is presented for review and approval.

Cedar Mountain Road is an extension of Cedar Grove Road. The two subdivisions do not have interconnecting roadways to adjoining properties and this necessitated the requirement for an emergency access roadway to be built to an adjoining property.

Preliminary plat approval for 65 lots was granted by the Board of Commissioners on July 6, 2007. To date 34 lots have received final plat approval. On 9/21/2015, the developer received an extension from the Board of Commissioners to extend the deadline for final plat submittal to January 16, 2018. If a final plat for the remaining 15 lots is not received by January 16, 2018, the subdivision approval will expire unless another extension request is granted by the Board of Commissioners.

### **Discussion & Analysis:**

The request before the Board is for a revised preliminary plat / final plat approval. The reason for the revised preliminary plat is due to a reduction in the length of Eagles Crest by 50' and flattening the curve on the same road. A revised roadway plan was submitted to NCDOT and approved on August 15, 2016. A copy of the revised permit 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, 2016. A new erosion control permit was obtained from Land and Water Resources on March 30, 2016 prior to any land disturbing activity on the site.

The request is being submitted along with a request for a financial guarantee for completion of the required improvements. The developer is required to complete a minimum of 40% of the required improvements prior to a final plat submittal and the roadway has to be accessible to emergency vehicles. Per the cost estimate letter dated November 7, 2015, by Samir W. Bahho, PE, the improvements are more than 40% complete and the roadways are paved and accessible to emergency vehicles. An updated cost letter may be provided prior to final plat approval. Staff recommends the request for a financial guarantee be approved.

The lots are served by on-site and off-site septic systems and repair areas. All off-site septic areas are considered a non-contiguous part of the main lot. The off-site septic areas are served by 30 foot wide utility easements. In 2007, a condition of preliminary plat approval stated "Prior to recordation of the final plat, the developer shall install all of the supply lines for the off-site sewage treatment systems at one time, use only gravel less systems, have one contractor complete all of the work, and install the supply lines at least 30 inches deep." Septic improvement permits for each lot have been approved by Thomas Boyce, Chatham County Soil Specialist and Lead Soil Scientist. Prior to final plat recordation, Mr. Boyce will verify that the supply lines have been installed as required. The installation of the septic tanks and individual drain fields will be the responsibility of the individual property owners.

The Technical Review Committee met on November 16, 2016 to review the submittal. There were no concerns / questions.

*The Planning Board met on December 6, 2016 to review the request. Several residents were present to state their concerns. The developer was not present. Due to questions raised by the Board and residents, the Board tabled the request until the January 3, 2017 Planning Board meeting. Issues of concern were:*

- 1. Existing roads in Cedar Grove Subdivision not yet accepted for maintenance by NCDOT.*
- 2. Mr. Cody Porter, 615 Emily Lane, parcel #79958, was concerned about the loss of privacy for property owners off Emily Lane due to construction of the emergency access road.*
- 3. Where within the 50' right of way was the emergency road built. Mr. Porter was concerned that the road was built adjacent to his rear property line instead of in the center of the rofw.*
- 4. Mr. and Mrs. John Parks, 479 Emily Lane, parcel #75530, stated that the emergency access road was constructed across their private property and intersects Emily Lane. Mr. Parks stated that their property does have a 75' wide access and utility easement that was placed on the property prior to their purchase of the property.*
- 5. The Parks requested that a chain or a gate be installed across the emergency access road at the common boundary between their property and Cedar Mountain Subdivision. The Parks further suggested that the same be installed at the beginning of the road with a sign stating that the road was for emergency access only.*

6. *The Board had questions regarding the off-site septic areas and their long term maintenance.*
7. *Leslie Bunce, 1733 Cedar Grove Rd., parcel #88902, stated she was concerned about the future construction of the balance of Cedar Mountain Road regarding trespass on her property, run-off from the construction, and burning of brush being left unattended.*
8. *Whether additional locations for road stub-outs were considered during the sketch design process.*

*The Board requested that the developer or his representative be present at the January 3, 2016 Planning Board meeting to address the above questions/concerns. Staff stated to the Board that construction of the emergency access road was a condition of approval required by the Board of County Commissioners at the initial sketch design and not a voluntary action by the developer.*

*A revised survey has been included in the packet to address an oversight by the surveyor who inadvertently did not include one of the 16 lots as noted on the application. Lot #28 has been included with the revised survey and is located near the cul-de-sac of Eagles Crest. Condition #3 has also been added by staff to address concerns from adjacent property owners about the public using the emergency access road.*

The Planning Board met on January 3, 2017 to review the request. The developer, Chuck Lewis, and his engineer Samir Bahho, P.E. were present. There were several adjacent property owners also present to address the Board. The owners, Parks (parcel #75530), Wirth (parcel #79047, and Porter (parcel #79958) expressed their continued concerns regarding loss of privacy and decreased property values, and liability concerns on the portion of roadway that crosses the private property of John Parks. The adjoining property owners requested a gate be installed at both ends of the roadway and privacy plantings be planted along the roadway. The Planning Board discussed the concerns and asked Mr. Lewis to address the issues. Mr. Lewis stated that he constructed the road based on a sketch design condition required by the Board of Commissioners in 2006; stated that he took out the minimum of trees to allow construction; that he cleared a 16 foot travelway as required; that the road was built 15 feet off the common boundary line of the adjoining property owners; that he had a cattle gate up at the common boundary with parcel #75530 but someone removed it; that he would allow the adjoining property owners to plant privacy trees/shrubs on his property to help lessen their privacy concerns; and that the ATV riders are accessing the roadway by coming down Emily Lane.

Samir Bahho, P.E. stated that he had petitioned NCDOT to take Cedar Grove Road over for maintenance because the density had been met and that a punch list of items to be repaired or corrected had been provided by NCDOT; and that he and Mr. Lewis were continuing to work on the punch list items. Mr. Lewis stated that he would like to wait until after the winter months to make the road repairs due to bad weather and construction truck traffic. Some of the corrections included removal of rock retaining walls built by private property owners within the state road right-of-way. Mr. Lewis stated that Cedar Grove nor Cedar Mountain Subdivision had a homeowners association.

Ms. Leslie Bunce was unable to attend the Planning Board meeting, but sent an e-mail to staff to reaffirm her previous concerns addressed at the December 6, 2016 meeting.

### **Recommendation:**

The Planning Board by unanimous vote and the Planning Department recommend granting final plat

approval of Cedar Mountain, Phase 3A with the following conditions:

1. The plat not be recorded until the county attorney has reviewed and approved the form of the contract and financial guarantee.
2. Prior to recordation of the final plat, the developer shall install all of the supply lines for the off-site sewage treatment systems at one time, use only gravel less systems, have one contractor complete all of the work, and install the supply lines at least 30 inches deep. The Chatham County Environmental Health Department will inspect and approve the installation prior to final plat recordation.
3. The developer shall install a locked gate or chain across the emergency access roadway at the common boundary of the Cedar Mountain Subdivision and parcel #75530 and provide emergency personel with a key.

Condition # 3 was modified by the Planning Board to read:

The developer shall install a locked iron gate across each end of the emergency access roadway and provide emergency personel with a key for each gate and that appropriate signage be installed at each end of the access road to indicate that use of the road is for emergency personnel only and that the developer be encouraged to plant suitable plantings to create a privacy barrier along the length of the access road.