

PLANNING & ZONING REVIEW NOTES

V. A.

SUBJECT: Request by Fitch Creations for subdivision final plat approval of “**The Knolls**”, consisting of 28 lots on 19.744 acres, located off Millcroft, S. R. 1817, Williams Township.

ACTION REQUESTED: See Recommendation

ATTACHMENTS:

1. Major Subdivision Application.
2. Preliminary plat approved by Board of County Commissioners August 18, 2008.
3. Letter from Dan Sears, Sears Design Group, dated November 11, 2009.
4. Commercial Driveway permit for The Knolls, dated April 30, 2009.
5. Letter from Alan R. Keith, P. E., Diehl & Phillips, P. A., dated December 9, 2009 regarding the wastewater system capacity for The Knolls.
6. Letter from Alan R. Keith, P. E., Diehl & Phillips, P. A., dated December 9, 2009 regarding street construction for The Knolls.
7. E-mail from Tom Bender, Fire Marshall
8. Final plat titled “The Knolls”, prepared by Van R. Finch, Land Surveys, P. A. dated July 28, 2009, Revised December 11, 2009.

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 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.

On August 18, 2008 the Board of County Commissioners approved a preliminary plat consisting of 28 lots on 19 acres, to be served by the Fearington WWTP and the Chatham County water system, with access provided by a private roadway, designed and constructed to the NCDOT standards. The lots were designed for townhouse type ownership where the owner owns fee simple the land under and immediately around their home, and the homeowners association, of all the owners, owns the common land, upon which the homes are clustered. There was 11.47 acres in open space and roadway islands. See attachment # 2 for a copy of this approved plan.

On June 11, 2009 Keith Megginson, Planning Director, approved an administrative change to the approved preliminary plat. Per a letter dated November 11, 2009 from Dan Sears the administratively approved plan allows for “clustered small single-family ownership lots in lieu of the combination of single and double dwellings with townhouse form of ownership.” See attachment # 3. The previously approved entrance off Millcroft, the interior private road design, and the water/ sewer plans were not changed by this new lot configuration. All twenty-eight lots will be individually owned and the homeowners association for The Knolls will own and maintain the common area, 9.925 acres.

During the preliminary plat review, it was stated that NCDOT was in the process of adding that portion of Millcroft to the state system for maintenance. Until that process was completed, a commercial driveway permit could not be issued. On April 30, 2009 the commercial driveway permit was issued by NCDOT. See attachment #4.

Re: The Knolls

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS: The developer is requesting final plat approval. A request for a financial guarantee has been submitted in the amount of \$14,000.00 for sediment basin removal and final seeding of road shoulders. Alan R. Keith, P. E., Diehl and Phillips, P. A. has certified to staff that the sanitary sewer collection system for The Knolls has been constructed and connected to the Fearington Utilities system and that the WWTP has the capacity to serve the project. Mr. Keith has also certified that the private street has been paved and constructed “in accordance with NCDOT standards for materials and construction”. See attachments 5 & 6. The developer requested that the pavement width and the right-of-way serving Lots 4124 and 4126 be narrowed. As shown on the plat, the right-of-way narrows from 45 feet to 35 feet and the pavement width narrows from 20 feet to 15 feet. Tom Bender, Chatham County Fire Marshall, has reviewed this request and stated that it “is within the requirements of the code and will not have an adverse effect on emergency services”. See attachment #8. Staff has received verification from Roy Lowder, Utility Director, that the water line installation has been completed and accepted by Chatham County. Section 3.1 B (1) of the Subdivision Regulations states in part “When either forty (40) percent of the total cost of improvements have been completedand when the public health and/or safety will not be endangered, the County may waive the requirement that the applicant complete all required improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant post an adequate security at the time of application for final subdivision approval.” Staff thinks this final plat qualifies for a financial guarantee.

The plat shows the 50 foot wide perimeter buffer as required by the conditional use permit. No buildings are allowed within the buffer, but it may be disturbed for the installation of underground utilities. This section of Fearington Village is adjacent to the proposed Henderson Place which has received preliminary plat approval from the Board of County Commissioners.

RECOMMENDATION: *The plat meets the requirements of the Subdivision Regulations with the final approvals of other agencies.* The Planning Department recommends granting final plat approval of “The Knolls” as submitted with the following condition:

1. The final plat shall not be recorded until the county attorney has approved the financial guarantee.