



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
11-17-08

PART 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 Recommendations.

Attachments: See Last Page

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: The Retreat on Haw River, Phase 2

Introduction / Background / Previous Board Actions:

<u>Zoning:</u> CU-RA-90	<u>Water System:</u> Chatham County
<u>Watershed:</u> River Corridor & WSIV-PA	<u>Sewer System:</u> Private

Subject to 100 year flood plain: Yes (see plat)

Approvals to Date:

March 21, 2005: Approval by Chatham County Board of Commissioners for amendments to Chatham County Watershed Protection Ordinance, Sections 303 (A) and Section 600; approval to rezone property from RA-5 and RA-40 to **CU-RA-90**; and approval of a **Planned Unit Development**, consisting of **185 lots on 650 acres**. Copies of the approval letter; An Ordinance Amending The Watershed Protection Ordinance of Chatham County; An Ordinance Amending The Zoning Ordinance of Chatham County; and A Resolution Approving an Application For a Conditional Use Permit can be viewed on the county web site, Planning, Prior to 2005 (Miscellaneous Cases), Williams Pond.

July 17, 2006: Approval by Chatham County Board of Commissioners for subdivision preliminary approval of “The Sanctuary at Haw River, Phase One”, consisting of 121 lots on 376 acres.

September 17, 2007: Approval by the Chatham County Board of Commissioners for subdivision final plat approval of “The Retreat on Haw River, Phase 1A”, (fka “The Sanctuary at Haw River”) consisting of 67 lots on 240 acres.

Issues for Further Discussion and Analysis:

The developer is requesting preliminary plat approval of Phase 2, consisting of 63 lots to be accessed by private roads built to the NC DOT standards for the terrain classification of hilly conditions. The private roadways meet the requirements of the Subdivision Regulations, Section 6.2 D (3) (h) which state that “private roads that are cul-de-sacs shall have an adequate turn around which has a road bed with a radius not less than forty (40) feet. The radius of the right-of-way of the turn-around shall not be less than fifty –five feet.”

Agency approvals as required for preliminary plat approval have been received as follows:

NCDOT	Commercial Driveway Permit	June 2, 2008
CHATHAM COUNTY	Erosion Control/Letter of Approval	June 26, 2008
U. S. ARMY CORPS OF ENGINEERS	404 Creek Crossing Permit	February 1, 2005
NCDWQ	401 Water Quality Certification	November 19, 2004

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Issues for Further Discussion and Analysis – cont.
CHATHAM COUNTY Water Plan Approval

August 22, 2008

NCDENR Authorization to Construct
Water System

August 28, 2008

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. *At the October 20, Board of Commissioner meeting, it was requested that Fred Royal, Chatham County Resource Director, make a site visit to review the stream calls made previously by NCDWQ, the U. S. Army Corps of Engineers, and the soil scientist. Mr. Royal visited the site and sent his comments to the Planning Director. See attachment # 4. The Board may want to discuss Mr. Royal's comments at the November 17th meeting.*

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.

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Issues for Further Discussion and Analysis – cont.

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 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.

Issues discussed by the Planning Board were connectivity to adjacent properties, length of cul-de-sac, have staff (Fred Royal) visit the property to verify the stream calls. Mr. Hinkley requested that all features shown on the preliminary plat be labeled, i.e. old road bed and access to common areas. The developer will provide a digital copy of the preliminary plat at the Board of Commissioner’s meeting to provide this information.

The Board of County Commissioners has until December 18, 2008 to indicate their approval, disapproval or approval subject to modifications of the preliminary plat application.

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 and Planning Board (by unanimous vote) recommend 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.

Re: *The Retreat on Haw River, Phase 2*

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 29, 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. E-mail from Fred Royal, Chatham County Resource Director, dated October 30, 2008, to Keith Megginson regarding site visit to subject property.
5. Preliminary plat titled "The Retreat on Haw River, Phase 2", prepared by CE Group, Inc, dated September 12, 2008.

