



**CHATHAM COUNTY  
BOARD OF COMMISSIONERS  
AGENDA ABSTRACT**

**ITEM NUMBER:**  
**MEETING DATE:**  
8-21-06

**PART A**

**Subject:**

Request by Community Properties for subdivision sketch design review of **“Shively Tract”**, consisting of 12 lots on 68 acres, located off Old Graham Road, SR-1520, Hadley Township.

**Action Requested:**

See Recommendations.

**Attachments:**

1. Major subdivision application.
2. ArcView map, parcel #'s 10926 and 66355
3. Copy of composite map showing The Bluffs along with Shively and Mountain View tracts.
4. Letter from the Town of Pittsboro dated July 11, 2006 regarding water availability.
5. Letter from Aqua North Carolina regarding water and sewer service.
6. Comments from Anna H. Smith, WRC Urban Biologist, NC Wildlife Resources Commission
7. E-mail from Dolores Hall, dated Monday, July 31, 2006.
8. Letter dated August 1, 2006, from J. Dickson Phillips, III, Attorney –at-Law
9. Sketch design map prepared by Absolute Land Surveying and Mapping, P. C., dated August 2, 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 Tract**

### **Introduction / Background / Previous Board Actions:**

See major subdivision application and sketch design map for background information.

### **Issues for Further Discussion and Analysis:**

The applicant / developer is requesting sketch design approval of 12 lots to be accessed by the private roadway proposed to serve The Bluffs. Although accessed by the road serving The Bluffs, the subject property is a separate subdivision. See attachment # 3 for property location. The Board of County Commissioners granted sketch design approval of The Bluffs on 5/15/06 for 112 lots. Private roads serving 24 or less lots may be graveled. Per the Subdivision Regulation Section 6.2, Rural Roads, D (3) (K), "all roads which will provide direct or indirect access to twenty-five (25) or more subdivision lots shall be designed to meet N. C. Division of Highways' standards for subdivision roads, and travel ways shall be constructed to said standards." All roadways within the project (Bluffs and Shively) will be private, designed and constructed to meet the N. C. Division of Highways hilly standards.

The property lies within an RA-5 zoning district and a River Corridor watershed district. The lots meet the 3 acre minimum / 5 acre average lot size as required. There is floodable area along the Haw River as shown on the sketch plan. Lots along the river are a minimum of five (5) acres with at least three (3) acres outside of the flood area. An access easement is shown from the end of the cul-de-sac to the river to provide pedestrian access. Water hazard buffer areas, 100 foot from the bank of the stream landward, as required by the Watershed Protection Ordinance are designated on the sketch map.

Water will be supplied by Aqua North Carolina pursuant to a water agreement with the Town of Pittsboro. See attachment # 4. Wastewater treatment will also be provided by Aqua North Carolina through the wastewater treatment facility at Chapel Ridge. See attachment 5.

Anna Smith, Urban Biologist, NC Wildlife Resources Commission, has assisted staff in reviewing the Natural Heritage Program information regarding the biology and cultural resources that may impact the property. Based on her comments, staff does not think further environmental assessment is necessary. See attachment # 6.

Concerns were raised by adjoining property owners, Tom Marriott and Alice Yeaman, regarding date of submittal of the application not meeting the 23 day requirement, insufficient time to review the submittal, their property boundary line not shown correctly on the plat, need for an environmental impact statement, additional archeological sites on the property, missing information on the original sketch design map, i.e. names of adjoining property owners, stream buffers, wetland location, additional stream not shown on map, etc., and revision of original map. Mr. Marriott submitted a letter dated August 1, 2006 from J. Dickson Phillips, III, Attorney-at-Law, with Lewis, Anderson, Phillips, Greene & Hinkle, PLLC, regarding their concerns. See attachment # 8.

Mr. Marriott requested the Board deny the request. See attachment # 8.

The Planning Department staff addressed some of the concerns raised by the adjacent property owners. The Planning Department calendar of meetings and submittal deadlines is posted on the department page of the County web site. Said calendar shows Monday July 10 as the submittal deadline for the August 1 meeting. Said date is 23 days if July 10 and August 1 are counted. The date is set for the Monday because the 23 days not counting the beginning or last day would be Sunday and the office is not open on Sunday. The submittal deadline is not posted as the Friday before the weekend so the applicants will have the weekend to prepare the application and no Planning Department review time is lost since we would not be reviewing the proposals during the weekend. The Subdivision Regulations address dates of submittal to the Planning Department and time requirements for mailing notice to adjacent land owners but there are no requirements in state law concerning either. Notice of the proposed subdivision was sent to all adjoining property owners within the time requirements specified in the Chatham County Subdivision Regulations (not less than 14 days prior to the meeting), along with a copy of the original site plan showing the roadway, lot layout and other information. The Planning Department staff advised the Planning Board that the regulations gives them 65 days to make a recommendation to the Board of Commissioners. At the time of sketch design submittal, the Subdivision Regulations requires "the names and addresses of adjacent property owners according to the county tax records, which may be listed on a separate page from the plat." Although the Subdivision Regulations does require names and addresses of adjacent property owners be submitted at sketch and preliminary review, as stated above, they can be on a separate page. Staff thought that in order to provide for a more through review by the Board and the public, it would be beneficial to have the adjacent property owners shown on the map and requested the surveyor revise the map to show this information along with better detail on stream buffers and flood area. The road and lot layout did not change. The revised map was received by staff on July 24<sup>th</sup> and posted to the web site on August 1<sup>st</sup>.

David Gainey, with Soil and Environmental Consultants, addressed the wetlands concern. He stated that some areas of wetlands had been preliminarily identified on site and that those areas would be shown on the preliminary plat. Charles Eliason, Surveyor, for the developer, stated that the additional stream referred to by the adjacent property owners, was not shown on the USGS topo map and that a more thorough review would be made to determine if this potential stream should be buffered.

Staff received a report from the developer on July 31st entitled "Cultural Resources Reconnaissance Survey, Shively Tract" prepared by Scott Siebel, RPA, with Environmental Service, Inc.. The report was dated April 2006. Refer to the county website at [www.co.chatham.nc.us](http://www.co.chatham.nc.us) Planning page, Shively Tract, to review this report. Per the report, two sites were identified, a "prehistoric isolated artifact find which did not appear to have likely archaeological significance," and an "historic home site which due to the deteriorated condition of the structures as well as the fact that the site does not appear to have likely archaeological significance, it is recommended that no additional archaeological work be conducted at this site. It is further recommended in said report that development on the uplands of the Shively Tract be allowed to proceed as planned without concern for impacts to sites with likely archaeological significance." An e-mail also dated July 31 from Dolores Hall, Deputy State Archaeologist, Office of State Archaeology, states in part "I agree with Scott's assessment of the 2 sites and concur that no additional archaeological work is warranted." See attachment # 7.

Mr. Siebel was at the Planning Board meeting and stated that floodable area of the property was not reviewed for his report since development would not be occurring in that area, and that based

on his field visit, he thought it unlikely that other sites of significance would be present especially if those sites had been disturbed by timbering or farming operations in the past. He stated that NC department of Cultural Resources regulations did not require on site review of the property and that the developer had voluntarily had the report prepared.

Based on concerns raised at the Planning Board meeting from the adjoining property owners regarding the incorrect location of their boundary line, a revised map has been posted to the web site to show this correction only. The sequence of maps submitted for this request is available on the Planning page of the County web site.

**Recommendation:** The Planning Department and Planning Board recommend granting sketch design approval of “Shively Tract” as submitted.