

PLANNING & ZONING REVIEW NOTES

V. B.

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**SUBJECT:** Request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for subdivision preliminary plat approval of “**The Knolls at Fearington**”, consisting of 29 lots on 19 acres, located off Millcroft (pending state maintained road), Williams Township.

**ACTION REQUESTED:** See Recommendation.

**ATTACHMENTS:**

1. Major subdivision application.
2. Copy of sketch design approval letter, dated July 17, 2007.
3. Letter dated June 12, 2008 from Alan R. Keith, P.E. regarding water / sewer capacity.
4. Letter from R. B. Fitch and Wade Barber, Jr., dated July 24, 2008. (See Henderson Place, packet)
5. Preliminary plat, titled “The Knolls”, prepared by Deihl and Phillips, P. A., dated July 10, 2008.

**INFORMATION / 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 water hazard setback / vegetative stream buffer measured from the top of the bank landward. The property is not within a portion of the 100 year flood plain.

Per the developer, the units will be townhouse type ownership where the owner owns fee simple the land under and immediately around his home, and, the homeowners association, of all these owners, owns the common land upon which the homes are clustered. The original sketch design plat to be reviewed by the Planning Board on June 5, 2007 provided two entrances, one off Millcroft and one off South Langdon, SR-1836. Many existing Fearington residents had concerns regarding safety of residents walking along South Langdon, and they also wanted the proposed sketch design plan to show only one entrance (off Millcroft) as the original master plan had shown. Mr. Fitch requested that the issue be postponed at the June meeting and discussed at the July Planning Board meeting. See attachment # 4, letter from R. B. Fitch to adjoining property owners, dated July 24 for an update on the proposed development.

After meeting with the Fearington residents, the developer submitted a revised sketch design plat at the July 10, 2007 Planning Board meeting showing the entrance off Millcroft and the South Langdon entrance eliminated. The Planning Board recommended granting approval of the revised sketch design with the requirement that an environmental impact assessment be prepared and reviewed by the Environmental Review Board prior

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to preliminary plat submittal. There was discussion regarding this recommendation by the Board of County Commissioners during their July 16, 2007 meeting. Mr. Megginson, cautioned that at that time, "the County does not have the prerequisite threshold criteria established and adopted so that it can not legally require an assessment be done".

The Board of County Commissioners approved the sketch design on July 16, 2007, consisting of 30 lots on 20 acres as shown on the revised sketch map, dated June 15, 2007, without an environmental impact assessment.

**ISSUES FOR FURTHER DISCUSSION AND ANALYSIS:** The developer is requesting preliminary plat approval of 29 lots on 20 acres. As stated above, the townhouse lots will be accessed off Millcroft. The internal roadway will be private, to be maintained by the homeowners association. The common areas as shown on the preliminary plat will be owned and maintained by the homeowners association. These areas include the 5.5 acre external area within the stream buffers, the .58 internal area within with islands, and the 7.17 common land area around units.

The subdivision has received other agencies reviews and approvals as follows:

NCDWQ	*Wastewater Collection System Extension	April 23, 2008
NCDENR	*Authorization to Construct Water System	July 9, 2008
NCDOT	Minimum Standard Construction Letter	July 21, 2008
NCDOT	**Commercial Driveway Review Letter	June 24, 2008
CHATHAM COUNTY	Erosion Control Letter of Approval	June 23, 2008

\* See attachment # 3 for letter from Alan R. Keith, P. E., Diehl & Phillips, P. A. regarding water and sewer capacity.

\*\* This portion of Millcroft is currently in the process of being added to the NCDOT state system for maintenance. Justin Bullock, NCDOT has informed staff that the only item not completed for addition is one encroachment agreement. Per the letter dated June 24, 2008, the proposed driveway is in a proper location and meets all NCDOT requirements if it is constructed by the submitted plans. Once Millcroft is accepted for maintenance, a commercial driveway permit will be issued.

The above permits may be viewed on the Planning Department web site at [www.chathamnc.org](http://www.chathamnc.org), then click on Departments and Programs, Planning, Rezoning and Subdivision Cases, 2008, The Knolls At Fearington, preliminary.

The Chatham County Emergence Operations Office has approved the road name '*The Knolls Close*'.

*Re: The Knolls at Ferrington*

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There are two streams shown on the preliminary plat. Both have 50 foot wide water hazard / vegetative stream buffers measured from the top of the bank landward along with an additional 10 foot building setback for a total of 60 feet. Under the 1994 Watershed Protection Ordinance, Section 304 (C) 2 requires "Buildings and other features that require grading and construction shall be set back at least ten (10) feet from the edge of the buffer."

County water is available and will be utilized. Sewer service is provided by the Ferrington Wastewater Treatment Plant.

**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 approval of the road name 'The Knolls Close' and recommends granting preliminary plat approval with the following condition:

1. The construction on the commercial driveway for The Knolls Close not commence until staff has received a copy of the commercial driveway permit.