

PLANNING & ZONING REVIEW NOTES

VIII. A.

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**SUBJECT:** Request by Nicolas P. Robinson, Attorney-at-Law on behalf of Community Properties, Inc. for a revision to the development schedule for **The Glens** (f/k/a McBane Subdivision).

**ACTION REQUESTED:** See recommendations.

**ATTACHMENTS:** The following may be viewed on the Planning Department website at [www.chathamnc.org](http://www.chathamnc.org) under Planning, Rezoning & Subdivision Cases, 2007.

1. Letter of request from Nicolas P. Robinson, dated August 8, 2007.

**INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS:**

The property is located on the west side of Old Graham Road, SR-1520, and north of Chapel Ridge Phase 3 and west of existing Rock Rest and proposed The Bluffs. The property is located in an unzoned portion of Chatham County and a watershed district of WSIV-Protected Area. The Board of County Commissioners approved a sketch design consisting of 109 lots to be accessed by a public, state maintained roadway on July 17, 2006. Preliminary approval was achieved on May 17, 2007.

**ISSUES FOR FURTHER DISCUSSION AND ANALYSIS:** A development schedule was submitted by the developer with the sketch design application. As stated above, sketch design was approved on July 17, 2006 including the development schedule and preliminary design approval was achieved on May 17, 2007. At the preliminary stage of review and approval, infrastructure of the project has been designed and permits from other agencies have been received. The applicant's request is to extend the original final plat deadline dates by fifteen (15) months. The reason for the request as stated in the applicant's letter is "Based on market conditions and a desire to reduce the intensity of simultaneous infrastructure construction in the area ...." See attachment # 1.

Per the Chatham County Subdivision Regulations, Section 4.2 C (4) "Time Limit on Validity of Preliminary Plat Approval: Approval of a preliminary plat shall be valid for a period of eighteen (18) months following the date of preliminary approval by the Board of County Commissioners unless a request for an extension has received and approved by the Board of County Commissioners prior to the expiration of preliminary approval. Upon expiration of preliminary approval, a final plat of the same subdivision shall not be considered by the Board of County Commissioners unless said preliminary plat is submitted for preliminary approval based on standards in effect at the time." Preliminary plat approval was received within the prescribed time frame of 18 months.

*Re: The Glens*

**ISSUES FOR FURTHER DISCUSSION AND ANALYSIS** – con't

Section 4.2 C (5) states “Extension of Time of Preliminary Plat Approval: If the developer is unable to complete the improvements required for final approval within the specified time, he may present in writing to the Planning Board a request for an extension of time setting forth the reasons for the extension. The developer shall submit his request at two regularly scheduled Planning Board meetings prior to the date preliminary approval expires and no less than thirty (30) days prior to the expiration of preliminary approval. In the extent such an extension is recommended by the Planning Board and/or granted by the Board of County Commissioners, the Board of Commissioners shall state the time limit of the extension which shall be recorded in the minutes of the Board of Commissioners.”

The County is in the process of making changes relating to stream buffers and threshold criteria for environmental impact assessments. These items are addressed within the Subdivision Regulations and Water Supply Watershed Regulations. The Glens, as currently approved, is not subject to these proposed changes.

The applicant’s request seems reasonable given the slow down in today’s real estate market and concerns of the general public regarding construction of other projects currently in process in the general area. Extending the time of final plat approvals for The Glens would potentially lessen or spread out the amount of construction activity the area is currently experiencing.

In the past, similar requests have been recommended for approval by the Planning Board and granted by the Board of County Commissioners. Previous requests were not made when the County was considering major ordinance text changes. This is a policy decision for the Board to consider. There may be legal implications to be considered that the Board would want to advice on.

**RECOMMENDATION:** If the Board wants the development to proceed on the current time line under the existing regulations then the request should be denied. If the Board wants the development to proceed more slowly under the current regulations then the request should be approved.