



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
8-20-07

PART A

Subject:

Request by James E. Dixon for subdivision sketch design approval of **“Fieldstone Subdivision”**, (formally Dixon Property) consisting of 27 lots on 43 acres, located off SR-1532, Manns Chapel Road, Baldwin Township.

Action Requested:

See Recommendations.

Attachments:

1. Major subdivision application
2. ArcView map, parcel #62205
3. Copy of minutes pertaining to “Subdivision Sketch Design Approval of Dixon Property” from County Commissioners’ meeting dated April 17, 2006.
4. Letter from Brice A. Nelson, E. I., Ballentine Associates, P.A., dated April 12, 2007 addressing conditions of original sketch design approval
5. Soil Scientist report prepared by Soil & Environmental Consultants, PA, dated March 20, 2006.
6. Memorandum from Jacquelyn Presley, Urban Wildlife Biologist, NC WRC, dated May 18, 2007.
7. Sketch design map titled “Fieldstone Subdivision”, prepared by Ballentine Associates, P.A., dated April 12, 2007.
8. Memo from Kevin Whiteheart, County Attorney, dated 6/27/07. (posted to Planning Department website)

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: Fieldstone Subdivision

Introduction / Background / Previous Board Actions:

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

Previous Board actions to date include the following:

April 17, 2006: The Board of County Commissioners granted sketch design approval of “Dixon Property”, consisting of 28 lots on 43 acres with four (4) conditions. See attachment # 3 for conditions. The sketch design expired on April 17, 2007.

Issues for Further Discussion and Analysis:

The developer and owner of the property, James E. Dixon, is requesting sketch design approval of “Fieldstone”, consisting of 27 lots on approximately 43 acres. The application states 83 acres which includes the 20 acres shown on the sketch map as ‘reserved by owner’ and the 20.42 acres on the east side of the creek shown as ‘reserved for future development’. The 20 acre tract contains a house that is not currently lived in and is accessed off ‘Runa Court’.

Mr. Dixon received a previous sketch design approval from the Board of County Commissioners on April 17, 2006, for 28 lots on 43 acres that expired on April 17, 2007.

The lots are to be accessed by a public, state maintained road. Construction of the proposed roadway as shown on the sketch plan is to stop on the west side of the stream with a temporary turn around for emergency vehicles until such time as it may be extended across the stream for possible future development of the 20 + acre tract retained by Mr. Dixon.

During the previous sketch design discussion, the issue was raised by an adjoining property owner, David Hackney, as to whether or not NCDOT had sufficient public right-of-way along this portion of Mann’s Chapel Road to allow the Dixon property to provide a subdivision entrance with required sight triangles and possible turn lane off SR-1532 without adversely affecting Mr. Hackney’s adjoining property. Condition # 1 of the previous sketch design approval stated “The Mann’s Chapel Road right-of-way / Dixon property entrance issue shall be resolved prior to the applicant submitting for preliminary plat review.” Attachment # 4, from Brice Nelson with Ballentine Associates, P. A., addresses how each of the previous sketch design conditions has been met. Per the engineer, Mr. Dixon applied for and received a Commercial Driveway Permit from NCDOT and a right-of-way encroachment agreement into the subject property. The turn lane has been constructed within the NCDOT right-of-way. According to Ballentine Associates this satisfies Condition # 1 of the previous sketch design approval. Staff Planning Board notes from the previous sketch design submittal dated February 7, 2006 and April 4, 2006 can be viewed on the Planning Department web site under 2006, “Dixon Property”. Copies of the Commercial Driveway Permit, dated June 24, 2006 and the Encroachment Agreement, dated June 24, 2006 can be viewed on the Planning Department web site under 2007, Fieldstone, sketch. During the Planning Board meeting, Kevin Whiteheart, County Attorney, addressed the Board regarding the right-of-way issue. A memo from Mr. Whiteheart is posted on the Planning Department website under Fieldstone, sketch. Mr. David Hackney, adjacent property owner also addressed the Board stating that in his opinion the issue had not been resolved.

Re: Fieldstone Subdivision - sketch

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS – con't

Per an agreement between Mr. Dixon and the Persimmon Hill homeowners, Mr. Dixon agreed to abandon his 60 foot wide access off Persimmon Hill Road in exchange for additional frontage on SR-1532. Legal documents have been recorded in the Chatham County Register of Deeds Office between Mr. Dixon and the Persimmon Hill homeowners to accomplish this exchange of property.

County water is available and will be utilized. Each lot will be served with an on-site individual wastewater system. Attachment # 5, the soil report prepared by Soil & Environmental Consultants, P.A., dated March 20, 2006 was performed to evaluate whether the property contained adequate soil for the proposed layout. Areas of adequate soil for conventional on-site systems are shown on the sketch design map. Thomas Boyce, Chatham County Soil Specialist, has reviewed the report and found it adequate for sketch design review.

There is a stream that crosses the property as shown on the sketch design map. Per the engineer, the stream begins as an intermittent stream and then becomes a perennial stream. The entire length of the stream is currently labeled as intermittent. The preliminary and final plats will be labeled correctly. A 50 foot wide water hazard buffer, measured from the top of the bank landward as required by the Chatham County Watershed Ordinance is shown. Staff recommends language on the preliminary and final plats read "50' water hazard setback / vegetative stream buffer". There is also a pocket of potential wetlands in the vicinity of Lots 25 and 26 near the road intersection. Since the Planning Board meeting, the developer has had this area reviewed by a wetland consultant, Mack Little. Mr. Little did identify an area of wetlands during the on-site visit. A representative of the NCDWQ has also done an on site visit and determined that there are no streams associated with the wetland area and marked the point where the stream on the eastern boundary becomes a perennial stream. The Army Corps of Engineers is scheduled to visit the site on August 23rd for their evaluation of the wetland area(s). The developer will realign the roadway slightly in order to have less impact on the wetlands, approximately a 30 foot shift to the northeast. The developer has stated that he will provide a 100 foot per side water hazard setback/vegetative stream buffer along the perennial portion of the stream on the eastern boundary. These changes will be shown on the preliminary and final plats.

Comments from Jacquelyn Presley (Wallace), Urban Wildlife Biologist with the North Carolina Wildlife Resource Commission regarding the property may be found in attachment # 6. The Board may request the developer to incorporate these recommendations into his development plan; however, the developer has currently met the requirements of the Subdivision Regulations and Watershed Ordinance with the sketch plan as shown.

Brice A. Nelson, with Ballentine Associates, P. A. has notified Dr. Ann Hart, Superintendent of Chatham County Schools of the sketch design proposal in a letter dated April 16, 2007.

The engineer has confirmed to staff that all lots currently have a minimum of 40,000 square feet of useable area outside of the public road right-of-way and stream buffer. The cul-se-sac radius meets the requirements of the Subdivision Regulations.

Re: *Fieldstone Subdivision - sketch*

Recommendation: The Planning Department and Planning Board (unanimous vote) recommend granting sketch design approval of “Fieldstone Subdivision” with one condition:

1. Language on the preliminary and final plats shall read “50’ water hazard setback / vegetative stream buffer”.