



**CHATHAM COUNTY  
BOARD OF COMMISSIONERS  
AGENDA ABSTRACT**

**ITEM NUMBER:**  
**MEETING DATE:**  
11-17-08

**PART A**

**Subject:** Request by Contentnea Creek Development Company for subdivision final plat approval of **“Windfall Creek, Phase VI”** (Formerly Pennington, North), consisting of 13 lots on 77.59 acres, located off Big Woods Road, SR-1716, New Hope Township.

**Action Requested:** See Recommendations.

- Attachments:**
1. Major subdivision application.
  2. Copy of Plat Slide 2007-225, Windfall Creek, Phase IV.
  3. Final plat titled “Windfall Creek, Phase VI, Lots 61-73”, prepared by Van R. Finch, Land Surveys, P. A., dated September 2, 2008.

**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: Windfall Creek, Phase VI*

### **Introduction / Background / Previous Board Actions:**

Zoning:	RA-5	Water Source: County
Watershed:	WSIV-PA	Septic: private/ individual
Within 100 yr flood:	No	

The Board of County Commissioners granted sketch design approval on April 17, 2006 of "Pennington Subdivision" consisting of 18 lots. Preliminary approval for five (5) lots was received on December 18, 2006 and preliminary approval for the remaining thirteen lots was received on July 16, 2007. Phase 1, consisting of five (5) lots, received final approval on July 21, 2008. At that time, the name was changed to "Windfall, Phase V". The lots are now considered part of Windfall Creek Subdivision and are subject to its private covenants and restrictions.

Conditions of sketch design were 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. *The utility easement will be shown on the recordable Mylar copy of the plat along the common boundary of Lots 62 and 63.*
2. At preliminary plat review, the developer shall provide a letter from the Chatham County Utilities Department stating that the water plans have been reviewed and approved by Chatham County. *This condition has been met.*

### **Issues for Further Discussion and Analysis:**

The developer is requesting final plat approval of Windfall, Ph VI, consisting of 13 lots to be accessed by a public roadway. The developer is requesting final approval with a financial guarantee for the completion of the infrastructure. The remaining infrastructure includes seeding of road shoulders, installation of water system, and paving of the roadway to the NCDOT standards. Currently the percent completed to date is 55.7%. The Subdivision Regulations states in part in Section 3.1 B (1) "When either forty (40) percent of the total cost of improvements have been completed .....and when the public health and/or safety will not be endangered, the County may waive the requirement that the applicant complete all required improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant post an adequate security at the time of application for final subdivision approval." More than 40 % of the infrastructure has been completed as required by the Subdivision Regulations and the roadway has been graded and graveled. Staff thinks this final plat qualifies for a financial guarantee.

**Re: Windfall Creek, Phase VI**

**Issues for Further Discussion and Analysis – cont.**

The Phase VI section of roadway is 1900 linear feet. It is a continuation of existing Ocoee Falls Drive which is off Windfall Creek Drive that extends out to SR-1716, Big Woods Road. Windfall Creek Drive is currently the only entrance into Windfall Creek Subdivision; however, Ph IV has two stub-outs to adjacent properties. See attachment # 2. One of the stub-outs is a dedication of public right-of-way to the private portion of Hatley Road. Contentnea Creek Development Company volunteered to upgrade the private portion of Hatley Road to the NCDOT standards during the Phase I construction of Cooper Subdivision which is located off the public portion of Hatley Road, SR-1714. When this upgrade is completed, Windfall Creek Subdivision will have two entrances.

The other stub-out is to the private property of Laura F. Cerruti and Brett A. Lawrence, 41.94 acres. At the time of sketch design, the U. S. Army Corps of Engineers would only allow one (1) entrance off Big Woods Road, SR-1716.

There are streams located on the property as shown on the final plat. The subject property is located within a WSIV-PA watershed district, which at the time of sketch design approval for Pennington North, required a 50 foot wide water hazard buffer per side along intermittent and perennial streams. During sketch design approval of Windfall Creek Subdivision, the Board of County Commissioners required that a 100 foot wide water hazard buffer, per side, be maintained along Windfall Branch. The developer voluntarily continued with the 100 foot wide per side water hazard buffer along Windfall Branch as it extended into the Pennington property, now developed as Windfall Creek, Phases V & VI.

County water is available and will be utilized. Staff has received septic improvement permits for all Phase VI lots from the Chatham County Health Department, Environmental Health Division.

**Recommendation:** The plat meets the requirements of the Subdivision Regulations with the final approvals of other agencies. The Planning Department and Planning Board (by unanimous vote) recommend granting final plat approval of “Windfall, Phase VI” with the following two (2) conditions:

1. The plat shall not be recorded until staff has received and approved the financial guarantee.
2. The final plat shall show a 20 foot wide utility easement along the common property line of Lots 62 and 63.