



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
11-19-07

PART A

Subject:

Request by Dan Sullivan on behalf of Contentnea Creek, Co. for subdivision preliminary approval of **“Cooper Subdivision, Phase 1”**, consisting of ten (10) lots, on approximately 23 acres, located off SR-1714, Hatley Road, New Hope Township with revisions to the balance of the existing sketch design plan and approval of a development schedule.

Action Requested:

See Recommendations.

Attachments:

See last page

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: Cooper Subdivision, Phase 1

Introduction / Background / Previous Board Actions:

Zoning: RA-90 Water system: Public / County
Watershed: WSIV-PA Sewer System: Private
Within 100 year flood: No

October 16, 2006: The Board of County Commissioners approved a request by Contentnea Creek Development Co. to rezone approximately 130 acres owned by Cooper Family LLC Etal, from RA-5 to RA-90 and for a Conditional Use RA-90 Permit for a 63 lot single family residential subdivision with a site plan. This approval included an overall master plan of the project and the subdivision sketch design approval. See attachment # 3 for approval letter and zoning conditions.

Issues for Further Discussion and Analysis:

The developer is requesting preliminary design approval of “Cooper Subdivision, Phase 1”, consisting of 10 lots on 23 acres to be accessed by a public, state maintained roadway. As stated above, a master plan of the project and the sketch design for 63 lots was approved as part of the above referenced zoning approval on October 16, 2006. The number of lots for the overall project has been reduced to 60. Along with preliminary approval of Phase 1, the developer would like to have a revised sketch plan approved and a revised development schedule. The revisions to the initial sketch design are due to conditions of zoning approval, specifically condition # 4 which required public right-of-way dedication to the adjacent property to the west (currently being developed as Parker Springs) and revisions to lessen the environmental impact of creek crossings, per NCDWQ and USCOE recommendations / requirements. Jennifer Burdette of Burdette Land Consulting, Inc. conducted a determination and delineation of jurisdictional and isolated wetlands and streams on the subject property on February 10th and 15th, 2006. Streams, wetlands and channels found on site were scored using the NCDWQ guidelines to determine classifications and buffers required. Attachment # 8 identifies stream classifications found on site along with the NCDWQ score sheets. See attachments 7 & 8. Ms. Burdette has met on-site with NCDWQ and USCOE. The Phase I preliminary plat also shows the developers requested sketch design revisions. Staff thinks the plan revisions are reasonable due to on-site review of streams, etc. and changes necessary to accommodate these findings, and revisions necessary to comply with zoning conditions.

The initial zoning application stated “Start and Completion Projection – Construction is anticipated to begin within 3 months of the approval of the subdivision plat, which is anticipated to be within 12 months of the approval date of the Conditional Use Permit. The streets in the subdivision will be completed within one year following commencement of construction, and final build-out of the neighborhood is anticipated to occur within 5 years.” The conditions of zoning approval did not specify a time frame for preliminary plat submittal. The request for preliminary plat review and approval for Phase I was submitted on October 12, 2007 with the balance of the project requested to be submitted in two additional phases, i.e. Phase II consisting of 24 lots to be submitted for preliminary plat review by July 2008 and Phase III consisting of 26 lots to be submitted for preliminary plat review by October 2008. The entire project is projected to be completed by May, 2009. See attachment # 4. Based on the requested revised

Re: Cooper Subdivision, Phase 1

Issues for Further Discussion and Analysis – con't

development schedule, the overall build-out of the project will be completed earlier than originally projected. Per John Harris, PE, the request for additional time to present preliminary plats is due to road design changes per zoning requirements and time required to obtain U. S. Army Corp of Engineers and NCDWQ creek crossing permits. Staff thinks the requested revised development schedule is reasonable.

Attachment # 6 are comments received from Jacquelyn Wallace, Urban Biologist with the NC Wildlife Resources Commission, dated October 23, 2007 regarding the project. Mrs. Wallace recommends *“that no built structures (other than boardwalks, trails, or other passive recreational structures) be placed within the boundaries of the Significant Natural Heritage Area (SNHAs) and “the applicant document the SNHA boundaries on all plats (preliminary and subsequent plats) as well as on all subdivision applications” and “the applicant follow conservation subdivision design principles in this development. Application of conservation subdivision design would involve: Clustering the homes as much as possible outside of the heritage area (SNHA) and permanently protecting the most environmentally valuable 50% of the site as open space”.* The applicant has an approved development plan obtained through the conditional use permit process that did not require the area located within the Significant Natural Heritage Area boundary to be left undeveloped. If the county requires these areas to be reserved as undeveloped natural areas, a plan and process for purchase by the county of such property would be necessary. The county currently does not have such a plan. The approximate boundaries of the SNHA area can be shown on the preliminary plats but since this boundary is subject to change and is not a surveyed boundary that can be established in the field, it is not appropriate to be shown on a final, recordable plat.

Mrs. Wallace also recommended *“that a qualified environmental professional conduct an environmental impact assessment for this development to identify 1) negative impacts this development will have on the SNHA, and 2) strategies the applicant could take to avoid, minimize, and mitigate for these impacts”.* The county currently does not have the necessary threshold criteria established to require an environmental impact assessment, but can discuss this topic with the applicant at the Planning Board meeting.

The applicant has provided the necessary agency reviews as required by the Chatham County Subdivision Regulations for a preliminary plat submittal as follows:

NCDWQ	* Water System Approval Authorization to Construct / Phase I	October 5, 2007
NCDOT	* * Road Plan Approval / Phase I	October 9, 2007
NCDOT	Commercial Driveway Permit	October 1, 2007
Chatham County	Erosion Control Permit / Phase I	October 9, 2007

Copies of these permits can be viewed on the Planning Department web site.

Re: Cooper Subdivision, Phase I

Issues for Further Discussion and Analysis – con't

1. The water line is being extended in the Phase I construction from the east (Windfall Creek Subdivision) westward along Hatley Road to the Cooper Subdivision. Utility easements to the adjoining property to the west of the subject property (currently being developed as Parker Springs) and to the north (Corn property) will be provided in Phases II and III. The extension of water lines from the east will eventually provide a loop line to existing Montrerrane Subdivision and allow for increased water pressure within Montrerrane.

** As part of their zoning application, the developer stated that they would upgrade the balance of Hatley road (currently privately maintained) from the Cooper Subdivision to Windfall Creek to NCDOT standards. The zoning conditions did not require this portion of Hatley Road to be upgraded. In discussions with property owners along this private portion of Hatley road, the developer has agreed to upgrade to roadway to NCDOT standards as part of the Phase I construction. See attachments 9 & 10. The developer will need to provide staff with the road plan approval for this section from NCDOT prior to start of construction. The road plan approval for Phase I did not include the private section of Hatley Road. The developer currently has rights to upgrade the roadway and install the public water lines by way of an Easement Document recorded in Deed Book 532, Page 456.

The Chatham County Emergency Operations office has approved the road names *Current Lane, Cool Breeze Lane, Billowing Way, Restless Winds Way, and Windchime Way.*

Attachment # 5 is the Preliminary soil/site evaluation and map on 130 acre Cooper Tract, prepared by Central Carolina Soil Consulting, PLLC, dated February 9, 2006. Per the report, Lot 4 will require an off-site septic easement with all other Phase I lots having on-site individual sewerage treatments systems. Thomas Boyce, Chatham County Environmental Health Specialist, has reviewed this report and map and found it adequate for preliminary plat review.

Conditions of zoning approval that apply to Phase I have been met. See attachment # 3 for a complete list of conditions. Future phases II and III will also continue to meet all required conditions.

Two property owners on Hatley Road, Linda Johnson and Doug Brown, spoke in favor of the development and stated that they appreciated the developer's willingness to work with the neighbors and listen to their concerns during the development process.

Recommendation: The Planning Department and Planning Board (by a vote of 6-1-2) recommend granting the request for a revised sketch design plan, the revised development schedule, the road names *Current Lane, Cool Breeze Lane, Billowing Way, Restless Winds Way, and Windchime Way* and recommends granting preliminary plat approval of **Cooper Subdivision, Phase I** as submitted with the following condition:

1. Upgrade of Hatley Road to NCDOT standards from Cooper subdivision to Windfall Creek shall not commence until staff has received a copy of the Road Plan Approval from NCDOT.

Re: Cooper Subdivision
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. Cover letter dated October 12, 2007 from John W. Harris, P. E.
3. Copy of zoning approval letter and conditions of zoning approval, dated October 17, 2006.
4. Development Schedule
5. Preliminary soil/site evaluation and map on 130 acre Cooper Tract, prepared by Central Carolina Soil Consulting, PLLC, dated February 9, 2006.
6. Memorandum from Jacquelyn Wallace, Urban Wildlife Resources Commission, dated October 23, 2007
7. Determination and delineation of jurisdictional and isolated wetlands and streams report prepared by Burdette Land Consulting, Inc., dated February 17, 2006.
8. Map from Burdette Land Consulting identifying stream classifications and score sheets, dated October 30, 2007.
9. E-mail from Linda Johnson, dated Monday October 29, 2007 regarding position of the private Hatley Road property owners on the Cooper Development.
10. Letter dated November 1, 2007 from Jonna L. Birtcher, Vice President of Development, Contentnea Creek.
11. Preliminary plat and revised sketch plan titled "Cooper Subdivision", dated 10/16/07, prepared by John W. Harris, P. E.