

..TITLE

Vote on a request to approve Lewis Metty Development Inc., for a revision to sketch design for Cedar Mountain, Phase 3 to revise Condition # 1 of the 2006 sketch design approval for Cedar Mountain, located off Jones Ferry Road, SR-1540 and Cedar Grove/Cedar Mountain Road, Baldwin Township, parcel #'s 1611 and 1721.

..ABSTRACT

Action Requested:

Request by Chuck Lewis, Lewis Metty Development Inc., for a revision to sketch design for Cedar Mountain, Phase 3 to revise Condition # 1 of the 2006 sketch design approval for Cedar Mountain, located off Jones Ferry Road, SR-1540 and Cedar Grove/Cedar Mountain Road, Baldwin Township, parcel #'s 1611 and 1721.

Introduction & Background:

Zoning: R-1

Watershed: WSIV-PA / JLBA

Water: private wells

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

Roadways: public, NCDOT state maintained roads

Cedar Mountain is reviewed under the pre-2008 Subdivision Regulations.

Discussion & Analysis:

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 preliminary plat submittal in 2007 included the required 50 foot wide dedication of public right-of-way and emergency vehicle access. See attachment # 3. The Preliminary Plat was approved by the Board of County Commissioners in 2007.

In 2016 the developer constructed the emergency vehicle access prior to submittal of a final plat for Cedar Mountain, Ph. 3A, based on the two conditions required by the Board of Commissioners in 2006. During construction of the roadway and based on the Jordan Lake Buffer rules that came into effect after the preliminary plat approval, it was discovered that there was a stream feature that was required to have Army Corps of Engineer review and approval and have a riparian buffer placed along the feature. Based on the need for the Army Corp of Engineer review, the roadway and three

adjacent lots, 29, 30, & 31, were removed from the Revised Preliminary/Final Plat for Cedar Mountain Phase 3A reviewed by the Planning Board during their December 3, 2016 meeting.

Although, the roadway had been removed from the plat, there were several adjacent property owners present at the meeting to express their concerns regarding loss of privacy, safety, and use of the roadway by individuals to walk their dogs and ride all-terrain vehicles. The Revised Preliminary Plat/Final Plat request was tabled at the December 3, 2016 Planning Board meeting and discussion continued at the January 3, 2017 meeting.

Based on the concerns expressed by the adjacent property owners and discussion at the December and January Planning Board meetings, the developer is requesting a revision to the original sketch plan Condition # 1 which reads "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". The developer has requested the condition be changed to read "A 30 foot wide private emergency vehicle access and utility easement be constructed at the end of the Eagles Crest cul-de-sac to the common boundary line of parcel #75530." See attachment # 2. The reasons stated in attachment # 2, are:

1. *To address the safety and privacy concerns expressed by the adjacent property owners.* If the width of the right-of-way is reduced to 30 feet and the status is changed from 'public' to 'private', this would restrict use of the emergency vehicle access road by the general public. The revised sketch design map shows the entire length of the roadway being within the boundary of Lot 30. There is a note on the revised sketch plan stating that responsibility of the future maintenance & upkeep of the roadway will be the owners of Lot 30. The developer is also discussing with his attorney the possibility of forming a homeowners association to consist of the remaining unsold lot owners and have the HOA be responsible for the future maintenance and upkeep of the emergency vehicle access road. This decision will be made prior to final plat submittal for Lots 29, 30, and 31.
2. *To reduce the environmental impact of the stream crossing.* Reducing the width of the right-of-way and changing from public to private will require less piping of the stream and lessen the environmental impact.

The request seems reasonable to limit public access to the road. The developer and John Strowd, North Chatham Fire Chief have been in contact to discuss providing access for emergency personnel to the emergency roadway. Condition # 2 of the 2006 sketch design approval of Cedar Mountain will remain unchanged.

The Planning Board met on February 7, 2017 to discuss the request. Mr. Lewis was present along with Samir Bahho, P. E. and R. J. Wirth, adjacent property owner. Mr. Wirth stated that reducing the width of the right-of-way from 50' to 30' would not provide him additional privacy or safety and requested a vegetative buffer be planted along his

property line. Mr. Lewis stated that changing from a public dedication of right-of-way to a private dedication of right-of-way and including the entire roadway within Lot 30 would prevent use of the roadway by the general public and that he was working with his attorney to provide for the long term maintenance of the emergency access road with a road maintenance agreement between the future owners of all the unsold lots. Mr. Gaeta advised Mr. Wirth to install privacy plantings and to call the sheriff if there are issues with dogs, noise, or ATV riders on his property.

After the Planning Board meeting staff received a copy of a letter from Ray Milosh, Environmental Specialist, NC Water Resources confirming that “based on measurements taken during a site visit on February 2, the emergency access road built across the intermittent stream in Cedar Mountain Subdivision impacts less than 40 linear feet of the creek and as such, is ‘exempt’. A copy of the letter is posted to the Planning Department webpage, Rezoning and Subdivision Cases, 2017, Cedar Mountain Revision to Sketch Design.

Recommendation:

The Planning Department and Planning Board by a vote of 9-1 recommend granting approval of the Revised Sketch Plan for Cedar Mountain to change Condition # 1 to read “A 30 foot wide private emergency vehicle access and utility easement be constructed at the end of the Eagles Crest cul-de-sac to the common boundary line of parcel #75530.”