



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
10-15-07

PART A

Subject: Request by Dan Sullivan on behalf of Contentnea Creek Co. for subdivision preliminary approval of **“Pennington South Subdivision”**, consisting of 50 lots on 68 acres, located off Hwy 64 E, New Hope Township.

Action Requested: See Recommendations.

Attachments: The following may be viewed on the Planning Department website at www.chathamnc.org under Planning, Rezoning & Subdivision Cases, 2007.

1. Major subdivision application.
2. ArcView map, parcel #1747
3. Preliminary plat titled “Pennington South”, prepared by John W. Harris, P. E. Consulting Engineering, Inc.

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: Pennington South Subdivision

Introduction / Background / Previous Board Actions:

Zoning: RA-40 (Application incorrectly states RA-5)
Water System: Public / Chatham County Sewer System: Private
Watershed: WSIV-Protected Area
Subject to 100 year flood plain: No

Sketch design was approved by the Board of County Commissioners on September 18, 2006 for 50 lots on 68 acres. Minimum lot size for the development is 40,000 square feet (.90 acre) with an average lot size of 53,434 square feet (1.22 acre).

Issues for Further Discussion and Analysis:

The developer is requesting preliminary plat approval for 50 lots to be accessed by a public, state maintained roadway off US Hwy 64E. The sketch design notes stated "The property is within the Phase 2 A Corridor Study area currently being conducted by NC DOT with partial funding from Chatham County. This plan is to identify long-term and short-term transportation and land development strategies for transitioning the corridor from its current status to a freeway and/or expressway. Staff has spoken with David Wasserman with NCDOT, regarding the study. Mr. Wasserman stated that the design for a freeway normally requires a 300-foot wide right-of-way and that if the sole access to the property is by way of US 64 then NC DOT may provide a commercial driveway permit, but the access may be relocated or closed in the future. He recommended reserving future public access to adjacent, undeveloped properties to help facilitate the relocation of access in the future." The preliminary design plan provides for a public road stub-out to the property to the west owned by Robert L. and Rebekah Gunn, 10 + acres. The Gunn property fronts on Hwy US 64. A road-stub out to the property to the east, owned by Jeannine C. Dollar, 15 acres is also provided. The Dollar property fronts on SR-1941, Seaforth Road and could provide for an access onto Seaforth Road in the future. Staff spoke again recently to Mr. Wasserman regarding any language he may recommend placing on the final plat. The following is the suggested language: "*The North Carolina Board of Transportation has identified {Name of Facility} as a Strategic Highway Corridor. In order to protect the safety, mobility, and traffic carrying capacity of this Strategic Highway Corridor, the approved access along {Name of Facility} may be closed or relocated if an alternative access is developed in the future or if any safety concerns or other traffic impacts arise.*" Staff recommends this language be placed on the final plat.

Other agency reviews required by the Subdivision Regulations for preliminary plat review have been received as follows:

Chatham County	Erosion Control Permit With Modifications	Sept 9, 2007
NCDENR – DWQ	Authorization to Construct Water System	Sept 4, 2007
NCDOT	Road Plan Approval	Aug.10, 2007
NCDOT	Commercial Driveway Permit	July 17, 2007

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NCDOT	Encroachment Agreement 12" DIP Water Line	April 13, 2007
NCDENR – DWQ	401 Water Quality Certification	Sept 4, 2007

Copies of the above referenced permits can be found on the Planning Department section of the County web site. Per Jim Willis, Chatham County Erosion Control Inspector, the project has an erosion control plan approval, but the plan required some modifications. No work is to commence until the modifications have been approved.

An application was made to the US Army Corps of Engineers on April 7, 2007 for a 404 creek crossing permit. As of this date, the applicant has not received a 404 permit. The Subdivision Regulations states in Section 4.4 B (5) "When the development improvements may involve the placement of excavated material or fill material into streams, creeks, lakes, or wetland, the subdivider is responsible for contacting the U.S. Army Corps of Engineers for a determination of whether a permit is required. A permit or a letter indicating no permit is required shall be provided twenty-three (23) days prior to the meeting of preliminary plat review. *Failure of the U.S. Army Corps of Engineers to respond within thirty (30) days of an appropriate request to said agency shall not prohibit the subdivision application from proceeding through the county review*". The Corps of Engineers allows certain projects considered lower priority to be approved by default (they are allowed to go 'statutory'). The applicant is required to submit their application for a 404 permit and if the permit does not receive approval within 45 days from date of application, it is considered approved by default. As stated above, the 401 Water Quality Certification has been issued by NCDWQ.

County water is available and will be utilized. Each lot will be served by an individual wastewater treatment system. Eleven (11) of the lots will have off-site or remote initial and repair areas. Those lots include Lot #'s 18, 19, 20, 21, 22, 24, 37, 38, 39, 40, and 50. Septic easements, 15 feet wide, will be shown on the final plat. The soil report, prepared by Jason Hall, Central Carolina Soil Consulting, PLLC, dated June 4, 2008 has been reviewed by Thomas Boyce, Chatham County Soil Specialist. Prior to final plat submittal, a lot by lot review will be performed by a Chatham County Environmental Health Specialist. Based on this on-site review, some revisions to lot lines may be required and/or lots may be eliminated.

One perennial stream (feature 'A' *as designated on Surface waters and wetland map prepared by Burdette Land Consulting, Inc.*) is also designated on the USGS Topo map. A 50 foot per side water hazard setback / vegetative stream buffer has been shown along this stream. An on-site stream and wetland delineation, conducted by Jennifer A. Burdette, Burdette Land Consulting, Inc., on July 12, 2006 identified an additional intermittent stream, (feature 'D') along with a jurisdictional wetland, (feature 'C'). A copy of the report dated July 20, 2006 along with maps showing identified features can be viewed on the Planning Department web site. The preliminary plat shows the intermittent stream, within Lots 20 and 21, with a 50 foot per side water hazard setback / vegetative stream buffer. The linear wetland has been shown within Lot 48 along with a 20 foot wide public drainage easement. An intermittent stream (feature 'B') was identified on the adjacent property of Robert Gunn. The required 50 foot buffer along this stream may extend onto the subject property. This will be evaluated prior to final plat submittal.

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and, if the buffer affects the subject property, it will be shown on the final plat. Discussion by the Planning Board followed regarding buffering of ephemeral channels identified on site by Jennifer Burdette. John Harris, Engineer, stated that the developer will provide 20 foot wide drainage easements along these channels, specifically within Lots 23 and 24 and Lots 11 and 12.

Per John Harris, P. E., all lots have a minimum useable lot area of 40,000 square feet outside state road right-of-ways and stream buffers.

Another issue of concern expressed by Planning Board was whether Lots 35 and 36 should share a common driveway, thereby, creating only one (1) creek crossing to access potential house sites. Mr. Harris stated that the developer will consider providing a shared driveway, if both house sites are across the creek. It is possible that the house site for Lot # 36 will be on the north side of the creek, near the road, and not require a driveway crossing of the creek. This will be determined, after the wastewater system location has been approved by Chatham County Environmental Health.

The property is wooded with slopes that range from 6% to 38% with an average slope of 8.5%. Lots with the steeper slopes, #'s 19, 20, 21 have off-site septic areas. A map showing slopes can be viewed on the Planning Department web site.

The Chatham County Emergency Operations office has approved the road names 'Rustic Leaves Way', 'Windswept Circle', and 'Silver Lining Lane'.

There were two conditions of sketch design approval as follows:

1. Staff recommends utility easements be shown on the preliminary plan and final plat to provide for future looping of water lines to the west, east, and south. The width and location of said utility easements shall be as specified by the Chatham County Public Works Department. *This condition has been met.*
2. Note # 5 be changed to reflect the correct zoning. *This condition has been met.*

Recommendation: The plat displays the necessary information and meets the requirements of the Subdivision Regulations with the final approvals of other agencies. The Planning Department and Planning Board (by a unanimous vote) recommend granting approval of the road names 'Rustic Leaves Way', 'Windswept Circle', and 'Silver Lining Lane' and preliminary plat approval of Pennington South with the following conditions:

1. A note be placed on the final plat to read: "The North Carolina Board of Transportation has identified {Name of Facility} as a Strategic Highway Corridor. In order to protect the safety, mobility, and traffic carrying capacity of this Strategic Highway Corridor, the approved access along {Name of Facility} may be closed or relocated if an alternative access is developed in the future or if any safety concerns or other traffic impacts arise."
2. The final plat major subdivision application states the correct zoning district of RA-40.

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3. Prior to final plat submittal, feature 'B' as shown on Burdette Land Consulting, Inc. map dated 7/20/06 shall be evaluated and, if the buffer affects the subject property, the buffer shall be shown on the final plat.
4. The developer shall provide 20 foot wide drainage easements along the ephemeral channels identified by Jennifer Burdette's on-site review, specifically within Lots 23 and 24 and Lots 11 and 12.
5. If necessary due to house site location on Lots 35 and 36, the developer shall consider providing a shared driveway creating one creek crossing.