



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
3-17-08

PART A

Subject:

Request by Parker Springs, LLC for subdivision preliminary plan approval of “**Parker Springs**”, consisting of 50 lots on 87 acres, located off SR-1700, Mt. Gilead Church Road, New Hope and Williams Township.

Action Requested:

See Recommendations.

Attachments:

The following may be viewed on the Planning Department website at www.chathamnc.org under Planning, Rezoning & Subdivision Cases, 2008, Parker Springs, Prel:

1. Major Subdivision Application.
2. ArcView map, parcel #17425
3. Copies of Plat slide 99-218 and 2001-58
4. Preliminary soil report and map, prepared by Mitchell Environmental, P. A., dated January 9, 2008.
5. Wetlands and stream delineation prepared by Mitchell Environmental, P A, dated October 24, 2007.
6. Peer Review of Parkers Springs Environmental Assessment by the Chatham County Environmental Review Board, dated February 21, 2008.
7. Parkers Springs, LLC’s Response to Review by the Chatham County Environmental Review Board of Parkers Springs Environmental Assessment.
8. Letter to Sally Kost, Chatham County Planning Board from Emanuel Diliberto, President, Monterrane Property Owners Association, dated March 3, 2008.
9. Preliminary map titled “Parker Springs Subdivision”, prepared by Stancil & Associates, dated October 8, 2007, last revised December 6, 2007.

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: Parker Springs

Introduction / Background / Previous Board Actions:

Zoning: RA-40

Water Source: Chatham County

Watershed District: WSIV-Protected Area **Septic:** Individual – on-site &

Within 100 year flood plain: No **off-site**

The Board of County Commissioners approved the sketch design plan consisting of 50 lots on 87 acres on January 16, 2007 with the following two conditions shown in bold:

1. **The park areas and off-site septic area within Monterrane Subdivision along the common boundary with the subject property shall be shown on the preliminary and final maps.** *The status of this condition is that the park areas and off-site septic areas are shown on the preliminary map; however, ownership of these areas is not shown. Staff recommends the final plat state ownership of the park and off-site parcels.*
2. **To include an environmental statement with peer review prior to preliminary plat approval.** *At the January 16, 2007 BOC meeting, Grey Styers, attorney for the developer, offered to provide an environmental impact statement or study consistent with the County’s Subdivision Regulations. At the time of sketch plan approval the Subdivision Regulations, Section 5.2 A (1), did not specify the threshold criteria required for an environmental impact and did not require a peer review of an environmental impact assessment. The environmental impact assessment was submitted to Fred Royal, Chatham County Environmental Resources Director, and was reviewed by a subcommittee of the Environmental Review Board (ERB) and then evaluated by the entire ERB. Peer review comments from the ERB, attachment # 6 are attached. A copy of the environmental assessment and the peer review comments can be viewed on the Planning Department website at www.chathamnc.org under Planning, Rezoning & Subdivision Cases, 2008, Parker Springs, Prel.*

Issues for Further Discussion and Analysis:

The developer is requesting preliminary review for 50 lots to be accessed by a public, state maintained roadway off SR-1700, Mt. Gilead Church Road, south of Haw River Church. The roadways have been designed to the NCDOT hilly road standards. Dedication of public right-of-way has been provided to the adjoining properties of Cooper Family, LLC, parcel #17357, 130 acres; the Phillip Corn property, parcel # 17416, 63 acres; and to the Haw River Baptist Church property, parcel 62792 as shown on the preliminary plan. The Cooper property received a zoning approval on October 16, 2006 from the Board of County Commissioners for a Conditional Use RA-90 zoning district (previously a RA-5 zoning district) with a Conditional Use Permit for a 63 lot subdivision. The Corn property is zoned RA-5.

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There are two (2) 60 foot wide, private easements within existing Monterrane Subdivision that connect to the subject property. See attachments 3. On sheet 2 of 3 of the preliminary plan, the developer shows a “60’ R/W Dedication” between Lots 46 and 47 which connects to one of the private easements in Monterrane which is labeled “non-building, reserved by Monterrane, LLC and 20 foot public utility easement” as shown on Plat Slide 99-218. Staff recommends language on the final plat for Parker Springs state “Public 60’ Road and Utility R/W Dedication” to provide for a potential interconnecting road between developments if the private easement is changed to public in the future by the Monterrane homeowners and to provide for extension of the county water line. Per the Subdivision Regulations, “The future disposition of said right-of-ways (private) is left to the discretion of the owners of the development”. The easement is currently to be utilized as a utility easement for water line connectivity between the two developments. The second, private easement within Monterrane Subdivision is not shown on the Parker Springs preliminary map. Staff recommends that the “50’ R/W Dedication” to the Corn property shown on the preliminary map be labeled as “Public 50’ Road and Utility R/W Dedication” on the final plat.

Water is to be provided by Chatham County. The developer is extending the 12” water line from Bynum Ridge Road, along Mt. Gilead Church Road, to the subject property. See Sheet 3 of the preliminary map. Utility easements have been provided to the adjoining properties of Monterrane, Phase 1, Monterrane, Ph 3 (Fearrington property), Corn and Cooper for future extensions of county water lines. The water line from Big Woods Road is to be extended along Hatley Road, westward, to the Cooper property which will then tie into Parker Springs and Monterrane providing a loop line.

Per Scott Mitchell, Soil Scientist, the overall slope range on individual lots is from “0% to 35%, with most lots falling in the 5% to 20% range”. During the sketch design discussion with the Planning Board, Grey Styers, attorney for the applicant, stated that the developer would provide for additional erosion control requirements from builders and homeowners on individual lots within the private covenants and restrictions.

Individual on-site or off-site wastewater systems are proposed for each lot. Sixteen (16) lots will require off-site systems. Per the soil scientist, 14 of the off-site systems will be located on the southern off-site field (adjacent to parcel 17440, Haw River Baptist Church property) with two (2) systems to be located on the northern off-site field (adjacent to parcels 72233, Davis property, and parcel 76246, Flynn property). The off-site septic areas will be owned by the respective lot owners. The final plat will show twenty (20) foot wide utility easements to provide access to the off-site systems and will show the individual off-site areas for each lot by a metes and bounds description. Per Anne Lowry, R. S. Environmental Health Program Coordinator, “The developer shall have one septic contractor install all supply line utilities for off site septic areas. The supply line utility shall also be inspected by Environmental Health during installation”. Thomas Boyce, Chatham County Soil Specialist, has reviewed the soil scientist report, attachment # 4, and found the information adequate for preliminary design. The soil scientist has provided system layouts for each on-site and off-site system. The soils report and the preliminary plat state that the proposed types of septic systems would include conventional systems, LPP systems and subsurface drip systems all of which are county

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approvable systems. At the Planning Board meeting, Scott Mitchell, soil scientist, stated that more extensive soil work had been completed since the preliminary soil report was prepared and that it appears that no subsurface drip irrigation systems will be required. The Chatham County Environmental Health Department will make the final determination as to soil suitability and type of system required. The soil report and layouts can be viewed on the Planning page of the county web site at www.chathamnc.org, Rezoning and Subdivision Cases, 2008, Parker Springs, preliminary.

The cemetery identified at sketch approval is located on a lot to be designated as open / common space and will be maintained by the homeowners association. Staff met with the developer, soil scientist, and Jim and Bev Wiggins and Jane Pyle, Chatham County Historical Association on the property to look at the cemetery site and old house site. The developer discussed with Ms. Pyle and the Wiggins suggested the manner of upkeep and maintenance of the site. Per Ms. Pyle's records, members of the Ellington and Knight families are buried in the cemetery. The lot fronts on the public road and will be numbered on the final plat.

Parker's Creek is a perennial stream. The developer has voluntarily shown a 100 foot riparian buffer (each side of creek for a total of 200 feet – measured from top of bank landward) on the preliminary map. Staff recommends that the buffers be labeled water hazard setback / vegetative stream buffer on the final plat. At the time of sketch design approval, the WSIV-Protected Area watershed district required a 50 foot wide buffer. The adjacent property to the east, Cooper Family / Contentnea Creek, requested a zoning district change and a conditional use permit. Per the approved RA-90 CUD zoning / conditional use permit requirements for the request, the developer must also maintain a 100 foot per side setback / vegetative buffers along the portion of Parker's Creek crossing their property. Scott Mitchell, Soil Scientist, field identified other intermittent streams and wetlands. See attachment 5. The intermittent streams will have a 50 foot wide, per side, water hazard setback / vegetative stream buffer. *Lot lines go to the edge of the stream buffers. The buffer areas will be open space to be maintained by the homeowners association.*

During the sketch design review, Grey Styers, attorney for the applicant, stated that the developer would provide a 25 foot wide tree protection buffer along the common boundary between the subject property and Montrane Subdivision along with an additional 25 foot wide structure setback from the initial 25 foot wide undisturbed buffer (for a total of 50 feet). The tree protection buffer and setback buffer will be shown on the final plat. The cross hatched area shown on the preliminary map is the existing walking trail for Montrane Subdivision.

Also, during the sketch design review, Mr. Styers, stated that the developer would provide the Planning Board a site plan at the preliminary review showing the locations of the proposed house sites. *The proposed house sites are shown on the individual septic layout plan in the soil scientist report.*

Other agency reviews and approvals as required for a preliminary plat review have been received as follows:

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NCDOT	Road Plan Approval	January 4, 2008
NCDOT	Commercial Driveway Permit	January 4, 2008
NCDOT	Encroachment Agreement (12" DIP watermain-SR-1700)	January 10, 2008
NCDENR	Authorization to Construct Water line	December 17, 2007
CHATHAM COUNTY	Erosion Control Plan approval	December 18, 2007
CHATHAM COUNTY	Land Disturbance Permit	February 21, 2008
U.S. ARMY CORPS OF ENGINEERS	Creek Crossing Permit	November 30, 2007
NCDWQ	401 Water Quality Permit	December 3, 2007

Copies of the above listed permits can be viewed on the Planning Department website at www.chathamnc.org under Planning, Rezoning & Subdivision Cases, 2008, Parker Springs, Prel.

The Chatham County Emergency Operations Office has approved the road names '*Parker Springs Way*', '*Adger Court*', and '*Newcastle Court*'. The preliminary map shows '*Newcastle Court*' as the name of the main road. Emergency Operations requests that the main road name be '*Parker Springs Way*' to reflect the subdivision name. This will be corrected on the final plat.

The Planning Board discussed the peer review comments from the Environmental Review Board. Areas of concern expressed by the Board included steep slopes, septic systems, stream buffers, the lack of information in the EA regarding various issues and the applicant's clearing of vegetation with a hydro ax.

Allison Weakley, ERB Chair, gave a brief review of the EA and the peer review comments. Ms. Weakley stated that the ERB's conclusion was that the information in the EA was insufficient. The EA may be viewed on the Planning Department's website.

Fred Royal, Chatham County Director of Environmental Resources was also present to answer questions from the Board. The Planning Board did not have any questions for Mr. Royal.

Grey Styers, attorney for the applicant, was present to answer questions along with Scott Mitchell, Soil Scientist, Keith Roberts, Civil Engineer, and Christina Breen, Senior Environmental Scientist and Wetland Service Team Leader with ECS Carolinas, LLP, and author of the Environmental Assessment. Mr. Styers stated that he and the others were present to respond to questions raised by the ERB regarding the EA and to address any additional questions from the Board. Attachment # 7 is the Parker Springs, LLC response to the peer review comments. Staff received this response Tuesday, March 4th and forwarded it on to the Planning Board members via e-mail and provided a hard copy at the Planning Board meeting. Several of the Board members stated that they did not have sufficient time to review the response. The Board had questions regarding the clearing that had taken place on the property. Mr. Styers stated that the clearing was done by a hydro ax so that soils evaluation could be done in preparation of the soil scientist report, that the roots of trees were not uncovered and no grading was done and that

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no erosion problems resulted from the clearing. He stated that the County had issued a notice of violation from the Erosion Control Office which was a permitting violation and not an erosion runoff violation. Mr. Styers explained that the erosion control plan had been approved but the fee had not been paid for the land disturbance permit and that issue has been resolved and the site is in compliance. This status has been confirmed by Jim Willis with the County Erosion Control Office. The Board had several questions regarding the EA. Ms. Breen stated that she had prepared the EA and that she had visited the site in early March prior to the clearing, but that in her opinion, the clearing would not affect her report.

Mr. Emanuel Diliberto, President of the Monterrane Property Owners Association, addressed the Board regarding concerns from the adjacent Monterrane property owners. Attachment # 8, addresses these concerns.

RECOMMENDATION: *The plat meets the requirements of the Subdivision Regulations with the final approvals of other agencies.* The Planning Department recommends granting approval of the road names 'Parker Springs Way', 'Adger Court', and 'Newcastle Court' and preliminary design approval with the following nine (9) conditions:

1. The "60' R/W Dedication" shown on the preliminary map between Lots 46 and 47 be changed to read "Public 60' Road and Utility R/W Dedication" on the final plat.
2. The "50' R/W Dedication" to the Corn property shown on the preliminary map be labeled as "Public 50' Road and Utility R/W Dedication" on the final plat.
3. The developer shall have one septic contractor install all supply line utilities for off site septic areas. The supply line utility shall also be inspected by Environmental Health during installation. The final plat shall show the off-site septic areas by metes and bounds with a lot number designation.
4. The final plat shall show the 25 foot wide tree buffer along with the 25 foot wide structure setback (50 foot total) along the common boundary line with Monterrane Subdivision.
5. The main road name into the subdivision is changed to "Parker Springs Way" on the final plat.
6. The final plat shall label the stream buffers as "Water hazard setback / vegetative stream buffers".
7. Clearly label all open space /common areas as required by the Chatham County Subdivision Regulations, Section 5.3 B (10).
8. The final plat shall show the Cemetery Lot number, acreage, ownership, and shall be labeled as a non-buildable lot.
9. The final plat shall designate the minimum cul-de-sac pavement radius for shoulder section to be 40 feet and the minimum right-of-way radius for shoulder section to be 55 feet as specified in the Chatham County Subdivision Regulations, Section 6.2 C (1).

The Planning Board recommended denial of the Parker Springs preliminary plat with a vote of 7 for denial and 1 against.