



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
1-19-10

PART A

Subject:

Request by Windjam 23, LLC for subdivision final plat approval of “**The Hamptons Summit**” (formerly The Hamptons, Phase 2), consisting of 49 lots on 93.27 acres, located off S. R. 1700, Mt Gilead Church Road, Baldwin Township.

Action Requested:

See Recommendations.

Attachments:

1. Major Subdivision Application
2. E-mail from Brad Hart, dated November 19, 2009.
3. Final plat titled “The Hamptons Summit”, dated 7/13/09, prepared by Withers & Ravenel.

Submitted By:

Jason Sullivan, Acting 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: The Hamptons Summit

Introduction / Background / Previous Board Actions:

The Hamptons received sketch design approval from the Board of County Commissioners on January 17, 2006 for 89 lots on 183 acres. Final plat approvals to date are as follows:

July 16, 2007: Phase I received final plat approval from the Board of County Commissioners for 16 lots.

July 16, 2007: Phase III received final plat approval from the Board of County Commissioners for 23 lots.

Other information:

| | |
|---|---------------------|
| <u>Zoning:</u> | R-1 |
| <u>Watershed District:</u> | WSIV-Protected Area |
| <u>Water Source:</u> | County |
| <u>Septic:</u> | Private |
| <u>Within the 100 year flood plain:</u> | No |
| <u>Roadways:</u> | Public |
| <u>Planning Board Review Date</u> | December 1, 2009 |

The property is not within a Significant Natural Heritage Area or a portion of the NC WRC Gamelands. The subject property drains to a portion of the Haw River that may contain an aquatic species of concern.

In 2008 the developer applied to DWQ and the Army Corps of Engineers for an after-the-fact permit to authorize the permanent placement of fill material into 395 linear feet of perennial streams and 0.076 acre of wetlands associated with the construction of the Hamptons Subdivision. Per Brad Hart, P.E., the need for the request was because the field-measured length of stream impact was greater than the original permit length. The Environmental Review Board reviewed this permit request and submitted comments on July 21, 2008 to NCDWQ. The ERB expressed concerns to NCDWQ and ACoE regarding potential negative down-stream cumulative impacts. The developer received approval of an After-the-Fact permit from NCDWQ on November 25, 2008 and from The Army Corps of Engineers on January 8, 2009. A mitigation fee of \$47,804.00 was paid by the developer to the North Carolina Ecosystem Enhancement Program.

The subdivision was approved under the Subdivision Regulation approved prior to 2008; therefore, the final plat review is based on the regulations prior to 2008.

Re: The Hamptons Summit

Issues for Further Discussion and Analysis:

The developer is requesting final plat approval of The Hamptons Summit, consisting of 49 lots. The subdivision name and two of the road names have been changed since preliminary plat approval. The subdivision name was changed from The Hamptons, Ph II to *The Hamptons Summit*, road name Montauk Court was changed to *Citori Court* and Orient Point Drive was changed to *Mountaintop Circle*. The Emergency Operations Office has approved these changes and a fee of \$500.00 was paid to Chatham County due to the changes being requested after preliminary plat approval.

The request for final plat approval is being submitted with a financial guarantee in the amount of \$187,866.00 (includes 40% overage amount) for completion of erosion control measures and funds for the widening (turn lanes) within Mt Gilead Church Road. Per Brad Hart, P. E, Withers & Ravenel, the turn lane construction work has been completed, but not yet verified by NCDOT. The engineer expects to have the verification from NCDOT prior to final plat recording, thereby, possibly reducing the amount necessary for the financial guarantee. NCDOT has verified that the interior public roadways have been constructed "in accordance with the manual "Subdivision Roads – Minimum Construction Standards", revised January 2000. The public water lines have been installed and verified by Roy Lowder, Chatham County Utilities Director as being completed. The Subdivision Regulations states in part in Section 3.1B. (1) 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...". Per the engineer, 92% of the cost of the improvements having been completed; therefore, staff thinks the subdivision qualifies for a financial guarantee. The county attorney will review and approve the form and amount of the financial guarantee prior to final plat recording.

Chatham County Environmental Health has approved a perpetual septic and repair area for each lot. The paper copy of the plat submitted for final plat review states "Perpetual Septic Easement". This will be changed on the recordable, mylar copy of the plat to read "Perpetual Septic Area". Staff has received copies of each of the permits. Each individual property owner will be responsible for the operation and maintenance of his/her septic and repair area.

Staff has spoken to Brad Hart, Engineer, and Justin Bullock, NCDOT, about 'public' drainage easements versus 'private' drainage easements. NCDOT has verified which of the drainage easements should be labeled 'private' and the Mylar will be changed accordingly.

The shading shown on the plat represents match-lines for the various plat pages.

Re: The Hamptons Summit

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 approval of the road names *Citori Court and Mountaintop Circle*, and recommends subdivision final plat approval of "The Hamptons Summit", by a vote of nine (9) in favor, and one (1) abstention by BJ Copeland who arrived late and did not participate in the discussion of the issue, with conditions as noted below:

1. The final plat shall not be recorded until the county attorney has approved the financial guarantee.
2. The Mylar copy of the final plat shall read "Perpetual Septic Area" instead of "Perpetual Septic Easement".
3. The Mylar copy of the final plat shall show the extent of public and private storm drainage easements per NCDOT requirements.
4. A notation shall be placed on the Mylar copy of the final plat to clarify the shaded areas as match-lines for the various plat pages.