

PLANNING & ZONING REVIEW NOTES

V. A.

SUBJECT: Request by The Retreat on Haw River, LLC on behalf of Polk-Sullivan, LLC and Chatham Partners, LLC for Subdivision preliminary approval of “The Retreat on Haw River, Phase 2”, (f/k/a Williams Pond and Sanctuary at Haw River), consisting of 63 lots on 272.62 acres, located off S. R. 1711, Bynum Ridge Road, Baldwin Township.

ACTION REQUESTED: See Recommendation.

ATTACHMENTS: The following is included in this packet, but may also be viewed on the Planning Department website at www.chathamnc.org under Planning, Rezoning & Subdivision Cases, 2008 (The Retreat on Haw River, Phase 2) and Prior to 2005 Miscellaneous Cases (Williams Pond).

1. Major Subdivision Application.
2. Approval letter / packet, dated March 21, 2005 to Bynum Ridge, LLC from Keith Megginson, Chatham County Planning Director including the following:
 - (a)--An Ordinance Amending the Watershed Protection Ordinance of Chatham County
 - (b)-- An Ordinance Amending The Zoning Ordinance of Chatham County, dated March 21, 2005
 - (c)-- A Resolution Approving An Application For A Conditional Use Permit For A Request By Bynum Ridge, LLC For Bynum Ridge Planned Residential Development
3. Letter from Nicholas P. Robinson, Attorney at Law, Bradshaw & Robinson, LLP, dated September 29, 2008 addressing status of required conditions of approval as they relate to Phase 2.
4. Preliminary plat titled “The Retreat on Haw River, Phase 2”, prepared by CE Group, Inc, dated September 12, 2008.

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Lots will have individual septic systems and repair areas. Four lots, #'s 120, 129, 132 and 133 will require off-site septic areas. A soil scientist report and map were prepared by Larry T. Sink, NC Licensed Soil Scientist with Soil & Environmental Consultants, PA to evaluate the general location of potentially useable soils for on-site subsurface wastewater disposal. Thomas Boyce, Soil Scientist, Chatham County Environmental Health Division has evaluated the report and map and found them adequate for preliminary plat review. The soils report and map can be viewed on the Planning Department website.

The Chatham County Emergency Operations Office has approved the following road names for submittal: 'Sanctuary Ridge Road', 'Chapel Creek Lane', 'Drake's Meadow Drive', 'Heron's Ridge Lane'.

The developer has worked with the Chatham County Historical Association in connection with any historic structures and cemeteries on the property. At least two (2) historical structures (now deconstructed) and a cemetery were found to be located on the Phase 1 portion of the project. It is recommended that the developer continue to work with and notify the Historical Association if any structures or cemeteries are discovered on the Phase 2 portion during road or lot clearing.

Approximately 34% of Phase 2 (93.73 acres) is to be designated as Common Open Space. All stream buffer areas are outside of lot lines and are completely contained within the open space. A note shall be placed on the final plat designating the maintenance responsibility of the common open space.

The proposed subdivision is subject to the 1994 Watershed Protection Ordinance requirements. An Environmental Impact Assessment was not required as a condition of approval. The stream buffers meet the 1994 requirements for perennial and intermittent streams (50 feet to 100 feet per side measured from the top of bank landward) and in some areas exceed the minimum distance. The Master Plan application plus condition # 6 of sketch design approval both state that there shall be no structures built within 400 feet of the river except for landings or decks without walls or roofs. Limited clearing of existing vegetation and invasive species within the 400 feet is allowed as specified in condition # 6. See note on preliminary plat titled 'Conditional Use Permit Resolution, Stipulation # 6.

Nick Robinson, Attorney, for the developer, contacted Mr. Robert Logan, Superintendent of Chatham County Schools, regarding the proposed roads within the subject property by letter dated July 25, 2008. Mr. Logan sent a reply to Mr. Robinson, dated July 30, 2008. Both letters can be viewed on the Planning Department Website as stated above.

Conditions 1 through 26 of the Conditional Use Permit [see attachment # 2(c)] have been or will be met. Mr. Robinson has provided an updated letter regarding the Phase 2 compliance with the conditions of approval. See attachment # 3. The buffers required by Condition # 6, along the Haw River, affecting lot #'s 128 – 138, have been shown on the preliminary plat along with specific language regarding said buffers. Condition # 7 states that "The developer shall donate to the State of North Carolina the area along the existing upper trail along the Haw River, where it is located on the developer's property, and a distance a minimum of 20 feet along the landward side of the trail on lots 10-21 and lots 135 & 136." Mr. Robinson's letter dated September 29, 2008, states that the lot

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numbers have been changed and the donation will be made at or before the time of recordation of the Phase 2 final plat. Please see attachment # 3 for a complete description of condition compliance.

RECOMMENDATION: *The plat displays the necessary information and meets the requirements of the Subdivision Regulations with the required approvals of other agencies* The Planning Department recommends granting approval of the road names Sanctuary Ridge Road', 'Chapel Creek Lane', 'Drake's Meadow Drive', 'Heron's Ridge Lane' and recommends granting preliminary plat approval with the following conditions:

1. The developer shall continue to work with and notify the Historical Association if any structures or cemeteries are discovered on the Phase 2 portion during road construction or lot clearing.
2. A note shall be placed on the final plat designating the maintenance responsibility of the common open space.