



Agenda Abstract

Department: Planning

Submitting Official: Jason Sullivan

Meeting Date: **6-21-10**

Authorizing Signature:

<p>Subject:</p>	<p>Request by GV Commercial, LLC for subdivision preliminary and final plat approval of "Governors Village Parcel "C", consisting of one (1) non-residential lot on 2.63 acres, located off SR-1008, Mt. Carmel Church Road, and Moring (private).</p>
<p>Action Requested:</p>	<p>See Recommendation</p>
<p>Attachments (List Individually):</p>	<ol style="list-style-type: none"> 1. Major Subdivision Application 2. Aerial map of subject property 3. Letter dated, April 9, 2010 from Patrick Bradshaw, Attorney-at-Law. 4. Letter from Joe Faulkner, dated April 9, 2010. 5. Memorandum from Mark Ashness, dated April 16, 2010. 6. Illustrative Master Plan 7. Landscape Plan 8. Site Plan <p>Final Plat, titled Governors Village, Parcel "C", prepared by R. S. Jones & Associates, Inc., dated February 3, 2010.</p>

Introduction & Background

In 1995 a revision and expansion to the Governors Club Planned Unit Development was approved by the Board of County Commissioners. The 1995 application added additional land that was developed as Governors Village, a mixed use community consisting of commercial, office, and residential uses. A portion of the additional land was a 127 acre tract, Polk Parcel 3, that was an environmentally important tract near a bald eagle nesting site. The application stated that the Polk Parcel 3 Tract would remain as an undeveloped, conservation area. The balance of the project, Governors Club and Governors Village were allowed additional density and impervious surface area due to the conservation of the 127 acres. The total impervious surface area for Governors Club and Governors Village was not to exceed 24%.

In 1997 a modification was approved by the Board of County Commissioners to modify the approved mixed use areas to include 238,000 square feet of commercial and office/institutional area and to include townhomes and single family. A sketch plan showing the overall design was approved with this application. The development proceeded in the following years, creating commercial lots, single family and townhouse lots along with private and public roadways and installation of county water lines. Parcel "C" is a portion of the residual land remaining after other development. There are three parcels remaining to be developed. Parcel "C" was designated as a non-building lot in 2003 for purposes of transferring ownership.

The three remaining parcels, noted in a 2004 revision as 'Future Commercial in Village', were designated to have 5 acres of impervious surface area with Parcel "C" being allotted 1.84 acres.

In 2007, the Chatham County Tax Office reconciled the Chatham/Durham county line. Per Mary Phillips, Land Records Specialist, Chatham County Tax Mapping, the location of the county line did not change. The reconciliation was to correctly map the portion of land to be taxed in Chatham and Durham counties. Per Ms. Phillips, the county where the bulk of a tract was located received tax revenue for the entire tract. Ms Phillips worked with the Durham County Tax Mapping office to accomplish this reconciliation. The result was a decrease of acreage in the conservation tract to 103 acres in Chatham and an increase of 19.075 acres in Durham County.

Discussion & Analysis

The developer is requesting preliminary and final plat approval of Parcel "C" as a 2.63 acre non residential lot under the Subdivision Regulations prior to December 2, 2008. The Subdivision Regulations states in Section 6.4 C (3) the information necessary for review of a non-residential lot, i.e, site arrangement, parking, insulation against any adverse effect on any present or future adjacent residences, sufficient size to allow for future expansion, stormwater plan, and impervious surface area. The letter from Patrick Bradshaw, dated April 9, 2010, attachment #3, is an explanation of the request and presentation of required information. Parcel "C" is bounded on the north and south by existing public roads, on the west by a private street, Moring, and on the east by townhomes. Attachment # 2 is an aerial

map showing the subject lot and surrounding townhouse and commercial development. The townhouse lots to the east are accessed by a private alley and have rear loaded garages, providing separation from the non-residential uses. There is no new infrastructure, roads or water lines, necessary to develop Parcel "C". Access to Parcel "C" will be provided off the private roadway, Moring. No commercial driveway permit is required from NCDOT off the private roadway. A future access will be off the public roadway, Governor's Drive. A commercial driveway permit will be provided from NCDOT for this future access point. The attached Illustrative Master Plan, attachment # 6, shows the proposed placement of buildings and parking arrangement. Prior to issuance of a building permit, the required number of parking spaces, setbacks, and lighting will be reviewed for zoning compliance. In attachment #4, Joe Faulkner with the CE Group, Inc. has stated in a letter dated April 9, 2010, that the stormwater from Parcel "C" is managed by an existing stormwater pond and he attached the July 5, 2006 'Approval of Storm Water Management Plan' from NCDENR along with an overall impervious surface allotment map of Governor's Village. Fred Royal has reviewed the letter and requested a copy of the Operations & Maintenance Manual for the stormwater pond. After review of the manual, Mr. Royal stated in an e-mail "This O&M Plan satisfies my comment related to Lot C stormwater." Mr. Faulkner's letter also stated that Parcel "C" was previously allotted 1.84 acres of impervious area, however, the proposed plan only requires 1.56 acres of impervious area. Staff requested an update of the overall impervious surface coverage on Governor's Club and Governor's Village due to the proposed improvements on Parcel "C" and the reduction of land due to the loss of approximately 20 acres based on the county line reconciliation. Mark Ashness, PE, CE Group, Inc. certified by a sealed statement that the adjusted impervious surface coverage will be 23.3 % (percent). See attachment # 5. Fred Royal reviewed the calculations and found it in compliance.

The final plat, attachment #8, shows the location of two 20 foot wide drainage easements and one 20 foot wide sanitary sewer easement on Parcel "C". Per Mark Ashness, P. E., CE Group, the easements were placed on the property in 2002 when plans for the construction of the townhomes on the east side of Parcel "C" were being developed. Parcel "C" was undeveloped at the time but since there was going to be some concentrated drainage in two locations onto Parcel "C" from the townhouse lots, these drainage easements were shown for future reference. When construction drawings are submitted to staff for review, prior to issuance of a building permit, the easement locations will be revised and the surveyor will record another plat to reflect the new easement location based on the final building layout.

Attachment #7 is the Landscape Plan which was reviewed by the Appearance Commission on April 14, 2010. Minutes from the 4/14/10 meeting state in part "The overall design met all of our guidelines....The lighting and signage appeared to comply with county ordinances.....All present concurred that the design was sound and met our standards." The Appearance Commission did suggest using a few different plantings versus ones shown on the landscape plan. A copy of the minutes can be found on the Planning Department webpage. The landscape plan, lighting, and signage will be reviewed by staff for compliance prior to issuance of a building permit

Jim Willis, Chatham County Erosion & Sedimentation Control Division Supervisor, has stated that the Soil and Sedimentation Control Ordinance does not require a land disturbing permit to preliminary or final plat a lot. There is no infrastructure construction necessary for the creation of the lot. A land disturbing permit will be required prior to any land disturbance for the construction of the buildings and any associated grading, in compliance with county regulations.

County water is available and the wastewater utility service will be provided by Aqua North Carolina, Inc.

Per Robert S. Jones, PLS, no visible evidence of gravesites or any other historical features were found.

Staff has requested additional information to be added to the recordable mylar:

- Adjoining property owners
- Parcel ID # 8097
- Correct scale

The Planning Board discussed the request and had questions regarding the possible relocation of the drainage easements. Mr. Ashness explained that the easements were shown for illustrative purposes and will be relocated in the future once the site plan / building locations are defined and that a new plat will be recorded to show the new drainage easement locations.

Recommendation

The Planning Department and Planning Board (with a vote of 8-0) recommend granting preliminary and final plat approval of "Governors Village Parcel "C", consisting of one (1) non-residential lot on 2.63 acres, with the following condition.

1. The following information and/or corrections shall be made to the final mylar prior to recordation:
 - Adjoining property owners
 - Parcel ID # 8097
 - Correct scale

The Planning Board also recommended adding the following condition:

2. Any utility or stormwater easements must be relocated if a building is to be constructed over them and a new plat showing the location of the easement recorded prior to the approval of a building permit.