

PLANNING & ZONING REVIEW NOTES

III. B. 3.

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.

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. Preliminary map titled “Westfall (FKA “Booth Mountain”), Phase 1A, 1B, and 1C”, prepared by CE Group, Inc., dated October 13, 2006.

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.

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

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. 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 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." Please review the entire report found in your packets and/or posted to the Planning Department web page. Staff thinks this condition has been satisfied.

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.

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

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS – con't

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, 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.
- The easement for a trail from the Village area to the school site as required in condition # 8 of zoning approval shall be shown on the final plat.

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

RECOMMENDATION: The Planning Department recommends 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 condition:

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.
 - The easement for a trail from the Village area to the school site as required in condition # 8 of zoning approval shall be shown on the final plat.