



**CHATHAM COUNTY  
BOARD OF COMMISSIONERS  
AGENDA ABSTRACT**

**ITEM NUMBER:**  
**MEETING DATE:**  
8-20-07

**PART A**

**Subject:** Request by S & S Partnership for sketch design approval of “**Larkspur**” consisting of 22 lots on 46 acres located off S. R. 1526, Andrews Store Road, Baldwin Township.

**Action Requested:** See Recommendations.

- Attachments:**
1. Major subdivision application.
  2. ArcView Map, parcel #65019
  3. Soil Scientist report (soils are shown on sketch plan map)
  4. Sketch design map titled “Larkspur”, prepared by Absolute Land Surveying and Mapping, P. C.
  5. Attachment submitted by Jeannie Ambrose, adjacent property owner, titled “Larkspur Subdivision, a Brief Visual Guide of its Landscape Features”
  6. E-mail from Mark F. Botts, adjacent property owner, regarding streams.
  7. Statement submitted by Kelly Hanner and Schell Simpson, adjacent property owner.  
(Attachments 5, 6, and 7 can be viewed on the Planning Department website.)
  8. Revised sketch design map submitted at the August 7, 2007 Planning Board meeting.

**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: Larkspur**

### **Introduction / Background / Previous Board Actions:**

See major subdivision application and sketch design plan for background information. An application for Larkspur was previously submitted, consisting of 27 lots to be accessed by a state maintained road. The application was withdrawn by the applicant.

**Issues for Further Discussion and Analysis:** The developer is requesting sketch design approval of 22 lots. The majority of the lots (20) are proposed to be accessed by upgrading a portion of existing Lichen Trail (currently a private 60 foot wide easement) along with constructing a portion of new public, state maintained road within the subject property. Language in the deed of easement appears to give the applicant the right to upgrade the existing private easement to a public roadway, although, it is unlikely, at this time, that the developer could dedicate the roadway to NCDOT for future maintenance without the agreement of other affected parties. The developer is aware that this is an issue that must be resolved prior to requesting preliminary plat review and approval. The Planning Board discussed the road issue and heard comments from adjoining property owners regarding increased traffic on Lichen Trail, new driveway connections onto Lichen Trail, possible need for T-intersection or traffic circle at the intersection of the public and private road. See the sketch design map. Two of the lots (#21 and #22) are proposed to be accessed off the private portion of Lichen Trail. Private easements such as Lichen Trail are allowed to serve up to three (3) subdivision size lots (lots that are 10 acres or less) with minimum road improvements (12 foot wide travel way, all weather travel surface, 14 foot overhead clearance) and any number of over 10 acre size lots. The Board of County Commissioners may approve a fourth (4<sup>th</sup>) lot on a private easement with an upgrade to the road. See Section 6.4, (3) of the Chatham County Subdivision Regulations. The addition of Lots 21 and 22 to the private portion of Lichen Trail will bring the total number of subdivision lots served by the easement to three.

Issues of concern expressed by an adjacent property owner are whether the two additional lots proposed to be served by the private easement will be subject to the Lichen Trail road maintenance agreement and whether or not Larkspur lot #'s 13, 11, and 10 along with the associated open space will have access to the private portion of Lichen Trail. Per the surveyor, a note will be placed on the preliminary and final plats stating that those lots can only be accessed internally by way of the public, state maintained road. Mr. Eliason also stated that Lots 21 and 22 will be a party to the road maintenance agreement for Lichen Trail.

The Cardinal Extension Company, LLC gas pipeline crosses the property. The public road is not proposed to cross this easement. Two 30 foot wide private easements are proposed to cross the gas pipeline easement to serve four (4) lots each. One easement will serve Lots 1, 2, 16, and 17, which will cut down on the number of driveway entrances onto the improved portion of Lichen Trail. Lots 19 and 20 will also share a common driveway in order to cut down on the number of driveway access points on Lichen Trail. The second easement is proposed to serve Lots 3, 4, 5 and 6. The Subdivision Regulations state in part in Section 6.3 B (3) "If found to be desirable to the road design, up to four (4) lots may be served by the thirty (30) foot easement, provided a portion of the easement is built to county private road standards (16 foot wide travel way with four inches of crush and run stone). The length of the easement to be improved in this manner will be established at sketch design approval." Staff recommends that the entire length

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**Issues for Further Discussion and Analysis – con't**

of the easements be improved to a 16 foot travel way with four inches of crush and run stone with a 14 foot high overhead clearance. No dedication of right-of-ways to adjacent property is recommended based on the proposed road design.

The sketch plan has three (3) areas of open space proposed, totaling 4.74 acres. The first area, 2.11 acres, fronts on SR-1526, Andrews Store Road. The second area, 2.04 acres, is south of and adjacent to adjoining properties of Hanner / Simpson and Morter. This open space was provided to address concerns from these adjacent property owners regarding run-off from the subject property to their properties if this area was developed as residential lots. The third area of open space, .59 acre, is shown between Lots 11 and 13. A note is to be placed on the preliminary and final plat stating that Lots 11, 12, and 13 are to share this open space and that access to this open space is only allowed from the lots themselves and not Lichen Trail. None of the open space areas are proposed to be developed areas.

County water is available and will be utilized. Each lot will be served by an on-site individual wastewater treatment system. The soil scientist report has been reviewed by Thomas Boyce, Chatham County Soil Specialist, and found adequate for sketch design review. Lot # 16 does not appear to have adequate soil for an on-site system. The developer is aware that he may lose this lot if adequate soils can not be found. Adequate soils on Lot # 1 may also be limited due to the bouldery nature of the land. The developer has stated that lot lines for Lot 3 could be revised to increase adequate soil area for Lot 1 without any negative impact on Lot 3 and that will be evaluated prior to submittal of the preliminary plat. The Planning Board discussed concerns regarding suitable soils for several of the proposed lots.

Two streams which require buffering have been shown on the sketch design map. An on-site evaluation of streams and wetlands was conducted by S& EC based on the Corps of Engineers Wetlands Delineation Manual and NCDWQ guidelines. See attachment # 3, Soil Scientist Report. Per Charles Eliason, Absolute Land Surveying and Mapping, an on site review of potential wetlands by the Corps of Engineers will be completed prior to preliminary plat submittal with any required changes shown on the preliminary plat. The stream shown between Lots 14 and 15 and within Lots 3 and 4 is not shown on the USGS Topo map, but was identified in the field by S & EC based on NCDWQ guidelines. The stream affecting lots 10, 21 and 22 is shown on the USGS Topo map and was also identified in the field. A 50 foot wide water hazard setback / vegetative stream buffer has been provided along both sides of the streams as required by the Chatham County Subdivision Regulations and the Watershed Water Protection Ordinance within a WSIV-Protected watershed district. There is also a linear wetland that affects Lots 7, 8, 9, and 21. Although the wetland area is not required to be buffered, the area can not be counted as useable area when calculating minimum useable lot size. Per the surveyor, these lots have a minimum of 40,000 square feet outside the state road right-of-way, stream buffer and wetland area. The wetland / stream determination map can be viewed on the Planning Department web page under Larkspur. Based on concerns raised by an adjacent property owner, Mark Botts, regarding whether the 'wetland area' was a wetland or an actual stream, Charles Eliason, Surveyor revised the sketch design map to include a 20 foot wide buffer around the wetland areas and also stated at the Planning Board meeting, that if the proposed wetland area was determined to be a stream, it would be buffered accordingly on the preliminary map. See attachments 5, 6, and 7 from adjacent property owners.

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**Recommendation:** The plat displays the necessary information and meets the requirements of the Subdivision Regulations for sketch design review. The Planning Department recommends granting sketch design approval of “Larkspur” with the following conditions:

1. A note shall be placed on the preliminary and final plats stating that Lots 11, 12, 13 and associated open space shall be accessed from the proposed public, state maintained roadway and not from Lichen Trail.
2. The two private easements serving four (4) lots shall be improved for the entire length of the easement to a 16 foot travel way with four inches of crush and run stone.
3. The preliminary and final plats shall reflect the correct number of lots noted under the Site Data., i.e. 22 lots not 24.
4. The preliminary and final plats shall reflect the correct deed book and page number reference for the private easement known as Lichen Trail.
5. The applicant shall provide with the preliminary plat submittal evidence that the proposed public roadway can be dedicated to the NCDOT for future maintenance once density requirements have been met.

The Planning Board (vote 6 - 4 ) recommends granting sketch design approval with the above (5) conditions and the following two (2) conditions.

6. Prior to preliminary plat submittal, the applicant shall have an Environmental Impact Assessment completed and reviewed and approved by the Environmental Review Board.
7. The 20 foot wide buffer proposed around the wetland area affecting lots 8, 9, and 21 shall be expanded to 50 feet and continued to the eastern property line.

During previous Commissioners’ meetings the issue of requiring riparian buffers along areas not specified in the County’s regulations has been addressed. The issues of requiring an environmental impact assessment without the regulations specifying threshold criteria and without having the requirements of an assessment specified have also been addressed. The County Attorney may advise the Board on these issues.