



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
6-18-07

PART A

Subject: Request by Dornoch Group for subdivision sketch design approval of “**Lystra Road Subdivision**”, consisting of 59 lots on 144 acres, located off SR-1721, Lystra Road, Williams Township.

Action Requested: See Recommendations.

Attachments: See Attachments – last page of notes

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: Lystra Road Subdivision

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 Application was withdrawn by applicant, W. R. Henderson, after public hearing.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.

March 6, 2007: The Planning Board deferred a 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 until the April 3rd meeting.

April 3, 2007: The Planning Board tabled the March 6th request until the May 1, 2007 meeting. Per minutes from the April 3rd meeting there were three specific issues noted for the developer to address at the May Planning Board meeting. The issues are listed as follows:

- stream data, i.e. some things not shown on map
- increase buffers to 100 feet on all other creeks
- identification of rock mounds

May 1, 2007: The applicant requested the issue be postponed until the June 5th Planning Board meeting and that the postponement not count in the Planning Board’s 65 day review period. The Planning Board’s 65 day review period, beginning after the official submission date of the sketch design, will expire June 14.

Issues for Further Discussion and Analysis: Staff has included in this month’s packet a copy of staff notes prepared for the May 1, 2007 Planning Board meeting, see attachment # 8. The May Planning Board packet included a revised sketch design map provided by the applicant consisting of 69 lots, to be accessed by a public, state maintained roadway with one (1) entrance into the property off SR-1721, Lystra Road, county water and a mixture of individual on-site and community wastewater systems. Attachments 9—12 is supplemental information received since the April 3rd Planning Board meeting.

Per an e-mail from Karen Kemerait, attorney for the developer, dated May 25, 2007, “the owners of the Lystra Road property have recently agreed to additional modifications / concessions to address the concerns of the Planning Board members. Specifically, the owners of the Lystra Road property have agreed to the following:

Re: Lystra Road Subdivision

Issues for Further Discussion and Analysis – con't

1. The owners agree to provide 100 foot buffers around all perennial streams. (Please note that we had previously agreed that no lot would be located within 225 feet of the centerline of Herndon Creek.)
2. The owners agree to provide 50 foot buffers around all intermittent streams.
3. The owners agree to provide a 50 foot buffer along Lystra Road that will be undisturbed to the extent possible, and disturbed only as necessary for the septic fields.
4. The owners agree to reduce the density on the property from 69 lots to 59 lots.

As you are aware, since the last Planning Board meeting, we have provided an updated traffic impact analysis, an updated soils report, and a site meeting letter and map concerning NC Division of Water Quality and U.S. Army Corps of Engineers' site meeting to verify wetlands and streams on the property."

Copies of the above referenced information are included in this packet, attachments 9 – 12, and can be viewed on the Planning Department web site.

Attachment # 13 is a copy of a revised sketch plan reducing the number of lots from 69 to 59.

At the 6/05/07 Planning Board meeting, Gray Styers, attorney for the applicant, distributed to the Board another revised map showing additional stream buffers as designated on the S&EC report, dated April 26, 2007. Specifically Areas 'A' & 'C' as shown on the S & EC map attached to said report. **Mr. Styers stated to the Board that the applicant has provided 100 foot per side water hazard setback / vegetative stream buffers along all the perennial and intermittent streams as identified by S & EC and that if additional streams are identified as the process continues, that they too will be buffered accordingly. The current buffer requirements for streams in this area is 50 foot per side. See attachment #14.**

The Planning Board discussed this development and voiced numerous concerns. Various planning board members stated reasons they thought the development should not be approved. They are as follows:

1. Too much traffic on Lystra Road.
2. Lot sizes too small.
3. The need for additional stream buffers.
4. There should be additional land reserved for the Herndon Creek Ravine area.

Staff's opinion is the same as stated in the May 1, 2007 notes that the sketch plan, dated 02/09/07, and revised 5/30/07 meets or exceeds the Subdivision Regulations requirements for sketch design approval..

Recommendation: The Planning Board recommended denial of the sketch design request by a vote of 7-4 for the reasons stated above.

The Planning Department recommends granting sketch design approval of "Lystra Road Property" with the following three (3) conditions:

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Recommendation – con't

1. 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).
2. The preliminary and final plats shall provide 100 foot wide water hazard buffers / vegetative stream buffers for all streams as identified on the Wetlands and Stream Determination report prepared by Soil & Environmental Consultant, PA, dated April 26, 2007.

ATTACHMENTS

Re: Lystra Road Subdivision

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.

Copies of attachments 1 – 7, (regarding 90 lots on 144 acre submittal) can be viewed on the Planning Department web site under Lystra Road

8. Copy of Planning Board Agenda Notes dated May 1, 2007.
9. Memorandum from Dornoch Group, dated April 27, 2007
10. Soil & Environmental Consultants, PA, site meeting report to verify wetland and streams, dated April 26, 2007
11. Soil & Environmental Consultants, PA, Detailed Soil/Site Evaluation and map for Subsurface Wastewater Application, dated April 20, 2007.
12. Handout from Gray Styers, Attorney with revised site plan
13. Revised Traffic Impact Analysis, Lystra Gardens, dated April, 2007 with e-mail of explanation from Karen Kemerait, dated May 30, 2007
14. Sketch design map reducing number of lots from 69 to 59.