



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
11-20-06

PART A

Subject: Request by Polk Sullivan, LLC on behalf of Worth Durham Banner for subdivision sketch design approval of **“Banner Tract, (Shively Phase 3)”**, consisting of 40 lots on 234 acres, located off SR-1520, Old Graham Road, Hadley Township.

Action Requested: See Recommendations.

Attachments: See List of Attachments – last page

Submitted By:

Keith Megginson, Planning Director

Date

County Manager Review:

Charlie Horne, County Manager

Date

This abstract requires review by:

County Attorney

Date Reviewed

Finance Officer

Date Reviewed

Budget Officer

Date Reviewed

PART B

Re: Banner Tract, (Shively Phase 3)

Introduction / Background / Previous Board Actions:

See major subdivision application, supplemental information, and sketch design map for background information. As stated in the supplemental information, The Banner tract is to be reviewed as Phase 3 of the Shively Tract. See previous notes on Shively #2. The property is within a RA-5 zoning district and a River Corridor watershed district.

Issues for Further Discussion and Analysis: The developer is requesting sketch design approval of 40 lots to be accessed by a paved, private road to be designed and constructed to the NCDOT hilly standards. The private access easement shown near the southern portion of the property is Rock Rest Road, which continues on to access other properties including 'Paces Mill Settlement'. This roadway will remain unchanged.

Potable water will be supplied by Aqua North Carolina, a utility company licensed by the North Carolina Utilities Commission. See attachment #'s 5 & 6. The developer has stated in the supplemental information that the lots are suitable for individual wastewater systems. A soil evaluation along with a soil map (see sketch plan) has been provided to verify adequate soil conditions. Thomas Boyce, Chatham County Soil Specialist, has reviewed the evaluation and soil map and found them adequate for sketch design. The developer; however, has requested he be allowed the option to connect the subdivision to the wastewater treatment facility at Chapel Ridge.

As stated previously in the Shively # 2 notes, the Subdivision Regulations, Section 6.4 © (1) states in part " Lots that have frontage along the rivers of the county shall have a minimum land area of five acres of which three acres shall be outside the 100 year flood plain area and the water hazard setback area". All the Banner river front lots meet this requirement.

As stated in the Shively # 2 notes, the developer has provided staff with a Fiscal Impact Analysis of the Shively: Phases 1, 2, and 3, prepared for Community Properties, Inc. and Polk-Sullivan, LLC. The Executive Summary states "Shively: Phases 1, 2 and 3 will increase the Chatham County residential real estate tax base by \$42 million. As outlined in the accompanying tables, the Shively: Phases 1, 2, and 3 will have a positive net fiscal impact on the Chatham County government and the Chatham County School Board." The entire analysis can be found on the county web site at www.co.chatham.nc.us - Planning – Rezoning and Subdivision Cases – 2006 – Shively # 2.

The letter from Mark Ashness, CE Group, Inc titled "Phasing of Various Projects on Old Graham Road with Regards to Infrastructure"(previously provided in the Shively # 2 notes), discusses how the various projects along Old Graham Road are interdependent in regard to infrastructure. The Subdivision Regulations, Section 4.2 (B) (4) states in part "This time limit on the validity of sketch design approval shall not apply for Planned Unit Developments, also referred to as Planned Residential Developments, and subdivisions of more than 50 lots." Shively #1, consisting of 12 lots - Shively # 2, consisting of 4 lots - and Shively # 3, consisting of 40 lots, for a total 56 lots. A development schedule has been provided by the developer for the Shively 1, 2, and 3 subdivision proposals. See attachment # 7.

Re: Banner Tract, (Shively Phase 3)

Issues for Further Discussion and Analysis – con't

Historical report- The applicant has provided a letter from S&EC that addresses a search of files at the NC State Historic Preservation Office. They have also provided an 82-page report from Scott Seibel with Environmental Services, Inc., which discusses archaeological reconnaissance survey and intensive archaeological survey of the Banner tract. This is a report of archaeological fieldwork done on the property at the applicant's request. This type information is not required to be submitted for a sketch design review, but, is being provided by the applicant as additional information. The letter from S&EC and the Environmental Services report may be found on line under the Banner request on the Planning site of the County web page.

Environmental report- The applicant has provided a report by S&EC which describes files search and field survey of the property for habitats and species of US and NC endangered, threatened, special concern and significantly rare plants and animals. The report may be found on line under the Banner request. Staff does not recommend an environmental assessment be provided at preliminary review although it is recommended below that additional field surveys be conducted for specific species during appropriate times when they are most likely to be identified.

At the November 6th Planning Board meeting several adjoining property owners and others addressed the Board with their concerns. Many of the concerns were the same as expressed in the Bluffs and Shively requests as follows: inaccurate information submitted in the S&EC historical and environmental reports; inaccurate reporting of protected species on or near the property; need for the developer to provide an environmental impact assessment; development schedule allowing preliminary plat review to be presented too far in the future (2011); and cumulative effect of development along the Haw River. See attachment # 5 found as an attachment for The Bluffs titled "Review of Environmental Documents submitted to Chatham County for the Shively Tract, Banner and The Bluffs", prepared by Allison E. Weakley, Biologist, dated November 6, 2006 and attachment # 8 listed in the Shively # 2 request. Mr. Jack Brooks spoke with concerns regarding run off from the Banner land onto his property and potential effect on a culvert under Rock Rest Road becoming clogged due to this potential runoff.

Jennifer Andrews, attorney for the applicant, addressed the Board to respond to the concerns expressed above. Mrs. Andrews stated that the project meets the zoning requirements of a 3 acre minimum / 5 acre average lot size; that the developer had provided extensive additional information that was not required for a sketch design; and that the development schedule was due to the interdependent infrastructure completion of the various projects along Old Graham Road as discussed in attachment # 8, listed above; and that due to the large lot design of the subdivision that no environmental impact assessment was warranted.

Recommendation: The Planning Department and Planning Board recommend granting sketch design approval of "The Banner Tract" with the following condition:

1. It is the staff recommendation that field surveys be conducted for the following plants and animals during the times when they are most likely to be identified and if found the applicant is to consider modification of the preliminary plans to minimize adverse impacts to the population: Harperella, Buttercup Phacelia, Carolina Ladle Crayfish, Four-Toed Salamander, and Sweet Pinesap. During preliminary review the applicant is to report the findings of the surveys and what plan revisions were considered or implemented, if any.

Re: Banner Tract, (Shively Phase 3)

Attachments:

1. Major subdivision application and supplemental information provided by Jennifer Andrews, Attorney-at-Law.
2. ArcView map, parcel #10970
3. Letter from Kathy Smith, Polk-Sullivan, LLC to Jane Pyle, Chatham County Historical Association, dated October 9, 2006.
4. Letter from Jane Pyle to Kathy Smith, dated October 15, 2006.
5. Letter from David Monroe, Town of Pittsboro Planning Director, dated October 16, 2006, regarding water availability.
6. Letter from Michael J. Myers, Aqua North Carolina, dated October 5, 2006.
7. Soil/Site Evaluation on Banner Tract, prepared by S&EC, dated September 28, 2006.
8. Letter from Mark Ashness, CE Group, Inc., dated October 31, 2006 regarding Phasing of Various Projects on Old Graham Road with regards to Infrastructure. (previously provided in Shively # 2 notes)
9. Sketch design map, titled "Banner Property", prepared by Absolute Land Surveying and Mapping, P.C., dated October 16, 2006.