



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
7-16-07

PART A

Subject: Request by Dan Sullivan for subdivision preliminary approval of **“Pennington North, Phase II”**, consisting of 13 lots on 78 acres, located off SR-1716, Big Woods Road, and Ocoee Falls Drive (public), New Hope Township.

Action Requested: See Recommendations.

- Attachments:**
1. Major subdivision application.
 2. ArcView map, parcel # 17348
 3. Letter dated June 18, 2007 from John Harris, P. E., regarding on-site stream evaluations
 4. Letter dated June 27, 2007 from Jennifer A. Burdette, Environmental Specialist.
 5. Memorandum from Jacquelyn Presley, Urban Wildlife Biologist, NC WRC.
 6. Preliminary map titled “Pennington Subdivision”, prepared by John W. Harris, P. E., dated June 5, 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: Pennington North, Phase II

Introduction / Background / Previous Board Actions:

See major subdivision application and preliminary map for background information. The property is in an RA-5 zoning district and a WSIV-Protected Area Watershed. The RA-5 zoning district requires a 3 acre minimum / 5 acre average lot size. Pennington, North Subdivision consists of 18 lots on 97 acres. Phase I received preliminary approval from the Board of County Commissioners for five (5) lots (#'s 1, 2, 16, 17, and 18) on December 18, 2006. The property is accessed off SR-1716, Big Woods Road through Windfall Creek Subdivision by way of Windfall Creek Drive and Ocoee Falls Drive (both public roads). Two conditions of sketch design were required as follows:

1. The preliminary and final plats shall include a utility easement to the Jordan Woods property at a location determined suitable by the engineer and Chatham County Utilities Department.
2. At preliminary plat review, the developer shall provide a letter from the Chatham County Utility Department stating that the water plans have been reviewed and approved by Chatham County.

Both conditions have been met.

Issues for Further Discussion and Analysis:

The developer is requesting preliminary approval of Phase II, consisting of 13 lots to be accessed by a public, state maintained roadway. All lots will be accessed internally. Lots in Phase I and II meet the 3 acre minimum / 5 acre average lot size as required in a RA-5 zoning district. Other agency permits have been received as follows:

NCDWQ	Authorization to Construct Water line (Phase II)	June 20, 2007
NCDOT	Road Plan Approval (Entire project)	August 11, 2006
CHATHAM COUNTY	Erosion Control (Entire project)	August 11, 2006
U. S. ARMY CORPS OF ENGINEERS	Notice of Jurisdictional Determination	Nov 29, 2006

NCDWQ 401 Creek Crossing Permit January 2, 2007
(Note: the Pennington property was included in the above referenced Notification Permit and 401 Permit for Windfall Creek Subdivision as required by the USCOE)

Copies of the above referenced permits can be viewed on the Planning Department web site under Pennington North, Preliminary.

Re: Pennington North, Phase II

Issues for Further Discussion and Analysis – con't

The Chatham County Emergency Operations Office has approved the road name 'Navillus'. As stated above, Ocoee Falls Drive will be extended as the main road serving Pennington North. This road name has been previously approved by Chatham County Emergency Operations when Windfall Creek Subdivision was reviewed and approved. The public roadway stops on the east side of Windfall Branch and does not cross the branch.

County water is available and will be utilized. Each lot will be served by an individual wastewater system. The soil scientist report and map have been reviewed by Thomas Boyce, Chatham County Soil Specialist and found to be adequate for preliminary review.

Windfall Branch flows through the Pennington property and the Windfall Creek Subdivision. During review of Windfall Creek Subdivision, the Board of County Commissioners required a 100 foot water hazard setback / vegetative stream buffer be maintained along that portion of Windfall Branch since the creek flows into the main body of Jordan Lake. The developer is continuing the 100 foot per side water hazard setback / vegetative stream buffer along Windfall Branch in the Pennington Subdivision also. The tributary off Windfall Branch shown on the USGS Topo map or as identified in the field has been buffered with a 50 foot per side water hazard setback / vegetative stream buffer as allowed in a WSIV-Protected watershed district. See preliminary map, lots 4, 5, 11, 12 & 13. In a letter dated June 18, 2007, John Harris, P. E. states that an on-site stream and wetland review was conducted by Jennifer Burdette, Environmental Specialist along with representatives from NCDWQ and the Army Corp of Engineers. See attachment # 3. Attachment # 4, is a letter from Ms. Burdette regarding the on-site visit to the subject property. The developer has chosen to provide a buffer along an area within Lot 12 and a portion of 13 although this area was designated in the field by Ms. Burdette as "not jurisdictional".

Per John Harris, P. E. all lots have a minimum of 40,000 square feet of useable area outside of the stream buffers and state road right-of-way. There is no portion of the property within the 100 year plain.

Staff review of the Natural Heritage Program data for the subject property indicated the property to potentially contain habitat for the Loggerhead Shrike, (coverage for this is countywide). The property does not fall into any significant Natural Heritage Areas. During review of Phase I, Jacqueline Presley, NC WRC, made recommendations regarding environmental issues associated with development of the subject property and suggestions for the developer to minimize impacts to existing wildlife. Those recommendations / suggestions have been included in this packet. See attachment # 4. Since this is a subdivision issue, the Board can not require the developer to adhere to these suggestions. If he chooses, the developer can incorporate some or all of these suggestions into their private covenants / restrictions.

Recommendation: The plat displays the necessary information and meets the requirements of the Subdivision Regulations with other agency approvals. The Planning Department and Planning Board recommend granting approval of the road name 'Navillus' and granting preliminary plat approval of Pennington North, Phase II as submitted.