



Chatham County  
Board of Commissioners  
Agenda Abstract

Item Number:  
Meeting Date: 10-01-01

**Part A**

**Subject:** Request by Jesse Fearington for subdivision sketch design approval of "Monterrane, Phase IV", consisting of 6 lots on approximately 31 acres off S. R. 1700, (Mt. Gilead Church Road), in Williams Township.

**Action Requested:** See Recommendations.

**Attachments:**  
1. Revised map entitled "Monterrane Phase 4", prepared by Smith and Smith Surveyors, dated 8-15-01.

**Submitted By:**

Keith Megginson  
Keith Megginson, Planning Director

9/20/01  
Date

**County Manager Review:**

Charlie B. Horne  
Charlie Horne, County Manager

9/24/01  
Date

**This abstract requires review by:**

- County Attorney** \_\_\_\_\_  
Date Reviewed
- Finance Officer** \_\_\_\_\_  
Date Reviewed
- Budget Officer** \_\_\_\_\_  
Date Reviewed

## Part B

*Re: Monterrane, Phase IV*

**Introduction & Background:** This issue was returned to the Planning Board for further review by the County Commissioners at their August 6<sup>th</sup> meeting.

**Discussion & Analysis:** The issues of concern for the County Commissioners are as follows:

1) Access be provided to the John Walton Haywood property from Phase IV.

The revised plat shows a 60 foot wide private easement from Monterrane, Phase IV to the Haywood property. A note on the plat states that this easement is subject to change provided an access and utility easement can be provided from Phase II through the lands of Hayes to Haywood. It is recommended that the easement shown on the preliminary and final plats state that the easement is an access and utility easement.

2) Whether the roadways within all the phases of Monterrane should be required to be public.

The Subdivision Regulations in Section 6.2 D. (1) reads as follows: "Private roads may be allowed in the following types of developments." The regulations then describe the types of developments that may use private roads. The regulations do not require that developments be allowed to use private roads but they may be allowed. To date when the development types described have requested private roads they have been allowed.

The Subdivision Regulations Section 6.2 B. (3) states "Where, in the opinion of the Board of County Commissioners, it is necessary to provide for public street access to adjoining property, proposed public streets shall be extended by dedication of right-of-way to the boundary of such property. A temporary turnaround meeting the standards of the Division of Highways shall be provided. The right-of-way extension shall be designed to meet state standards, however it is not required to be constructed at the time of final plat approval; only reserved for future public access.

When developments are proposed with private gravel roads, the Board of County Commissioners may require said roads right-of-ways be reserved to adjacent properties where deemed appropriate for future access. The future disposition of said right-of-ways is left to the discretion of the owners of the development."

Phase I and the majority of the roadway in Phase II are public, state maintained roads. At the point in Phase II where the zoning changes from RA-40 to RA-5 the roadways change from public to county standard private roads. The developer has chosen to pave the private road even though the Subdivision Regulations state the road can be constructed as a gravel road. Public roads must connect with public roads. At this point in the development, it would be difficult for the developer to change the status of the private road to a public road since he has already sold lots with a disclosure stating the status of the roadways. The disposition of the private right-of-ways to the adjoining properties of Haywood, Burnette and Corn is left to the discretion of the developer and/or the Monterrane homeowners association.

**Discussion & Analysis – con't**

The Planning Board will discuss at a future date public roads versus private roads and how they each relate to the Subdivision Ordinance.

**Recommendation:** The Planning Department and Planning Board recommend granting sketch design approval of *Monterrane, Phase IV* with the following condition:

1. Utility easements to the Burnette and Corn properties be shown on the preliminary and final plats.
2. The access easement to the Haywood property also be labeled as a utility easement on the preliminary and final plat.