



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
1-16-07

PART A

Subject: Request by Dornoch Group for subdivision sketch design approval of **“Lystra Road Subdivision”**, consisting of 90 lots on 144 acres, located off SR-1721, Lystra Road, Williams Township

Action Requested: See Recommendations.

- Attachments:**
1. Copy of Planning Department staff notes and attachments from 12-5-06 Planning Board meeting.
 2. Letter from Karen M. Kemerait, Blanchard, Jenkins, Miller, Lewis & Styers, P. A., Attorneys-at-Law, dated December 21, 2006.
 3. Memorandum from Dr. Linda F. Carnes-McNaughton, Archaeologist, Cultural Resources, Fort Bragg to Jane Pyle, Chatham County Historical Association.
 4. Subsurface soils maps and information submitted by Jenny Deloach at the 1-2-07 Planning Board meeting.
 5. Revised sketch map.

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: Lystra Road Subdivision

Introduction / Background / Previous Board Actions:

Please refer to December 5, 2006 application, attachments, and staff notes for background information. The Planning Board tabled this issue at their December 5, 2006 meeting to allow the developer time to respond to comments / concerns heard at the meeting. Attachments 2, 3, 4 and 5, were provided prior to or at the 1-2-06 Planning Board meeting. Attachment # 5, revised sketch map, dated 12-27-06, was provided to reflect changes the developer is making based on comments from the 12-5-06 Planning Board meeting.

Issues for Further Discussion and Analysis:

Issues of concern expressed at the December 5th, 2006 Planning Board meeting included: whether the traffic analysis was conducted during the time school was in session and did it include other approved developments in the area, increased traffic and safety along Lystra Road, development within the Herndon Creek Ravine Natural Area, need for increased buffers along the ravine area, density, wetland areas, need for an environmental impact assessment, cul-de-sacs placed too close to the ravine area, and rock piles located on the property. Attachment # 1 is a written explanation of the changes and other efforts by the applicant to address concerns expressed at the December 5th Planning Board meeting. Additional information may also be provided by the developer at the January 2 meeting.

At the January 2, 2007 Planning Board meeting, Karen Kemerait, with Blanchard, Jenkins, Miller, Lewis & Styers, P. A., Attorneys-at-Law, addressed the Board on behalf of the applicant. Ms. Kemerait stated that the original Traffic Impact Analysis prepared for the same property but a different developer and different plan consisting of a cluster development with 140 lots and a waste water treatment plant, was dated May, 2006. A copy of this report can be found on the Planning Department web page under Rezoning and Subdivision Cases, 2006, Lystra Road Property. Per this report, Section 6.1, page 11, the field work was performed March 28, 2006. Per the report "Traffic Survey Services, Inc. collected turning movement counts at the intersection of US 15-501 and Jack Bennett on March 28, 2006". A Planning Board member asked what hours of the day the study was conducted. Ms. Kemerait stated that the study was conducted between the hours of 7:00 and 9:00 a.m. and 4:00 to 6:00 p.m., that the study was conducted on a day school was in session, (March 28, 2006) and that the study did include recently approved projects Chatham Downs, Williams Corner, Booth Mountain (Westfall), and Briar Chapel. Since this is a subdivision issue and not a zoning issue, a traffic impact analysis is not required to be submitted by the applicant. Prior to subdivision preliminary review, the North Carolina Department of Transportation will review the driveway locations, additional traffic generated by the proposed development, and other factors to determine whether improvements to Lystra Road will be required to be completed, i.e. turn lanes.

Attachment # 2 and the revised sketch map, also addresses changes to the site plan the applicant is making based on comments heard at the 12-5-06 Planning Board meeting. These changes include amending the original site plan to keep development outside of the Natural Heritage Area where possible and still maintain the number of lots desired. See attachment # 2 for specifics on changes.

Re: Lystra Road Subdivision

Issues for Further Discussion and Analysis – con't

Attachment # 3, summaries a visit to the subject property on December 24, 2006, by Dr. Linda F. Carnes-McNaughton, Archaeologist, Jane Pyle, Chatham County Historical Association, and others regarding the features of the land (rock piles) and to investigate whether or not there were any historical structures / features located on the property. Per the report Ms. Carnes-McNaughton states “I suggest these rocks were being hauled out by way of a mule-driven wagon or sled, and sold perhaps to builders for houses, walls, or other architectural purposes.”..... “The location best suited for human habitation, at least from the areas we saw, is the loose grove of large trees immediately SW of the SW corner of the Hallman tract, near the old spring. This area should be further examined for house remains or other outbuilding related to early farmsteading.” Please refer to the report in it’s entirety, attachment # 3. or found on the Planning Department web page. Since this is a subdivision issue and not a zoning issue, conditions can not be placed on the project based on said report.

Several property owners in the general area including Gretchen Smith, Jenny Deloach, Allison Weakley, Jo Mar Miller, and Cosima Long addressed the Board with concerns including questions regarding the traffic study, wetlands, development within Herndon Creek Ravine Natural Area, soil scientist report, development on steep slopes, and affect of development on adjacent properties. Mr. Jim Beason, Soil Scientist with Soil and Environmental Consultants (S & EC), stated that the differences in the original soil report done for the previous developer was due to the first report being conducted based on the property having a waste water treatment plant with surface spray irrigation and the current report being conducted based on individual sub-surface waste water systems for the majority of the lots. He stated that the reports, although done on the same tract of land, were reviewed based on two completely different wastewater systems. Kevin Martin, licensed soil scientist and professional wetland scientist, with S&EC, addressed the Planning Board about the work of the company on the property and the professional qualifications for making soils and wetlands determinations. The soil scientist with the Environmental Health Section of the County Health Department has reviewed the soils information provided and found it adequate for sketch phase review. Additional information is required at preliminary and final subdivision review and the Health Department is required to approve each individual lot prior to final plat approval.

Recommendation: The Planning Department and Planning Board (with a vote of 7 for; 2 against and 1 abstention) recommend granting sketch design approval with the changes shown on the revised sketch plan with the following condition:

1. Note # 16 be changed on the preliminary and final plats to read, “No septic systems shall be located within 100 feet of Herndon Creek. No structures shall be located within 200 feet of Herndon Creek.