

PLANNING & ZONING REVIEW NOTES

VI. A.

SUBJECT: Request by Coffey Grounds of Chapel Hill, Inc. for subdivision preliminary approval of “**Horizon**”, consisting of 62 lots on 103 acres, located off SR-1525, Hamlets Chapel Road, Baldwin Township.

ACTION REQUESTED: See Recommendation.

ATTACHMENTS: The following may be viewed on the Planning Department website at www.chathamnc.org under Planning, Rezoning & Subdivision Cases, 2007.

1. Major subdivision application.
2. ArcView map, parcel #'s 2040, 2039, 1840, and 2878
3. Cover letter dated August 10, 2007 from Mike Shachtman, Coffey Grounds of Chapel Hill, Inc.
4. E-mail from Mike Shachtman dated Sept 18, 2007 in regard to meeting with Buck Branch property owners to discuss potential joint entrance location.
5. Letter dated September 11, 2007 from Paul G. Joyce, Assistant Superintendent.
6. E-mail from Paul G. Joyce, Assistant School Superintendent, regarding requirements for buses in developments.
7. Preliminary map titled “Horizon”, prepared by Van R. Finch, dated July 11, 2006, Revised August 10, 2007.

INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS:

Zoning: RA-40 Water System: Public / Chatham County
Watershed: WSIV-Protected Area Sewer System: Private
Subject to 100 year flood plain: No

The Board of County Commissioners approved a sketch design on September 18, 2006 consisting of 66 lots on 103 acres.

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS: The developer is requesting subdivision preliminary plat approval for 62 lots to be accessed by a state maintained, public roadway. The number of lots has been reduced from 66 to 62 due to increased stream buffers, creation of a community recreation area, etc. Other agency approvals as required by the Chatham County Subdivision Regulations for preliminary plat approval have been received as follows:

Chatham County	Erosion Control Permit Phase 1	Sept 7, 2007
Chatham County	Erosion Control Permit with Modifications – Phase 2	Sept 7, 2007

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NCDOT	Commercial Driveway Permit	Oct. 25, 2006
NCDOT	Road Plan Approval Phases I and II	August 10, 2007
CHATHAM COUNTY	Water Plan Approval	July 23, 2007
NCDWQ	Authorization to Construct Water System	August 2, 2007
NCDWQ	401 Water Quality Certification and Isolated Wetlands Permit	July 24, 2007

A copy of the above permits can be found on the Planning Department web site. Per Jim Willis, Chatham County Erosion Control Inspector, Phase II has an erosion control plan approval but required some minor modifications. No work is to commence in the Phase II area until the modifications have been approved.

An application was made to the US Army Corps of Engineers on June 21, 2006 for a 404 creek crossing permit. As of this date, the applicant has not received a 404 permit. The Subdivision Regulations state in Section 4.4 B (5) “When the development improvements may involve the placement of excavated material or fill material into streams, creeks, lakes, or wetland, the subdivider is responsible for contacting the U.S. Army Corps of Engineers for a determination of whether a permit is required. A permit or a letter indicating no permit is required shall be provided twenty-three (23) days prior to the meeting of preliminary plat review. *Failure of the U.S. Army Corps of Engineers to respond within thirty (30) days of an appropriate request t said agency shall not prohibit the subdivision application from proceeding through the county review*”.

Lauren Cobb with NCDENR – DWQ made a site visit on May 18, 2007 to do an Intermittent/Perennial Stream Determination. A copy of the report dated May 21, 2007 can be viewed on the Planning Department web site. The developer has provided 100 foot water hazard setbacks / vegetative stream buffers per side along the perennial streams, 50 foot along the intermittent streams and 20 foot buffers around all wetland areas. Per the surveyor all lots have 40,000 square feet minimum useable area outside the state road right-of-way and water hazard buffers. See note # 8 on preliminary plat.

Lots will be served by county water and individual on site wastewater systems. A copy of the soil reports and maps prepared by Shaffer Soil Services has been provided to Thomas Boyce, Chatham County Environmental Health Specialist, for review. Mr. Boyce has found the reports and maps to be adequate for preliminary review. A copy of the reports and maps can be found on the Planning Department web site. Prior to final plat submittal, a lot by lot review will be performed by a Chatham County Environmental Health Specialist. Based on this on-site review, some revisions to lot lines may be required and/or lots may be eliminated.

The Chatham County Emergency Operations Office has approved the road names ‘Horizon Drive’, ‘Coley Court’, and ‘Brookhaven Way’.

The developer notified Dr. Ann Hart, Superintendent of Chatham County Schools on August 6, 2007 that the subdivision proposal was being submitted for preliminary plat review. Paul G. Joyce, Assistant Superintendent, sent a response letter dated September 11, 2007. Both letters can be viewed on the Planning Department web site. One issue of

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concern raised by Mr. Joyce was the need for a bus pick-up location for any bus riders living in the development. Staff has forward this request to Reuben Blakley, District Engineer with NCDOT, for review since the roadways within the development are to be built to NCDOT standards and maintained by DOT. Mr. Blakley stated that a bus pick-up location would be required to be off the state road right-of-way, on private property. If he chooses, the developer may provide a bus pick-up location on a portion of his private property and show the location on the final plat. Per NCDOT, bus pull over areas are discouraged because they tend to confuse drivers as to whether they should stop for the bus as they are required. Staff spoke with Mr. Joyce regarding the issues of concern raised in his letter. See attachment # 6. Mr. Joyce stated that in developments with private roads, the school system requires one central location for bus pick-up. In developments with public, NCDOT roads, the school busses will go into these developments and are required to pick up every .2 of a mile, but that their preference is to have one central location for pick-up if possible. Mr. Joyce also said that the school transportation engineer had reviewed the cul-de-sac radius requirements for Chatham County and that they were sufficient for the buses to negotiate the turn radius of the cul-de-sacs. Chatham County requirements currently exceed NCDOT requirements.

There were four (4) conditions of sketch design approval as follows:

- 1) The developer shall explore the possibility of creating a common access to be shared by this project and the existing Buck Branch Road residents. *The developer has met with the adjoining Buck Branch Road residents to discuss the possibility of creating a joint entrance. Per the developer, in the past discussions with the adjoining property owners, some of the residents were not in favor of the proposal, therefore, the preliminary plat was submitted with the entrances remaining separate. See attachment # 4. Discussions at the end of last week were more favorable, and the possibility now exists that a joint entrance may work out. If so, the main entrance to Horizon will remain the same and a private easement would be provided by the developer to the Buck Branch homeowners in the vicinity of proposed Lot # 3, across from the loop of Horizon Drive. See map in attachment # 4. This should not change the NCDOT commercial driveway permit nor road plan approval already received by the developer. A revision to the erosion control permit would be required for the creation of the private easement. Lot lines for Lots 2, 3, and 4 would be revised to accommodate the new private easement. The developer would like to proceed ahead with the preliminary review and approval of the plat as submitted and if the joint entrance materializes, show this change on the final plat. Staff thinks that a legal document with the Buck Branch property owner's signatures agreeing to the abandonment of the specified portion of their existing easement should be received prior to review of the final plat along with any revised permits.*
- 2) A 60' wide dedication of public right-of-way shall be shown on the preliminary and final maps to the adjoining property of Stella W. Gattis. Staff recommends the right-of-way be located parallel to Road # 4, if possible. *This condition has been met. See preliminary plat.*

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- 3) Utility easements shall be shown on the preliminary and final maps to the Stella W. Gattis property and to a Buck Branch property owner. Location and width of the utility easements shall be as required by the Chatham County Public Works Department. *This condition has been met. See preliminary plat.*
- 4) Lighting within the development shall comply with the Chatham County Draft Lighting Ordinance. *This condition will be met.*

RECOMMENDATION: *The plat displays the necessary information and meets the requirements of the Subdivision Regulations with the final approvals of other agencies.*

The Planning Department recommends granting approval of the road names 'Horizon Drive', 'Coley Court', and 'Brookhaven Way' and recommends granting preliminary plat approval with the following two (2) conditions:

1. No work is to commence in the Phase II area until the required erosion control modifications have been met and approved by Chatham County Erosion Control.
2. A determination shall be made in regard to a joint entrance between Horizon Subdivision and Buck Branch property owners and shown on the final plat with legal documentation provided regarding the abandonment of that specific portion of the easement.