



Agenda Abstract

Department: Planning
 Submitting Official: Jason Sullivan

Meeting Date: 6-21-10
 Authorizing Signature: _____

Subject:	Request by H & A Properties, Inc. for subdivision First Plat approval of “Shambley Meadows, Phase IV, consisting of 11 lots on 25 acres, located off S. R. 2165, Hadley Mill Road, Hickory Mountain Township.
Action Requested:	See Recommendation
Attachments (List Individually):	<ol style="list-style-type: none"> 1. First Plat Application Booklet, including plat titled “Shambley Meadows, Phase IV”, prepared by Van R. Finch, Land Survey, P. A., dated January 14, 2009. 2. Loggerhead Shirke recommendations from Harry LeGrand, Vertebrate Zoologist, NCNHP 3. Map prepared by Van R. Finch, Land Surveyor, showing 15% slopes and proposed house sites. 4. Revised final plat, titled Shambley Meadows, Phase IV, prepared by Van R. Finch, Land Survey, P.A., dated June 2, 2010.

Introduction & Background

There are currently 23 lots in Shambley Meadows. Phase I was approved by staff as a five (5) lot minor subdivision on January 26, 2005. Phase II was approved by the Board of County Commissioners on September 19, 2005, consisting of 11 lots. Phase III, consisting seven (7) lots was approved by the Board of County Commissioners on February 20, 2006. Lots are served by individual septic systems and repair areas and individual wells and are accessed by state

maintained roadways.

Discussion & Analysis

The request before the Board is for First Plat approval of Shambley Meadows, Phase IV, consisting of 11 lots on 25 acres. The property is within a Local Watershed Area which allows a 40,000 square foot (useable) lot size if county water is available and a 1.50 acre (useable) lot size if county water is not available. County water is not available at this time. The lots are accessed by the existing public road, Hadley Mill Road, SR-2165 and a proposed new public, state maintained road, Meadowlark Circle. As shown on the First Plat, Meadowlark Circle is proposed to be a cul-de-sac approximately 545 feet in length. Road plan approval from NCDOT for Meadowlark Circle will be provided at the time of Construction review. The Chatham County Emergency Operations Office has stated that the proposed road name is not a duplication and can be submitted for approval. The applicant/developer, Harold Howard, has completed the Subdivision Concept Plan process, which included a mandatory meeting with neighbors and community. This meeting was held on May 21, 2009 at 248 Shambley Meadows Drive. Informational letters (12) with a map attached were mailed to all adjacent property owners within 400 feet of the property and the property was posted with an informational sign. Nine (9) people attended the meeting. See the list of attendees in the Application Booklet. Mr. Howard met with the Technical Review Committee on August 12, 2009 to answer questions regarding the proposed subdivision. The staff members and others attending the meeting asked questions regarding the presence of historical features, type of roadway, and placement of homes on the proposed lots in regard to location of the perennial stream. Staff has received a written statement from Mr. Howard stating that the property does not contain any historical structures or cemeteries.

The property does not contain steep slopes of 25% or greater as defined in the Soil Erosion and Sedimentation Control Ordinance revised December 2, 2008, "Steep Slope - Includes all land on gradients of twenty-five (25) percent or greater, or twenty (20) percent or greater on soils with a RUSLE K-Factor of 0.49 or higher. Steep Slope areas are provided on the Chatham County GIS Website (<http://www.chathamgis.com/>). "

Since the subdivision contains less than 25 lots, the developer was required to submit General Environmental Documentation information. A copy of this document can be found in the Application Booklet. The Environmental Review Board met on December 17, 2009 to review the documentation. A copy of the ERB recommendations can be found in the Application Booklet. The property contains areas of 15% slopes as shown on attachment #3. The recommendations from the ERB include a request that no ground-disturbing activities are conducted on areas of 15% slopes. Attachment #3 shows the proposed house sites to be located outside the 15% slopes. Most of the 15% slope area is located within the riparian buffer. The ERB also recommended that the developer contact the NC Natural Heritage Program for information on the Loggerhead Shirke, which is shown as an Element Occurrence (EO) county wide. Mr. Howard contacted Harry LeGrand, Vertebrate Zoologist with the

NCNHP. See attachment #2. Mr. LeGrand stated “that the species nests around the margins of large fields; placing the nest typically in a tree or dense shrub along a vegetated hedgerow; species favors larger pastures; and that the shrike is a scarce species as far north as Chatham County, though a handful of pairs do nest there.” Mr. LeGrand also stated that “apparently your property has not been surveyed for shrikes, so we do not know if the birds are present.” The ERB reviewed the First Plat and the additional information provided by the surveyor on May 20. Per an e-mail from Fred Royal, the ERB “approved the plans per their previous comments. They stated that the plan meets their comments.”

Fred Royal conducted a riparian buffer review on October 24, 2008. The northern property line (back property line of the lots) is a perennial stream. This stream requires a 100 foot wide riparian buffer to be measured from the top of bank landward. The riparian buffer areas are defined as “a natural or vegetated area that provides a protective distance between a seep, spring, stream, perennial water body or wetland and an adjacent land area which may be converted to some other use.” The property is not within the 100 year flood plain. The property is located within a Local Watershed Area.

Each lot will have an on-site individual septic system and repair area and will be served by individual on-site wells. Thomas Boyce, Chatham County Soil Specialist has reviewed and approved the soils report and map prepared by Neal Floyd, Soil Scientist. Mr. Floyd states in his report “All lots are capable of supporting 4 bedroom (480 gpd) conventional systems.....” See the soils report and map included in the booklet.

As part of First Plat review the applicant is required in Section 6.2, Additional First Plat Information, (D) and (E) to submit a stormwater plan, an erosion control plan and a utility plan for review, if applicable. Fred Royal, Environmental Resources Director, reviewed a preliminary stormwater plan and stated in an e-mail “it appears to be heading towards satisfying the requirements of the stormwater ordinance although a full submittal will be reviewed for this determination with future construction-ready documents”. A copy of the e-mail and the stormwater map are included in the Application Booklet. Jim Willis, Lead Soil Erosion and Sedimentation Inspector reviewed the erosion control plan and stated “the concept of the plan is sufficient for erosion and sediment control. A more complete review of design criteria and detail specifications will be conducted when a full application is made for SECS plan approval and a land disturbing permit”. A copy of the e-mail and erosion control plan are included in the Application Booklet. Since county water is not available, no utility plan review was required. There was not a request from the Board of County Commissioners or the Planning Division for review by the Appearance Commission or the Green Building Task Force. The applicant completed the GBTF worksheet and it is included in the booklet.

The applicant submitted for First Plat Review on April 16, 2010. The Technical Review Committee met on May 12th (2nd review) to discuss the application. Andy Siegner, Environmental Health Supervisor, reviewed the soils report and map and found the information acceptable. No other comments were received from the TRC. Staff sent an e-mail to David Moody with the Board of Education notifying him of the proposed subdivision and provided an

application booklet. Mr. Moody stated to staff that the BOE had no objection to the subdivision.

On June 1, the Planning Board heard the request initially as a Subdivision Public Hearing with public comment, along with staff presentation of the results of the recommendations from the ERB, BOE and Planning Division. Mr. Howard addressed the Board and gave general information about his request. Several property owners, Billie Shambley, Farrel Moose, Emily Lancaster and Bill Dow spoke at the public hearing in opposition to the proposal. Concerns expressed by these property owners included the distance from Pittsboro, change of property use from farmland to residential lots, water usage, water needs for farming, potential plans to develop adjacent property and cumulative effect, increased traffic on Hadley Mill Road, current subdivision road being blocked off from Jay Shambley Road, and conserving farmland. Mr. Howard addressed the questions. He stated that none of the existing homes in Shambley Meadows Subdivision had any water problems; that some wells got 40 gpd; that the soil was good for septic systems; that he currently did not own any more land in the area; that the Troy Howard, LLC owned the balance of the property; that he would like to develop more in the future, if the land comes available; and that the Shambley Meadows Road has not been taken over by NCDOT for maintenance at this time and until that happens, he plans to leave the road blocked off to prevent increased traffic on the road for maintenance reasons.

After the Public Hearing, the Board had the option to discuss the issue and make a recommendation at the June 1st meeting or to postpone for up to three (3) additional meetings. The Planning Board chose to discuss the request and make a recommendation.

The Subdivision Regulations states that “The approval of the First Plat by the Planning Board and the Board of Commissioners serves as permission to begin acquiring permits according to the plans and as a basis for preparation of the construction plan.” The Regulations also allow the Board of Commissioners to indicate by majority vote whether to consider the subdivision plans for the next phase, Construction Plan, or the next two Phases, Construction Plan and Final Plat. Staff recommends that the next two phases, Construction Plan and Final Plat, be reviewed and approved by staff.

The Planning Board discussed the request. The Board questioned whether there was an existing Homeowners Association that could work to address some of the concerns of the neighbors, and whether the builder/developer planned to do any ‘green’ building. Concern was expressed regarding the number of new driveways (5) proposed to access Hadley Mill Road. The Board stated that they preferred to see either a loop road providing access to the five lots #'s 7 – 11, or joint driveways limiting the access points onto Hadley Mill Rd. Mr. Howard stated that, in his opinion, a loop road was not feasible given the presence of the perennial stream. The Planning Board recommended that the plan be revised to provide joint access to Lots 7 – 11.

Mr. Howard submitted a revised subdivision plan on June 3rd showing two joint driveways to serve lots 7 & 8 and lots 9 & 10; eliminating two of the access points onto Hadley Mill Road in

order to meet the Planning Board's recommendation. A copy of the revised plan is included with this packet and is posted to the Planning Division's website.

Recommendation

The plat displays the required information. The Planning Division and Planning Board (by vote of 5-4) recommend granting approval of the First Plat for Shambley Meadow, Phase IV with the following conditions:

1. The Construction Plan and Final Plat shall be reviewed and approved by staff.
2. Joint access be provided to serve the five (5) lots (#'s 7 – 11) fronting on Hadley Mill Road.