

PLANNING & ZONING REVIEW NOTES

III. B. 1.

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**SUBJECT:** Request by Polk-Sullivan, LLC for subdivision final plat approval of “**The Glens, Phase I**” (fka McBane Property), Consisting of 9 lots on 15 acres, located off SR-1520, Old Graham Road, Hadley Township.

**ATTACHMENTS:**

1. Major Subdivision Application.
2. Preliminary plat approval letter dated May 18, 2007
3. Water and Sewer System certification letter, dated June 11, 2008 from Aqua North Carolina
4. Final plat titled “The Glens, Phase I, Lots 101 – 109”, prepared by Infinite Land Design, PC, dated June 11, 2008.

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

The subject property, formally known as “McBane Subdivision” is located off Old Graham Road, SR-1520, and north of Chapel Ridge Phase 3 and west of existing Rock Rest, The Bluffs and The Estate at Laurel Ridge. The property was originally located in a portion of the county that was unzoned. The property is now zoned RA-40 and is in a WSIV-Protected watershed district. The Board of County Commissioners approved the sketch design consisting of 109 lots to be accessed by a public, state maintained roadway on July 17, 2006. On May 7, 2007, the Board of County Commissioners, after considering the written request for preliminary plat approval, failed to take action on the request. On May 18, 2007 the preliminary plat was deemed approved per Section 4.7 B (1) of the Subdivision Regulations which states in part “The Board of Commissioners will review the preliminary plat and indicate their approval, disapproval or approval subject to modifications within sixty (60) days of the official submission date to the Board of Commissioners. Failure of the Board of Commissioners to act on the preliminary plat within this sixty (60) day period will be deemed approval of the plat as submitted.” Conditions of approval are listed in attachment 2 above. Condition # 1 “*The final plat shall show a 100 foot stream buffer along Dry Creek*” has been met. The 100 foot wide water hazard setback / vegetative stream buffer, is measured from the top of bank landward, and is located within the 100 year flood plain. The plat also shows a 50 foot wide water hazard setback / vegetative stream buffer along a perennial stream feeding Dry Creek measured from top of bank landward. All lots have a minimum of 40,000 square feet of useable area outside of the public road right-of-way, stream buffers and the 100 year flood plain. During the sketch design review, the developer submitted a development schedule that stated that Phase I would be submitted for final plat approval no later than August, 2008.

*Re: The Glens, Phase I*

**ISSUES FOR FURTHER DISCUSSION AND ANALYSIS:**

The developer is requesting final plat approval of The Glens, Phase I consisting of nine (9) lots with a financial guarantee for the completion of the public roadway, Old Graham Road improvements associated with the southern entrance of the Glens, and water and sewer improvements. The Chapel Ridge Wastewater Treatment Plant operated by Heater Utilities, Inc. d/b/a Aqua North Carolina will serve The Glens Subdivision. The water system for The Glens will also be provided by Aqua North Carolina. See attachment # 3. Per the engineer, Robbie Oldham, PE, with Withers & Ravenel, approximately 15% of the improvements for Phase I are complete. Section 3.1 B (1) of the Subdivision Regulations states in part “When either forth (40) percent of the total cost of improvements have been completed or when a statement of record for the subdivision has been filed in accordance with the Federal Interstate Land Sales Full Disclosure Act and when the public health and/or safety will not be endangered, the County may waive the requirement that the applicant complete all required improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant post an adequate security at the time of application for final subdivision approval.” The applicant has filed an initial registration under the Interstate Land Sales Full Disclosure Act through the U. S. Department of Housing and Urban Development (HUD) to allow the financial guarantee to be 100 percent of the cost of improvements. The 15% of infrastructure completed to date is a portion of the Old Graham Road improvements associated with the southern entrance of the Glens. The internal roadway currently has not been graded or graveled. Staff recommends the internal roadway serving Phase I be graded and graveled prior to acceptance of the financial guarantee so that the public health and/or safety will not be endangered and prior to recordation of the final plat

**RECOMMENDATION:** *The plat meets the requirements of the Subdivision Regulations with the final approvals of other agencies.* The Planning Department recommends the plat be approved with the following condition:

1. The plat not be recorded until the internal roadway serving Phase I is graded and graveled and staff has received and approved the financial guarantee.