



**CHATHAM COUNTY  
BOARD OF COMMISSIONERS  
AGENDA ABSTRACT**

**ITEM NUMBER:**  
**MEETING DATE:**  
9-18-06

**PART A**

**Subject:**

Request by Bass, Nixon & Kennedy, Inc. on behalf of Roy Mashburn, Jr. for subdivision preliminary approval of “**Shadow Creek**”, (formerly Yates Subdivision) consisting of 24 lots on 76 acres, located off SR-1740, Lewter Shop Road, New Hope Township.

**Action Requested:**

See Recommendations.

**Attachments:**

1. Major subdivision application.
2. Vicinity map.
3. ArcView map, parcel 19999
4. Preliminary map titled “Shadow Creek”, prepared by Bass, Nixon & Kennedy, Inc., dated 7/25/06

**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

### Introduction / Background / Previous Board Actions:

See major subdivision application and preliminary plat for background information, i.e. zoning, road surface, water system, sewer system, and flood. A copy of the sketch design notes (formally known as Yates Subdivision) can be found on the Planning Department web site. The property is located in the Joint Chatham/Cary Planning Area. The vicinity map, attachment # 2, shows the property location off SR-1740, Lewter Shop Road.

Previous Board actions are as follows:

*May 15, 2006:* County Commissioner sketch design approval of Yates Subdivision consisting of 24 lots, located off SR-1740, Lewter Shop Road.

**Issues for Further Discussion and Analysis:** Agency reviews required for preliminary review have been received as follows:

NCDOT*	Commercial Driveway Permit	June 22, 2006
NCDOT	Road Plan Approval	August 7, 2006
CHATHAM COUNTY	Erosion Control Plan	August 14, 2006

Copies of the above listed permits can be found at the county web site at [www.co.chatham.nc.us](http://www.co.chatham.nc.us) – Planning page – Rezoning and Subdivision Cases – 2006 – Shadow Creek

\*Staff has received documentation from Jessie Knight with NCDOT, that no sight triangles are required at the intersection of the proposed entrance with Lewter Shop Road due to limited property ownership and good sight visibility along Lewter Shop Road.

The Chatham County Emergency Operations Office has approved the road names **Shadow Creek Drive, Cypress Bend Drive, and Rock Creek Drive.**

The preliminary map shows an area marked ‘reserved by owner’ (see map inset). The Subdivision Regulations, Section 6.2 © (3) does not allow reserve strips to be created. The map also states that the 60’ Public access provided to the Kanoy property is ‘reserved by owner’. Staff has informed the applicant that these statements should be removed from the final plat along with the setback lines for structures shown on each lot. The applicant has already made these changes and provided staff with a revised electronic map copy, which is posted to the web site along with the original copy.

A preliminary soil scientist report and map have been provided for review. Thomas Boyce, Chatham County Soil Specialist, has reviewed the report and map and found them adequate for preliminary plat review. Lot # 14 is not to be approved as a building lot at this time and is shown as ‘reserved by owner’ on the preliminary map. The developer has stated that if no soils can be found to accommodate a county or state type septic system, the lot will be designated as common area or the lot will be split and added to the adjacent lots. This will be determined prior to final plat submittal.

*Re: Shadow Creek*

**Issues for Further Discussion and Analysis – con't**

The property is located within a WSIV-Protected Watershed District, which requires a 50-foot wide water hazard area to be designated along perennial and intermittent creeks and streams. The developer has chosen to provide a 100-foot wide water hazard buffer along a portion of Pitt Creek, which is shown as the eastern property boundary of Lots 16 – 20 and along a creek and pond within Lots 2 and 3. The creek within Lots 21 –24 has the required 50-foot wide water hazard buffer. Wetland areas within Lots 6, 9, 15, and 20 are not required to be buffered. See attachment # 3 for stream locations.

**Recommendation:** The Planning Department and Planning Board recommend granting approval of the road names Shadow Creek Drive, Cypress Bend Drive, and Rock Creek Drive and approval of the preliminary plat with the following conditions:

1. The 'reserved by owner' strip of land shown on the map inset shall be removed from the final plat.
2. The access shown to the Kanoy property shall be labeled as a 60' wide Public Dedication of Right-of-Way.
3. Roads shall be labeled as 'public' on the final plat.