

PLANNING & ZONING REVIEW NOTES

V. A.

SUBJECT: Request by Bradshaw & Robinson, LLP on behalf of **Governors Village Commercial LLC** for a modification to the existing Conditional Use Permit for the Governor's Club Planned Unit Development to add 18.95 acres to be developed as 49 single family residential lots, located off SR-1726, Old Farrington Rd, -- and to revise the existing Conditional Use Permit to change the approved land use for the East Dossett parcel (+/- 11 acres) from commercial to 76 residential townhomes, located off S. R.-1008, Mt. Carmel Church Road, Williams Township.

ATTACHMENTS:

1. Governors Club Development PUD Modification – booklet provided prior to the January 18, 2005 Public Hearing.
2. Appearance Commission report.
3. Portion of minutes from 1-18-05 Public Hearing.
4. E-mail from Patrick Bradshaw dated 2/22/05 concerning the McCrimmon property.

INTRODUCTION AND BACKGROUND: The Governors Club PUD was originally approved by the Board of County Commissioners in 1988. Various modifications and revisions have been made to the PUD since that date. Currently, 1813.19 acres are approved within the PUD. In 1997 a revision was made to include townhouses and to redesign and increase the commercial areas within Governors Village. This revision included the approval of 100,000 square feet of future commercial area on the East Dossett parcel with later review of the design and included a requirement to include internal access to the Polk parcel. Currently 2003 residential lots are approved for development with the Governors Club PUD.

A public hearing was held on the request on January 18, 2005. Patrick Bradshaw, attorney for the applicant, addressed the Board on behalf of the applicant to explain the request and answer any questions the Board might have. Mr. Bradshaw stated that one portion of the request was to convert the 100,000 square feet of approved commercial area on the East Dossett parcel (11 ac +/-) to 76 residential townhouses, while preserving the possibility, based on market demand, that some of the already approved commercial density could be used in the remaining commercial area of the PUD. He also stated that the need for the modification was due to the unlikelihood that the property can be developed for commercial use and because the existing townhomes in the community have been so popular; that they have worked for years to try to attract commercial users to this tract and have been unsuccessful; and that research shows that there are not yet enough homes in the immediate area to support additional commercial. He also stated that additional residential use will help support the existing commercial uses in Governors Village. Others from the development team, Mark Ashness, CE Group, Lucy

Gallo, Dane Vincent and Lee Fleming also spoke. Bob Wynne, representing the Board of Directors of Governor's Village spoke in regard to ongoing discussions with the applicant concerning the proposal. Sue Carpenter, resident of Old Farrington Rd, spoke concerning a turn-lane off Old Farrington Rd, SR-1726, to provide access to the 49 single family lots, construction trash, and whether or not the existing mature pines along SR-1726 were to be retained. Linda and Louis McCrimmon, adjacent property owners and residents of Old Farrington Road stated that when the lake within Governors Village overflows, their property has flooding problems. The developer agreed to meet with the McCrimmons to work out a solution to the problem. See attachment # 3 for a copy of the minutes from the public hearing.

County water is available and sewer is provided by the Carolina Meadows sewer treatment plant. Capacity of the sewer treatment plant is discussed in the applicants text under the Utilities section. Mark Ashness, Engineer, CE Group, will provide a written confirmation of the plant capacity at the Planning Board meeting.

DISCUSSION AND ANALYSIS: The Zoning Ordinance lists the five findings that the Board must make. They are listed as follows:

1. The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.
3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.
4. The requested permit will be consistent with the objectives of the Land Development Plan.
5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations.

The applicant has addressed the five findings in his text and has previously met the findings in prior applications.

Governors Village Commercial LLC is requesting a revision to the existing PUD to add 18.95 acres that are contiguous with Governors Village Phase 1 and the Horton Lake Tract. This will bring the total acreage within the PUD to 1832.14 acres. The 18.95 acre tract fronts on SR-1726, Old Farrington Road. Forty-nine single family lots are proposed for this property. Roadway design is to be public, state maintained with access provided from SR-1726, Old Farrington Rd, and with a private access connection to the Governors Village Townhomes, Phase 2. A concern expressed during the public hearing was whether or not a turn lane was warranted and if the existing mature, pine trees along Old Farrington Road were to remain. Per Mr. Bradshaw, there is not currently enough traffic volume on Old Farrington Rd. for NCDOT to require a turn lane and the trees were to remain. See master site plan. The townhouse lots will be accessed by Village Park

Drive, a public roadway off Mt. Carmel Road, S. R. 1008. The roadway serving the townhouse lots is to be a private, paved roadway constructed to the NCDOT standards.

The applicant's representative has met with Mr. and Mrs. McCrimmon to discuss their stormwater problem. Staff has checked the FEMA flood map, #370299 0075B and found no floodable area on the McCrimmon property. The USGS Quad sheet for Farrington does not indicated an intermittent or continuously flowing stream on the property. Mr. Bradshaw has stated in attachment # 4 the proposed solution to the problem and that he hopes to have a written confirmation by the Planning Board meeting.

With the addition of the 76 townhouse lots and the 49 single family lots, the number of residential units within Governors Club PUD, 1975, will not exceed the approved number of 2003.

Staff thinks the five findings can be made.

RECOMMENDATION: The Planning Department recommends granting approval of the zoning request as submitted and the subdivision sketch design with the following condition:

1. If agreed upon by Mr. and Mrs. McCrimmon, Governors Village Commercial, LLC shall correct the stormwater problem by filling the back left corner of the McCrimmon lot with dirt to allow their utility building to remain dry in a substantial rain event, removing debris from the stream and swales on their property and reshaping the roadside swale in front of their home.