



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
7-21-08

PART A

Subject:

Request by Nicolas P. Robinson, Attorney-at-Law on behalf of Harrison Pond, LLC, and the Norwoods and Feltons, for a one (1) year extension of the development schedule deadlines for the Norwood/Felton Subdivision extending the deadline for preliminary plat submission from July 31, 2008 to July 31, 2009 and final plat submission from January, 2009 to January, 2010.

Action Requested:

See Recommendations.

Attachments:

1. Letter from Nicolas P. Robinson, Attorney-at-Law on behalf of Harrison Pond, LLC, and the Norwoods and Feltons, dated June 11, 2008.
2. Copy of approved sketch design map.
3. Copy of original development schedule.

Submitted By:

Keith Megginson, Planning Director

Date

County Manager Review:

Charlie Horne, County Manager

Date

This abstract requires review by:

County Attorney

Date Reviewed

Finance Officer

Date Reviewed

Budget Officer

Date Reviewed

PART B

Re: Norwood/Felton Subdivision

Introduction / Background / Previous Board Actions:

Zoning: RA-40 Water Source: Chatham County
Watershed District: WSIV-PA Sewer: Private
Within 100 year flood plain: yes, some floodable area along Wilkinson Creek

The Board of County Commissioners approved the sketch design and original development schedule on July 16, 2007. The subdivision consisted of 51 lots and qualified for a development schedule. The sketch design provided for a 100 foot wide water hazard setback/ vegetative stream buffer along Wilkinson Creek, a perennial stream, which was double the required distance at that time. The intermittent streams on the property have a 50 foot wide setback / buffers. The developer also provided for 30 foot wide riparian buffers along designated wetlands that included more than 10 acres of drainage area.

Issues for Further Discussion and Analysis:

This request is for an extension of the development schedule for the Norwood-Felton Subdivision. Per Nicholas Robinson, attorney, the original development schedule requested a one (1) year period from the date of sketch design approval to submit for preliminary plat approval which would be July 31, 2008. Final plat submission was to be on or before January 2009. See attachment # 3. Attachment # 1 explains the reasons for the request for the extension. The reasons include drought conditions not allowing accurate delineation of streams and wetlands until February, 2008, working with the U.S. Army Corps of Engineers and desire of the developer to incorporate the findings into the design of the roadways, water line placement, and lot design. Per Mr. Robinson, the length of time required to obtain the environmental review, now necessitates the need for additional time to submit the preliminary plat.

The Subdivision Regulations states in Section 4.2 (B) (4) "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 development qualified for a development schedule. The developer requested twelve (12) months, which is the standard time frame, but could have requested additional time. Per the Subdivision Regulations there is no provision for an extension of sketch design. This request; however, is a request for revision of the development schedule to extend the date of preliminary plat and final plat submittals for one year from the original dates. Staff has addressed this issue with Jep Rose, the interim county attorney. It is his opinion that the language in the Subdivision Regulations addresses the standard sketch design time period of twelve months and is not prohibitive of extension of a valid development schedule. In

Re: Norwood/Felton Subdivision

Issues for Further Discussion and Analysis – con't

comparing this request with other extensions approved by the Board, Mr. Rose considered whether the reasons cited were ones beyond reasonable control of the developer. He suggested that this would be a good standard to use when evaluating requests for extensions.

Recommendation: The Planning Department and Planning Board (by a vote of 6 in favor, 1 against, and 3 abstentions) recommend that the request for a one year extension of the existing development deadlines be granted.