



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 18-2470 **Version:** 1  
**Type:** Agenda Item **Status:** Passed  
**File created:** 12/29/2017 **In control:** Planning  
**On agenda:** 1/16/2018 **Final action:** 1/16/2018  
**Title:** Vote on a request by Fitch Creations, Inc. for subdivision Final Plat approval of Fearrington - Section X - Area C - Richmond Close, consisting of 21 lots on 18.281 acres located off SR-1813, East Camden and SR-1817, Millcroft, parcel #18998

### Sponsors:

**Indexes:** Comp Plan Goal 3: Promote a compact growth pattern by developing in and near existing towns, communities, and in designated, well planned, walkable, mixed use centers., Comp Plan Goal 9: Provide equitable access to high-quality education, housing and community options for all.

### Code sections:

**Attachments:** 1. More Information from Planning Board Website

Date	Ver.	Action By	Action	Result
1/16/2018	1	Board of Commissioners	approved	Pass

Vote on a request by Fitch Creations, Inc. for subdivision Final Plat approval of **Fearrington - Section X - Area C - Richmond Close**, consisting of 21 lots on 18.281 acres located off SR-1813, East Camden and SR-1817, Millcroft, parcel #18998

### Action Requested:

Vote on a request by Fitch Creations, Inc. for subdivision Final Plat approval of **Fearrington - Section X - Area C - Richmond Close**, consisting of 21 lots on 18.281 acres located off SR-1813, East Camden and SR-1817, Millcroft, parcel # 18998

### Introduction & Background:

**Zoning District :** Conditional Use Permit for Planned Unit Development (PUD)

**Watershed District:** WSIV-PA

**Water Source:** Chatham County

**Septic:** Private Wastewater Treatment Plant

**Within 100 year flood plain:** No

### General Information:

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 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.

The Planning Board has 60 days to make a recommendation on the final plat request.

**Discussion & Analysis:**

The request before the Board is for Final Plat approval of Fearrington - Section X - Area C - Richmond Close. Richmond Close received preliminary plat approval for 21 lots from the Board of County Commissioners on May 15, 2017. The roadways in Area C - Richmond Close 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 85% 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.

Fearrington is subject to the 1994 Watershed Ordinance which required a 50 foot riparian buffer along perennial and intermittent waters not within 2500 feet of rivers. Ephemeral features were not required to be buffered. The developer has provided an additional 50 foot voluntary buffer along Bush Creek, a perennial feature, for a total of 100 feet and has provided a voluntary 30 foot per side buffer along an ephemeral feature running along Lots 4418 - 4421. There is also an intermittent stream with a 50 foot per side riparian buffer plus a 10 foot no-build area. The property lines for lots adjacent to the streams go to the center of the streams.

At the time of preliminary plat approval, the applicant provided a buffer authorization from the Chatham County Watershed Administrator for construction of a private 20 foot wide sanitary sewer line associated with the development of Section X, Areas C & D. An existing natural walking trail with an easement extends from Burke Place cul-de-sac, through Area C, to Henderson Place, an adjacent subdivision.

A 50 foot wide perimeter buffer has been placed within the lots along the common boundary line of the adjoining properties of Lingerfeldt and Henderson Place.

The Technical Review Committee met on November 15, 2017 to review the request. There were no concerns from staff.

The Planning Board met on December 5, 2017 to discuss the request. R.B. Fitch, developer, Dan Sears, Sears Design Group, and Alan Keith, P. E., Dielh & Phillips, were present to answer questions from the Board. Questions from the Board included why the intermittent stream shown on the plat does not connect to Bush Creek a perennial stream; what is allowed in the voluntary buffer areas; would the developer be willing to place a note on the plat stating that the voluntary buffer areas (50 feet along Bush Creek and 30 feet on both sides of an ephemeral stream) will comply with the Jordan Lake Buffer rules. Mr. Keith stated that the intermittent stream location was mapped per the Corp of Engineers on-site evaluation and map. Staff stated that the inner 50 foot riparian buffer along Bush Creek is required and is regulated by the Jordan Lake Buffer (JLBA) rules, but that Environmental Quality staff has stated that the JLBA rules/regulations cannot be enforced in a voluntary buffer outside the required buffer area. A Board member asked if the developer would be willing to place a

note on the plat stating the uses allowed by the developer in the outer 50 foot voluntary buffer along Bush Creek and within the voluntary 30' per side voluntary buffer along the ephemeral stream. Mr. Sears stated that the voluntary buffers were shown on the preliminary plat; that the developer had met the requirements for submittal of a final plat; and uses within the voluntary buffers will be addressed in the private covenants.

Prior to the Board of Commissioners meeting the developer requested two changes be made to the final plat. In a Planned Unit Development the County does not regulate setbacks for structures from internal property lines; however, the final plat states the setbacks as established by the developer. The developer requested the side setback stated on the final plat be changed from 10 feet to 7 feet. On Note # 6 on Sheet One, 'Tyrell' and 'Richmond' are the roads listed that are shown to be the responsibility of Fitch Creations, Inc. until acceptance by NCDOT. Note # 6 was changed to add 'Millcroft' to that note for further clarity. The revised plat and cover letter can be viewed at [www.chathamnc.org/planning](http://www.chathamnc.org/planning) <<http://www.chathamnc.org/planning>> , Rezoning and Application Cases, 2017, Fearington-Section X-Area C Final Plat Richmond Close, Supplemental Documents.

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

Goal 3: Promote a compact growth pattern by developing in or near existing towns, communities, and in designated, well planned, walkable, mixed use centers.

Goal 9: Provide equitable access to high-quality education, housing and community options for all.

**Recommendation:** The Planning Department and the Planning Board by a vote of 10 - 1 recommend granting approval of the request for a financial guarantee and recommend granting approval of the request for final plat approval of Fearington - Section X - Area C - Richmond Close as submitted with the following conditions:

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