



## Chatham County Planning Board Agenda Notes

**Date: August 6, 2019**

**Agenda Item: VII-3 (Public Hearing) Attachment #: 13**

- Subdivision**
                 
  **Conditional Use Permit**
                 
  **Rezoning Request**  
                                 
  **Other:**

<b>Subject:</b>	Request by Mark Ashness, P. E. on behalf of Marthas Investment, LLC for subdivision <b>First Plat</b> review and approval of <b>Folkner Branch Subdivision</b> , consisting of 40 lots on 186 acres, located off Marthas Chapel Road, SR-1752, parcels #17850 and #70380.
<b>Action Requested:</b>	See Recommendation
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Major Subdivision First Plat Application and checklist</li> <li>2. Vicinity map</li> <li>3. Report from the Chatham County Historical Association</li> <li>4. Notification to Chatham County Schools</li> <li>5. Copy of Environmental Documentation Submittal</li> <li>6. Letter from North Carolina Department of Natural and Cultural Resources, Natural Heritage Program, dated April 29, 2019</li> <li>7. Riparian Buffer Report, dated January 23, 2019</li> <li>8. Community Meeting Report Form dated May 2, 2019</li> <li>9. Detailed Soil Scientist Report, Soils Map</li> <li>10. Road name approval from Chatham County Emergency Operations Office</li> <li>11. Corp of Engineers email dated May 28, 2019 and Jurisdictional Determination map</li> <li>12. Email correspondent with Planning staff</li> <li>13. First Plat titled 'Folkner Branch Subdivision', prepared by CE Group Inc., dated July 12, 2019</li> </ol>

<b>Introduction &amp; Background:</b>	
<b>Zoning:</b>	R-1
<b>Water System:</b>	Private Water
<b>Sewer System:</b>	Private on-site
<b>Subject to 100 year flood:</b>	No floodable area

**General Information:** 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 Folkner Branch Subdivision, consisting of 40 lots on 186 acres, located off Martha's Chapel Road, S. R. 1752. 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 a 50 foot wide public right-of-way, with a 20 foot wide travelway, and is to be a state maintained road. William Judson, Chatham County Fire Marshal, stated he had no issues and/or concerns.

**Historical:** The applicant contacted Bev Wiggins, Chatham County Historical Association. Ms. Wiggins corresponded by email and stated she didn't need additional information unless evidence of human habitation was found. Should old roads be located, she would like to be notified. See attachment #3.

**Schools:** Notification of the proposed development was provided to the Chatham County School System. See attachment # 4.

**General Environmental Documentation:** The developer submitted the General Environmental Documentation and a letter dated April 29, 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 indicates that there are records for rare species, important natural communities, natural areas, and/or conservation/managed areas within the proposed project boundary. The 'Potential Occurrences' table summarizes rare species and natural communities that have been documented within a one-mile radius of the property boundary. The proximity of these records suggests that these natural heritage elements may potentially be present in the project area if suitable habitat exists."

Rachael Thorn, Watershed Protection Director, reviewed and approved the information submitted.

**Community Meeting:** A community meeting was held on May 2, 2019 at Hyatt Place Hotel, 7840 NC Hwy, Durham. Approximately twenty people attended the meeting. Items/issues discussed included proposed wells impacting groundwater, street lights, perimeter buffers, construction traffic entrance, potential project timeline, average house

size, stormwater runoff into adjacent properties, driveways next to adjacent properties, and additional traffic to Martha's Chapel Road. The applicant addressed most of the concerns at the community meeting and revised the proposed plat to add a voluntary 30' perimeter buffer around the entire project. The developer proposes to pave 100' of Vincent and Angela Cacace driveway and add landscaping as a buffer. The additional buffer, driveway paving, and landscaping are voluntary and cannot be required by the county.

**Technical Review Committee:** The TRC met July 17, 2019 to review the First Plat submittal. The applicant and developer weren't present. Items discussed included location for septic area on Lot 6, driveway widths, shared driveways, turning radius of Lots 2-4 for fire truck access, and if there will be a pond that firefighters could access. The County Fire Marshal, William Judson, had concerns with the driveway widths and turning radius on Lots 2-4 and asked if the shared driveways need to be separated. Chief Strowd, North Chatham Fire Department, asked if the subdivision would have a pond for the firefighters to use.

**Septic:** A soils report and map, attachment #9, was submitted. The lots are proposed to be pretreatment surface drip and/or pretreatment spray irrigation septic systems. The systems proposed are systems that have to be approved by the NC Department of Environmental Quality and Chatham County Environmental Health Department isn't required to review.

**Water:** County water is not available and each lot will have a private well.

**Road Name:** The road name Folkner Branch Lane and Pinewind Court have 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 on an open space lot between Lots 1 and 5.

**Water Features:** Steven Ball of Soil and Environmental Consultants, PA, submitted the Riparian Buffer Review Application along with a riparian buffer map, dated July 18, 2018, to Drew Blake, Chatham County Watershed Protection Inspector for review. Mr. Blake and Mr. Ball completed an on-site riparian buffer review on January 10, 2019 to verify the consultant's findings. Mr. Blake issued a confirmation letter of his findings dated January 23, 2019.

Mr. Ball and Mr. Blake met onsite with Andy Williams, US Army Corps of Engineers, on January 10, 2019. An email dated May 26, 2019 from Jean Gibby, Chief Raleigh Field Office US Army Corps of Engineers, states she concurs that the wetland delineation map provided to her represents the limits of the of US Army Corps of Engineers regulatory authority pursuant to Section 404 of the Clean Water Act. Ms. Gibby provided an email instead of a jurisdictional determination and staff deemed that was acceptable for the First Plat submittal. Any additional Corps permits must be obtained prior to submittal of the Construction Plan application. S&EC personnel identified sixteen ephemeral stream segments, six intermittent streams, two perennial streams, and twenty-two wetlands.

Some modification were made based on the on-site meeting and were agreed to by all parties. The riparian buffer report states twelve ephemeral stream segments, nine intermittent stream segments, two perennial stream segments, and twenty-two wetlands.

**Stormwater and Erosion Control:** Four stormwater devices are proposed and will be placed within open space 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 July 18 and 24, 2019 for Planning Department staff and various Board members to attend. Mark Ashness, P.E. was present to walk the property with staff and Board members and discuss the project. Areas of the property viewed were the wetlands and intermittent stream, and center line of the proposed road alignment. Pictures of the site visit can be viewed on the Planning Department webpage at [www.chathamnc.org/planning](http://www.chathamnc.org/planning), Rezoning and Subdivision Cases, 2019.

**Plan Chatham Evaluation:**

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. This property is located in an area identified as village center and rural on the Future Land Use and Conservation Plan Map. The bulk of the proposed project is rural and the description includes rural low density development, single homes on large lots, public open space, greenway trails, agriculture, home-base/small businesses, and two-lane roads. Folkner Branch is designed for single family homes with a minimum lot size of 2 acres and maximum of 9.96 acres. 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 recommends granting approval of the road name Folkner Branch Lane and Pinewind Court and granting approval of subdivision First Plat for **Folkner Branch Subdivision** with the following conditions:

1. The Final Plat shall show the acreage/square feet of the stream/feature, total usable acres, and total acres including buffer on Lots 1-12, 14-23, 31, 37-40.
2. The Final Plat shall show the cul-de-sac with a 40' radius, edge of pavement.
3. The Final Plat shall show the riparian buffer widths.
4. 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.