

..TITLE

Vote on a quasi-judicial request for approval of a Special Use Permit for Fitch Creations for a new Planned Residential Development on Parcel 95264, being 51.765 acres located off Big Hole Rd., for 43 lots, Williams Township.

..ABSTRACT

Action Requested:

Vote on a quasi-judicial request for approval of a Special Use Permit for Fitch Creations for a new Planned Residential Development on Parcel 95264, being 51.765 acres located off Big Hole Rd., for 43 lots, Williams Township.

Introduction & Background:

A quasi-judicial public hearing was held January 17, 2023. Planning staff, T. C. Morphis, attorney for the applicant, and Dan Sears, representative for the applicant, presented the request.

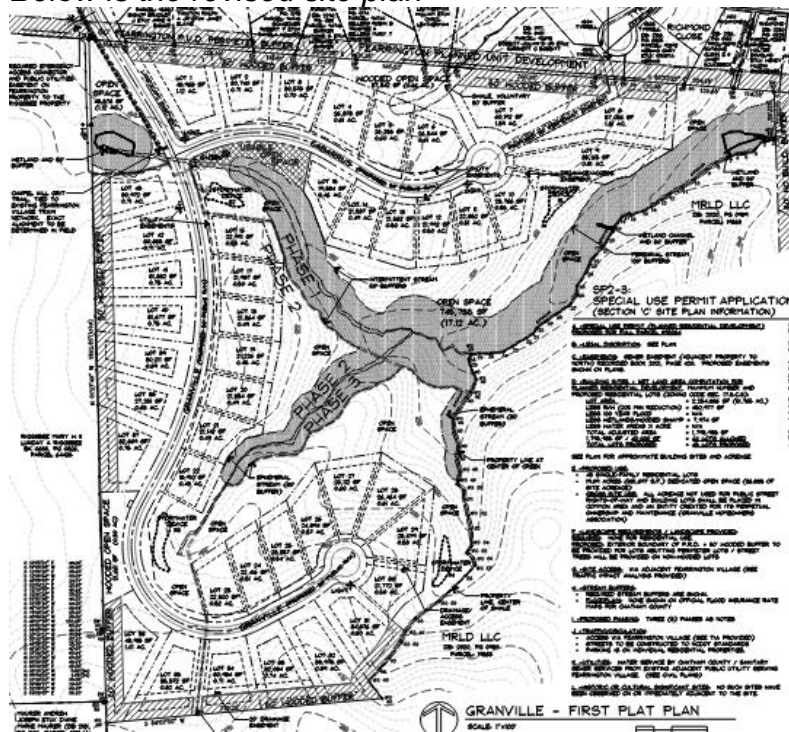
Also speaking was Rose Krasnow, president of the Fearington Village Homeowners Association. She stated they are not opposed to the development and have a great relationship with Fitch Creations. The concerns were:

- Requesting a gravel construction entrance through the pasture in order to keep truck traffic off the main roads coming through Fearington Village.
- Concern over the number of storm water ponds.
- Existing club house and other amenities are not adequate to handle more residents.
- If a signal is not possible at US 15-501 N & Weathersfield (which is the closest access to this new development), they would like one reviewed for the US 15-501 N and Mt. Gilead Church Road intersection.

Greg Fitch and Allen Keith both responded to the issue of the number of storm water ponds stating they were complying with the county stormwater ordinance, bio retention ponds would not be economical, and expenses to maintain should not be burdensome.

County staff met with the applicant's engineer on site on January 24, 2023. Per field review it was determined that seven stormwater ponds were not required. The developer had planned on installing 20-foot diversion ditches behind each lot to move stormwater to the ponds. It was explained the ponds were to control runoff from the roadways and the lots themselves would sheet flow. This in turn reduced the number of ponds required to four with a slight modification to the overall site plan. However, the same number of lots and provides for an additional 1.75 acres of wooded open space.

Below is the revised site plan

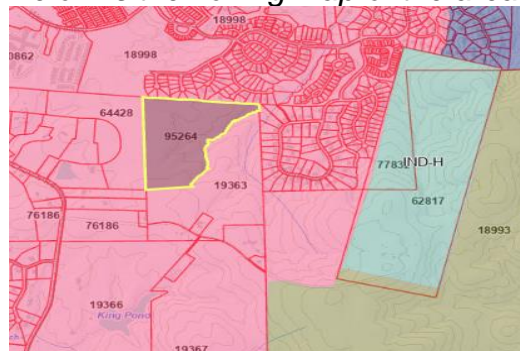


Discussion & Analysis:

When determining whether a Special Use Permit request should be approved as per Section 5 Conditional Zoning Districts, the following findings must be supported.

1. **The alleged error in the Ordinance, if any, which would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.** No error is being claimed in the Ordinance. Planned Residential Developments (PRDs) are permitted through the Special Use Permit process in R-1 Residential zoning districts.

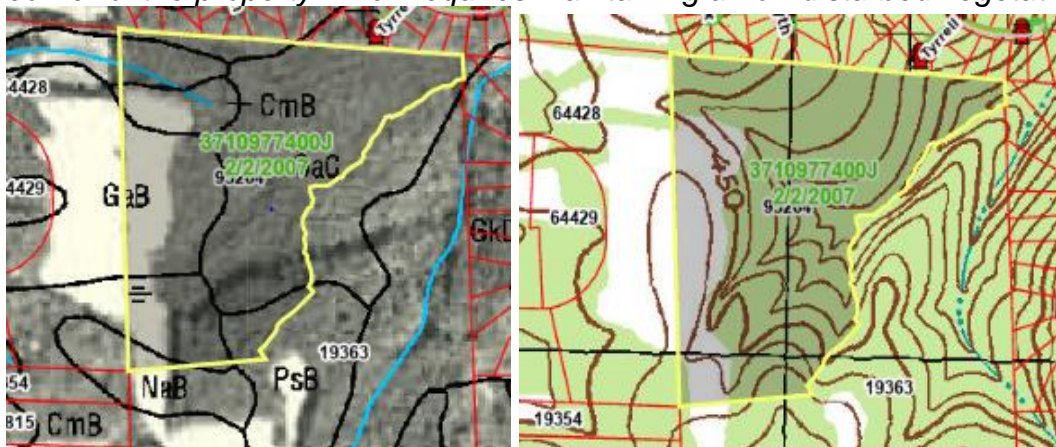
Below is the zoning map of the area



1. **The requested special use permit is either essential or desirable for the public convenience or welfare.**
 - a. Granville will set up its own sub-HOA association from the larger Fearington Village (FV) HOA
 - b. In keeping with the aesthetics of FV, signage will continue in design appearance, only three streetlights are proposed at cul-de-sacs and intersection, and all other zoning requirements will be complied with
 - c. The FV HOA will provide membership and access for the recreational offerings within the larger FV PUD
 - d. With FV nearing full build-out, more land opportunity is requested to continue to serve those looking to located in or near FV

2. **The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community.**
 - a. Will give residents the opportunity to access existing FV amenities by walking and biking.
 - b. Will provide residents the opportunity to live in a rural setting designed in compliance with county requirements for stream corridor protection and additional preserved wildlife corridors.
 - c. Development will be constructed by the same developer as FV, Fitch Creations.
 - d. The lots will utilize the existing, privately held sewer treatment facility and connect to county water.
 - e. Will provide needed housing for the northeastern portion of the county near to supporting non-residential uses.
 - f. The parcel is located within the WSIV-Protected Area Watershed of the Jordan Lake Buffer Rule area. This allows up to 36% BUA for the project.

Below are the NRCS/USGS maps that show a blue line stream on the northwestern corner of the property which requires maintaining a non-disturbed vegetative buffer.



2. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.

- a. Chapter 2, pg 16- An increased higher income population along the US 15/501 corridor will continue to expand and support local retail, restaurants, and other businesses helping to reduce sales leakage outside the county.
 - i. Pg 18- Rural character is being preserved by an extensive perimeter landscaped wooded buffer and protected open space.
 - ii. Pg 21-Land Use Suitability- the Comp Plan identifies this area as high residential and high to medium suitability for commercial and medium to high for conservation.
- b. Chapter 3- by being a modest expansion of FV, it is not visible to the surrounding general public, a wooded buffer, open space with buffered streams, and the preservation of tree cover on proposed lots are keeping with the rural character and preservation of natural resources.
- c. Chapter 4 Economic Development, ED Policy 4, pg 56: additional housing for the area will increase demand for existing restaurants and service-based businesses.
- d. Compact growth near existing developments promotes Policy 3, pg 63 Land Use Goals and pg 66 helps to preserve rural character.

3. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies, and regulations.

- County water
- Private sewer treatment facility
- Access is through the existing FV development.
- Stormwater measures to be complied with the Chatham County Stormwater Ordinance
- Open space is being provided above the minimum required with 21.88% more
- Recreation with a wooded park and a gazebo will be with a walking trail network that will connect the two developments.

The Planning Board met February 7, 2023, to review the request. Questions/concerns raised were:

- Traffic increases at intersection of US 15/501 N and the need for a possible signal. The traffic analysis stated there would not be enough additional trips per day to warrant road improvements.
- Concern over the use of the existing amenities within Fearington Village not large enough to take on more residents.

After discussing the project the Planning Board voted 9-0 to recommend approval of the special use permit for a planned residential development with the conditions listed below. The applicant has also indicated they are agreeable to the conditions.

How does this relate to the Comprehensive Plan: Pg 18- Rural character is being preserved by an extensive perimeter landscaped wooded buffer and protected open space. Pg 21-Land Use Suitability- the Comp Plan identifies this area as high residential and high to medium suitability for commercial and medium to high for conservation.

Chapter 3- by being a modest expansion of FV, it is not visible to the surrounding general public, a wooded buffer, open space with buffered streams, and the preservation of tree cover on proposed lots are keeping with the rural character and preservation of natural resources.

Recommendation:

The Planning Board recommends approval by unanimous vote (9-0) to the Board of Commissioners with the conditions listed below.

The below conditions shall apply to any approval as follows:

Site Specific Conditions

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and as shown on the site plan consistent with any modifications agreed upon. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
2. All subdivision requirements and regulations shall be followed and approved before any land disturbing activity can begin.
3. Clearing debris from this development must be taken to a permitted facility and may not use the area located within Fearington Village for disposal.
4. A development permit shall be obtained and remain valid at all times within two years of the date of this approval or the site plan becomes null and void.

Standard Site Conditions

5. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes to or variations from any requirements of this permit must be approved through the Planning Department or other approving board before any such changes can take place.
6. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, Watershed

Protection, and Environmental Health Division, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process.

Standard Administrative Conditions:

7. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
8. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
9. Non-Severability – If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
10. Non-Waiver – Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.