



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
7-16-07

PART A

Subject: Request by Sears Design Group, P. A. on behalf of Wade Barber, Jr. for subdivision sketch design approval of “**Subdivision of Barber Lands**”, consisting of 48 lots on 59.54 acres, located off, SR-1859, South Langdon in Fearington, Williams Township.

Action Requested: See Recommendations.

Attachments:

1. Major subdivision application.
2. ArcView map, parcel #19333
3. Letter from Alan R. Keith, P. E. regarding the Fearington WWTP capacity.
4. Zoning map of Barber and Mclean properties.
5. Letter dated June 15, 2007 from Dan Sears, Sears Design Group, P.A. regarding a second meeting with Fearington homeowners and public dedication of right-of-way to McLean property.
6. Letter dated June 22, 2007 from Jennifer Andrews, Attorney, regarding public dedication of right-of-way to McLean property.
7. Public comments received at the June 5th Planning Board meeting along with comments received prior to the July 10 Planning Board meeting are posted to the Planning Department web site under ‘Public Comments’.
8. Public comments received at the 7/10/07 Planning Board meeting.
9. E-mail from Alan S. Weakley dated July 10, 2007
10. Revised sketch design map titled “Subdivision on Barber Lands”, prepared by Sears Design Group, P. A., dated June 15, 2007.
11. E-mail from Chris Walker to BOC dated July 12, 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: Subdivision of Barber Lands

Introduction / Background / Previous Board Actions:

See major subdivision application and sketch design plan for background information. The subject property is not part of the Fearington Planned Unit Development.

Issues for Further Discussion and Analysis:

The developers are requesting sketch design approval of 48 lots to be accessed by a public, state maintained roadway through the existing Fearington Village Planned Unit Development. The existing public road, South Langdon, in Fearington will be extended to access these proposed lots. Per Justin Bullock, with NCDOT, the access roads to the Barber property within Fearington, i.e. Weathersfield, Millcroft, and South Langdon, are constructed to a collector standard. The McLean Family Limited Partnership Property, parcel #18993 lies south of the Barber tract and contains approximately 530 acres. The McLean property has a split zoning, RA-40 and RA-90. On October 16, 2006, the McLean property received an approval from The Board of County Commissioners to rezone the portion of land, 470 acres, at that time currently zoned RA-5 to RA-90. The portion of the McLean tract south of the Barber tract is zoned RA-40. Currently, the access to the McLean Property is by way of Big Hole Road, a private road and private access through The Preserve and The Legacy. See attachment # 4. Staff recommends a dedication of public right-of-way for possible future public road extension and county water line extension when and if the McLean property were to be developed. The developer has shown a 45 foot wide 'Emergency Access Corridor' to the McLean property. Staff recommends the language on the preliminary and final plats read "Dedication of public right-of-way for possible future road connection and utility access for extension of county water lines". Staff also recommends that NCDOT review and recommend the necessary width of the dedication of right-of-way due to the acreage of the McLean tract and the number of potential lots that may be created in the future. The developer along with many Fearington residents are concerned that if the McLean property is developed that all the traffic would be funneled through the subject property and therefore, through Fearington Village. Written comments from the developer and Fearington residents are shown as attachment #5 (included in this packet) and attachment # 7 and # 8 (posted to Planning web site). Written comments from Jennifer Andrews, Attorney, on behalf of Mary Elizabeth 'Peggy' McLean Youngblood & McLean Family Limited Partnership, are included in this packet as attachment # 6. Issues of concern for the developer and Fearington residents regarding the dedication of public right-of-way to the McLean property, include the concern that this would be the only access to and from the McLean property; therefore, funneling all proposed traffic from McLean through Barber and Fearington properties creating potential increased traffic and safety issues. As previously stated staff thinks the dedication of right-of-way to McLean is appropriate but also recommends that said access shall be contingent upon any future subdivision plan submitted for the McLean tract providing adequate additional access to be approved by the Board of County Commissioners during sketch design review. Mrs. Andrews, attorney representing Mrs. Youngblood & McLean Family Limited Partnership, stated at the Planning Board meeting that her client would voluntarily agree to this restriction.

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At the 7/10/07 Planning Board meeting residents of Fearington addressed the Board regarding their concerns pertaining to the dedication of right-of-way. Comments from the meeting are posted on the Planning Department website. A petition signed by 800 + Fearington residents against the connection is in the Planning Department subdivision file. A portion of said petition can be viewed on the Planning Department web site under 'Barber Lands' – petition. Details about discussion of this issue and the Planning Board's deliberations are addressed in attachment number 11 from Chris Walker.

The Lingerfeldt property, approximately 120 acres, to the west has a dedication of private road right-of-way and public utility easement from the Galloway Ridge property. As shown on attachment # 2, ArcView map, there is a perennial stream that crosses the North West corner of the Barber tract and continues through the Lingerfeldt tract. Due to the stream location and topography, staff does not recommend a public dedication of right-of-way from the subject property to Lingerfeldt. Staff will revisit the issue of access to Lingerfeldt when future sections of Fearington Village are developed.

County water is available and will be utilized. Lots will be served by the Fearington Wastewater Treatment Plant. Attachment # 3 is a verification / certification from Alan R. Keith, P. E., with Diehl & Phillips, P. A. that the Fearington WWTP plant currently has capacity to serve the Barber Lands Subdivision and the Knolls at Fearington.

The sketch plan includes a Community Park of 3 acres. The sketch plan also includes a 50 foot wide buffer along most of the exterior boundary of the Barber property. Concern has been expressed to staff from some adjoining property owners in Bradford Place that the 50 foot wide buffer has not been continued along the common boundary of the subject property and Bradford Place. Bradford Place is a portion of the Fearington, PUD and does have a 50 foot wide buffer along their back boundary lines. The common boundary between the subject property and Bradford Place is labeled as a drainage easement. Concern from the public has been expressed that this 'drainage easement' is actually a stream and should have a required water hazard setback / vegetative stream buffer. Per the county GIS records, this drainage area is not designated as a stream. See attachment # 2. Dan Sears, Landscape Architect/Land Planner, has stated that the developers plan to have S& EC visit the site and conduct a stream evaluation prior to submitting a request for preliminary review. If the area is given a stream designation by S & EC, it will be buffered accordingly. Since the June 5th Planning Board meeting, the developer has submitted a revised sketch plan, dated June 15th with a 50 foot wide setback along the common boundary line with Bradford Place. See attachment # 8. The developer plans to have S& EC conduct an on-site stream / wetland evaluation. At the Planning Board meeting, the applicant agreed to provide a 100 foot buffer along the boundary of Bradford Place.

Staff's review of the Natural Heritage Program shows the property to potentially contain the Loggerhead Shrike, which is county wide. The subject property also lies within the Big Woods Road Upland Forests area. The Inventory of the Natural Areas and Wildlife Habitats of Chatham County dated June 1992 states "The Big woods is the largest tract of unbroken upland forest remaining in the county, if not the entire triangle region. As such, it serves as an important wildlife reservoir, supplying the entire area through its connections via the Jordan Lake game

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lands to the Haw River, New Hope Creek, and Morgan Creek watersheds.....Conservation Recommendations: The value of this tract to wildlife requires that its unbroken, wooded character be preserved. Although its rugged terrain continues to offer some degree of protection,

development is already making noticeable inroads, particularly along the Jordan Lake frontage. Ideally, this tract will continue to be used primarily for forestry, although the owners should be encouraged to shift away from clear-cutting to the use of selective harvesting, shelter wood stands, and other practices less disruptive to wildlife (particularly wild turkey and bobcat).” Various subdivision of land have occurred in this area since this report was prepared including Big Woods Hills, The Preserve, The Legacy at Jordan Lake, and Windfall Creek.

Staff meets monthly (and/or receives written comments) with Jacqueline Presley, Urban Wildlife Biologist, with the North Carolina Wildlife Resource Commission to review projects submitted for subdivision development. Ms. Presley sends her comments on the projects she thinks warrant additional protection beyond the county’s current requirements. Staff has not received written comments concerning this project. Staff incorporates these comments into the review notes for Board consideration; however, current ordinances and regulations do not allow for the requirement of increased stream buffering or denial of subdivision projects due to location of a project within the Natural Heritage Program Area specifically the Big Woods Road Upland Forest Significant Natural Heritage Area. The developer can voluntarily agree to provide additional buffers if he chooses.

The Planning Department staff and Allison Weakley, Chair of the Environmental Review Board, discussed with the Planning Board additional information concerning the development of the County Natural Areas Inventory, specifically that each tract has not been inventoried in detail due to limited funds and time. The Planning Board is recommending that an environmental impact assessment be conducted on this property to provide additional information.

Staff notified Delores Hall, Deputy State Archaeologist-Land, Office of State Archaeology of the sketch design submittals received for the June 5th Planning Board meeting for comments or recommendations. For the Barber lands Ms. Hall stated “No recorded archaeological sites are present and I do not recommend any survey.”

Per the developer, there are no historical structures or cemeteries located neither on nor within 100 feet of the subject property.

The developer had a community meeting Thursday May 31, for all interested parties to view the plans for the project and provide input and a subsequent meeting with homeowners after the June 5 Planning Board meeting. Per Dan Sears, Sears Design Group, attachment # 5 states commitments agreed to by the developer based on the community meetings

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Recommendation: The plat displays the information necessary for sketch design and meets the requirements of the Subdivision Regulations. The Planning Department recommends granting sketch design approval of “Subdivision of Barber Lands” with the following conditions:

1. Language on the preliminary and final plats regarding access to the McLean property shall read (subject to County Attorney approval) “Dedication of public right-of-way for possible future road connection and utility easement for extension of county water lines”. Said access to the McLean property is contingent upon any future subdivision plan submitted for the McLean tract providing adequate additional access to be approved by the Board of County Commissioners during sketch design review. If public road access is not provided, it is recommended that there be public utility easements provided and emergency road access with a gate installed made operable to emergency services.
2. Prior to preliminary plat review, the developer shall have NCDOT review and recommend the necessary width of the dedication of right-of-way to the McLean property due to the acreage of the McLean tract and the number of potential lots that may be created in the future.

The Planning Board recommends approval of the sketch plat without the public dedication of right-of-way and public utility easement or the 45 foot wide emergency access to the McLean tract. The Planning Board recommends granting sketch design approval with the requirement that an environmental impact assessment be prepared and reviewed by the Environmental Review Board prior to preliminary plat submittal and with the recommendation that the applicant provide a 100 foot buffer along the common boundary with Bradford Place.