



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
11-20-06

PART A

Subject:

Request by MacGregor Development Company on behalf of Over Jordan, LLC for subdivision preliminary design approval of **“Westfall, Phase 1A, 1B, and 1C”** (formerly Booth Mountain), consisting of 94 lots on 160 acres, located off SR-1721, Lystra Road, and SR-1717, Jack Bennett Road, Williams Township

Action Requested:

See Recommendations.

Attachments:

1. Major subdivision application.
2. ArcView map, parcel #'s 18931 and 20092
3. Letter from Nicolas P. Robinson, Attorney-at-Law, dated October 16, 2006.
4. E-mail from Mark Ashness, CE Group, Inc. dated October 13, 2006 regarding road design changes.
5. Environmental Status Report for Booth Mountain Property prepared by S&EC, dated June 23, 2006.
6. Letter report; Archaeological Assessment of the Booth Mountain Development Tract, prepared by David Jenkins, Senior Archaeologist, Brockington.
7. Westfall (Booth Mountain) Preliminary Plat Request – Phases 1A, 1B, and 1C – Comments for the Chatham County Planning Board and Staff, prepared by Allison Weakley, dated November 6th, 2006.
8. Preliminary map titled “Westfall (FKA “Booth Mountain”), Phase 1A, 1B, and 1C”, prepared by CE Group, Inc., dated October 13, 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: Westfall, Phase 1A, 1B, and 1C

Introduction / Background / Previous Board Actions: See major subdivision application and preliminary plat for background information.

January 18, 2005: County Commissioner approval of a request by MacGregor Development Co. for a Conditional Use Permit within the existing RA-40 zoning district for a Planned Residential Development [**Booth Mountain**], for 180 lots, on 294 acres, off S. R. 1721 (Lystra Church Road) and S. R. 1717 (Jack Bennett Road), Williams Township. A copy of the Resolution Approving a Conditional Use Permit with related conditions can be found on the county web site at www.co.chatham.nc.us - Planning- Rezoning and Subdivision Cases – Miscellaneous Prior to 2005 – Booth Mountain.

April 17, 2006: County Commissioner approval of a request by Nick Robinson, Attorney, on behalf of MacGregor Development Company for a **revision to the existing “Booth Mountain Planned Unit Development” to relocate the amenity area**. The agenda abstract notes for this issue can be found on the Planning Department web page –2006- Booth Mountain.

County water is available. Wastewater will be treated by an on-site wastewater treatment plant.

Issues for Further Discussion and Analysis: Sketch design approval was granted by the Board of County Commissioners on January 18, 2005 along with the zoning approval for a conditional use permit for a cluster development. The developer is currently requesting subdivision preliminary plat approval on a portion of the development, Phases 1A, 1B, and 1C. The zoning conditions which apply to Phases 1A, 1B, and 1C are addressed in attachment # 3. Condition # 11 of zoning approval required the name of the development be changed prior to preliminary plat review to avoid a duplication of an existing subdivision name. The name has been changed to Westfall and has been approved by the Chatham County Emergency Operations office.

The roadways in the Westfall Crossing, Phase 1B, (shown as Neighborhood Section on the sketch plan) and Westfall Village, Phase 1C (shown as Village Section on the sketch plan) were proposed to be public, state maintained roads. The developer is requesting that these roads be allowed to be ungated, paved, private roads built to NCDOT standards for Local Residential Subdivision roads. Attachments # 3 and #4 address the need for this modification. The request seems reasonable.

Condition #7 of zoning approval required that prior to any land clearing; an additional plant survey was to be completed in the spring. It is the staff opinion that Attachment # 5, Environmental Status Report for Booth Mountain Property satisfies this condition. The Executive Summary of the report states “There are four federally listed in Chatham County, NC, none of which were observed onsite during the field survey. Of the thirty-three state listed species in Chatham County, none were observed on the property.” The section titled “Protected Species” states “After the survey of the property and examination of the plant and animal communities no listed species were bound within the property boundaries. It was concluded that the required habitat for the terrestrial species that are listed as threatened or endangered in Chatham County does not exist. These are the Bald Eagle, Red-cockaded Woodpecker, Cape Fear Shiner, and Harperella. There is possible

Re: *Westfall, Phase 1A, 1B, and 1C*

Issues for Further Discussion and Analysis – con't

habitat for several state sensitive species: Four-toed Salamander, Piedmont Horsebalm, Buttercup Phacelia, Large Witch-alder, and Sweet Pinesap.”.....”Conclusion – No federally protected species were found on the property during the evaluation. Based on site observations it is unlikely that the development of this tract will have a negative impact on populations of endangered and/or threatened species known to occur in Chatham County provided threatened and endangered species are not encountered during the additional recommended surveys.” The quote refers to “additional recommended surveys”. Staff has received a report from S&EC of such a survey done in October 2006 and it is posted on line under the Westfall heading. Please review the entire report found in your packets and/or posted to the Planning Department web page.

Condition # 9 of zoning approval required a preliminary field reconnaissance archaeological survey of the subject property. Staff thinks attachment # 6 satisfies condition # 9. A copy of the report is also posted to the Planning Department web page.

Agency reviews required for subdivision preliminary review have been received as follows:

NCDWQ	Wastewater Treatment and Reclaimed Water Utilization System	March 24, 2005
NCDWQ	Pressure Sewer Extension Phases 1A, 1B, 1C	
NCDOT	Commercial Driveway Permits	
	SR-1721	October 26, 2006
	SR-1717	October 26, 2006
	SR-1717	October 26, 2006
Chatham County Health Dept – Erosion Control	Erosion Control Permit	August 30, 2006
Soil & Environmental Consultants, PA	Letter of Notification of Statutory Status	August 31, 2006
NCDWQ	401 Water Quality Permit	October 20, 2006
Chatham County Public Works	Water Plan Approval	Sept. 06, 2006
NCDWQ	Authorization to Construct Water System Management Plan	Sept. 08, 2006

Copies of the above listed permits can be found on the county web page at www.co.chatham.nc.us - Planning- 2006 – Westfall, Phases 1A, 1B, 1C.

The Chatham County Emergency Operations Office has approved the road names *Herndon Creek Way, Timber Creek Path, Millers Gap Court, Wood Laurel Lane, Farnleigh Drive,*

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Issues for Further Discussion and Analysis – con't

Westfall Way, Beech Slope Court, Herndon Ridge Court, Raven Ridge Court, Eagles Watch Lane, Leatherwood Lane, and Lystra Ridge Road. The road name Beech Slope Court is misspelled on the map as 'Beach'. This will be corrected on the final plat.

Per a letter dated October 10, 2006, from Nicolas P. Robinson to Dr. Ann Y. Hart, Chatham County Schools, plans of the development with a request for any comments was forwarded to the school system. Staff has not received any comments from the school system. The school system owns land adjacent to this development, which was purchased as a potential site for a high school.

Staff recommends the following be added or changed on the final plat:

- Road name "Beach Slope Court" be changed to "Beech Slope Court"
- Use of area shown between Lots 112 and 113 be labeled.

During the November 6 Planning Board meeting, a nearby property owner, Allison Weakley, a biologist, addressed the Board with concerns including the following: width of the stream buffer, S&EC environmental reports, street lighting, placement of groundwater monitoring well required by NCDWQ in the non-disturb buffer, trail easement, phasing of entire project, etc. See attachment # 7.

Staff checked the original Booth Mountain application and zoning conditions regarding the required stream buffers. The original application showed 100 foot wide (both sides of creek for a 200 foot total) water hazard buffers along Herndon Creek versus the required 50 foot wide buffers required by the Chatham County Watershed Ordinance. No additional condition was placed on the zoning approval regarding stream buffers. Patrick Bradshaw, Attorney-at-Law, representing the applicant, responded to Ms. Weakley's concerns. The conditional use permit requires the development comply with the draft lighting ordinance; the groundwater monitoring well, according to Planning Board members, may be installed with little land disturbance and does not require vehicular access after installation; and the trail easement access will be shown at final approval.

Recommendation: The Planning Department and Planning Board (by a vote of eight in favor and one abstention) recommend granting approval of the road names *Herndon Creek Way, Timber Creek Path, Millers Gap Court, Wood Laurel Lane, Farnleigh Drive, Westfall Way, Beech Slope Court, Herndon Ridge Court, Raven Ridge Court, Eagles Watch Lane, Leatherwood Lane, and Lystra Ridge Road* and granting approval of the request to change the road status in Westfall Crossing, Phase 1B and Westfall Village , Phase 1C from public, state maintained roads to ungated, paved, private roads built to NCDOT standards for Local Residential Subdivision roads, and granting preliminary approval of "**Westfall, Phase 1A, 1B, and 1C**" with following two conditions:

1. Staff recommends the following be added or changed on the final plat:
 - Road name "Beach Slope Court" be changed to "Beech Slope Court"
 - Use of area shown between Lots 112 and 113 be labeled.

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Recommendation – con't

2. The applicant shall have additional surveys performed for the listed species during the time said species is most likely to be identified, prior to ground disturbing activities in the potential habitat area. Carolina Ladle Crayfish, Four-Toed Salamander, and Large Witchalder and Sweet Pine Sap. A report of said findings shall be provided to the Planning Department and if said species are found the applicant shall work with the North Carolina Botanical Gardens or similar organization to relocate and/or protect said species. Methods considered shall be reported to the Planning Department prior to ground disturbing activities in the habitat area.