

PLANNING & ZONING REVIEW NOTES

VI. A.

SUBJECT: Request by L. E. D., LLC for subdivision sketch and preliminary design approval of “**Windham, Phase II**”, consisting of 23 lots on approximately 123 acres, located off S. R. 1700, N. Pea Ridge Road, New Hope Township.

ATTACHMENTS:

1. Major subdivision application.
2. ArcView map, parcel #'s 17539 & 17532
3. Soil Scientist report and map.
4. Sketch / preliminary plat entitled “Windham, Phase II”, prepared by Stout Surveying Services, dated April 10, 2006.

INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS:

See major subdivision application and sketch/preliminary plat for background information.

August 15, 2005: County Commissioner sketch design approval of Windham, Phase II, consisting of 22 lots on approximately 123 acres.

The six (6) month time limit to obtain preliminary plat approval has expired; therefore, the sketch design request has expired.

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS: The Chatham County Subdivision Regulations states in part in Section 4.2 (B) (4) “Approval of a sketch design shall be valid for a period of six (6) months following the date of sketch approval by the Board of County Commissioners. There shall be no extension of sketch design approval”. Sketch design expired on January 18, 2006 due to delays encountered in the request to NCDOT for road plan approval and US Army Corp of Engineers for a creek crossing permit. The applicant is currently reapplying for sketch design approval and applying for preliminary review and approval.

The roadway serving Windham, Phase I was approved to be changed from a county standard private road to a public roadway by the Board of County Commissioners on August 15, 2005. The roadway serving the majority of Phase II will be an extension of the public roadway currently serving Phase I. A roadway built to the Chatham County private road standards will serve Lots 30, 31, 32 and 33. These four lots will maintain a five acre average as required for a private roadway. This sketch/preliminary map shows Lots 30 and 33 being accessed by a private easement off the private road which is not allowed by the Subdivision Regulations. The final plat will be changed to show Lots 30 and 33 to have a minimum of 30 feet of ownership on the county standard private roadway.

The proposed Windham, Phase II property consists of two tracts of land, parcels 17532 and 17539. Both tracts have split zoning districts and watershed districts, i.e. RA-5 and RA-40 zoning districts and River Corridor and WSIV-Critical Area watershed districts. See attachments # 2. The property is proposed to be subdivided into 23 lots. Lots within the RA-5 zoning district / River Corridor watershed district meet the required 3 acre

minimum / 5 acre average lot size. Several creeks cross the property and are shown on the map with the required 50-foot to 100-foot water hazard setbacks. The creek shown crossing lots 15, 17, 19, and 20 does not show up on the USGS topo map, but does exist on the ground, and has been buffered by the developer. The subdivision regulations and watershed ordinance both require creeks shown on the USGS topo maps to be buffered and they also have language such as “or as determined by local government studies.” The development property lies partially within the natural area named Duke Forest Haw River Levees and Bluffs. This is the same natural area of the Williams Pond Planned Unit Development south of Bynum. The location of the natural area within the Windham property is being protected by the stream buffers referenced above. A ten (10) foot wide walking trail easement (private) has been provided to the Haw Slopes Natural Area along the common boundary lines of Lots 24 and 25. The Planning Department staff met with Anna Smith, with the North Carolina Wildlife Resources Commission to discuss the potential impact of the development on the natural area and an eagle nest that had been used in previous years located on private property in proximity of the subject properties. Young were not raised in the nest in past nesting seasons. The nest was destroyed by inclement weather and this year the eagles have nested in another location away from the development property. Staff has provided the developer with information about the significance of the eagle nest including guidelines for protection. Ms. Smith consulted with staff in the Natural Heritage Program and others about these issues. Due to a number of factors, including the buffering of the drainage areas and the low-density development, it is her opinion that the proposed development will not have significant impact on the natural area.

Agency reviews have been received as follows:

NCDOT	Road Plan Approval	April 11, 2006
U. S. Army Corps of Engineers	Creek Crossing Permit	March 7, 2006
NCDWQ	401 Creek Crossing Permit	April 7, 2006
Chatham County Environmental Health Erosion Control Section	Erosion Control Permit	March 28, 2006

The Chatham County Emergency Operations office has approved the road names *Seven Island Road and Hatley Falls Rd.*

The lots will be served by individual wells and septic systems and repair areas. A soil scientist report was prepared by Karl Shaffer, L. S. S., in July, 2005. See attachment # 3. The developer is currently working with the Chatham County Health Department, Environmental Health Division, for a lot to lot evaluation. Per Thomas Boyce, Chatham County Soil Specialist, all lots have been evaluated and found adequate for septic systems and repair areas. Final septic improvement permits will be issued prior to final plat submittal.

Re: Windham, Phase II

RECOMMENDATION: The Planning Department recommends granting approval of the road names Seven Island Road and Hatley Falls Rd. and granting sketch and preliminary design approval with the following condition:

1. The final plat shall be changed to show a minimum of 30 feet of ownership for Lots 30 and 33 on Hatley Falls Road.