

PLANNING & ZONING REVIEW NOTES

IX. F.

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**SUBJECT:** Request by Dornoch Group for subdivision sketch design approval of “Lystra Road Subdivision”, consisting of 69 lots on 144 acres, located off SR-1721, Lystra Road, Williams Township.

**ATTACHMENTS:**

1. Major subdivision application.
2. Arc View map, parcel 18756
3. Letter from Karen Kemerait, Blanchard, Jenkins, Miller, Lewis & Styers, P. A., dated February 21, 2007, regarding changes to current sketch plan.
4. Soil Scientist report and map, prepared by S & EC, dated October 23, 2006.
5. Wetland Delineation and Stream Evaluation, prepared by S & EC, dated April 14, 2006.
6. Memorandum from Jane Pyle, Chatham County Historical Association, dated November 8, 2006.
7. Sketch design map titled “Lystra Road Property”, February 9, 2007, revised 2/13/07, prepared by John R. McAdams Company, Inc.

**INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS:**

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

Previous applications and Board actions:

March 20, 2006 – Public hearing held on a zoning request for a conditional use permit for a cluster development to consist of 139 lots on 140 acres, private streets, county water, and a waste water treatment plant. Application was withdrawn by applicant, W. R. Henderson, after public hearing.

January 16, 2007: The Board of County Commissioners denied a subdivision sketch design request by Dornoch Group, for 90 lots on 144 acres, public roadways, county water, and individual wastewater treatment systems.

Information on the above submittals along with staff notes submitted to the Planning Board and Board of County Commissioners on the subdivision sketch design request can be viewed on the Planning Department web site.

**ISSUES FOR FURTHER DISCUSSION AND ANALYSIS:** The developer, Dornoch Group, has submitted a revised subdivision sketch design plan consisting of 69 lots, to be accessed by a public, state maintained roadway, county water and a mixture of individual on-site wastewater systems and community systems. The revised map is based on comments from the Planning Board, Board of County Commissioners and the public during the previous sketch design review. Attachment # 3, a letter from Karen Kemerait,

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Blanchard, Jenkins, Miller, Lewis & Styers, P. A., dated February 21, 2007, outlines the differences between the previous sketch plan, denied by the County Commissioners on January 16, 2007, on the current plan which include:

- \*less density (69 lots versus 90 lots)
- \*no lots located within the Herndon Creek Ravine Natural Area
- \*developed area moved further away from steep slopes
- \*proposed lots are located a minimum of 218 feet from Herndon Creek
- \*only one entrance is proposed for access off Lystra Road

As in the previous application, the roadways are proposed to be public, state maintained. Due to the reduced number of lots, only one entrance is proposed off Lystra Road. A private easement is proposed to serve Lots 42, 43 and possibly 36 and Lots 49, 50, 51, and 52. All lots will be accessed internally. The adjacent Durham property has been provided access to the private easement and the Hallman property has been provided access to the public roadway. During discussion of the previous sketch plan, Barbara Dickinson, an adjoining property owner, and others had requested that the proposed development be required to provide turn lane(s) due to the increased traffic volume on Lystra Road and that the speed limit should be lowered on a portion of the road. Turn lane requirements and speed limit reductions are both issues that must be addressed by NCDOT. The developer is required to submit commercial driveway permit(s) at the time of preliminary plat submittal. NCDOT will evaluate the traffic capacity of Lystra Road and the anticipated increased traffic to be generated by this project in evaluating whether turns lanes are warranted. A Duke Power Line 325 foot wide easement crosses the property. The proposed roadway crosses the easement; however, all lots are designed to be outside of the easement area.

County water is available to the property and will be utilized. The lots are proposed to either be served by an on-site wastewater system or a community wastewater system. Per the engineer, the community systems, shown as A, B and C on the sketch plan may require NC DENR approval. As the investigation of the project and the soils continues to the next stage, this may change. The homeowners association will own and maintain the community wastewater areas. Thomas Boyce has reviewed the soil scientist report and map, attachment # 4, and has advised that the report is adequate for a sketch design. Prior to submitting a request for final review and approval, Chatham County Environmental Health will perform a lot by lot evaluation to determine the suitability of each lot for an individual on-site wastewater system and/or a county approvable community septic system.

Staff review of the Natural Heritage Program data for the subject property indicated the property to potentially contain habitat for the Loggerhead Shrike, (coverage for this is countywide). A portion of the property lies within the Herndon Creek Ravine Natural Heritage Area as shown on the sketch design map. Per the Chatham County Watershed Protection Ordinance, Herndon Creek requires a 50 foot water hazard buffer from the bank of the stream landward on each side of the creek. This revised sketch plan shows the required 50 foot water hazard buffer and shows no lots within the ravine natural

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heritage area. The entire Herndon Creek Ravine Natural Heritage Area within the development as well as other open space will be owned and maintained as common, open space by the homeowners association.

Attachment # 4, is a Wetland Delineation and Stream Evaluation, prepared by S & EC, dated April 14, 2006. Streams have been buffered as shown on the sketch design map per the Chatham County Watershed Protection Ordinance. Wetlands are not required to be buffered by the Subdivision Regulations or the Watershed Protection Ordinance.

The developer / engineer has been in touch with Jane Pyle, Chatham County Historical Association. Per the developer, the property does not contain any historical structures. Ms. Pyle questioned the location of a cemetery (King Family cemetery) based on old field notes from Mr. Will Heiser, but stated that she thought the cemetery was located farther to the east off the subject property. Ms. Pyle requested that if, during the surveying / development of the property, that any cemetery or historical structures are discovered, that she be contacted. See attachment # 6. The significance of rock piles located on the property was questioned by several adjacent property owners. Dr. Linda F. Carnes-McNauthton, Archaeologist, Cultural Resources, Fort Bragg visited the property on December 24 to inspect the features located on the tract. Dr. Carnes-McNauthton reported that "In general, I would conclude that the rock piles were created by people, and thus are cultural features on the landscape, but that are not burial sites for historic or prehistoric cultural groups."

Concerns have been expressed in previous reviews regarding the development potential of this parcel of land due to natural areas, steepness, and rock/boulder outcroppings located on the property. Since subdivision is a three step process, as the developer progresses to the preliminary and final steps of the development procedure, other agencies, i.e. Chatham County Public Works, NCDENR, Chatham County Erosion Control, Chatham County Environmental Health, NCDOT, and US Army Corps of Engineers will be required to review the property and its features. In progressing through this more in-depth review from various agencies, the suitability of development will be determined. The plan as submitted meets the Subdivision Regulations requirements for sketch design.

**RECOMMENDATION:** The Planning Department recommends granting sketch design of "Lystra Road Property" with the following conditions:

1. Revise note # 16 to state that no structures or septic systems shall be located within the Herndon Creek Ravine Natural Area.
2. Prior to preliminary plat submittal, the developer shall have a determination made regarding the community septic systems as to whether they can be approved through Chatham County Health Department, Environmental Health Division or North Carolina Department of Environment and Natural Resources (NCDENR).