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Vote on a request to approve Chatham Capital, LLC for subdivision First Plat review and approval of **Sunset Grove**, consisting of 55 lots on 107.82 acres, located off Mt Gilead Church Road, SR-1700, parcel #'s 17425, 17440, & 17441.

..ABSTRACT

Action Requested:

Request by Chatham Capital, LLC for subdivision First Plat review and approval of **Sunset Grove**, consisting of 55 lots on 107.82 acres, located off Mt Gilead Church Road, SR-1700, parcel #'s 17425, 17440, & 17441.

Introduction & Background:

Zoning: R-1

Water Source: County water

Septic: On-site septic systems and repair areas

Watershed District: WSIV-PA

Within 100 Year Flood Plain: No

Minimum Lot Size: .92 acre

Average Lot Size: 1.7 acres

The subdivision process consists of four (4) main steps: Concept Plan, First Plat, Construction, and Final Plat review. The applicant has completed the Concept Plan review along with their community meeting.

Discussion & Analysis:

This request is for First Plat review and approval of Sunset Grove Subdivision consisting of 55 lots on 107.82 acres, located off Mt. Gilead Church Road. A vicinity map is included in this packet, attachment # 3. Per the Subdivision Regulations, Section 5.2 C (4), during a First Plat review, the first Planning Board meeting shall include a Public Hearing to receive comment 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. If the Board recommends disapproval or approval subject to modifications, the necessary reasons or modifications will be specified in the minutes of the meeting. The Planning Board has two (2) meetings to act on the proposal. A Trustee of the Haw River Baptist Church has also signed the major subdivision application because the church and the developer have

agreed on a land exchange that will allow the church property to be contiguous and provide some additional property for the development.

Community Meeting: A community meeting was held on April 7, 2015 at Haw River Baptist Church. The purpose of the meeting is to receive input from the community on the project. Twenty-eight residents attended the meeting. A copy of the Community Meeting Report is included in the packet including ten (10) questions / concerns expressed by the public, attachment # 2. The developer and the engineer provided answers to the 10 questions in a separate e-mail to staff as follows:

1. No additional buffers planned in Sunset Grove beyond County setback standards
2. Road stub removed
3. Soils have been evaluated by a licensed professional
4. Limits of buffer have been confirmed by County matching our delineation
5. The new cross connections with Monterrane and extension on Mt Gilead Road will help water pressure greatly
6. Limits of buffer have been confirmed by County matching our delineation
7. NCDOT has approved entrance location. Turn Lane will be determined at construction drawing phase
8. We anticipate home sizes to range from 2500 SF – 5000 SF
9. Lighting to meet County Lighting Ordinance
10. No walking trails

Infrastructure: The roadway will be built to public, state road standards. A Commercial Driveway Permit and a Road Plan Permit will be obtained from NCDOT by the developer prior to Construction Plan approval. A public roadway connection has been provided to the adjoining properties of Phillip W. Corn and Contentnea Creek Development Company to provide for interconnectivity if these properties are developed in the future per Section 7.2 (3) of the Subdivision Regulations. The Contentnea Creek Development Company has an approved subdivision plan to develop 43 residential lots. The final plat submittal for Contentnea Creek/ Cooper Subdivision has been extended to 6/20/2017.

Road Names: The following road names have been approved by the Chatham County Emergency Operations Office for review and approval by the Board of Commissioners:

Sunset Grove Drive, Newcastle Court, Bayard Court, Parkers Crossing, and Westview Lane.

Septic: The lots will be served by individual septic systems. A soil scientist report and map was prepared by Timmons Group, dated October, 2015. See attachment # 4. Thomas Boyce, Chatham County Lead Soil Scientist, reviewed the report on November 6th and stated that the report was adequate. Provisionally suitable soils for various types of systems are shown on the First Plat. All the lots will have on-site systems.

Water: County water will be utilized. A proposed water line layout is included on the First Plat. The developer proposes to extend the county 8" water line from Red Gate Road along Mt. Gilead Church Road to the development and shows an internal water line layout with 8" lines except one cul-de-sac with a 6" line. Larry Bridges, Public Utilities Director has meet with the engineer to review the proposed waterline plans. There is a utility easement shown on the First Plat to the adjoining properties of Phillip W. Corn and Contentnea Creek Development Company for future water line extensions. As stated above under 'Infrastructure', the Contentnea Creek Development Company has an approved subdivision plan to develop 43 residential lots. The final plat submittal for Contentnea Creek/ Cooper Subdivision has been extended to 6/20/2017. Two utility easements have been provided to Monteranne Subdivision which will provide better water pressure and flow for a portion of the residents within the subdivision. A Water Plan Permit will be obtained from Chatham County and NC DENR prior to Construction Plan submittal.

Stormwater and Erosion Control: Three water quality ponds are proposed for the site. A Stormwater Permit will be obtained from Chatham County prior to submittal of the Construction Plan along with an Erosion and Sedimentation Control Permit.

Environmental Documentation: Due to the number of lots being 50 or greater, the developer was required to submit an Environmental Impact Assessment for peer review. The EIA was prepared by the Timmons Group and dated July 6, 2015. The EIA was peer reviewed by Froehling & Robertson, Inc. and comments/questions from the peer review were received July 31, 2015. The Chatham County Environmental Review Advisory Committee also reviewed the EIA and provided comments/questions back to the developer. A copy of the EIA along with the peer review comments and the ERAC comments can be found on the Planning Department webpage at www.chathamnc.org/planning, Rezoning and Subdivision Cases, 2015, Sunset Grove. An EIA is not a regulatory tool, but serves to provide additional information about the impacts of a project and possible alternatives to those impacts.

Riparian Buffers: The Timmons Group completed the riparian buffer review of the property and furnished the report to Chatham County. On October 21st Stewart

Pickens, Chatham County Environmental Quality Inspector visited the site to review the findings. Mr. Pickens concurred with the findings from the Timmons Group except for streams E & F in the buffer report which were located on the additional property obtained from the Haw River Baptist Church. See preliminary letter dated October 21, 2015 from Stewart Pickens, attachment # 5. The Corps of Engineers had previously reviewed the streams and wetlands on the parent tract, but had not reviewed the tract from the church. On November 13, 2015, Mr. Pickens met on site with Scott Mitchell and the Corps of Engineers for the Corps review of the streams and wetlands on the property obtained from the church. Based on the Corps review, Stream E is classified as an ephemeral feature and Stream F is classified as an intermittent feature. See letter dated November 19, 2015 from Stewart Pickens, attachment # 6. Stream and wetland buffers are shown on the First Plat and range from a 30 foot per side ephemeral buffer to a 100 foot per side perennial buffer.

School Notification: the developer has notified the Chatham County School system with a map of the proposed development. See attachment # 7.

Historical Review: The applicant has corresponded with the Chatham County Historical Association. In 2013, Bev Wiggins with the Historical Association visited the property with Fred Ward, Consultant for the developer, to visit the cemetery site and take pictures of the grave stones. Attachment # 8 included in the packet is from conversation in September regarding the cemetery. Since September, the developer hired a professional archaeological company, TRC Solutions, to perform a thorough cemetery delineation. It was determined that there are 12 graves. The developer plans for the cemetery to be part of Lot 39 as shown on the First Plat; plans to leave the cemetery in a natural state, plans to protect the cemetery with a recorded easement, and has considered placing a fence around the cemetery. Also, during construction, the area will be protected with fencing to avoid any disturbance to the cemetery area. Per information from the Historical Association, this is a family cemetery for the Ellington and Knight families and has at least one grave of a Civil War soldier, George Farrington Ellington. There will be a 10 foot wide access easement from the public road to the cemetery site. Correspondence between the developer and Ms. Wiggins is posted on the Planning Department webpage. There is also a chimney and old house site near the cemetery.

Site Visit: Per Subdivision Regulation requirements, two site visits to the proposed development were arranged and attended by the developer and the engineer. Board of Commissioners, as well as the Planning Board, were invited to attend the site meetings on 11/4/15 and 11/5/15. The developer's engineer, Mark Ashness, met with staff and several Planning Board members and a Commissioner to walk the property and visit the cemetery. The property is wooded with rolling hills. See topo map, attachment #9. Those attending were able to visit the cemetery and see the various stream features.

Technical Review Committee: The TRC met on November 12, 2015 for staff review of the First Plat. The developers along with the engineer were present to answer questions and give an overview of the project. Staff discussed with the applicant: water connections/extensions; riparian buffers; septic; land exchange with church; Army Corps of Engineer visit to review wetlands on additional land; roadway extensions; placement of fire hydrants; road names; possibility of turn lanes; and the cemetery.

The Planning Board met on December 1, 2015 to review the request. A public hearing was held. Several residents from the adjacent Monterrane Subdivision were present and spoke during the public hearing. They had concerns which included water pressure in Monterrane and whether some residents may experience decreased water pressure due to the interconnections with Sunset Grove; lighting; tree protection; privacy; setbacks from property lines; possible flooding due to proposed roadway crossing Parker's Creek, drainage onto adjacent properties; monitoring of septic systems; and not receiving any written answers from the developer to the questions posed at the Community Meeting.

Mr. Ashness spoke and stated that many of the residents in Monterrane would experience better water pressure and those that did not would not experience a decrease in water pressure; that he had worked with Larry Bridges, Utilities Director, to determine the best locations for the waterline interconnections; that lighting would follow the Chatham County Lighting Ordinance requirements; that the developer would evaluate the concerns regarding tree protection, privacy, setbacks; that the road crossing of Parker's Creek would be based on NCDOT approved plans; that drainage from the subject property should not affect the adjacent properties; that monitoring of septic systems, if required, was strictly enforced by Chatham County Environmental Health Department; that he thought the questions posed at the Community had been answered; that there was not a requirement by Chatham County to respond in writing to the questions/concerns; and that he would be happy to answer any questions.

The Planning Board discussed the request and the concerns expressed by the adjacent property owners. Mr. Lucier stated that he had not had an opportunity to read the EIA and Ms. Curtis asked if the peer review comments and ERAC comments on the EIA had been addressed. Mr. Ashness stated that the comments had not been addressed at that time. The First Plat request was tabled. The Board asked Mr. Ashness to provide responses to the peer review and ERAC comments; provide a confirmation from Larry Bridges on the water pressure in Monterrane, provide a drainage map, and address the concerns regarding lighting and tree protection.

The Planning Board met on January 5, 2016 to continue the review and discussion on the request. Mr. Ashness provided responses to the Planning Board questions as follows:

Water Pressure: Mr. Ashness provided Larry Bridges, Chatham County Utilities Director, with a fire flow water model to shift one of the interconnections further east to tie into an existing utility connection in Monterrane Phase 3. After studying the model, Mr. Bridges stated "it is clear that the looping of Sunset Grove's waterline and keeping the interconnections at the same location is the best solution for not only Sunset Grove but also the residents of Valley Ln. (Monterrane)." See attachment #11.

Peer Review and ERAC comments on EIA: Natalie Landry, with the Timmons Group, has provided responses to the peer review comments and the ERAC comments. See attachment #14. Ms. Landry also provided revised Appendices 1, 2, and 6. The Environmental Quality Department has reviewed the responses and revised appendices and stated that the responses are complete. The revised appendices along with a complete revised EIA can be viewed on the Planning Department webpage.

Lighting: Mr. Ashness stated in an e-mail dated December 10, 2015, attachment # 12, that lighting within the project will conform with the County regulations requiring full cut-off fixtures for street lights.

Tree Protection: Mr Ashness stated in attachment # 12 that there will be restrictive covenants that will have limits on turfed area along with requirements for landscaped/wooded areas and that the lots will not be mass graded.

Drainage: Mr. Ashness provided a drainage map showing some drainage to the north toward Monterrane, some towards the south to the property of John Roach, and the majority of the site draining to the east and Parker's Creek.

The Planning Board continued discussion of the request. Several adjacent property owners spoke regarding their continued concerns about setbacks and water pressure/utility connection points. Representatives from the Haw River Baptist Church, Mr. Jessie Chavis and Mr. Leroy Kelly spoke and stated that the church is in favor of the development of the property and that the church would benefit by having an 8" county water line provided and from much better/safer parking with the land trade with the developer. Discussion/questions by the Planning Board included whether the developer had made any decisions on restrictive covenants; why the cemetery, signage, storm water ponds, and stream buffers were shown located on private lots and not within common areas and who would be responsible for maintenance of these areas; why the ephemeral water feature shown on Lot 18 and the intermittent stream shown on Lots 14 & 15 did not connect?

Ms. Sarah O'Brian with Bryan Properties stated that her company had developed projects in other counties such as Southern Village in Chapel Hill; that there would be restrictive covenants such as the ones developed for Southern Village; that there would be an Architectural Review Board that would review and approve building plans

regarding type of construction, materials used, paint colors, etc.; that Bryan Properties would serve as the ARB until the development was turned over to the Homeowners Association; that it was too early in the development process to have completed covenants; and that setbacks from property lines will follow the County zoning requirements of 40 feet from the front property line and 25 feet from side and rear property lines. Mark Ashness, P.E., stated that the riparian buffer areas will remain undisturbed and that since the lot sizes (1 acre average) are smaller than the lots in Monterrane there is not enough lot area to provide for increased structure setbacks as those required by the private covenants in Monterrane; and that the ephemeral feature and intermittent feature had been delineated by The Timmons Group, reviewed by The Corps of Engineers and Chatham County Environmental Quality and found not to be connected features.

Ms. Allison Weakley, Planning Board member, stated that in her opinion the information provided in the EIA was inadequate. Ms. Weakley asked whether the site will be mass graded, if the project would be phased, how the storm water ponds would be maintained, how will storm water reach the ponds, and how will Parker's Creek be crossed? Ms. Weakley also stated that she would prefer no street lighting be allowed, that the project is located in a portion of the Big Woods Natural Heritage area and would therefore impact wildlife and natural habitat, that the project area contains the Carolina Ladle Crayfish, and that in her opinion the ephemeral feature shown on lots 43 and 54 also is a wetland and should be buffered as such and that the two features on Lots 18, 14 and 15 should be connected with a riparian buffer.

Mark Ashness, P.E, stated that the EIA had been prepared in accordance with the Subdivision Regulations, and peer reviewed by an independent peer reviewer chosen by the Chatham County Environmental Quality Director and also peer reviewed by the Environmental Review Advisory Committee (ERAC); that both entities had provided questions/comments which had been addressed. Mr. Ashness stated that the site would not be mass graded; that the project will be developed as two (2) phases; that the storm water ponds will have maintenance easements around them and be maintained by the HOA; that grass swales will be used to carry storm water to the ponds; and that the crossing of Parker's Creek will be based on NCDOT requirements.

Scott Mitchell, P. E. and License Soil Scientist with the Timmons Group stated that per the Army Corp of Engineers on-site review and the on-site review conducted by Stewart Pickens, Chatham County Environmental Quality Inspector, the features on Lots 18, 14 and 15 are not connected and the water feature on Lots 43 & 54 did not score as a wetland.

Cecil Wilson stated that the developer had addressed all the Planning Board questions/concerns from the December 1, 2015 Planning Board meeting. Mr. Wilson

made a recommendation to approve the request for subdivision First Plat approval of Sunset Grove as submitted. Brian Bock seconded the motion.

Recommendation:

The First Plat meets the requirements of the Subdivision Regulations. The Planning Department and Planning Board recommend granting approval of the road names *Sunset Grove Drive, Newcastle Court, Bayard Court, Parkers Crossing, and Westview Lane* and granting approval of the request for First Plat approval of Sunset Grove, consisting of 55 lots on 107.82 acres. The Planning Board by a vote of 8-3 recommends granting approval of the road names as stated and approval of the First Plat for Sunset Grove as submitted.

Scott Mitchell, P.E., LLS, Timmons Group, has provided clarifications and responses to comments by Allison Weakley regarding the EIA. See attachment dated January 19, 2016. Per Item # 2, the developer has decided to eliminate street lighting for the project.