

PLANNING & ZONING REVIEW NOTES

III. B. 4.

SUBJECT: Request by Community Properties on behalf of Chatham Partners, LLC and Roanoke Investments, LLC for subdivision preliminary design approval of “**Creekside**”, consisting of 30 lots on 162 acres, located off SR-1520, Old Graham Road, Hadley Township.

ATTACHMENTS:

1. Major subdivision application.
2. ArcView map, parcel #82017
3. Letter dated October 16, 2006 from Nicholas P. Robinson, Attorney-at-Law
4. Preliminary plat titled “Creekside”, prepared by CE Group, Inc., dated October 12, 2006.

INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS:

See major subdivision application and preliminary map for background information. The Board first reviewed this project for sketch design under the name of “Womble Subdivision”. The property was a portion of the larger 202-acre Womble tract located on both the east and west sides of Old Graham Road. The western portion has been incorporated into Chapel Ridge, Phase 3, leaving the remaining eastern portion, approximately 162 acres, now under review.

The property is zoned RA-5 and has a watershed designation of WSIV-PA. The private utility company, Aqua North Carolina, will provide the lots with potable water and wastewater service. Lot sizes meet the RA-5 criteria of a three (3) acre minimum with a five (5) acre average.

December 13, 2004: The Board of County Commissioners approved a sketch design plan for 56 lots on approximately 202 acres with a public, state maintained roadway. As stated above, a portion of this approval was on the west side of Old Graham Road.

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS: Other agency reviews have been received as follows:

NCDOT	Road Plan Approval	Sept. 28, 2006
NCDOT	Commercial Driveway Permit	Sept 21, 2006
Chatham County Health Dept.	Erosion Control Permit	Aug 23, 2006
Erosion Control		
*U.S. Army Corps Of Engineers	Soil & Environmental Consultants, P. A. Notification of Statutory Status of Request for NWP # 12 and 39	Oct 17, 2006
NCDWQ	401 Water Quality Certification	Oct. 20, 2006

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Chatham County Public Works Dept.	Water Plan Approval	Aug. 15, 2006
NCDENR	Authorization to Construct Water System	Sept 5, 2006
NCDENR	Authorization to Construct Water Main Extension	Sept 8, 2006
NCDWQ	Pressure Sewer Extension	Oct. 26,2006

Copies of the above listed permits along with other documentation can be found on the Planning Department web page at www.co.chatham.nc.us under Creekside.

*Per the Subdivision Regulations, Section 4.4 B (5) Step 13, Procedure for Major Subdivision, “Failure of the U. S. army Corps of Engineers to respond within thirty (30) days of an appropriate request to said agency shall not prohibit the subdivision application from proceeding through the county review 4.4 B. Procedure for Major Subdivisions procedures.”

The roadways are proposed to be public, state maintained as approved at the sketch design review. Access has been designated for future public right-of-way to the landlocked property of Ruth Hunt Merritt, 236 acres.

The Chatham County Emergency Operations Office has approved the road names *Brook Green Lane, Ridgeline Court, and Clear Springs Court*. The Subdivision name “Creekside” is a duplication of an existing name within the Pittsboro jurisdiction and is not allowed to be duplicated. The developer is aware of this and will select another subdivision name prior to final plat submittal. The developer is also aware that a fee of \$500.00 is required when a subdivision name is changed after preliminary review.

Nick Robinson, Attorney-at-Law, has notified the Chatham County School system of this proposed subdivision and requested that he be contacted with any comments or concerns that the school system may have.

The preliminary map shows a proposed pump station located on a lot adjacent to Old Graham Road. Staff considers this to be a permitted use as listed in Section 10.1 A, Permitted Uses in an RA-5 zoning district, i.e. “Accessory uses and structures clearly incidental to a permitted use” The lot will be numbered and labeled as a utility lot on the final plat.

Dry Creek is the northern boundary of the project. The 100-year flood plain area as taken from the most recent Chatham County Flood Insurance Rate Maps, dated July 13, 2005 is shown on the preliminary map. Flood elevations for each lot subject to the 100-year flood will be shown on the final plat. Condition # 1 of sketch plan approval has been met. A 50-foot wide water hazard buffer measured from the bank of the creek landward is

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shown along Dry Creek and also along the tributaries as required by the Watershed Protection Ordinance for a WSIV-Protected Area district. A jurisdictional wetland area is also shown within lots 3, 4, and 5, and Lot 13. No buffers are required along wetland areas.

As stated in the introductory section, Aqua North Carolina (Heater Utilities), a private utility company, will provide potable water within the development. Staff has been provided a letter from David Monroe, Town of Pittsboro Planner, dated October 13, 2006 stating “that the Town of Pittsboro will supply Heater Utilities, Inc. with water to serve a maximum of 2110 dwellings units.....” Creekside (fka Womble), 31 units, is included in the number. A copy of this letter can be viewed on the Planning Department web page. Condition # 2 of sketch design approval required the water lines to meet the standards specified for Chapel Ridge. This condition has since been removed. Aqua will also treat the wastewater at their Buck Mountain Water Reclamation Facility.

Condition # 3 of sketch design approval stated, “Prior to ground disturbing activities the developer shall have a preliminary reconnaissance archaeological survey performed by a qualified archaeologist. The results of the survey shall be provided prior to ground disturbing activities. If significant sites are located, they shall be documented prior to ground disturbing activities in the area or concern” Said review was conducted by Brockington and Associates, Inc. on February 8, 2005. The report dated March 2, 2005 states in part “We observed five rock walls in the northeastern portion of the project tract. All five walls are located on the banks of Dry Creek, and measure approximately 20 – 40 feet in length. All are between two and three feet high. We observed old roadbeds at two of the rock walls. Structural remains are not located at or near any of the rock walls. The walls most likely were built to keep Dry Creek from spilling over into the road(s). The rock walls are not archaeologically significant, and no further work is required. A Phase I archaeological resources survey at the Womble Tract is not warranted due to its low archaeological resource potential. Archaeological resources clearance for the proposed construction is recommended.” This report can be viewed on the Planning Department web page. Per an e-mail dated April 5, 2005 from Keith Megginson, County Planning Director to Kathy Smith, condition # 3 has been satisfied.

A development schedule was presented and approved during sketch design review.

RECOMMENDATION: The Planning Department recommends granting preliminary plat approval of “Creekside” with following two (2) conditions:

1. The subdivision name “Creekside” shall be changed to a name which does not duplicate an existing subdivision / road, etc. name on the final plat.
2. The pump station lot shall be numbered and labeled as to its intended use on the final plat.