

PLANNING & ZONING REVIEW NOTES

VI. A.

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**SUBJECT:** Request by Sears Design Group, P. A. on behalf of Wade Barber, Jr. for subdivision sketch design approval of “**Subdivision of Barber Lands**”, consisting of 48 lots on 59.54 acres, located off, SR-1859, South Langdon in Ferrington, Williams Township.

**NOTE:** *This request was postponed at the June 5<sup>th</sup> Planning Board meeting. Additional information / recommendations that have been added to the original notes are shown in italics.*

**ATTACHMENTS:** Attachments 1 – 4 were provided in the June 5 packets. If you need additional copies, please contact the Planning Department.

1. Major subdivision application.
2. ArcView map, parcel #19333
3. Letter from Alan R. Keith, P. E. regarding the Ferrington WWTP capacity.
4. Zoning map of Barber and Mclean properties.
5. *Letter dated June 15, 2007 from Dan Sears, Sears Design Group, P.A. regarding a second meeting with Ferrington homeowners and public dedication of right-of-way to McLean property.*
6. *Letter dated June 22, 2007 from Jennifer Andrews, Attorney, regarding public dedication of right-of-way to McLean property.*
7. *Public comments received at the June 5<sup>th</sup> Planning Board meeting along with comments received prior to the July 10 Planning Board meeting are posted to the Planning Department web site under ‘Public Comments’.*
8. *Revised sketch design map titled “Subdivision on Barber Lands”, prepared by Sears Design Group, P. A., dated June 15, 2007*

**INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS:**

See major subdivision application and sketch design plan for background information. The subject property is not part of the Ferrington Planned Unit Development.

**ISSUES FOR FURTHER DISCUSSION AND ANALYSIS:** The developers are requesting sketch design approval of 48 lots to be accessed by a public, state maintained roadway through the existing Ferrington Village Planned Unit Development. The existing public road, South Langdon, in Ferrington will be extended to access these proposed lots. The McLean Family Limited Partnership Property, parcel #18993 lies south of the Barber tract and contains approximately 530 acres. The McLean property has a split zoning, RA-40 and RA-90. On October 16, 2006, the McLean property received an approval from The Board of County Commissioners to rezone the portion of land, 470 acres, at that time currently zoned RA-5 to RA-90. The portion of the McLean tract south of the Barber tract is zoned RA-40. Currently, the only access to the McLean

Property is by way of Big Hole Road, a private road. See attachment # 4. Staff recommends a dedication of public right-of-way for possible future public road extension and county water line extension when and if the McLean property were to be developed. The developer has shown a 45 foot wide 'Emergency Access Corridor' to the McLean property. Staff recommends the language on the preliminary and final plats read "Dedication of public right-of-way for possible future road connection and utility access for extension of county water lines". Staff also recommends that NCDOT review and recommend the necessary width of the dedication of right-of-way due to the acreage of the McLean tract and the number of potential lots that may be created in the future. The developer along with many Fearington residents are concerned that if the McLean property is developed that all the traffic would be funneled through the subject property and therefore, through Fearington Village. *Written comments from the developer and Fearington residents are shown as attachment #5 (included in this packet) and attachment # 7 (posted to Planning web site). Written comments from Jennifer Andrews, Attorney, on behalf of Mary Elizabeth 'Peggy' McLean Youngblood & McLean Family Limited Partnership, are included in this packet as attachment # 6. Issues of concern for the developer and Fearington residents regarding the dedication of public right-of-way to the McLean property, include the concern that this would be the only access to and from the McLean property; therefore, funneling all proposed traffic from McLean through Barber and Fearington properties creating potential increased traffic and safety issues. As previously stated, staff thinks the dedication of right-of-way to McLean is appropriate but also recommends that said access shall be contingent upon any future subdivision plan submitted for the McLean tract providing adequate additional access to be approved by the Board of County Commissioners during sketch design review.*

The Lingerfeldt property, approximately 120 acres, to the west has a dedication of private road right-of-way and public utility easement from the Galloway Ridge property. As shown on attachment # 2, ArcView map, there is a perennial stream that crosses the North West corner of the Barber tract and continues through the Lingerfeldt tract. Due to the stream location and topography, staff does not recommend a public dedication of right-of-way from the subject property to Lingerfeldt. Staff will revisit the issue of access to Lingerfeldt when future sections of Fearington Village are developed.

County water is available and will be utilized. Lots will be served by the Fearington Wastewater Treatment Plant. Attachment # 3 is a verification / certification from Alan R. Keith, P. E., with Diehl & Phillips, P. A. that the Fearington WWTP plant currently has capacity to serve the Barber Lands Subdivision and the Knolls at Fearington.

The sketch plan includes a Community Park of 3 acres. The sketch plan also includes a 50 foot wide buffer along most of the exterior boundary of the Barber property. Concern has been expressed to staff from some adjoining property owners in Bradford Place that the 50 foot wide buffer has not been continued along the common boundary of the subject property and Bradford Place. Bradford Place is a portion of the Fearington, PUD and does have a 50 foot wide buffer along their back boundary lines. The common boundary between the subject property and Bradford Place is labeled as a drainage easement. Concern has also been expressed that this 'drainage easement' is actually a stream and should have a required water hazard setback / vegetative stream buffer. Per the county GIS records, this drainage area is not designated as a stream. See attachment

# 2. Dan Sears, Landscape Architect/Land Planner, has stated that the developers plan to have S& EC visit the site and do a stream evaluation prior to submitting a request for preliminary review. If the area is given a stream designation by S & EC, it will be buffered accordingly. *Since the June 5<sup>th</sup> Planning Board meeting, the developer has submitted a revised sketch plan, dated June 15<sup>th</sup> with a 50 foot wide setback along the common boundary line with Bradford Place. See attachment # 8. The developer still plans to have S& EC conduct an on-site stream / wetland evaluation and will buffer any areas identified as streams accordingly.*

Staff's review of the Natural Heritage Program shows the property to potentially contain the Loggerhead Shrike, which is county wide. The subject property also lies within the Big Woods Road Upland Forests area. The Inventory of the Natural Areas and Wildlife Habitats of Chatham County dated June 1992 states "The Big woods is the largest tract of unbroken upland forest remaining in the county, if not the entire triangle region. As such, it serves as an important wildlife reservoir, supplying the entire area through its connections via the Jordan Lake game lands to the Haw River, New Hope Creek, and Morgan Creek watersheds.....Conservation Recommendations: The value of this tract to wildlife requires that its unbroken, wooded character be preserved. Although its rugged terrain continues to offer some degree of protection, development is already making noticeable inroads, particularly along the Jordan Lake frontage. Ideally, this tract will continue to be used primarily for forestry, although the owners should be encouraged to shift away from clear-cutting to the use of selective harvesting, shelter wood stands, and other practices less disruptive to wildlife (particularly wild turkey and bobcat)." Various subdivision of land have occurred in this area since this report was prepared including Big Woods Hills, The Preserve, The Legacy at Jordan Lake, and Windfall Creek.

Staff notified Delores Hall, Deputy State Archaeologist-Land, Office of State Archaeology of the sketch design submittals received for the June 5<sup>th</sup> Planning Board meeting for comments or recommendations. For the Barber lands Ms. Hall stated "No recorded archaeological sites are present and I do not recommend any survey."

Per the developer, there are no historical structures or cemeteries located on nor within 100 feet of the subject property.

*The developer had a community meeting Thursday May 31, for all interested parties to view the plans for the project and provide input and a subsequent meeting with homeowners after the June 5 Planning Board meeting. Per Dan Sears, Sears Design Group, attachment # 5 states commitments agreed to by the developer based on the community meetings*

*Re: Subdivision of Barber Lands*

**RECOMMENDATION:** The plat displays the information necessary for sketch design and meets the requirements of the Subdivision Regulations. The Planning Department recommends granting sketch design approval of “Subdivision of Barber Lands” with the following conditions:

1. Language on the preliminary and final plats regarding access to the McLean property shall read (subject to County Attorney approval) “Dedication of public right-of-way for possible future road connection and utility access for extension of county water lines”. *Said access to the McLean property is contingent upon any future subdivision plan submitted for the McLean tract providing adequate additional access to be approved by the Board of County Commissioners during sketch design review.*

2. Prior to preliminary plat review, the developer shall have NCDOT review and recommend the necessary width of the dedication of right-of-way to the McLean property due to the acreage of the McLean tract and the number of potential lots that may be created in the future.