

PLANNING & ZONING REVIEW NOTES

V. A.

SUBJECT: Request by Karen M. Kemerait, Attorney with Blanchard, Miller, Lewis & Styers, P. A. on behalf of the Dornoch Group for approval of a development schedule for the **Lystra Road** subdivision (59 lots on 144 acres) located off SR-1721, Lystra Road, Williams Township.

REQUESTED ACTION: See Recommendations.

ATTACHMENTS: 1. Request letter dated April 10, 2008 to Keith Megginson, Chatham County Planning Director from Karen M. Kemerait, Attorney, with Blanchard, Miller, Lewis & Styers, P. A.

INTRODUCTION/ BACKGROUND / PREVIOUS BOARD ACTIONS: Lystra Road Subdivision received sketch design approval from the Board of County Commissioners on June 18, 2007 for 59 lots on 144 acres.

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS: Section 4.2 B (4) of the Subdivision Regulations states *“Time limit on validity of sketch design approval. Approval of a sketch design shall be valid for a period of twelve (12) months following the date of sketch approval by the Board of county Commissioners. There shall be no extension of sketch design approval. If sketch design approval expires the subdivision shall not be considered for preliminary approval until and unless another sketch design approval is granted according to applicable regulations and appropriate additional administrative fees are paid. This time limit on the validity of sketch design approval shall not apply for Planned Unit Developments, also referred to as Planned Residential Developments, and subdivisions of more than 50 lots. Sketch design approval shall not expire for developments in these categories provided the development continues according to the overall time schedule established at the time of sketch review.”* The applicant did not request a development schedule at the time of sketch design approval requiring the preliminary plat to be submitted prior to June 18, 2008 in order for the sketch design approval not to expire. June 13, 2008 is the last Planning Board submittal date prior to the expiration date. During discussion with the Board of Commissioners, the applicant volunteered to provide an Environmental Impact Assessment prior to submitting for preliminary plat review. This was then made a condition of sketch design approval along with a condition “that the comments of the Environmental Assessment be put into the preliminary design.”

The Environmental Impact Assessment was submitted to Fred Royal, Chatham County Environmental Resources Director on February 26, 2008. The report is currently under review by the Environmental Review Board. Based on the estimated review time required by Mr. Royal and the ERB (approximately 90 / 120 days), the applicant is concerned that without a development schedule approval allowing more time to submit for preliminary plat review, he will not have sufficient time to receive comments from the ERB and incorporate those comments into his preliminary design and the sketch plan will expire. At the time the applicant volunteered to provide an EIA, the time schedule for review by Mr. Royal and the ERB was unknown. The time frame for review of an EIA has not yet been determined.

Re: Lystra Road

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS – con't

Since the subdivision is more than 50 lots, which allows a development schedule, the applicant is now requesting a development schedule be approved prior to the expiration of the sketch design to allow the sketch design to be valid until March 18, 2009. This will allow the developer an additional nine (9) months to work through the EIA process. Staff thinks this request is reasonable.

RECOMMENDATION: The Planning Department recommends granting approval of the development schedule as proposed allowing the sketch design to be valid until March 18, 2009.