

..TITLE

Westfall First Plat Submittal

..ABSTRACT

Action Requested:

Request by Westfall Associates, LLC for First Plat approval of Westfall to add approximately 14.071 acres and 62 lots and decreasing the overall footprint by at least 23 acres through a redesign of the lots and lot sizes, located off S. R. 1721, Lystra Road and S. R. 1717, Jack Bennett Rd., Williams Township.

Introduction & Background:

Zoning: R-1 with CUP for PRD

Water Source: public, Chatham County

Watershed District: WSIV-PA

Septic: On site WWTP owned by Aqua, NC

Within 100 yr flood: yes, a portion of the property is within the 100 year flood plain

Westfall (originally Booth Mountain) was approved by the Board of Commissioners under pre-2008 Subdivision Regulations in January, 2005 to consist of 180 lots on 294 acres to be served by county water, on-site WWTP, and private roads. In January, 2008, 94 lots received final plat approval, Phases 1A, 1B, and 1C. The 86 remaining lots had a sketch design approval. The first phase (1A, 1B, & 1C) was partially completed prior to the economic downturn at which time the property sat dormant and eventually was conveyed by the original owner back to the lending institution. The applicant purchased the property in 2011 from the bank and began work within the existing approved portion of the subdivision.

The applicant is requesting a modification to the existing CUP to add 14.071 acres, 62 new lots, and modification of some of the existing lots. A public hearing on the zoning request was held during the 11/19/12 County Commissioners meeting. The zoning request was reviewed by the Planning Board during their 1/8/13 meeting. The Planning Board made a favorable recommendation to the Board of County Commissioners on the zoning request.

Discussion & Analysis:

The subdivision request includes the addition of land to the project and the addition of 62 lots along with revisions/recombination of some of the existing platted lots, the request is being reviewed under the Subdivision Regulations approved in 2008.

The Subdivision Regulations states in Section 5.2 C (4){a} that "The first Planning Board meeting shall include a Public Hearing to receive public comment on the proposed subdivision and {b} "Following the Public Hearing, the Planning Board shall review the proposal, staff recommendation and public comments and indicate their recommendation for approval, disapproval or approval subject to modifications. If the Board recommends disapproval or approval subject to modifications, the necessary reasons or modifications will be specified in the minutes and {c} "the Planning Board shall have two (2) meetings in which to act on a proposal."

As stated previously, the developers, Westfall Associates are requesting First Plat approval of Westfall to add approximately 14.071 acres and 62 lots and decreasing the overall footprint by at least 23 acres through a redesign of the lots and lot sizes. Nick Robinson, attorney for the applicant, submitted the Concept Review Application to staff on October 12, 2012. A community meeting was held on November 12, 2012 at the offices of Bradshaw & Robinson, LLP. Notification letters were mailed to all property owners within 400 feet of the subject property. One person, Mr. Tim Peele, attended the meeting. Issues discussed were impact on Mr. Peele's property, DOT safety alignment project, time frame of development and home sizes and price range. A Technical Review Committee meeting was held on November 14, 2012 to give Chatham County staff and others the opportunity to review the project and ask questions of the applicant. Mr. Robinson along with Joe Faulkner, PE, CE Group attended the meeting on behalf of the developer and explained the differences between the existing approved plan and the modified plan. Those differences are discussed in the Statement of Purpose submitted with the zoning request and include the addition of 14.071 acres, adding 62 lots, decreasing the size of the overall platted footprint by at least 23 acres due to lot sizes being reduced, increased riparian buffers, decrease in impervious surface area, meeting the new riparian buffer rules. Note: there are two (2) corrections to the Statement of Purpose. There are currently *94 lots* with final plat approval, not 92, and the amenity area is being relocated to the *north side* of the project.

The Subdivision Regulations states in Section 6.2, "Pursuant to N. C. Gen. Stat. 113A-8, the County requires the subdivider to submit an Environmental Impact Assessment for any proposed non-residential development project of two contiguous acres or more in extent that disturbs two or more acres or for any proposed residential development project of two contiguous acres or more in extent that will include fifty (50) or more dwelling units, whether detached or attached single family residences or in multifamily structure or structures." The developer submitted an Environmental Impact Assessment for the project, dated October 5, 2012, to Dan LaMontagne, Environmental Quality Director. A copy of the report can be viewed on the Planning Department webpage at www.chathamnc.org/planning, under Rezoning & Subdivision cases, 2012, Westfall. The report was peer reviewed by Froehling & Robertson, Inc. Comments dated November 8, 2012, related to the Assessment were received from Christopher J. Burkhardt, Senior Environmental Professional. Per Mr. Burkhardt, "minor additional discussions, figures, and corrections are suggested for the EIA to be considered complete." The developer addressed each of the comments. The comments from Mr. Burkhardt along with the response from the developer are provided in the Application Booklet.

The developer is proposing to modify the existing plan as follows:

Phase A

*26 existing platted lots will remain the same

* 7 existing platted lots will be recombined

*78 new lots will be created

* 2 existing platted lots will be recombined into open space in Phase A and these 2 lots will be recombined into Phase B

Total lots in Phase = **113**

Phase B

*24 existing platted lots will be recombined

* 2 existing platted lots from Phase A will be recombined

*43 new lots will be created

Total lots in Phase = **69**

Phase C

*35 existing platted lots will remain the same

*25 new lots will be created

Total lots in Phase = **60**

Total Phase A, B, & C = **242 lots**. The modified plan will have lots that are a minimum in size of 0.15 acres, a maximum lot size of 2.85 acres, and an average lot size of 0.56 acres. (The existing lot plan was to have a minimum lot size of 0.70 acres, a maximum lot size of 1.65 acres, and an average lot size of 1.01 acres.) The smaller lots will allow the developer to decrease the overall platted footprint of the development by approximately 23 acres, provide approximately 35 acres of additional open space, increase buffered areas, and decrease the impervious surface coverage from 18.5% to 17.8% of the total land area. The modified plan provides for an overall total of open space of 46.7%. A copy of the previous subdivision plan can be viewed on the Planning Department webpage at www.chathamnc.org/planning, Rezoning and Subdivision Cases, 2013, Westfall. A copy of the proposed plan is provided in your packet.

All lots are proposed to be accessed by paved, private roads. The roads will be designed and built to the NCDOT standards, however not state maintained. The private roads may be gated, provided access is made available to emergency vehicles. The developer has provided a trail easement from the subject property to the Chatham County School site. Water will be provided by Chatham County. The proposed utility layout is shown on the First Plat. The developer will provide water plan permits from Chatham County and NCDWQ at the time of Construction Plan submittal. Sewer service will be provided by a Wastewater Treatment Plant, owned and operated by Aqua, NC. The WWTP is currently being built to provide 45,000 gpd which will serve the existing 94 platted lots and will be expanded as needed. The permit issued in 2006 is still valid and allows the plant to be built to a capacity of 90,000 gpd.

On the previous plan, there were lots abutting riparian buffers, however most lots did not include any of the riparian buffer area in their acreage. The new plan, due to the decreased footprint,

has the newly created lots pulled away from the riparian buffer boundary with additional open space between the buffer and the lots. An on-site buffer review was performed by Soil and Environmental Consultants (S&EC) on July 17, 2012. A copy of the buffer review report is provided in the Application Booklet. The buffer review was conducted according to the Chatham County Watershed Protection Ordinance as revised in 2008 and incorporates the new buffer requirements along ephemeral streams. Dan LaMontagne, Chatham County Environmental Quality Director, met on site with David Gainey, Project Manager, S&EC, to review the buffer report. Mr. LaMontagne stated in an e-mail to Mr. Gainey, dated October 5, 2012, "Thanks for meeting at the site yesterday to review the attached Buffer Submittal. As we discussed, we agree with the determinations as presented in your submittal. This email is to serve as confirmation of Chatham County's concurrence with your findings."

The current existing subdivision approval was approved prior to the new stormwater regulations. This request will meet the current Chatham County Stormwater Ordinance requirements. Per the EIA "There are three existing dry detention structures within the existing constructed and platted areas which will remain as-is. All other areas will be changed to include the design and installation of Water Quality structures which will treat the 1-inch one hour storm volume in addition to detaining the 10 year storm event to pre-developed peak discharge rate per the current county regulations". Proposed stormwater pond locations, and other stormwater features are shown on the First Plat. The stormwater permit along with the soil and erosion control permit will be submitted at the time of Construction Plan submittal.

An Archaeological Assessment was performed on the subject property in 2005 and no significant historical features were identified. The Chatham County Historical Association has concerns that the assessment was not conducted thoroughly. In performing the current on-site riparian buffer review, a chimney and an old house site was discovered by S&EC. Bev Wiggins, with CCHA, also stated that CCHA had been notified that there *may* be a cemetery (King cemetery) located on the property. Ms. Wiggins met on site with David Gainey, S&EC, to photograph the chimney and house site. No search for the possible cemetery has been conducted. It is the developer's responsibility to report any evidence of gravesites or historical features found during the development of the property.

Nick Robinson, attorney for the developer, sent a notification letter to Robert Logan, Chatham County School Superintendent, of the proposed changes to the project. Mr. Logan responded in part saying "The school system and Board of Education are very glad to hear of the plans to move forward with the Westfall Subdivision.....The size of the Westfall Subdivision would have no impact on the new high school.....However, Westfall children are in the North Chatham Elementary School attendance district. North Chatham is currently just under capacity and growing.....An additional subdivision the size of Westfall would definitely expedite the need for an additional elementary school in the North Chatham area.....Much success on the Westfall project." Please see the letter in its entirety in the Application Booklet.

The Chatham County Emergency Operations Office has approved the following road names for submittal to the Board of County Commissioners: Lystra Grant Ct., West Beech Slope Ct., Futrell Ridge Ct., Futrell Grant Ct.

The Subdivision Regulations states in Section 5 C (6) "The first phase of phased subdivision must submit Construction Plans within two (2) years of approval of First Plat." Westfall is a phased subdivision. The developer provided a development schedule on the cover sheet of the First Plat, but, has requested to revise that schedule. The revised schedule states that Phase 1 of the project will be submitted for Construction Plan review and approval by February 17, 2015 (estimated two (2) years from First Plat approval date). The revised development schedule states that all 242 lots will be submitted for Final Plat review and approval on or before December 31, 2025.

Staff thinks the development schedule is reasonable.

The approval of the First Plat by 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(s).

Construction Plan and Final Plat are reviewed and approved by county staff unless staff deems there to be significant changes from the approved First Plat.

The subdivision submittals will adhere to the zoning conditions.

A Public Hearing was held at the January 8, 2013 Planning Board meeting. There were no public comments. Nick Robinson, attorney; Joe Faulkner, PE, and Mark Ashness, PE, CE Group; and David Gainey, Project Manager, S&EC, were present to answer questions. Board discussion followed. Mr. Robinson addressed the Board and briefly explained the application and stated that the zoning discussion had covered the details of the application. There were no questions for the applicant.

Recommendation:

The plat meets the requirements of the Subdivision Regulations. The Planning Department and Planning Board (by unanimous vote - 10 members present) recommends approval of the road names Lystra Grant Ct., West Beech Slope Ct., Futrell Ridge Ct., Futrell Grant Ct.; recommends approval of the development schedule; and recommends approval of the First Plat titled "Westfall Subdivision First Plat" with the following condition:

1. The revised development schedule shall be shown on all Construction Plan submittals.