



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 19-3223      **Version:** 1

**Type:** Agenda Item      **Status:** Passed

**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 Final Plat review and approval of Fearrington P.U.D., Section X Area "D" Phase One - Montgomery, consisting of 14 lots on 8.792 acres, located off Milcroft/SR-1817, E. Camden/SR-1813, and Weathersfield/SR-1807 parcel #18998.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Hyperlink

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 **Final Plat** review and approval of **Fearrington P.U.D., Section X Area "D" Phase One - Montgomery**, consisting of 14 lots on 8.792 acres, 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 **Final Plat** review and approval of **Fearrington P.U.D., Section X Area "D" Phase One - Montgomery**, consisting of 14 lots on 8.792 acres, 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 mixed uses and has continued to develop over time. Fearrington has 1602 approved residential units, including Galloway Ridge. Fearrington PUD is reviewed under the pre-2008 Subdivision Regulations and 1994 Watershed Protection Ordinance. The project 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.

**Discussion & Analysis:**

The request before the Board is for Final Plat approval of Fearrington, Section X, Area "D", Phase One, Montgomery. Montgomery received preliminary plat approval for 15 lots from the Board of County Commissioners on May 6, 2019. Since the preliminary plat approval of Phase One Montgomery the number of lots in this phase has been reduced by one. Attachment #2 in you packet

shows the approved preliminary plat lot lines in red and the revised lot lines in black. The lot reduction doesn't change the overall approved unit total of the P.U.D and the lot that has been removed will be reallocated in a future phase. The roadways in Area "D", Phase One, Montgomery and Millcroft are proposed to be constructed as NCDOT public, state maintained roads. The final plat request is being submitted with a request for a financial guarantee for the completion of required infrastructure. As of the submittal date, the engineer, Alan Keith, P.E., certified that the project was 41.7% complete and that the roadways are accessible to emergency vehicles. An updated cost letter may be submitted prior to final plat recordation. Staff recommends that the request for a financial guarantee be granted.

Ferrington is subject to the 1994 Watershed Protection Ordinance which requires a 50 foot riparian buffer along perennial and intermittent water features not within 2500 feet of rivers. Ephemeral features were not required to be buffered. The developer has provided a 30 foot voluntary buffer along each side of a creek, running along Lots 4609-4614. The property lines for the lots adjacent to the water features go to the center of the streams.

A 50 foot wide perimeter buffer has been placed within the lots along the common boundary line of the adjoining properties of MRLD, LLC.

The preliminary plat includes a condition that "the final plat shall not show duplicate lot numbers within Ferrington P.U.D." and this condition has been met.

The Technical Review Committee met on July 17, 2019 to review the request. There were no concerns from staff.

#### **Planning Board:**

The Planning Board reviewed the application during their August 6, 2019 meeting. Dan Sears and RB Finch were present to answer questions. The board expressed their appreciation to the developer for placing a 30' voluntary buffer on the streams. A member asked what restrictions will be placed on the 30' buffer. Mr. Sears stated the buffers will remain untouched, the only clearing would be of downed or dead trees, and the buffer will be regulated under the restrictive covenants. The Planning Board voted 9-0 to recommend approval.

#### **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 Ferrington 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 request for a financial guarantee and final plat approval of Ferrington Section X, Area "D", Montgomery as submitted with the following condition:

1. The plat not be recorded until the county attorney has approved the contract and the form of

the financial guarantee.