

PLANNING & ZONING REVIEW NOTES

VI. A.

SUBJECT: Request by Charles Lewis, Vice President, Lewis Metty Development, LLC for a one (1) year extension of preliminary plat expiration for Cedar Mountain Subdivision from January 16, 2009 to January 16, 2020.

ACTION REQUESTED: See Recommendation.

ATTACHMENTS: 1. Request letter from Charles Lewis, Vice President, Lewis Metty Development, LLC, dated September 12, 2008.

2. Letter dated October 1, 2008 from John W. Harris, P. E.

INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS:

Zoning: RA-40 Water system: Private wells
Sewer System: Private septic systems and repair areas.
Watershed District: WSIV-PA
Within 100 year flood: No

The Board of County Commissioners granted sketch design approval on July 17, 2006 and preliminary plat approval on July 16, 2007 for 65 lots on 162 acres. On November 19, 2007 the BOC granted final plat approval for Phase 1 consisting of 18 lots.

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS: As stated above, Cedar Mountain received preliminary plat approval for 65 lots on July 16, 2007. Due to the number of lots, the developer could have requested a development schedule at that time extending the time between preliminary plat approval and final plat submission to more than 18 months, but did not. Section 4.2 (C) (4) states in part "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 been received and approved by the Board of County Commissioners prior to the expiration of preliminary approval." Item (5) states "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 not less than thirty (30) days prior to the expiration of preliminary approval. In the event such an extension is recommended by the 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."

Re: Cedar Mountain Subdivision

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS – cont.

Since approval of the preliminary plat the developer has strived to complete the project. Phase 1 consisting of 18 lots has received final plat approval with a financial guarantee for the completion of the public roadway in Phase 1. Per the engineer, John Harris, the roadway in Phase 1 has been constructed to the NCDOT standards. Staff is currently waiting on a letter from NCDOT regarding the status of construction on Phase 1 roadway. As stated in attachment # 1, the developer is requesting an extension of preliminary expiration for the balance of the project consisting of 47 lots due to extensive rock embedded in the pathway of Cedar Grove Road. The letter from John W. Harris,

P. E., attachment # 2, verifies the presence of sub-terrain rock that needs to be removed from the road bed area in order to meet the NCDOT roadway construction standards. The preliminary approval will expire January 16, 2009 and the developer is concerned that with the upcoming fall / winter seasons forthcoming that he will not have time to complete the project. Staff thinks that the developer has demonstrated a willingness to complete the project with the completion of Phase 1 and thinks the request for an extension for the balance of the project is reasonable.

RECOMMENDATION: The Planning Department recommends granting a one year extension of preliminary plat expiration to change the expiration date from January 16, 2009 to January 16, 2010.