



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
2-16-09

PART A

Subject:

Request by Lee Moore Capital Company for subdivision preliminary plat approval of "County Line Site", consisting of 3 commercial subdivision lots and one exempt, over 10 acre tract, located off U. S. 15-501 N., Williams Township.

Action Requested:

See Recommendations.

Attachments:

1. County Line Site Preliminary Plat
2. Email dated 11/11/08 from Chatham County Historical Association
3. Email dated 11/25/08 from Fred Royal, Chatham County Environmental Resources Director
4. Minority Report

*The following may be viewed on the Planning Department website at **nder Planning, Rezoning & Subdivision Cases, 2008.***

2. Application packet
3. Commercial Driveway Permit and Water Main Encroachment
4. Map of Disturbed Area
5. Rainwater Harvesting Technical Guidance Document
6. Erosion Control Approval
7. Road Name Approval
8. Sample Site Arrangement
9. Buffer Evaluation
10. Septic Authorization
11. Wetland Delineation

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: County Line Site

Introduction / Background / Previous Board Actions:

Zoning: Split: B1 and RA-40

Water System: Chatham County

Watershed: WSIV-PA

Sewer System: Private septic

Subject to 100 year flood plain: No

The Board continued this issue until February 16 to allow the applicant time to have the request reviewed by the County Appearance Commission and to allow Jim Willis to be available to address the status of the notice of violation of the Erosion and Sedimentation Control Ordinance. The Appearance Commission met February 11 and their recommendation will be provided when available. The status of the notice of violation will be reported during the Commissioners' work session February 16. The Board has until March 27 to make a decision on this request. The following notes were distributed for the previous meeting.

The subject property is located on the east side of US 15-501, at the Orange County border, and split-zoned, with the proposed Lots 1, 2, 3 and a portion of Lot 4 zoned B1, and the remainder of Lot 4 zoned R-1 (previously RA-40). The proposed subdivision of the 62.54 acre tract consists of three lots ranging from 1.34 to 2.09 acres and one exempt lot of 55.59 acres. The applicant has received three non-residential building permits. All three of the existing building permits for the site have been extended to September 25, 2009. The overall property will be accessed by an extension of Smith Level Road, public, and internally byway of a private road easement with three road names. The private road's structural integrity will be to NCDOT construction standards. The easement has three (3) road names due to the possibility that two of the easements may be extended depending on future development of the property. See the plat. The roadways will be privately maintained. The proposed subdivision will be served by the Chatham County water system, and the plat shows four septic easement areas to serve the lots.

According to the regulations, the date of the application submittal, November 7th, 2008, allows the application to be reviewed under the Subdivision Regulations and Watershed Ordinance in effect prior to adoption of revisions on December 2, 2008.

Issues for Further Discussion and Analysis:

The applicants have received a NCDOT Commercial Driveway Permit dated February 2, 2008; however the configuration of the lots has changed. Staff recommends a revised Commercial Driveway Permit or documentation from NCDOT that no revised permit is required. **This concern has been satisfied. Jennifer Britt, E. I., Assistant District Engineer, NCDOT, stated in an e-mail dated January 26, 2009 "Based on the attached County Line Sample-Site Arrangement pdf and the trip generation numbers provided by Ramey Kemp & Assoc, Inc., the expected site generated traffic from the proposed pharmacy, bank and additional retail space as described in the attached 2009-01-26 letter is within acceptable limits of the approved site generated traffic for the subject site."**

Re: County Line Site

Issues for Further Discussion and Analysis – cont.

The Chatham County Emergency Operations Department has approved the following road names for the private easement, *County Line Village Drive, Proctor Lane* and *Hutchins Lane*. A Soil Erosion and Sedimentation Control plan has been approved by the County and the applicant has received septic permits from the Environmental Health Section of the County Health Department for each lot.

The plat shows several water features, including two ephemeral streams, two perennial streams, and one linear wetland feature. The applicant has voluntarily shown buffers on all water features pursuant to Section 304 of the Chatham County Watershed Protection Ordinance as revised on December 2, 2008. The applicant shows a 100 foot-wide buffer on the delineated wetland on Lot 4, a 100 foot-wide buffer on two perennial streams on Lot 4, and a 30 foot-wide buffer on two ephemeral streams that run through the western edge of Lot 4. The County Environmental Resources Director, Fred Royal, has received the Buffer Evaluation from Soil & Environmental Consultants, and is in the process of reviewing the evaluation. Since the Planning Board meeting, Mr. Royal visited the site on December 17th with the soil consultant to verify the riparian buffers. **Mr. Royal stated at the January 26th Board of Commissioners meeting that he was satisfied that all the required buffers remain intact and vegetated.**

The Chatham County Historical Association reviewed the project, and stated that it appears from old information that there may be a cemetery on the site. Mr. Bradshaw provided a letter to Ms. Mary Ringle dated February 2, 2004, stating that the surveying firm Elinburg Land Survey Co., P. A. had searched for the cemetery during recent surveying of the property and did not find any evidence of its existence. Ms. Wiggins responded in an e-mail dated December 3, 2008 that the letter dated February 2, 2004 did satisfy the concerns. Since the Planning Board meeting, Ms. Wiggins has visited the site and continues to work with the developer to make a determination on the possible cemetery.

The proposed subdivision lots front on a State-maintained highway, US 15-501. Staff recommends allowing the proposed lots to access only the privately-maintained internal road network, built to state standards, with a 60 foot-wide private road easement, to reduce access onto US 15-501. Per section 6.2(D)(4) of the Subdivision Ordinance, the design and construction of the private roads shall be certified to be in compliance with the subdivision regulations in place at time of submittal by a licensed engineer prior to final plat approval. Section 6.2(D) (2) of the Subdivision Ordinance requires the developer to “reference on the final plat the recording of a roads instrument...” It is recommended that such an instrument be provided prior to final plat approval.

Section 6.4 (C)(3) of the Subdivision Ordinance includes the following requirements:

- “A site arrangement that prevents undue interference with through traffic...”
- “An integrated parking area.”
- “An insulation against any adverse effect on any present or future adjacent residences.”
- “A parcel size sufficient in area to allow future expansion.”
- “A plan that demonstrates that the first ½ inch of stormwater runoff will be managed on site, if more than 6 percent of the lot area is covered with impervious surfaces such as buildings, parking, and drives.”

Re: County Line Site

Issues for Further Discussion and Analysis – cont.

The proposed subdivision does not access directly onto US 15-501, but uses the Smith Level Road extension and a private roadway to access the highway. The private roadway will only provide right-in and right-out access, while the Smith Level Road extension will provide full-movement access off US 15-501. The plat does not show the proposed parking areas, but it is recommended a site plan of the commercial areas be provided prior to final plat approval. Lots are to be accessed by the internal, private roadway. Adjacent residences on the south, west and east are over 150 feet away from the proposed commercial uses. Three of the proposed lots are 2 acres or less in size, but Lot 4 is over 55 acres, which may allow for future expansion. The applicant states on the plat that the impervious surface coverage will be less than six percent (6%), however staff recommends that the applicant supply a plan demonstrating how the first ½ inch of stormwater runoff will be managed on-site if the overall impervious surface coverage exceeds 6%, and submit it to the County Environmental Resources Director for review prior to final plat approval. . **Mr. Royal and Mark Ashness, P. E., CE Group, met to discuss a stormwater plan for the proposed project. Mr. Royal stated at the January 26th meeting that he had received stormwater plans from the CE Group demonstrating how the first ½ inch of stormwater runoff will be managed on-site, and that the plan was acceptable with modifications.**

The applicant is requesting the Board of Commissioners to approve the Sketch Design and Preliminary Plat of the County Line Site subdivision, creating Lot 1 consisting of 2.09 acres, Lot 2 consisting of 1.34 acres, Lot 3 consisting of 1.79 acres, and an exempt Lot, Lot 4 consisting of 55.59 acres.

Concerns raised by several Planning Board members and adjacent property owners at the Planning Board meeting included runoff from the subject property into Wilson Creek, water quality, impervious surface coverage, stormwater controls, and access. A minority report, attachment # 4, has been submitted by various Planning Board members regarding these concerns.

Recommendation: The Planning Department and Planning Board (with a vote of 5 for and 4 against) recommend granting approval of the road names *County Line Village Drive, Proctor Lane* and *Hutchins Lane*. and granting the request for Sketch Design and Preliminary Plat approval for the creation of three non-residential subdivision lots, Lot 1, Lot 2 and Lot 3, with the following conditions:

1. The applicant shall provide a revised NCDOT Commercial Driveway Permit showing the new lot configuration, or documentation from NCDOT that no new permit is needed prior to final plat approval.
2. The applicant shall submit documentation from the County Environmental Resources Director showing approval of the buffer evaluation performed by Soil & Environmental Consultants prior to final plat approval.
3. The applicant shall contact the Chatham County Historical Association about a possible historical cemetery that may be present on the site. The developer shall provide documentation from the Historical Association, including any possible recommendations, prior to final plat approval.

Re: County Line Site

Recommendation – cont.

4. The applicant shall construct the travel way within the 60-foot wide private road easement to state standards, and shall provide certification prior to final plat that the travel way is constructed to state standards and the privately maintained roads are otherwise in compliance with the Chatham County Subdivision Ordinance in effect at the time of submittal of preliminary plat. The applicant shall also submit a road instrument for the privately maintained roads pursuant to Section 6.2(D) (2) of the Subdivision Ordinance prior to final plat approval.
5. The applicant shall submit a site plan of the commercial areas prior to final plat approval demonstrating an integrated parking area.
6. A plan demonstrating the first ½ inch of stormwater runoff will be managed on-site if the overall impervious surface coverage exceeds 6% shall be submitted to the County Environmental Resources Director for review prior to final plat approval.

The Board of County Commissioners discussed the issues at their January 26, 2009 meeting. Issues of concern included a notice of violation from Soil Erosion and Sedimentation Control dated January 14, 2009 and review of the project by the Chatham County Appearance Committee. Jim Willis, Chatham County Erosion Control Inspector inspected the property for final compliance and will give a report to the Board at the February 16, 2009 Commissioners' work session. The Appearance Commission reviewed the project on February 11, 2009. A report will be available for the February 16th meeting. According to Section 4.7 B. of the applicable old Subdivision Regulations the Board has until March 27 (60 days from January 26) to make a decision on this request.