



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
4-16-07

PART A

Subject: Request by Community Properties, Inc. on behalf of Hilda McBane for subdivision preliminary design approval of **“The Glens”** (fka McBane Property Subdivision), consisting of 109 lots on 159 acres, located off SR-1520, Old Graham Road, Hadley Township

Action Requested: See Recommendations.

Attachments:

1. Major subdivision application.
2. ArcView map, parcel #10917
3. Letter from Michael J. Myers, Manager, Engineering and Compliance, Aqua North Carolina, Inc.
4. Letter from Dave Monroe, Pittsboro Town Planner, dated October 16, 2006.
5. Letter from Jane Pyle, Chatham County Historical Association, Inc.
6. Memorandum from Jacquelyn Presley, Urban Wildlife Biologist, North Carolina Wildlife Resources Commission.
7. E-mail, dated February 27, 2007, from Cynthia Crossen, 10 pages
8. Letter dated July 10, 2006, from David Gainey, Wetland Specialist, S&EC, 3 pages
9. E-mail dated February 27, 2007, from Elaine Chiosso, Executive Director, Haw River Assembly.
10. Minority Report submitted 3-8-07 from Barb Ford, Jim Hinkley, Del Turner, Warren Glick and Judy Sharman, Planning Board members.
11. Preliminary design plat, titled “The Glens”, prepared by Withers & Ravenel, dated 02/06/07.

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: The Glens

Introduction / Background / Previous Board Actions:

See major subdivision application and preliminary design plan for background information. This property was formally known as “McBane Subdivision”. The property is located off Old Graham Road, SR-1520, and north of Chapel Ridge Phase 3 and west of existing Rock Rest and proposed The Bluffs. The property is located in an unzoned portion of Chatham County and a watershed district of WSIV-Protected Area. The Board of County Commissioners approved a sketch design consisting of 109 lots to be accessed by a public, state maintained roadway on July 17, 2006 with the two following conditions:

1. Language on the preliminary and final plats shall be changed to read “60 foot dedication of public right-of-way” to the Cheek property.
2. A 60 foot dedication of public right-of-way shall be shown to the adjacent property of Kenneth & Cynthia Crossen.

The conditions have been met as shown on the preliminary plat

Issues for Further Discussion and Analysis:

The developer is requesting preliminary design approval of 109 lots on 159 acres. Lots are to be accessed by a public, state maintained roadway. Potable water will be supplied to the project by Aqua North Carolina, Inc. and wastewater will be collected, treated and reused at the Buck Mountain Water Reclamation Facility. See attachment # 3 and 4. Agency reviews as required by the Subdivision Regulations have been submitted as follows:

NCDENR	Authorization to Construct Water System	December 11, 2006
NCDWQ	Pressure Sewer Extension	February 2, 2007
NCDOT	Road Plan Approval	February 5, 2007
NCDOT	Encroachment Agreement	December 28, 2006
NCDOT	Encroachment Agreement	December 28, 2006
NCDOT	Commercial Driveway Permit	December 28, 2006
CHATHAM COUNTY	Erosion Control Permit	January 29, 2007

Copies of the above permits can be found on the Planning Department web page.

The Chatham County Emergency Operations Office has approved the road names “**The Glens Drive**”, “**Greenwood Court**”, “**Baywood Court**”, “**Sumter Court**”, “**Wynwood Drive**”, “**Barclay Court**”, “**Stanton Drive**”, “**Southwood Court**”, “**Weatherly Court**”, and “**Loftin Court**”.

Re: "The Glens"

Issues for Further Discussion and Analysis – con't

The developer has notified Dr. Ann Y. Hart, Superintendent, Chatham County Schools of the proposed subdivision and provided a copy of the preliminary plat.

The developer has contacted Jane Pyle, Chatham County Historical Association, regarding a structure on the property. Ms. Pyle visited the site and determined that the structure did not have historical significance. See attachment #5.

Staff has received comments from Jacquelyn Presley, Urban Wildlife Biologist, NC WRC regarding additional buffering along Dry Creek and buffering of the jurisdictional wetland. See attachment # 6. The developer has voluntarily agreed to the 100 foot buffer along Dry Creek; however, neither the Subdivision Regulations nor the Watershed Protection Ordinance currently provide for the additional buffers as recommended. The developer has chosen to provide a 10 foot wide buffer around the jurisdictional wetlands. As shown on the preliminary plan, the 100 year flood plain along Dry Creek extends beyond the required 50 foot water hazard buffer for most of the stream length.

Attachment # 7, is an e-mail from Cynthia Crossen stating concerns regarding the development. Ms. Crossen addressed the Planning Board in July during the sketch design review and requested that an Environmental Impact Assessment (EIA) be required. The Planning Board did not require an EIA as a condition of sketch design approval, which according to Section 5.2A. (1) of the Subdivision Regulations is when such a requirement would be made. Ms. Crossen also expressed concerns at that time regarding potential streams on the subject property which may require buffering. Prior to the sketch design review, the developer had Todd Tugwell of the US Army Corps of Engineers do a site inspection to make a Jurisdictional Determination on the wetland and streams on-site. Per attachment # 8, "The stream depicted on the USGS Quadrangle located in the middle of the northern portion of the site was found not to exist after a detailed wetland delineation was performed." Ms. Crossen has concern that the on-site visit was conducted during a time of dry weather and, therefore, may not have accurately reflected conditions during periods of wet weather.

During sketch design review, staff notes referenced a note on the sketch plan map which stated 'blueline stream shown on USGS Map. Feature is not jurisdictional per field review by USACE along with Soil & Environmental Consultants, P. A.'" At that time staff requested a verification letter to this effect in order for the water hazard buffer not to be required. In the staff recommendations to the Planning Board during sketch design review condition # 3 stated "Staff shall receive, prior to preliminary plat submittal, a verification letter from the U.S. Army of Corps of Engineers or Soil & Environmental Consultants regarding status of blueline stream shown on sketch map." The developer furnished to staff prior to the Commissioners meeting, a report from S & EC, (attachment # 8) stating that "The stream depicted on the USGS Quadrangle located in the middle of the northern portion of the site was found not to exist after a detailed wetland delineation was performed". Based on this report, condition # 3 was removed by the Board of County Commissioners.

During the Planning Board meeting March 6 Ms. Crossen distributed pictures taken at various drainage locations on the property March 2 and 6 , 14 hours and 96 hours respectively following a rain event.

Re: "The Glens"

Issues for Further Discussion and Analysis – con't

During the preliminary plat discussion by the Planning Board David Gainey with S & EC addressed this concern and stated that the review performed by S & EC is based on stream evaluation/classification standards of the North Carolina Division of Water Quality. He stated that the drainage areas did not score enough points on the evaluation forms to be classified as an intermittent stream, although one area was just below the threshold. He stated that the property was visited during two separate times. The Planning Board was informed that the North Carolina Division of Water Quality has staff available to do a stream classification of the drainage areas if the Board wanted an evaluation by another agency. The Planning Board did not choose to make this request.

On April 3 (after the Planning Board meeting) John Dorney with the North Carolina Division of Water Quality (DWQ) did a site review of the Crosson property and The Glens property and used the DWQ stream evaluation form to classify the drainage ways. Mr. Dorney's evaluation placed the drainage ways on The Glens in the same classification as the evaluation by S&EC. The drainage ways shown on the map between lots 60 and 57 and between lots 57 and 56 at the property line and northward on The Glens property were not classified as intermittent or perennial streams. The stream that crosses lots 54 and 55 was classified as an intermittent stream. During the Commissioners' meeting March 19 the applicant's attorney displayed a revised map and proposed to buffer the intermittent stream (between lots 54 and 55) with a 50 foot buffer on each side, buffer the wetlands shown with a 10 foot buffer, and provide a 50 foot buffer of the drainage area along lot 60 northward to the wetlands except for the road crossing and stormwater structures.

The preliminary design plan meets the requirements of the Subdivision Regulations.

Recommendation: The plat meets the requirements for preliminary approval and the Planning Board (by a vote of 6 to 5) recommends granting approval of the road names as listed above and approval of the preliminary design for "The Glens" with the following condition:

1. The final plat shall show a 100 foot stream buffer along Dry Creek.

The Planning Department recommends the preliminary plat be approved with condition one above and the following conditions as depicted on the revised map shown during the March 19 Board meeting and attached hereto:

2. The intermittent stream between lots 54 and 55 shall have a 50 foot stream buffer on each side.
3. The wetlands shown on lot 39 and vicinity shall have a 10 foot buffer.
4. The drainage area along lot 60 northward to the wetlands area and northern property line shall have 50 foot stream buffer except for the road crossing and stormwater devices.