

PLANNING & ZONING REVIEW NOTES

III. B. 1.

Below are the notes sent to the Commissioners following last month's Planning Board meeting:

SUBJECT: Request by Chatham Landholdings, LLC for sketch design approval of “**Terrell’s Ridge Subdivision**”, consisting of 106 lots, on 206 acres, located off SR-1540, Jones Ferry Road, Baldwin Township.

- ATTACHMENTS:**
1. Major subdivision application.
 2. ArcView Map, parcel’s 75479, 1432, 1375, and 1179
 3. Information from Tom Dunnigan, Chatham Landholdings, LLC regarding community septic & community well systems
 4. Soil Scientist report and map, prepared by S&EC, dated December 21, 2006.
 5. Letter to Walter & Linda Durham from Timothy A. Smith, P. E. Phillip Post & Associates, Inc., regarding access to the Durham property.
 6. Statement to Dave Philbrook, developer, from Kevin Hamak, ASLA, RLA, The John R. McAdams Company, Inc. in response to Attachment # 5.
 7. Information provided by Anne Lowry, Environmental Health Division regarding residential community subsurface septic systems.
 8. E-mail from Jane Pyle, Chatham County Historical Association.
 9. Map showing Durham Family holdings in Chatham and Orange Counties—See Planning Department web page for map.
 10. Sketch design map, prepared by The John R. McAdams, Co, Inc, dated February 9, 2007

INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS:

See major subdivision application and sketch design map for background information. The property is zoned RA-40 and is within a WSIV-Protected Area watershed.

The developer sent letters and maps to the adjacent property owners in advance of the required county notice of the Planning Board meeting in order to provide advance notice of the proposed project and to ask for comments. The Planning Board tabled this request during their March 6 meeting and made a recommendation during the April 3rd meeting.

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS:

The developer is requesting sketch design approval for 106 lots on 206 acres. The lots will be accessed by a public, state maintained roadway off SR-1540, Jones Ferry Road. Although the developer hopes, in the future, to provide an additional access within Chatham County off White Cross Road, SR-1541, he has stated that he does not have any contract or negotiations pending at this time to accomplish this second entrance. If this access can be provided in the future, the roadway will have to cross a section of Terrell’s

Creek that is subject to the 100 year flood plain. Per the Chatham County Flood Damage Prevention Ordinance, “public or private roads and bridges serving more than three (3) subdivision lots shall have a travel way a minimum height of three (3) feet above the base flood elevation.” Dedication of public right-of-way to the adjoining properties of Ripperton –20 acres, Chandler – 72 acres, and Durham – 24 acres (in Chatham) - has been provided as shown on the sketch plan. The Durham property extends into Orange County for a total acreage of approximately 300 acres. The Durham family owns additional acreage in Orange County as well. The Subdivision Regulations states in Section 6.2, B (3), “*Where necessary to provide public street access to adjoining landlocked property or connectivity to large tracts with future development potential, proposed public streets shall be extended by dedication of right-of-way to the boundary of such property. Legal documents shall be recorded assuring future public accessibility. Two of the issues to be reviewed when considering the extension of public roads are the improvement of traffic distribution to prevent unnecessary congestion and the improvement of public safety by providing increased access for law enforcement and emergency vehicles*”. In reviewing Terrell's Ridge sketch proposal prior to the developer's official submittal, staff thought that dedication of public right-of-way to adjoining properties was appropriate based on Section 6.2 B (3) stated above. The developer has shown access to the Durham property and others based on staff comments. The second access to White Smith Road, SR-1541, discussed above, was not planned by the developer to go through the Durham property as stated in attachment # 5. Mr. Durham has expressed concern to staff regarding the location of the proposed dedication of right-of-way shown on the sketch plan. Attachment # 5 discusses these concerns. Attachment # 6 is a response from the developer's engineer in regard to the proposed connection location. Staff recommends a condition of approval read as follows: “Access to the Walter & Linda Durham Property, Parcel ID #81371, shall be shown on the preliminary and final plats in a location suitable for construction of a state maintained roadway and labeled as ‘dedication of future public right-of-way’. Said access shall be available contingent upon the Durham property providing through access to White Cross Road in Orange County.” Staff's recommendation that the access be provided contingent upon

the Durham property providing through access to White Cross Road in Orange County is to provide roadway connectivity if the Durham property is developed in the future so the traffic generated by the development of the Durham property is not all directed through Terrell's Ridge, but has access to White Cross Road in Orange County also.

Per information provided by the developer, potable water for each lot will be provided by a community water supply system consisting of two wells, an at grade storage tank and supporting pumps and filters. This system must be approved and permitted and monitored through the North Carolina Department of Environment & Natural Resources / Public Water Supply Branch. The community water system would be owned and operated by a private utility company. Per the Chatham County Subdivision Regulations, lots which have public water or a community well as a source of water may have a minimum lot size of 40,000 square feet. One well exists on the property which yields approximately 55 gallons per minute. A second well will be drilled. If the second well does not produce sufficient yield, the developer has stated that he has an agreement to

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purchase an existing well from the adjacent property owner, Gloria Ripperton, which produces 65 gallons per minute. Ms. Ripperton would then be provided rights to use the well. See attachment # 3. Mr. Walter Durham, adjacent property owner has questioned the placement of the water tank next to his property.

Per the developer, approximately 36 of the lots have adequate soil to have an on-site, individual wastewater system. The other 70 lots are proposed to be served by five (5) community subsurface drip infiltration systems. See sketch plan. These type systems require both Chatham County Health Department, Environmental Health Division and NCDENR approval. The system is owned and operated by a private utility company and monitored yearly by Chatham County Environmental Health. Attachment #3, Terrell's Ridge Subdivision, Water and Wastewater System Descriptions, is information provided by the developer regarding the community well system and wastewater system. Attachment #7 is information provided by Anne Lowry, Chatham County Environmental Health Division regarding community septic systems approval process. The soil scientist report, attachment # 4 has been reviewed by Thomas Boyce, Chatham County Soil Specialist and found to be adequate for sketch design review.

The property has several creeks crossing the property. The sketch plan shows the required 50 foot wide (both sides of creek) water hazard setbacks/vegetative buffers. The developer has voluntarily agreed to provide a 100 foot water hazard setback/vegetative buffer along all creeks. The preliminary and final maps will show the increased buffer. The developer has had Monte Matthews; US Army Corps of Engineers visit the property for a preliminary review. Additional reviews and a creek crossing permit may be required prior to preliminary submittal. The western boundary of the property is Terrell's Creek which has areas subject to the 100 year flood plain. As shown on the sketch plan, a 50 foot water hazard setback has been provided along Terrell's Creek as required by the Section 6.1 B © 3 of the Subdivision Regulations. The flood plain extends outside the water hazard setback along most of the creek. Per the Chatham County Watershed Protection Ordinance, Section 304 (C), vegetative buffers are to remain in natural undisturbed vegetation in order to avoid a loss of effectiveness in protecting streams except for a few exceptions. All lots are proposed to be outside the 100 foot water hazard setback/vegetative buffer and the 100 year flood plain. These areas will be owned and maintained by the homeowners association.

Since the March 6th Planning Board notes were written, the developer has discovered a small cemetery on the property which appears to be from the 1800's. Jane Pyle was contacted and has visited the site. See attachment # 8. The cemetery will be identified on the preliminary and final plats and a pedestrian easement will be designated for access to the cemetery.

Staff sends locations of all new proposed subdivisions to Delores Hall, North Carolina Office of State Archaeology for review and comments regarding recommendations on further investigations or survey of archeological sites. Ms. Hall did not recommend any additional review of this project.

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS – con't

Subdivision of land 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 Utilities Department, NCDENR, Chatham County Erosion Control, Chatham County Environmental Health, and NCDOT will be required to review the property and its features. The plan as submitted meets the Subdivision Regulations requirements for a sketch design.

Mr. Walter Durham expressed concern to the Planning Board regarding the proposed location of the dedication of right of way to his property, the cost involved to build a roadway on a steeper slope, and the requirement to construct a public, state maintained roadway through his property to White Cross Road in order to utilize the proposed right-of-way. Other citizens expressed concern regarding the community septic systems location on steep slopes near Terrell's Creek, environmental issues regarding community septic systems, traffic safety on Jones Ferry Road, school overcrowding, and need for an environmental assessment due to slopes and Terrell's Creek.

Mr. Nick Robinson, Attorney-at-Law, representing the developers, addressed the Board and stated that the developer would agree to provide an environmental assessment at preliminary plat review and is willing to continue to negotiate with Mr. Durham for a specified length of time on the location of the dedication of right-of-way.

Board discussion followed on the various issues.

RECOMMENDATION: The Planning Board recommends granting sketch design approval of "Terrell's Ridge Subdivision" with the following condition:

1. Access to the Walter & Linda Durham Property, Parcel ID #81371, shall be shown on the preliminary and final plats in a location suitable for construction of a state maintained roadway and labeled as 'dedication of future public right-of-way'. Said access shall be available contingent upon the Durham property providing public state maintained road through access to White Cross Road in Orange County. The applicant shall negotiate with Mr. Durham about the location of the public road access.
2. An Environmental Assessment to focus on the community septic system, the community well system and a slope analysis shall be provided by the developer with the preliminary plat application.