

PLANNING & ZONING REVIEW NOTES

V. 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.

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.

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 The application was withdrawn by the applicant.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. Per Lunday Riggsbee, attorney for the applicant, language in the deed of easement gives the applicant the right to upgrade the existing private easement to a public roadway. 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 (4th) 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.

Two 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

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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 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.

Two streams have been shown on the sketch design map which require buffering. 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.

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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.