

PLANNING & ZONING REVIEW NOTES

III. B.

SUBJECT: Request by Fitch Creations, Inc. for subdivision final plat approval of “**Millcroft Cluster Homes – Close V**”, consisting of 6 lots on 5.138 acres, located off S. R. 1817, Millcroft, Williams Township.

ACTION REQUESTED: See recommendation

ATTACHMENTS: 1. Major subdivision application.

2. Final plat titled “Millcroft Cluster Homes, Close Five”, prepared by Van R. Finch, Land Surveys, P. A., dated November 3, 2008.

INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS: The subject property is part of the approved Planned Unit Development for the Village of Fearington which includes 1602 dwelling units on approximately 925 acres. The property is located in a WSIV-Protected Area watershed district and is subject to the 1994 Watershed Protection Ordinance. Creeks and streams located on the subject property require a 50 foot wide water hazard setback / vegetative stream buffer measured from the top of the bank landward as shown on the final plat. An additional 10 foot wide ‘Stream Protection Building Setback’ is provided based on Section 304 (C) 2 of the 1994 Watershed Protection Ordinance which states in part “Buildings and other features that require grading and construction shall be set back at least ten (10) feet from the edge of the buffer.” The property is not within a portion of the 100 year flood plain.

Millcroft Cluster Homes, Fearington Section XV, consisting of 35 lots on approximately 15 acres received sketch design approval by the Board of County Commissioners on April 19, 2004. Preliminary plat approval was received on October 17, 2005. Final approvals have been received to date as follows:

Close One – 9 lots – Approved February 20, 2006
Close Two-- 3 lots—Approved October 17, 2005
Close Three and Four – 14 lots – Approved June 19, 2006

Close V received preliminary plat approval from the Board of County Commissioners on August 18, 2008. County water is available and will be utilized. Sewer service is provided by the Fearington Wastewater Treatment Plant. The homes will be single family ownership.

Re: Millcroft Cluster Homes – Close V

INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS – cont.

This portion of Millcroft is currently in the process of being added to the NCDOT state system for maintenance. In a letter dated July 21, 2008 Justin Bullock, NCDOT, informed the applicant that the road was constructed to NCDOT standards. On 8/5/08 he informed Planning Department staff that he had received the last encroachment agreement needed to add this portion of Millcroft to the state system. Per the letter dated June 24, 2008, the proposed driveway is in a proper location and will meet all NCDOT requirements once it is constructed according to the submitted plans. Once the petition for maintenance process has been completed, the commercial driveway permit will be issued. Per a letter from Reuben Blakley, PE, NCDOT, dated October 17, 2008, there was some minor road work that needed to be completed prior to NCDOT taking this portion of Millcroft over for maintenance. The developer has completed this work and per an e-mail dated November 13th from Justin Bullock, E. I., NCDOT, his office will proceed with the necessary steps to complete the addition process for the roadway. Although the work has been completed, the acceptance of the roadway by NCDOT will not take place prior to final plat review of ‘Close V’ by the Board of County Commissioners. The developer has provided a financial guarantee for the dollar amount necessary to complete the deficiencies. Once staff has received the commercial driveway permit and notice from NCDOT that the roadway has been accepted for maintenance, the county can release this guarantee.

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS: The developer is requesting final plat approval of “Millcroft Cluster Homes, Close Five” consisting of six (6) single family homes with a financial guarantee for the final seeding and mulching of the road shoulders. Per Allan Keith, P. E., Diehl & Phillips, P. A. “The completion of Millcroft Close 5 is complete. The project has been cleared, graded; water and sewer, and storm drainage have been installed. The curb and gutter and paving have been placed on the street.” Section 3.1B. (1) of the Subdivision Regulations states 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...” The roadway, Woodleigh, is a private street designed and built to NCDOT standards and is accessible to emergency vehicles. County water is available to the subdivision so water for fire service is not an issue in consideration of whether the public health and/or safety will be endangered. It is the staff opinion that this development qualifies for acceptance of a financial guarantee.

RECOMMENDATION: The plat displays the necessary information and meets the requirements of the Subdivision Regulations with the final approvals of other agencies. The Planning Department recommends granting final plat approval of “Millcroft Cluster Homes, Close Five” with the following two (2) conditions:

1. The plat not be recorded until staff has received the financial guarantee.
2. After issuance by NCDOT, staff shall be provided a copy of the commercial driveway permit.