

PLANNING & ZONING REVIEW NOTES

V. A.

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**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.

**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.

**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.

*Re: Norwood/Felton*

**ISSUES FOR FURTHER DISCUSSION AND ANALYSIS**

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 thinks this is a legal question and has asked for a legal opinion from the interim county attorney. The legal opinion will be given prior to the Planning Board meeting and staff will make a recommendation at that time.