



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
11-19-07

PART A

Subject: Request by Over Jordan, LLC for subdivision final approval of “**Westfall, Phases 1A, 1B, and 1C**” (f/k/a Booth Mountain), consisting of 94 lots on 160 acres, located off SR-1721, Lystra Road and Sr-1717, Jack Bennett Road, Williams Township.

Action Requested: See Recommendations.

Attachments: See Page 5

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: Westfall, Phases 1A, 1B, and 1C

Introduction / Background / Previous Board Actions:

Zoning: RA-40 with CUP / PUD Water System: County
Sewer System: Private Waste Water Treatment Plant
Watershed: WSIV-PA
Within 100 year flood plain: Yes, see plat.

Approvals to date:

January 18, 2005: County Commissioners' approval of a request by MacGregor Development Co. for a Conditional Use Permit within the existing RA-40 zoning district for a Planned Residential Development [**Booth Mountain**], for 180 lots, on 294 acres, off S. R. 1721 (Lystra Church Road) and S. R. 1717 (Jack Bennett Road), Williams Township. A copy of the Resolution Approving a Conditional Use Permit with related conditions can be found on the county web site at www.chathamnc.org Planning- Rezoning and Subdivision Cases – Miscellaneous Prior to 2005 – Booth Mountain.

April 17, 2006: County Commissioners' approval of a request by Nick Robinson, Attorney, on behalf of MacGregor Development Company for **a revision to the existing “Booth Mountain Planned Unit Development” to relocate the amenity area**. The agenda abstract notes for this issue can be found on the Planning Department web page –2006- Booth Mountain.

November 20, 2006: County Commissioners' subdivision preliminary plat approval of “Westfall, Phase 1A, 1B, and 1C”, consisting of 94 lots on 160 acres and approval to change the road status in Westfall Crossing, Phase 1B and Westfall Village, Phase 1C from public, state maintained roads to ungated, paved, private roads built to NCDOT standards for Local Residential Subdivision roads with the two following conditions:

1. Staff recommends the following be added or changed on the final plat:
 - Road name “Beach Slope Court” be changed to “Beech Slope Court”
 - Use of area shown between Lots 112 and 113 be labeled.
2. The applicant shall have additional surveys preformed for the listed species during the time said species is most likely to be identified, prior to ground disturbing activities in the potential habitat area. Carolina Ladle Crayfish, Four-Toed Salamander, and Large Witchalder and Sweet Pine Sap. A report of said findings shall be provided to the Planning Department and if said species are found the applicant shall work with the North Carolina Botanical Gardens or similar organization to relocate and/or protect said species. Methods considered shall be reported to the Planning Department prior to ground disturbing activities in the habitat area.

Re: Westfall, Phases 1A, 1B, and 1C

Issues for Further Discussion and Analysis:

Both conditions have been met. See attachment # 2, report from S&EC, regarding conditions # 2. A copy of the preliminary Planning Board and County Commissioners' agenda notes can be found on the Planning Department web site for year 2006.

The developer is requesting final plat approval of "**Westfall, Phases 1A, 1B, and 1C**", consisting of 94 lots. The developer is requesting final plat approval with a financial guarantee for the completion of the private roadways and required infrastructure, i.e. wastewater treatment plant, irrigation system, erosion control, water, sanitary sewer, road widening. Certification of cost for completion has been submitted by Michael Zaccarado, PE, CE Group, Inc. Per the certification, 60% (percent) of the infrastructure work has been completed to date. Section 3.1B. (1) of the Subdivision Regulations states that, "the County may waive the requirement that the applicant complete all required improvements...when the public health and/or safety will not be endangered..." The roadways serving these lots have been graded, and graveled so the lots are accessible to emergency vehicles. It is the staff opinion that this development qualifies for acceptance of a financial guarantee.

County water is available and will be utilized. Wastewater for each lot will be treated at a private on-site wastewater treatment plant. Permits for each were submitted as part of the preliminary plat review.

Attachment # 4 is a memorandum from Jacquelyn Wallace, Urban Wildlife Biologist, NC Wildlife Resources Commission, dated October 23 regarding the development of the subject property. Staff has provided these comments for information, although, at time of final plat review, it is too late for the developer to incorporate the comments into the design of the project after the infrastructure has been permitted and partially built. There is a master plan for this project which was approved by the Board of County Commissioners on January 18, 2005 through the conditional use permit zoning process and included 16 conditions. Conditions 2, 3, 5, 13, 14, and 15 require additional buffers beyond current standard water hazard setbacks / vegetative stream buffer. Attachment # 3, Letter from Nicholas P. Robinson, Attorney-At-Law, dated October 30, 2007 regarding compliance with zoning conditions, addresses how each condition that applies to these phases is being addressed.

Names of each section will be changed on the Mylar copy of the maps to Westfall, Phase 1A, Westfall Crossing, Phase 1B, and Westfall Village, Phase 1C. The Phase 1B Mylar will more accurately label the trail easement from the village area to the school site as required in condition # 8. Open space / common areas will be labeled on the Mylar map as they were shown on the preliminary map. Stream buffers shown on the Phase 1C map located outside the property boundaries will be removed. Additional information to be added to the Mylar copies include:
--sight triangles, control corners / concrete monument, AKPAR number(s), property owner across Lystra Road, and flood elevations.

Re: Westfall, Phases 1A, 1B, and 1C

Issues for Further Discussion and Analysis:

Allison Weakley and Peter Theye addressed the Board with continuing concerns regarding stream buffers and the proposed trail to the school property. Nick Robinson, Attorney, for the developer, addressed the issues raised and stated that the issue of stream buffers along Herndon Creek had been previously addressed at a work session by the Board of Commissioners and that the developer had been in discussions with the Board of Education regarding the proposed trail to the school property. Mr. Robinson stated that he expected a resolution to that issue (see attachment # 5) prior to the November 19 Board of Commission meeting and that all revisions to the Mylars as noted by staff would be made prior to recording.

Recommendation:

The plat meets the requirements of the Subdivision Regulations with the final approvals of other agencies. The Planning Department and Planning Board (by a vote of 6-1-2) recommend granting subdivision final plat approval of “**Westfall, Phases 1A, 1B, and 1C**” with the following condition:

1. The Mylar copies of the final plats include the following:

* Names of each section shall be changed to Westfall, Phase 1A, Westfall Crossing, Phase 1B, and Westfall Village, phase 1C.

*The Phase 1B Mylar shall accurately label the trail easement from the village area to the school site as required in condition # 8.

* Open space / common areas shall be labeled on the Mylar map(s).

* Stream buffers shown on the Phase 1C map located outside the property boundaries shall be removed.

* Additional information to be added to the Mylar copies include:

--sight triangles, control corners / concrete monument, AKPAR number(s),
property owner across Lystra Road, flood elevations, channel designation shown within Tract E on Phase 1A (Sheet No. 2 of 2) and required buffer.

Re: Westfall, Phases 1A, 1B, and 1C

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. Letter from Nicolas P. Robinson, Attorney-At-Law, dated April 20, 2007 along with report titled “Detailed Threatened and Endangered Species”, prepared by Soil & Environmental Consultants, PA, dated April 19, 2007.
3. Letter from Nicholas P. Robinson, Attorney-At-Law, dated October 30, 2007 regarding compliance with zoning conditions.
4. Comments from Jacquelyn Wallace, Urban Wildlife Biologist, NC Wildlife Resources Commission, dated October 23, 2007.
5. E-mail from Nick Robinson, dated November 7, 2007 regarding trail to school.
6. E-mail dated November 7, 2007 from David Moody, Assistant Superintendent of Chatham County Schools
7. Comments [with attachment] from Allison Weakley, Chair, Chatham County Environmental Review Board dated November 5, 2007
8. Final plats titled “Westfall – Phase 1A” (sheet 1 of 2), “Westfall – Phase 1A” (sheet 2 of 2); “Westfall – Phase 1B”; “Westfall – Phase 1C”
Prepared by Smith and Smith Surveyors, dated September 28, 2007.