



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
7-16-07

PART A

Subject:

Request by ENT Land Survey, Inc. on behalf of Bruce Curtis for subdivision preliminary approval of “**Arcadia**”, consisting of 13 lots on 57 acres, located off SR-1536, Lamont Norwood Road, Baldwin Township.

Action Requested:

See Recommendations.

Attachments:

- Distributed previously:
1. Major subdivision application.
 2. Soil Scientist report and map.
 3. Letter from Warren D. Mitchell, PE, dated May 11, 2007 regarding an existing driveway culvert located on the subject property.
 4. Preliminary plat titled “Arcadia”, prepared by ENT Land Surveys, Inc., dated May 9, 2007.
 5. Copy of Plat Slide 88-72.
 6. Revised preliminary plat, dated June 6, 2007.

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: Arcadia

Introduction / Background / Previous Board Actions: *See major subdivision application and preliminary design map for background information.* On June 19, 2006, The Board of County Commissioners approved a sketch design on this property consisting of 10 lots on 57 acres with a private road to be constructed to county standards.

After a more thorough soil evaluation, additional soils to accommodate wastewater treatment systems were found by the soil scientist; therefore, the developer resubmitted the sketch design for consideration by the Planning Board at their February 6, 2007 meeting, to consist of 13 lots to be accessed by a public, state maintained roadway. The Board of County Commissioners approved this request on March 19, 2007 with the following condition which has been met.

1. The preliminary and final plats shall show a dedication of public right-of-way to the adjoining property of Hazel Hine / William C. Partin in a location best determined by the developer and surveyor / engineer (between lots 3 and 4) and shall be provided in a location suitable to meet the NCDOT requirements for construction of a public, state maintained roadway.

Final wording of the dedication of right-of-way language will be worked out with the county attorney and shown on the final plat.

Issues for Further Discussion and Analysis: The developer is requesting subdivision preliminary approval for 13 lots to be accessed by a state maintained roadway. Other agency approvals as required for preliminary approval by the Chatham County Subdivision Regulations have been received as follows:

NCDOT	Road Plan Approval	May 11, 2007
NCDOT	Commercial Driveway Permit	May 11, 2007
CHATHAM COUNTY	Erosion Control Permit	April 30, 2007

A copy of the above permits can be viewed on the Planning Department web site.

The 10 x 70 sight triangles, as shown on the preliminary map, will be easements on the properties of Mitchell and Hanson.

County water is not available. Attachment # 2, the preliminary soil scientist report, has been reviewed by Thomas Boyce, Chatham County Soil Specialist, and found to be adequate for preliminary design review. Per an e-mail from Thomas Boyce, he has also made the on-site lot by lot evaluation and is prepared to issue the septic improvement permits for each lot once the final plat is prepared.

The Chatham County Emergency Operations office has approved the road names '**Arcadia Lane**' and '**Dorian Drive**'.

Steve Yuhasz, ENT, Land Surveys, Inc has notified Dr. Ann Y. Hart, Chatham County School Superintendent, of the preliminary plat submittal. A copy of the letter to Dr. Hart can be viewed on the Planning Department web site.

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Issues for Further Discussion and Analysis – con't

The public roadway will end on the east side of the creek with a private easement off the end of the cul-de-sac, crossing the creek, providing access to lots 10 and 11. Attachment # 3 is a letter from Warren Mitchell, P.E., regarding the existing driveway culvert being “adequate for the construction traffic expected for construction of the houses on these two lots”.

The property is located in a WSIV-Protected Area watershed district. A 50 foot wide water hazard setback/ vegetative stream buffer on each side of the stream (measured from the bank of the stream landward) is required and is shown on the preliminary map. The wetlands shown on the map are all contained within the stream buffer. During the June 18th Board of County Commissioner discussion, the developer was requested to have an on-site stream and wetland review done to determine if additional areas qualified as intermittent or perennial streams which would require buffering. The developer has had Leah Myatt with the North Carolina Division of Water Quality conduct an on-site evaluation of the property. A report from that visit is to be submitted to the Planning Department and should be available at the July 16 Board meeting.

Mr. Tandy Jones, an adjacent property owner addressed the Board at the meeting with concerns regarding the location of the dedication of right-of-way for future public road shown between Lots 3 & 5 to the Hine / Partin Heirs property and whether or not the right-of-way was necessary at all. Mr. Jones stated that if the right-of-way was required that he would like to see it moved further away from his property.

Yuhasz, surveyor and attorney, for the applicant, stated that he and the developer had reviewed Mr. Jones' request and that it was their opinion that the proposed right-of-way was shown in the best location possible (if moved to between Lots 5 & 6 –lot 5 would have a road on three sides, if moved between Lots 6 & 7 – those lots became too narrow, if moved between Lots 7 & 8 – the septic area of lot 8 is affected). Mr. Yuhasz also stated that Mr. Curtis, the developer, had no objection to the right-of-way requirement being removed if it was the recommendation of the Board.

The Subdivision Regulations state in Section 6.2, Rural Roads, “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.”

The Hines / Partin property currently has a 60 foot wide private dedication of right-of-way from Eagle Point Subdivision off Hamlet Chapel Road. See attachment # 5, Plat Slide 88-72. Staff sent notice of the Arcadia Subdivision proposal to Ms. Hazel Hines, William C. Partin Heirs, 979 Lamont Norwood Road, Pittsboro, NC 27312 at the sketch design and preliminary design stages. Staff has not received any response from Ms. Hines regarding the adjacent proposal or additional access.

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Recommendation: The Planning Department and Planning Board recommend granting approval of the road names 'Arcadia Lane' and 'Dorian Drive'. The Planning Department recommends granting approval of the preliminary plat showing the dedication of right-of-way to the Hines / Partin property with construction of the roadway not to commence until a revised road plan permit has been received from NCDOT. The Planning Board (by a vote of 8-3) recommends granting approval of the preliminary plat with removal of the dedication of right-of-way for a future public road between lots 3 & 4.