

..TITLE

Vote on a request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for **Revised Sketch Plan** approval of the existing residential portion of the approved preliminary plan for 'Area D', consisting of 36 lots on 22.3 acres, located off SR-1813/East Camden, SR-1817/Millcroft, SR-1812/Weathersfield parcel #18998.

..ABSTRACT

Action Requested:

A request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for **Revised Sketch Plan** approval of the existing residential portion of the approved preliminary plan for 'Area D', consisting of 36 lots on 22.3 acres, located off SR-1813/East Camden, SR-1817/Millcroft, SR-1812/Weathersfield parcel #18998.

Introduction & Background:

Zoning: R-1 with a Conditional Use Permit for a Planned Unit Development

Watershed District: WSIV-PA

Water Source: Public, Chatham County

Sewer: private wastewater treatment plant (WWTP)

Floodable Area: None in Section X

Ferrington Village was approved in 1976 as a Planned Unit Development with a master plan allowing mixed uses such as a Village Center, 1333 dwellings units (including detached single family homes and attached townhomes), open space and utilities. The master plan has been modified over the years to meet market demands, plus additional land was added to the PUD in 1981 and 1991. In 1999 Galloway Ridge, a continuing care community, was approved. Ferrington Village now includes approximately 956 acres and 1602 dwelling units (including the Galloway Ridge units). Two sections of Ferrington, Ferrington Woods, approved in 1989, and Whitaker Ridge, approved in 2003, are not part of the PUD. There are 126 lots remaining to be final platted of the 1602 originally allowed.

The 1999 approved revision request included four conditions of approval. See attachment # 7. The conditions have been addressed as follows per the 2012 revised sketch design approval:

1. The building height will not to exceed 57 feet.
2. Access for county water has been/will be provided in an easement to the adjoining property owners of Lingerfeldt, Riggsbee, and Barber.
3. Public road access has been provided to Barber lands (Henderson Place Subdivision)
4. Private road access has been granted to Riggsbee. It is for emergency access only and not for public or private street connection that would allow traffic from

development of those properties to Fearrington Village streets. Utility and private road access will be provided to the Lingerfeldt property as part of Section X, Area D.

Fearrington Village is reviewed under the pre-2008 Subdivision Regulations and the 1994 Watershed Protection Ordinance (including legislatively mandated Jordan Buffer Rule provisions) as based on previous approvals and on requirements of continued development of the overall project. There are 126 lots remaining in Section X and no additional lots are being added with this revision request.

Discussion & Analysis:

The request before the Board is to revise the dwelling unit types and lot layout in Section X, Area D. See attachment # 4, sheet D1, for the existing approved lot and road layout. This existing plan received preliminary plat approval by the Board of Commissioners on September 24, 2018. The preliminary plat approval included 16 residential lots in Area D and public, state maintained roadways Millcroft and West Camden which intersected Weathersfield, SR-1007. The preliminary plat approval also included a roundabout. Attachment # 5, sheet D2, shows the requested sketch design revisions. The revision request is for the interior lot layout only. The lots will be accessed by three separate state maintained roadways with cul-de-sacs as shown on the revised sketch plan. The revision does not include the proposed roadway, Millcroft, West Camden, or the roundabout.

In discussion with Dan Sears, Sears Design Group, P. A., it is staff's understanding that it is the developer's intent to move forward with the construction of portions of Millcroft (shown in red on sheet D2 marked as Street Project Phase One and Street Project Phase Two) based on the existing approved preliminary plat. Per Mr. Sears, the developer plans to revise the roadway to eliminate the roundabout and replace with a T-intersection at some point in the future. It is also staff's understanding that the applicant plans to submit a request for a revision to the existing approved preliminary plat to eliminate the 16 lots previously approved, but retain the roadway approval and that the request will be submitted as one request with the preliminary plat approval request for Phase 1 consisting of 15 lots as shown on sheet D2. Staff recommends that the revision to the existing preliminary plat and the request for the preliminary plat approval for Phase 1 be separate submittals. Staff recommends that the existing preliminary plat approval be revised to remove the 16 residential lots and to request either a revision to the roadway to change the roundabout to a T-intersection or to eliminate that section of the roadway at this time and have the preliminary plat approval be for the portions of the roadway that will be constructed in conjunction with Area D and to provide either new or updated permits as required from other agencies, i.e. NCDOT, Chatham County Utilities, & Chatham County Watershed Protection.

Water: Public, Chatham County water is available and will be utilized.

Sewer: Section X is served by the private Ferrington WWTP. Alan Keith, P. E., Diehl & Phillips, P. A, certified in a letter dated 5/23/17 that “The Ferrington WWTP currently has existing constructed capacity to serve some future areas in Section X, in addition to the currently constructed Area A, Area B, and Area K.....The existing collection system has capacity to serve the entire Section X project.....Fitch Creations, Inc. currently has Authorization to Construct an expansion to the wastewater treatment plant from the North Carolina Department of Environmental Quality. Fitch Creations will expand the Ferrington WWTP as needed to provide adequate treatment capacity for Ferrington until buildout, and as required to comply with NC DEQ rules.”

Stream Buffers: Ferrington Village is subject to the 1994 Watershed Protection Ordinance. In 2010, the developer hired a private consultant, S & EC to conduct an on-site stream determination. The features were confirmed by the Corps of Engineers and by Chatham County in 2010. Ephemeral features and wetlands were not required to be buffered under the 1994 Watershed Ordinance. The developer, however, volunteered to provide a 25 foot wide undisturbed buffer around all wetlands and has stated in a 2017 revision application that buffers will be provided around well-defined ephemeral features. (A 30 foot wide voluntary buffer was placed along an ephemeral feature in Area C) Section X contains stream features and wetlands and all features are located within common area. Area D has no stream features or wetlands. In June 2018 the Corp of Engineers revisited Section X and provided updated wetland delineation. Copies of the delineation provided by the applicant in this submittal packet are the 2011 delineations, not the 2018 updated delineation. The updated delineation may be viewed on the county’s webpage <https://www.chathamnc.org/home/showdocument?id=42502>.

Stormwater: Ferrington Village is exempt from the Chatham County Stormwater Ordinance based on the existing approved valid sketch design plan. The project is not exempt from the Jordan Lake Buffer requirements which include diffuse flow requirements under 15A NCAC 02B.0267 and buffer authorizations if necessary. The project is subject to the Chatham County Soil Erosion and Sedimentation Control Ordinance. See information provided by applicant in the submittal letter dated December 14, 2018.

Roadways: The 36 lots are proposed to be accessed by three (3) public, state maintained roads.

TRC: The Technical Review Committee met on 12/19/18 to review the project. Larry Bridges, Public Works Director stated the project will need to be resubmitted to Public Works, as this will be processed as a new project. Rachael Thorn, Watershed Protection Director stated Jordan Lake Buffer Rules apply to this project. Other departments were present including Emergency Management, Planning, Central Permitting, Environmental Health, and GIS.

Planning Board Discussion:

The Planning Board met on January 8, 2019 to review the request. Alan Keith, P. E., Dan Sears, Sears Design Group and R. B. Finch, developer, were present to answer questions. Questions from the Planning Board included whether the wetland that was delineated by the Corps of Engineers in 2018 is located in this phase, where the cul-de-sac conversion to a "T" intersection was located, whether the number of lots was decreasing, and questions about the removal of open space. Previously Section X - Area "D" was approved with 43 lots and the sketch revision request has 36 lots. The developer will shift the lots that were eliminated from this phase to a future phase.

Board members asked the location of the future "T" intersection and the developer's representatives noted that the "T" intersection would be located where the roundabout is shown on the approved Preliminary Plat. There was discussion about the construction of MillCroft and how much of the road would be constructed. Mr. Sears stated that a portion of Millcroft will be constructed beyond Phase 1 to serve the 15 lots and it would be several years before Millcroft would be fully constructed.

Section X- Area "D" received preliminary plat approval in September 2018, which included a new wetland delineated by the U.S. Army Corps of Engineers. Some Planning Board members had concerns during the preliminary plat approval that the new wetland segment may be hydrologically connected to a water feature on the opposite side of the proposed alignment of Millcroft and whether a buffer authorization was required. It was asked that Chatham County Watershed Department review the area to see if a buffer authorization would be needed and Mr. Keith stated that Chatham County staff determined the crossing didn't require a buffer.

Several board members expressed that they preferred the revised sketch proposal because there is less built upon area due to the elimination of the alleys. The preliminary plat showed open space areas and the proposed sketch revision has private open space, per Mr. Sears.

Mr. Sears had a general discussion about change in the market and this was the reason for the sketch revision.

How does this relate to the Comprehensive Plan:

The property is located in an area designated as a Village Center and that designation is based on the existing approved Planned Unit Development for Fearington Village.

Recommendation:

The Planning Department and Planning Board by unanimous vote (7-0) recommends granting approval of the request for **Sketch Plan Revision of Fearington – Section X, Areas "D"** as submitted with the following condition:

1. Construction of Millcroft not commence until a revision has been approved by the Board of Commissioners to the preliminary plat approved on September 24, 2018 to eliminate the 16 residential lots and to request either a revision to the roadway to

change the roundabout to a T-intersection or to eliminate that section of the roadway at this time and have the preliminary plat approval be for the portions of the roadway that will be constructed in conjunction with Area D and to provide either new or updated permits as required from other agencies, i.e. NCDOT, Chatham County Utilities, & Chatham County Watershed Protection.