



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
6-18-07

PART A

Subject: Request by Trenton Stewart on behalf of Brantley Powell and others for subdivision sketch design approval of **“Legend Oaks, Phase III”**, consisting of 71 lots on 124 acres, located off SR-1721, Lystra Road and US 15-501 N., Williams Township

Action Requested: See Recommendations.

- Attachments:**
1. Major subdivision application.
 2. ArcView Map, parcel #'s 18665 & 76464
 3. Composite map of Legend Oaks Phases I, II, and proposed III
 4. Soil Scientist reports prepared by Central Carolina Soil Consulting, PLLC, dated February 13, 2007 on 105 acres (3 separate parcels) and May 8, 2007 on 16 acre tract
 5. Soil map of 16 acre tract.
 6. Cemetery report prepared by Jim and Beverly Wiggins.
 7. Sketch design plan titled “Legend Oaks, Phase III”, prepared by Arcadia, Consulting Engineers, PLLC, dated May 5, 2007
 8. E-mail dated June 8, 2007 from H. Brantley Powell requesting a one month deferral of the application

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

Introduction / Background / Previous Board Actions:

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

Approvals to date:

April 18, 2005: County Commissioner sketch design approval of Bland Tract consisting of 60 lots.

April 17, 2006: County Commissioner preliminary design approval of Legend Oaks (formally Bland Tract) consisting of 63 lots.

April 17, 2007: County Commissioner final plat approval of Legend Oaks, Phase I, consisting of 31 lots.

Issues for Further Discussion and Analysis: According to attachment number 8 the applicant has requested that Board action on this request be postponed until July 16 to allow time to address questions raised by the Planning Board. The sixty day review period for the Board of Commissioners would begin on July 16 instead of June 18.

The developer is requesting sketch design approval of Phase III consisting of 71 lots and is a continuation of existing Legend Oaks Subdivision. Lot sizes range from 1 + acres to some larger 3 to 4 acre tracts. On the preliminary map, the lot numbers will be changed to be a continuation of lot numbering in existing Legend Oaks. A 25 acre tract is being retained by property owner Floy T. Oldham with access off "Street D" as shown on the sketch plan. Prior to preliminary plat submittal, the engineer will have the Chatham County Fire Marshall review the plat in regard to the temporary turnarounds at the stub-outs to adjacent properties. See attachment # 2 for a composite map of Phases I, II, and proposed Phase III. The lots are to be accessed by a continuation of existing Legend Oaks Drive from Phase Two and a new entrance off SR-1721, Lystra Road. Public road stub-outs have been shown to the adjacent property owners, Margie W. Oldham, 55 acres, Jesse O. Fearrington, Jr., 8.5 acres, and A. F. Riggsbee Heirs, 38 acres. Utility easements for potential county water line extensions will be shown on the preliminary map. The property located to the south is an existing subdivision, Lystra Estates which has access off SR-1721, Lystra Road and appears to contain 19 lots.

County water is available and will be utilized. Lots will be served by individual wastewater treatment systems. Soils on the tracts were evaluated by Central Carolina Soil Consulting, PLLC to determine the feasibility of the proposed design. Soil information is shown on the sketch design plan and attachment # 5. Thomas Boyce, Chatham County Soil Specialist, has evaluated the reports and found them adequate for sketch design. The developer is aware that upon the more thorough soil evaluation performed between sketch and preliminary review, that the number of lots may be reduced.

Staff reviews of the Natural Heritage Program for the subject property found the Loggerhead Shrike which may be found county wide. Staff notified Delores Hall, Deputy State Archaeologist-Land, Office of State Archaeology of the sketch design submittals received for the June 5th Planning Board meeting for comments or recommendations. For Legend Oaks, Phase III, Ms. Hall stated *"There are no recorded archaeological sites, but there are likely to be some Native American sites present. I doubt that any would be eligible for the National Register of Historic Places, so I don't recommend any survey"*.

Re: Legend Oaks, Phase III

Issues for Further Discussion and Analysis - con't

Only two creeks are identified by the USGS Topo maps as being located on the property. Cub Creek, a perennial creek, crosses the property along with an unnamed tributary which is also classified as a perennial creek. These two creeks have been buffered as required by the Chatham County Subdivision Regulations and the Watershed Protection Ordinance with a 50 foot water hazard / vegetative stream buffer, measured from the top of the bank landward.. The developer is aware that there may be additional creeks / streams on the property that are not shown on the USGS Topo map that may require buffers and has hired a private consultant, Jennifer Burdette, to evaluate the site, based on NCDWQ stream guidelines. If additional streams are found, the developer will show them on the preliminary and final plats and buffer them accordingly. The property is not within a 100 year flood plain area. The Chatham County

Watershed Ordinance states “buildings and other features that require grading and construction shall be set back at least ten (10) feet from the edge of the buffer.” Per Trenton Stewart, P.E., the stream, Cub Creek, has been field located and the proposed second entrance road off Lystra Road can meet the required 10 foot off-set from the stream buffer. This will be shown on the preliminary plan. All lots will have a minimum of 40,000 square feet of useable area outside of stream buffers and public road right-of-ways.

There is an old cemetery shown on the sketch plan, shown located on Lot 42. The developer has contacted the Chatham County Historical Association regarding the cemetery. The cemetery contains approximately 60 grave sites. Only four had headstones with the earliest dating from 1896. Family names on those four headstones were Riggsbee. Attachment # 6 is a report from the Jim & Bev Wiggins, with the Historical Association, regarding their observations of the cemetery. The cemetery area can not be counted as useable lot area for house site or wastewater systems. The engineer will recalculate the useable area of Lot 42 and adjust lot lines if necessary on the preliminary plan.

The Planning Board discussed the development design and concerns they had about it. Some of the issues discussed are listed as follows:

1. The secondary entrance puts additional traffic on Lystra Road.
2. There are two crossings of Cub Creek by the road in the three phases of the development.
3. There may be other streams on the property that warrant buffering.
4. The soils are not suitable for the number and arrangement of lots proposed.

Re: Legend Oaks, Phase III

Recommendation: According to attachment number 8 the applicant has asked that this request be postponed from June 18 until July 16. The time period of 60 days for Board action would begin July 16 instead of June 18.

The Planning Board recommended denial of the request by a vote of 10-0-1 for the reasons listed above. The Planning Department recommends granting sketch design of “Legend Oaks, Phase III” with the following four (4) conditions;

1. Lot numbers shall be a continuation of numbering from Legend Oaks Phase II and shall be shown on the preliminary and final maps.
2. Useable area of all lots along the creeks and the cemetery lot shall be shown on the preliminary and final maps.
3. Prior to preliminary submittal, the engineer shall meet with the Chatham County Fire Marshall to evaluate the temporary turn-around requirements for the stub-outs to adjacent properties.
4. Prior to preliminary plat submittal, the developer shall submit a stream and wetland determination, based on the NCDWQ stream guidelines and shall buffer any additional creeks/stream accordingly and shall show such on the preliminary and final plats.

