

PLANNING & ZONING REVIEW NOTES

V. A.

SUBJECT:

Request by Eric Schwartz on behalf of Landco Realty for a **revision to roadway status for Windham, Phase I to change from a county standard private road to a state maintained public road** and for sketch design approval of **“Windham, Phase II”**, consisting of 22 lots on approximately 123 acres, located off North Pea Ridge road, S. R. 1700, New Hope Township.

ATTACHMENTS:

1. Major subdivision application.
2. ArcView map, parcel #'s 17532 and 17539
3. Plat Slide 97-310, Windham, Phase I
4. Letter from Marty C. Tillman, NCDOT County Maintenance Engineer, dated 11/5/97, regarding Windham, Phase I, roadway.
5. Letter from Eric Schwartz to staff and Planning Board, dated 7/7/05 regarding Windham, Phase I roadway.
6. Soil Scientist report and maps
7. Sketch design map entitled “Windham, Phase II”, prepared by Stout Surveying Services, dated July 11, 2005.
8. Map showing River Corridor and WS-IV Protected areas on property.
9. Map showing approximate location of Duke Forest Haw River Levees and Bluffs natural area on property.

INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS:

See major subdivision application and sketch design map for background information.

1997: County Commissioner approved Windham, Phase I, consisting of 10 lots accessed by a county standard private road.

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS:

The first issue for review is a request to change the status of the existing road in Windham, Phase I from a county standard roadway to a public, state maintained roadway. Per the developer, although Windham, Phase I was approved with a county standard private road, and recorded as such in Plat Slide 97-310, the road was actually reviewed by NCDOT and constructed as a state maintained, public roadway. Per attachment # 4, it is now the intention of the Windham Homeowners Association to dedicate the existing right-of-way to NCDOT. Attachment # 3, dated November 5, 1997, states that the roadway was constructed to the NCDOT “Subdivision Roads – Minimum Construction Standards”. The developer has furnished to staff copies of eight (8) signed ‘Petitions for Road Addition’ from the

existing homeowners as required by NCDOT. If this request is approved, the developer plans to record a new map in the Office of the Register of Deeds showing the road as public and the public road will then be extended to serve proposed Windham, Phase II.

The proposed Windham, Phase II property consists of two tracts of land, parcels 17532 and 17539. Both tracts have split zoning districts and watershed districts, i.e. RA-5 and RA-40 zoning districts and River Corridor and WSIV-Critical Area water shed districts. The sketch design map shows the division line between these districts. See attachments # 2 and # 6. The property is proposed to be subdivided into 22 lots to be accessed by a state maintained, public road. Lots 19, 29, and 32 are to be accessed by a 30-foot wide private easement off the public road. Lots within the RA-5 zoning district / River Corridor watershed district meet the required 3 acre minimum / 5 acre average lot size. Several creeks cross the property and are shown on the map with the required 50-foot to 100-foot water hazard setbacks. The creek shown crossing lots 15, 17, 19, and 20 does not show up on the USGS topo map, but does exist on the ground, and has been buffered by the developer. The subdivision regulations and watershed ordinance both require creeks shown on the USGS topo maps to be buffered and they also have language such as "or as determined by local government studies." The development property lies partially within the natural area named Duke Forest Haw River Levees and Bluffs as shown on the attached map. This is the same natural area of the Williams Pond Planned Unit Development south of Bynum. The location of the natural area within the Windham property is being protected by the stream buffers referenced above. The Planning Department staff met with Anna Smith, with the North Carolina Wildlife Resources Commission to discuss the potential impact of the development on the natural area and an eagle nest that is on private property in proximity of the subject properties. Young were not raised in the nest this past nesting season. Staff has provided the developer with information about the significance of the eagle nest including guidelines for protection. Ms. Smith consulted with staff in the Natural Heritage Program and others about these issues. Due to a number of factors, including the buffering of the drainage areas and the low-density development, it is her opinion that the proposed development will not have significant impact on the natural area. The impact on eagle activity cannot be determined.

Each lot will have an individual well and septic system and repair area. Attachment # 5 is a soils report and map on the two tracts prepared by Karl Shaffer, Shaffer Soil Services. The report states that there are sufficient soils to accommodate the lot design. Thomas Boyce, Environmental Health Specialist has reviewed the reports and maps and found them adequate for sketch design.

RECOMMENDATION: The Planning Department recommends approval of the request to change the roadway in Windham, Phase I from a county standard, private road to a state maintained, public road and recommends granting approval of the sketch design as submitted.