



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 19-3224      **Version:** 1

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**File created:** 8/29/2019      **In control:** Planning

**On agenda:** 9/16/2019      **Final action:** 9/16/2019

**Title:** Vote on a request by Dan Sears, P.A. on behalf of Fitch Creations, Inc. for subdivision Preliminary Plat review and approval of Fearrington P.U.D., Section X Area "D" Phase 2 & 3 - Montgomery, consisting of 11 lots on 5.12 acres in Phase 2 and 10 lots on 4.24 acres in Phase 3, located off Milcroft/SR-1817, E. Camden/SR-1813, and Weathersfield/SR-1807 parcel #18998.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. More information from the Planning Department website

Date	Ver.	Action By	Action	Result
9/16/2019	1	Board of Commissioners	approved	Pass

Vote on a request by Dan Sears, P.A. on behalf of Fitch Creations, Inc. for subdivision **Preliminary Plat** review and approval of **Fearrington P.U.D., Section X Area "D" Phase 2 & 3 - Montgomery**, consisting of 11 lots on 5.12 acres in Phase 2 and 10 lots on 4.24 acres in Phase 3, located off Milcroft/SR-1817, E. Camden/SR-1813, and Weathersfield/SR-1807 parcel #18998.

**Action Requested:**

Vote on a request by Dan Sears, P.A. on behalf of Fitch Creations, Inc. for subdivision **Preliminary Plat** review and approval of **Fearrington P.U.D., Section X Area "D" Phase 2 & 3 - Montgomery**, consisting of 11 lots on 5.12 acres in Phase 2 and 10 lots on 4.24 acres in Phase 3, located off Milcroft/SR-1817, E. Camden/SR-1813, and Weathersfield/SR-1807 parcel #18998.

**Introduction & Background:**

Fearrington PUD was originally approved in 1976 as a Planned Unit Development with a master plan allowing for mixed uses and has continued to develop over time. Fearrington PUD is reviewed under the pre-2008 Subdivision Regulations and the 1994 Watershed Ordinance.

Fearrington has 1602 approved residential units (includes Galloway Ridge) with 185 lots/units remaining to be developed. Fearrington is exempt from the Chatham County Stormwater Ordinance, but is not exempt from the Jordan Lake Buffer requirements. The project is subject to the Chatham County Soil Erosion and Sedimentation Control Ordinance. In 2010, the Board of County Commissioners granted approval of a sketch design revision to a 1999 PUD plan which included all the remaining undeveloped land within the PUD and included Section X. In 2012, another sketch plan revision was approved for Section X. In 2016, the PUD was revised to add "Tyrell" street off Richmond, and to relocate six (6) lots. The 2016 revision did not add any additional lots.

**Discussion & Analysis:**

The request before the Board is for preliminary plat review and approval of Section X, Area “D” Phases 2 & 3 - Montgomery, consisting of 11 lots on 5.12 acres in Phase 2, 10 lots on 4.24 acres in Phase 3 and Phase Two of Millcroft. A revised Sketch Plan was approved for Section X, Area “D” on February 18, 2019. See Attachment #4. The proposed project has open space by lots 4615, 4616, 4626 and 4627. As part of this phase, a section of Millcroft will be constructed up to Phase 3 of the residential project.

County water is available and will be utilized. The Water Main Extension Permit and the Authorization to Construct, dated May 9, 2019 issued by NC Department of Environmental Quality (NCDEQ), Division of Water Resources have been provided.

Sewer service is provided by the Fearington private wastewater treatment plant. Alan Keith, P.E., Diehl & Phillips, P. A. has provided a letter stating that the plant has sufficient capacity to serve Section X, Area D. Mr. Keith’s letter also states that “Fitch Creations, Inc. has Authorization to Construct an expansion to the wastewater treatment plan from the North Carolina Division of Environmental Quality”. The Wastewater Collection System Extension Permit, issued by the NCDEQ, Division of Water Resources, dated May 10, 2019 has been provided.

The main roadway in Phase 2 & 3, Millcroft, is to be constructed up to Phase 3. The cul-de-sac streets, Forsyth and Halifax, are proposed to be public, state maintained roads. The revised Road Plan Approval for Section X, Area D, dated May 30, 2019 issued by NC Department of Transportation has been provided. Additionally, there is no stream crossing in this area.

The road name Forsyth, Halifax, and Millcroft have been approved by the Chatham County Emergency Operations Office as acceptable to submit for approval by the Board of County Commissioners.

The permits listed above can be viewed on the Planning Department webpage at [www.chathamnc.org/planning](http://www.chathamnc.org/planning) <<http://www.chathamnc.org/planning>> Rezoning & Subdivision Cases, 2019.

Fearington is not subject to the Chatham County Stormwater Ordinance. Soil Erosion and Sedimentation Control was approved April 16, 2019.

Fearington is subject to the 1994 Watershed Ordinance which requires a 50 foot riparian buffer along perennial and intermittent waters not within 2500 feet of rivers. There are no streams located within Phases 2 & 3.

There are open space areas beside lots 4615, 4616, 4626, and 4627. Trails are located within the open space. The open space area will be transferred to a homeowners association. Phases 2 & 3 are located adjacent to private property owned by MRLD, LLC and a 50’ wide perimeter buffer is shown on the preliminary plat.

The TRC reviewed the request on July 17, 2019 and there were no concerns from staff. The developer has provided two (2) sets of full construction plans which are available in the Planning Department if you would like a copy for review.

**Planning Board Discussion:**

The Planning Board reviewed the application during their August 6, 2019 meeting. Dan Sears and R.B. Finch were present for questions. Mr. Robert Steen, a resident of Fearington, spoke and

wanted to know what would happen to the open space in Section X, which is approximately five acres of pasture and whether the homeowners association will be responsible for the maintenance. Chair Lucier stated, the open space wasn't part of the proposal, but asked the developer if he would like to respond. Mr. Finch stated they are studying how that area will be development and he would address the open space at a later time.

Board discussion included the future traffic circle on Millcroft, future development in Area 'G' and how many homes are proposed, if the development sequence would be in alphabetical order, and if the developer plans to mass grade. The traffic circle isn't located in Phases 2 & 3. Mr. Sears addressed the board and stated there's approximately 100 acres and about 87 homes to be constructed between Area 'D' and Area 'G'. The development sequence would not be in alphabetical order. There's no plan to mass grade the area because the proposed lots are larger and the only clearing will be for the streets and home sites. The Planning Board voted 9-0 to recommend approval of the preliminary plat.

**How does this relate to the Comprehensive Plan:**

The property is located in an area designated as a Village Center. The description of Village Centers includes the recognition of existing historic centers, such as Fearington Village. These centers may include "retail, restaurants, services, and office uses clustered near a village center." The designation is based on the existing approved Planned Unit Development for a cluster development.

**Recommendation:**

The Planning Department and Planning Board by unanimous vote recommends granting approval of the road names Forsyth, Halifax, and approval of the Preliminary Plat as submitted.