



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
11-20-06

PART A

Subject:

Request by Community Properties, Inc. for subdivision sketch design approval of “**Shively, # 2**”, consisting of four (4) lots, on 22 acres, located off SR-1520, Old Graham Road, Hadley Township and a revision to “**Shivley, # 1**”.

Action Requested:

See Recommendations.

Attachments:

1. Major subdivision application.
2. ArcView map, parcel #66355
3. Supplemental Information to Subdivision Application prepared by Jennifer Andrews, Attorney-at-Law
4. Letter from David Monroe, Town of Pittsboro Planning Director, dated October 16, 2006, regarding water availability.
5. Letter from Michael J. Myers, Aqua North Carolina, dated October 5, 2006.
6. Letter from Thomas L. Fonville, Community Properties, Inc to Jane Pyle, Chatham County Historical Association., dated October 9, 2006.
7. Letter from Mark Ashness, CE Group, Inc., dated October 31, 2006 regarding Phasing of Various Projects on Old Graham Road with regards to Infrastructure.
8. Letter to the Planning Board from Judith & David Peterson, dated November 6, 2006.
9. Sketch design map titled “Shively # 2”, prepared by Absolute Land Surveying and Mapping, P.C., dated October 16, 2006.

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: Shively #2 and revision to Shively #1

Introduction / Background / Previous Board Actions: See major subdivision application, supplemental information (attachment # 3), and sketch design map for background information. On August 21, 2006, The Board of County Commissioners approved a sketch design plan for Shively Tract, consisting of 12 lots on 68 acres accessed by the paved private roadway serving The Bluffs. 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 of Shively #2 and revision of Shively # 1. Attachment # 3 addresses the revisions to Shively #1, i.e. extension of the roadway from Shively # 1 to # 2, slight revision to lot layout and lot acreage of Shively 1 to accommodate the road extension, and approval of a development schedule for the combined projects Shively 1, 2, and 3 (Banner). Lots within the three phases (56) will have a three (3) acre minimum with a five (5) acre average as required by the zoning ordinance, watershed ordinance, and private road standards. A portion of the property is subject to the 100 year flood plain as shown on the sketch plan.

Shively #2 consists of four (4) lots to be served by the private, paved roadway, constructed to NCDOT standards. Lots within the River Corridor watershed district are required to maintain a 100 foot wide water hazard buffer, measured from the bank of the creek landward, on either side of all perennial and intermittently flowing streams. The buffer shown on the Shively # 2 map is a 50 foot wide buffer. This will be corrected on the preliminary map.

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”. The river front lots, 13 and 14, both meet this requirement. Staff requested the surveyor recalculate Lot 13, due to the stream buffer increase. Lot 13 will have 3.5 acres outside the 100 year flood plain and water hazard buffer area.

Aqua North Carolina, a utility company licensed by the NC Utilities Commission, will provide potable water to the project from the Town of Pittsboro Water system. Aqua will also treat the wastewater at the Buck Mountain Water Reclamation Facility located in Chapel Ridge. See attachments 4 and 5.

Per a letter from Thomas L. Fonville, Community Properties to Jane Pyle, Chatham County Historical Association, attachment # 6, there are no additional historical structures on the Shively # 2 property.

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 applicant has provided several reports from S&EC concerning environmental aspects of the

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Issues for Further Discussion and Analysis – con't

property which may be found on line. Shively #2 consists of four lots on about 22 acres and Shively #1 (which has sketch approval and is the connection to #2) consists of 12 lots on approximately 68 acres, being a total of 16 lots on about 90 acres. Due to the information provided by the applicant staff does not recommend an environmental assessment at the time of preliminary submittal. A cultural resource reconnaissance survey was conducted by Scott Seibel with Environmental Services for the entire Shively tract and posted for the Shively #1 review previously.

Attachment # 7, Phasing of Various Projects on Old Graham Road with Regards to Infrastructure, prepared by Mark Ashness, CE Group, Inc., 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.

At the November 6th Planning Board meeting several adjoining property owners and others addressed the Board with their concerns including: inaccurate information submitted in the S&EC historical and environmental reports including, historical structure on Shively # 2, (a rock outcropping - - millstone area), not being reported; 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 above.

Jennifer Andrews, attorney for the applicant, addressed the Board to respond to the concerns expressed above. Mrs. Andrews, stated that Mr. Scott Siebel, with S&EC, had made a return visit to the Shively # 2 property to examine the rock outcropping / millstone area and had found the area not to be historically significant; that the development schedule was due to the interdependent infrastructure completion of the various projects along Old Graham Road as discussed in attachment # 7, listed above; and that due to the large lot design of the subdivision and recent timbering of the subject property, that no environmental impact assessment was warranted.

Recommendation: The Planning Department and Planning Board recommend granting sketch design approval of “**Shively # 2 and a revision to “Shively, # 1”**” with the following condition:

1. The water hazard buffer along the stream shall be shown as a 100 foot wide buffer along both sides of the stream on the preliminary and final plats with useable area of Lot # 13 shown correctly.