

..TITLE

Vote on a request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for subdivision Preliminary Plat review and approval of **Ferrington P. U. D., Section X, Area "D" – Montgomery**, consisting of 16 lots on 7.6 acres, located off SR-1814/West Camden, SR-1817/Millcroft, SR-1812/Weathersfield parcel #18998.

..ABSTRACT

Action Requested:

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Introduction & Background:

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

Water: Chatham County

Sewer: Private Wastewater Treatment Plant

Watershed District: WSIV-PA

Within 100 year flood: No

Ferrington 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.

Ferrington PUD is reviewed under the pre-2008 Subdivision Regulations and the 1994 Watershed Ordinance.

Ferrington has 1602 approved residential units (includes Galloway Ridge) with 185 lots/units remaining to be developed. Ferrington 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. The Planning Board has two (2) meetings to make a recommendation.

Discussion & Analysis:

The request before the Board is for preliminary plat review and approval of Section X, Area "D" – Montgomery, consisting of 16 lots on 7.6 acres in Phase 1 and includes the connection to Weathersfield (S.R 1812). A revised Sketch Plan was approved for the remaining undeveloped areas of Ferrington Village on July 17, 2017 and a copy of that plan is available on the County website under Supplementary Items. Administrative

approvals were granted for adjustments to 'Area D' and a minor re-configuration of the parklands and roadways in relation to the layout on the 2017 Sketch Plan. A new wetlands classification was also completed this year by the Army Corp of Engineers and a copy of the wetlands survey signed by Andrew Williams, Regulatory Project Manager USACOE, dated June 29, 2018 is provided on the county website.

Water: County water is available and will be utilized. The Water Main Extension Permit and the Authorization to Construct, dated May 30, 2018 issued by North Carolina Water Resources have been provided.

Sewer: 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 the plant has sufficient capacity to serve Section X, Area D. Mr. Diehl'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 Collections System Extension Permit, issued by the North Carolina Water Resources, dated June 11, 2018 has been provided.

Roadways: The roadways were slightly reconfigured from the Sketch Plan and West Camden is proposed to be completed up to Weathersfield. Additionally, there is no stream crossing in this area. The streets Halifax, Montgomery Place, Pamlico, Granville, Cabarrus and West Camden are proposed to be public, state maintained roads. The Road Plan Approval for Section X, Area D, dated June 22, 2018 issued by NCDOT has been provided.

Road Names: The road names Montgomery Place, Halifax, Forsyth Row, Pamlico, Cabarrus, Buncombe Row, Granville, West Camden and Orange Row 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 Rezoning & Subdivision Cases, 2018.

Stormwater: Fearington is not subject to the Chatham County Stormwater Ordinance.

Water Features: Fearington 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. An ephemeral feature located in the open space of Phase 1 area has a voluntary 30' buffer.

As stated earlier a new wetlands classification was completed early this year by the US Army Corp of Engineers and the new wetland survey was signed and dated June 29, 2018 by Andrew Williams, Army Corp of Engineer, Regulatory Project Manager.

Open Space: There are open space areas beside Lots 4630 & 4629. The open space area will be transferred to a homeowners association. Area 'D' is adjacent to private property owned by T. H. Lingerfeldt and Lunday and Mary Riggsbee and a 50' wide perimeter buffer is shown on the preliminary plat. Per Mr. Sears the perimeter buffer is a no-build area; however, per a note on the plat, a trail system can be placed in the perimeter buffer along with utilities and storm water control devices, additional ornamental and evergreen trees can be placed; and invasive species vegetation can be removed. The restrictions placed on the perimeter buffer are private and not required by Chatham County. Per Mr. Sears, the developer of Fearington normally does not grade in those areas, but it is allowed.

Technical Review Committee: The TRC reviewed the request on July 18, 2018. Larry Bridges, Public Works Director, said he had no concerns with the reconfiguration of the road as long as the utilities shifted with the road. Mr. Bridges stated the 40' x 50' public drainage easement and multiple public easements shown on the plat are private drainage easements. Other county staff were present and there were no issues noted.

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 this item during their August 7, 2018 meeting and members asked about the difference between a public drainage easement and private drainage easement. Alan Keith, P.E., stated it has to do with the maintenance. A public easement is attached to a right-of-way and that implies that NCDOT would maintain the easement. NCDOT would like the easement to transition quickly to a private easement for maintenance proposes.

A question was asked about public safety and the walking path along Millcroft because board members received an email from a Fearington resident who had concerns about the timeframe of walking paths being constructed. Sidewalks cannot be required, one board member stated, the board member asked the developer, is there a safe walkway along Millcroft. Dan Sears, representative for the developer, stated the pathways are developed as the road is constructed and are outside of the right-of-way.

A board member stated they assumed the new wetland survey was completed because the permits had expired, which Mr. Sears acknowledged. The board member stated that this is a Jordan Lake watershed and is subject to buffer requirements for NRCS soil survey delineated streams and it appears a stream is located in the wetland shown in Area J. Mr. Keith stated there's a pockets of wetlands in several areas, but they are not proposing any disturbance within them. The same was asked of Area L and Mr. Sears

stated both Areas J and L are for future planning and no disturbance will be in the wetlands. Planning Staff explained that the US Army Corps of Engineer has identified new wetlands in these locations and modifications to the layout were needed because the sketch plan was completed based on the old wetland survey.

Some concerns from board members were that the wetland appeared to connect with a NRCS soil survey mapped stream, but the wetland is shown as an isolated wetland on the preliminary plat. There were questions about the date of the last stream delineation in this area since it's located within the Jordan Lake Buffer Rules area. Mr. Sears confirmed that the US Army Corps of Engineer approval was needed due the expiration of the prior jurisdictional determination. Board members requested that the following condition be added - The developer must contact the Chatham County Watershed Protection Department to determine if the wetland or NRCS soil survey mapped stream needs a 50' buffer or if a buffer authorization is required at the West Camden Road crossing. They also requested that a staff recommended condition about the drainage easements be removed based on additional information being provided by the developer during the meeting. Staff agreed that the drainage easement condition should be removed. After the Planning Board meeting the developer provided Planning staff with a response from Drew Blake, Chatham County Watershed Specialist. Mr. Blake stated in an email dated August 14, 2018 that they have accepted the USACE call in the field and nothing else is required. Based on this email correspondence the condition proposed by the Planning Board has been met and does not need to be included as part of the approval.

Montgomery Place is shown as Phase 2 on page C-1 and should be shown as Phase 1, the board recommended this item to be placed as a condition. Staff recommended the final plat title on page C-1, shall have the spelling "Montgomery" changed to "Montgomery". On August 08, 2018, staff received an email from Dan Sears that included an attachment showing page C-1, Montgomery Place as Phase 1 and "Montgomery" changed to "Montgomery". These items have been addressed.

Board members had general discussion about the capacity of Fearington's wastewater treatment plant. Alan Keith commented that there is sufficient capacity in the existing plant to accommodate this phase. The Planning Board by unanimous vote (8-0) recommends approval with the following condition - The developer must contact the Chatham County Watershed Protection Department to determine if the wetland or NRCS soil survey mapped stream needs a 50' buffer or if a buffer authorization is required at the West Camden Road crossing. As noted previously this condition has been met and is not included in the final recommendation.

How does this relate to the Comprehensive Plan:

The property is located in an area designated as Villages. The designation is based on the existing approved Planned Unit Development for a cluster development.

Recommendation:

The Planning Board by unanimous vote (8-0) and Planning Department recommend granting approval of the road names Montgomery Place, Halifax, Forsyth Row, Pamlico, Cabarrus, Buncombe Row, Granville, West Camden and Orange Row and approval of the preliminary plat as submitted with the revisions provided by the developer.