



# Chatham County, NC

## Legislation Text

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**File #:** 21-3684, **Version:** 1

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Vote on a request to approve a request by Mark Ashness, P.E., on behalf of Laurel Ridge Development, Inc. for subdivision Final Plat review and approval of Laurel Ridge Phase 2B, consisting of 14 lots on 67 acres, located off Old NC 87, SR-1547, Hadley Township, parcel #86169.

### **Action Requested:**

Vote on a request to approve a request by Mark Ashness, P.E., on behalf of Laurel Ridge Development, Inc. for subdivision Final Plat review and approval of Laurel Ridge Phase 2B, consisting of 14 lots on 67 acres, located off Old NC 87, SR-1547, Hadley Township, parcel #86169.

### **Introduction and Background:**

The Board of Commissioners granted sketch design approval of "The Bluffs", consisting of 112 lots on 597 acres on May 15, 2006. The preliminary plat approval of "The Bluff, Phase 1" consisting of 36 lots on 180 acres on November 20, 2006. The Board of Commissioners granted final plat approval of "The Bluffs", consisting of 12 lots on 54 acres on November 19, 2007.

Plat Book 2008 Pages 325-328, filed September 30, 2008 titled "Recombination Survey for Laurel Ridge Development, Inc., The Estates at Laurel Ridge PH 2A" changed the subdivision name. A portion of "The Bluffs" from Rock Rest Road south to "The Estates at Laurel Ridge" was combined and "The Bluffs" portion became lands of "The Estates at Laurel Ridge".

The Board of Commissioners granted approval of a unified development schedule on October 21, 2013 to extend the final plat submittal date to June 30, 2020. June 30, 2020 date was extended by the adoption of Senate Bill 704, adopted by the General Assembly and approved by the Governor in response to COVID-19 crisis, for five months to May 31, 2021.

The property is zoned R-5 and has a three-acre minimum lot size with a five-acre average and has a watershed designation of WSIV-PA.

### **Discussion and Analysis:**

The request is for Final Plat approval of Laurel Ridge, Phase 2B consisting of 14 lots on 67 acres with a financial guarantee for the completion of required infrastructure. Phase 2B received preliminary plat review and approval by the Board of County Commissioners on November 20, 2006 for 36 lots under "The Bluffs". In early 2020, planning staff administratively approved a request from the developer to eliminate a cul-de-sac (Hamilton Cove) and reduce the number of lots for this phase. Due to the cyber incident staff cannot access the emails to confirm the date of the administrative approval, but it was deemed to be an overall reduction of impacts and therefore approved. A copy of the preliminary plat approved in 2006 has been posted online with the application materials for reference.

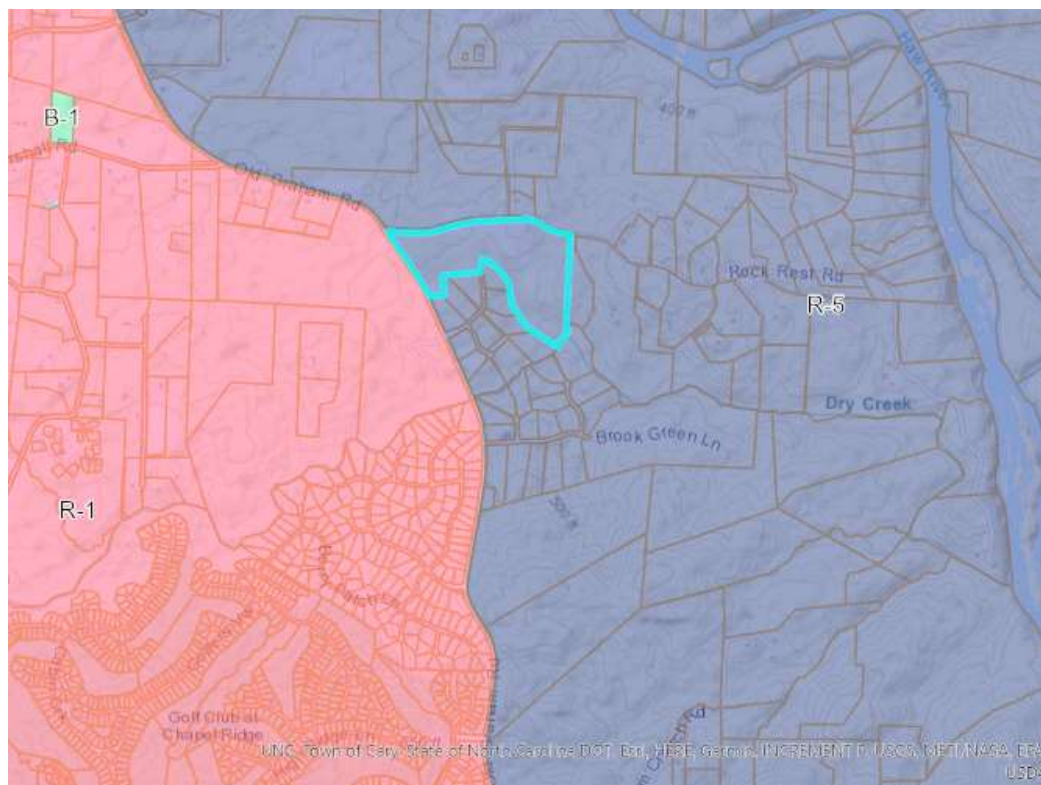
The submittal includes a request for a financial guarantee for completion of the required infrastructure. Under the pre-2008 Subdivision Regulations, a project must have a minimum of 40% of the infrastructure completed

prior to submission of a final plat and the roads must be accessible to emergency vehicles. A cost estimate letter, June 30, 2020, has been provided by Mark Ashness, P.E., CE Group stating that the required infrastructure is 95% complete. The cost letter may be updated prior to plat recordation if additional work has been completed. Staff recommends granting the request for a financial guarantee. Staff also recommends that the final plat not be recorded until the engineer has certified that the roadway providing access to the parcels are accessible to emergency vehicles and recommends that the final plat not be recorded until the county attorney has reviewed and approved the form of the contract and financial guarantee. Per the approved preliminary plat, roadways are proposed to be public and state maintained roads. Phase 2B is located off Old Graham Road. The remaining projects The Glens, The Bluffs, Shively Tract, and Harris Tract have been relinquished per email correspondence with the developer.

Riparian buffer widths of 50 feet per side (100' total) measured from top of bank landward have been shown on the plat. The 100-year and 500-year flood plain are shown on plat.

The Technical Review Committee met November 10, 2020 to review the request. Hadley Swain Kirkland, Developer was present. Staff had no concerns.

*The following map shows the location of this phase*



### **Planning Board Meeting 12/1/2020:**

Several residents spoke during public input about their concerns with this phase of the development. Daniel Amero commented that larger buffers are needed since the area floods, the developer has bulldozed a pathway alongside his property that wasn't on the plan and has encroached onto his property in area 250' long and 8' in width. He was concerned with the project because he believes the developer is reckless.

Elaine Chiosso had concerns with trespassing with a bulldozer and the notice of violations for sedimentation

and erosion control issues. She also questioned what type of guarantee can the developer provide that the erosion control problems won't continue and whether the developer will be respectful of property lines.

Mark Ashness, P.E. spoke on behalf of the developer. He stated they have eliminated roads and lots from the preliminary plat and reduced the impervious surface. There was a substantial communication breakdown with the contractor that was doing the under brushing and it was a problem that they breached the property line of Mr. Amero. Mr. Ashness commented that about 700 square feet was breached on Mr. Amero's property and there's no excuse for those impacts. He also noted that the erosion control violations have been addressed with the County.

Mr. Ashness explained none of the lots will be accessed by Rock Rest Road. There were concerns from the Board about potential flooding on Lot 35 and the lot being inaccessible at times. Mr. Ashness stated the ridgeline is on the other side of Rock Rest Road and it's not a large drainage area, it's flat and low and there's relief on Lot 35R and shouldn't be an issue from an elevation point.

Board members asked if the developer would increase the buffer on Dry Creek from 50' wide to 100' wide and Mr. Ashness responded that he would need to discuss that with his client. The Board postponed voting on the final plat until the January 5, 2021 meeting to give him time to communicate with the developer. Since the December 1, 2020 meeting the developer agreed to place an additional 50' voluntary buffer and the revised plat can be viewed on the following website -

<https://www.chathamnc.org/government/departments-programs/planning/rezonings-subdivision-cases/2020-items/laurel-ridge-phase-2b-final-plat-4805> .

**Planning Board Discussion:**

The Planning Board met virtually on January 5, 2021. Mr. Daniel Amero, adjacent property owner, had concerns with the developer encroaching on his property with a bulldozer and not revegetating, wants the developer to block off the fire access road, and the developer has been cited for unauthorized clearing and stream crossings. Ms. Elaine Chiosso expressed her concerns she would like to fire access road closed off, would like the situation with Mr. Amero's property resolved before final plat approval, the developer isn't following the county's erosion and sediment control regulations, and asked the Board to deny Phase 2B and have the developer correct the problems and bring project back to the board. Ms. Cathy Markatos adjacent property owner stated the fire road was the width of a bulldozer and currently it's doubled or tripled in size and would like the entire strip of land revegetated. Mr. Jerry Markatos adjacent property owner, expressed there were power interruptions by trees falling on the power lines and no telephone or internet services when a bulldozer crushed a communication pedestal.

Mark Ashness, P.E., Nick Robinson, Attorney, and Hadley Swain Kirkland, applicant/developer, were present. Board members discussed why there is a 20' wide drainage easement located at the headwater of a main tributary, how many lots were reduced from the original 2007 preliminary plat to the current final plat submittal, if the fire access road could be blocked, if vegetation could be planted on Mr. Amero's property, if the multiple stream crossings could be reduced by shared driveways or other proposed items, applicant has been working with Watershed Protection Department on sediment and erosion control issues, and is there an inspection process in place to ensure the previous violations will be quickly addressed should it occur again. Mr. Ashness stated the 20' wide drainage easement isn't a jurisdictional water feature and that the jurisdictional area ended at the buffer shown on the plat. The 2007 preliminary plat was approved for 36 lots and a total of 21 lots is shown in this phase. Attorney Robinson stated the applicant is willing to place landscaping at the access of the fire road to block it off and the 4% portion of the fire road on Mr. Amero's property will be blocked off. Mr. Amero has obtained an estimate to replant fifty (50) trees in the small section of the fire road that was cleared on his property for planting this coming spring and/or summer. The developer is willing replant the trees on Mr. Amero's property and the developer has asked Mr. Amero for a standard settlement and release agreement but haven't come to terms on the agreement. Mr. Ashness addressed the multiple stream crossings and stated there are only two buffer crossings and the streams on Lots 44-47 small channels and not jurisdictional crossings. Planning staff added that the applicant has been working with Watershed Protection Department since August 2020 on the sediment and erosion control issues, as well as the Jordan Buffer Rule violations.

Mr. Ashness added that development is compliant and that a buffer remediation plan has been approved by the county. Staff also noted that the County has a protocol in place to review, approve, and monitor remediation measures required under the Jordan Buffer Rules. The county and developer will inspect each year for five (5) years.

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

The property is located in an area designated as Conservation on the Future Land Use and Conservation Plan Map (Land Use Strategy 5.2). Although the proposed subdivision is not a conservation design it meets the adopted riparian buffer and stormwater control standards of the county.

**Recommendation:**

The Planning Department and Planning Board by 6-2 vote recommends granting final plat approval of "Major Subdivision Laurel Ridge - Phase 2B Property of Laurel Ridge Development, Inc." with the following conditions:

1. Prior to final plat recordation the county attorney shall approve the form of the contract and financial guarantee.
2. Prior to final plat recordation the engineer shall certify to the county that there is all weather access for emergency vehicles and the certification must be approved by the Fire Marshal
3. Final plat title shall include "The Estates at Laurel Ridge".
4. Final plat shall identify the Jordan Lake Buffers.
5. Vegetation shall be planted to block the fire access road off Rock Rest Road.
6. The restrictive covenants shall include the 50' wide voluntary buffer will have the same restrictions as the inner 50' wide Jordan Lake Buffer.
7. Encourage the developer to come to an agreement with Mr. Amero to add vegetation on his property.