



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
2-16-09

PART A

Subject:

Request by Karen M. Kemerait, Attorney-at-Law on behalf of Contentnea Creek Development Co. for an extension of time for an additional eighteen (18) months to complete the necessary improvements and to submit the final plat for the Pennington South Subdivision and to change the subdivision name to "The Gentry" and the road names to "Gentry Drive", "Antebellum Way", "Julep Court", and "Pennington Court".

Action Requested: See Recommendations.

Attachments:

The following may be viewed on the Planning Department website at www.chathamnc.org, Department and Programs, Zoning and Subdivision Cases, 2009, Pennington South Subdivision revision request.

1. Request letter dated January 9, 2009, prepared by Karen M. Kemerait, Attorney-at-Law.
2. Letter from John W. Harris, P. E., dated January 8, 2009.

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: Pennington South Subdivision

Introduction / Background / Previous Board Actions:

Zoning : R-1

Water System: County

Sewer System: Private

Watershed: WSIV-PA

Subject to 100 year flood: No

Sketch design was approved by the Board of County Commissioners on September 18, 2006 for 50 lots on 68 acres. Preliminary plat approval was received on October 15, 2007. The subdivision does not qualify for a development schedule since it does not contain more than 50 subdivision lots. The final plat submittal date for the project is April 15, 2009 (18 months from preliminary plat approval).

Issues for Further Discussion and Analysis:

The developer is requesting an eighteen month (18) extension of final plat deadline. As stated above, due to the number of lots, the subdivision did not qualify for a development schedule and is subject to the standard preliminary plat expiration time frame. Pennington South Subdivision is subject to the Subdivision Regulations as adopted prior to December 2, 2008. Per Section 4.2 C (4), Time Limit on Validity of Preliminary Plat Approval, *"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. Upon expiration of preliminary approval, a final plat of the same subdivision shall not be considered by the Board of County Commissioners unless said preliminary plat is submitted for preliminary approval based on standards in effect at the time of resubmission."* Section 4.2 C (5), Extension of Time of Preliminary Plat Approval, 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."* Please review the entire section for complete language regarding extension of time of preliminary plats.

On behalf of the developer, Contentnea Creek Development, LLC, letters from Karen Kemerait, Attorney-at-Law, and John Harris, P. E., engineer for the project detail the reasons for the extension request. See attachments 1 & 2. Reasons include the following:

*elimination of a stream crossing, that required redesign of the roadway, additional surveying and engineering work, and revision of permits, i.e. NCDOT, NCDENR, and Chatham County

*relocation of the Hwy 64 waterline bore

Re: Pennington South Subdivision

Issues for Further Discussion and Analysis – cont.

*Re-submittal of a commercial driveway permit to NCDOT due to request to include an acceleration lane in addition to the deceleration lane. This request is still under review by NCDOT.

*Additional review of soil suitability

*Rock excavation. See pictures on Planning Department website.

Work on the project has continued to progress since preliminary plat approval and John Harris, Engineer states that the project is close to completing 40% of the infrastructure for Phase One. The developer plans to submit the final plats in two phases and has submitted a phasing map for review. A copy of the phasing map can be viewed on the Planning Department website. The developer has submitted his request for an extension of time with reasons specified as required in the Subdivision Regulations. Based on the above reasons, staff thinks the requested revision is appropriate.

The developer is also requesting to change the subdivision name from Pennington South to “The Gentry” and the road names to “Gentry Drive”, “Antebellum Way”, “Julep Court”, and “Pennington Court”. Chatham County Emergency Operations Office has approved the subdivision name and road names.

The Board has the option to deny the request, approve the request with changes, or approve the request as submitted. The Subdivision Regulations do not require the Board to act on the request within a specified timeframe however the approval will expire on April 15, 2009.

Recommendation: The Planning Department and Planning Board [by unanimous vote] recommend granting an extension of time for an additional eighteen (18) months to complete the necessary improvements and to submit the final plat(s) for Phase One and Phase Two prior to October 15, 2010; and recommends granting approval to change the subdivision name to “The Gentry” and the road names to “Gentry Drive”, “Antebellum Way”, “Julep Court”, and “Pennington Court”.