

PLANNING & ZONING REVIEW NOTES

III. D. 1.

SUBJECT: Request by Contentnea Creek Development Co. for subdivision final approval of “**Windfall Creek, Phase IV**”, consisting of 23 lots on 137 acres, located off SR-1716, Big Woods Road, New Hope Township.

- ATTACHMENTS:**
1. Major Subdivision Application.
 2. E-mail from Jonna Birtcher, Vice President of Development, Contentnea Creek Development Co., dated May 29, 2007.
 3. Final plat titled “Windfall Creek, Phase IV”, prepared by Van R. Finch, Land Survey, P. A.

INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS:

See major subdivision application and final plat for background information:

Approvals to date:

- 09/20/04: County Commissioner sketch design approval of 55 lots.
- 06/20/05: County Commissioner sketch and preliminary design approval of 55 lots.
- 10/17/05: County Commissioner final plat approval of Phase I, consisting of 14 lots.
- 07/17/06: County Commissioner final plat approval of Phase II, consisting of 8 lots.
- 01/16/07 County Commissioner final plat approval of Phase III, consisting of 7 lots.

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS: The developer is requesting final plat approval of Windfall Creek, Phase IV consisting of 23 lots to be accessed by a public state maintained road, with a financial guarantee for the completion of the public roadway. Staff has received documentation from John W. Harris, P. E., Consulting Engineer, certifying that the cost of improvements to date exceed the required 40% of the total cost of construction for this section and that the water line installation has been completed. 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. County water is available to the subdivision so water for fire service is not an issue in consideration of whether the public health/safety will not be endangered. It is the staff opinion that this development qualifies for acceptance of a financial guarantee.

Van Finch, Land Surveyor, has verified that lots approved to date including Phase IV meet the 3 acre minimum / 5 acre average as required in a RA-5 zoning district.

James Carl Kivett, Chatham County Environmental Health Specialist has evaluated and approved all lots submitted in Phase IV and will issue a septic improvement permit for each lot.

Re: Windfall Creek, Phase IV

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS – con't

The shaded roadway area as shown on the final plat is labeled as a 50 foot wide strip dedicated for future public right-of-way to existing Hatley Road. This portion of Hatley Road is currently a 60 foot wide private right-of-way. The developer has stated that it is their intent to extend the public roadway and utilities in Windfall Creek to Hatley Road and to upgrade the private portion of Hatley Road to a public, state maintained road at such time in the future that the Cooper Subdivision is developed. Contentnea Creek is also the developer of Cooper Subdivision which is located on Hatley Road and received sketch design approval by the Board of County Commissioners on 10-16-06 for 63 lots. See attachment # 2. Final wording of the dedication of right-of-way language will be worked out with the county attorney and shown on the Mylar copy of the final plat prior to recordation.

The creek shown within Lot 48 is within a WSIV-Critical Area and requires a 100 foot wide water hazard setback / vegetative stream buffer, measured from the bank of the stream landward as shown on the map. The balance of the creek is located within a WSIV-Protected watershed area and requires a 50 foot wide buffer (each side of creek) as shown.

Road names Windfall Creek Drive, Calm Winds Court, Wafting Lane, and Zephyr Drive have been previously approved.

RECOMMENDATION: The Planning Department recommends granting final plat approval of “Windfall Creek, Phase IV”, (Lots 26 – 48) as submitted.