



**CHATHAM COUNTY  
BOARD OF COMMISSIONERS  
AGENDA ABSTRACT**

**ITEM NUMBER:**  
**MEETING DATE:**  
4-20-09

**PART A**

**Subject:** Request by Wade Barber for an eighteen (18) month extension for "**Henderson Place Subdivision**" extending the final plat deadline from April 20, 2010 to October 20, 2011.

**Action Requested:** See Recommendations.

**Attachments:** The following may be viewed on the Planning Department website at [www.chathamnc.org/planning](http://www.chathamnc.org/planning) Rezoning and Subdivision Applications, 2009.

1. Letter dated March 16, 2009 from Wade Barber.
2. Letter dated March 13, 2009 from R. B. Fitch.
3. Letter dated March 12, 2009 from Alan R. Keith, P. E., Diehl & Phillips, P. A.
4. EA Peer Review Recommendations for Barber, dated June 19, 2008
5. Memorandum from Jacquelyn Presley Wallace, Urban Wildlife Biologist, dated August 14, 2007.

**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: Henderson Place**

### **Introduction / Background / Previous Board Actions:**

The subject property is adjacent to the Village of Fearington but is not part of the Fearington Planned Unit Development. Access to the property will be provided through The Village of Fearington by way of existing public roads, county water is available, and lots will be served by the Fearington WWTP. The property is zoned R-1.

This project is reviewed under the Subdivision Regulations in effect prior to December 1, 2008. The Board of County Commissioners approved a sketch design, consisting of 48 lots on July 16, 2007. Preliminary plat approval was granted on October 20, 2008 for 45 lots (reduced from 48). Since the project had less than 50 lots, a development schedule was not allowed to be submitted and the project was subject to the standard time frame of 18 months from preliminary plat approval to final plat submittal. Final plat deadline is currently April 20, 2010. A copy of the preliminary abstract notes may be viewed on the Planning Department website at [www.chathamnc.org/planning](http://www.chathamnc.org/planning) , 2008, Henderson Place, Preliminary.

The applicant voluntarily had an Environmental Impact Assessment prepared by Soil & Environmental Consultants, PA. The EIA was reviewed by the Environmental Review Board and peer review comments were given to the applicant. A copy of the EA Peer Review Recommendation for Barber Subdivision is included in this packet. The property is located within the Big Woods Road Upland Forests Area, an NC Significant Natural Heritage Area. See attachment # 5, Memorandum from Jacquelyn Presley Wallace, Urban Wildlife Biologist, dated August 14, 2007.

### **Issues for Further Discussion and Analysis:**

Mr. Wade Barber, owner / developer, is requesting an eighteen (18) month extension for "Henderson Place Subdivision" extending the final plat deadline from April 20, 2010 to October 20, 2011. The Subdivision Regulations in effect prior to December 1, 2008 states in Section 4.2 C (4) "Approval 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. (#15Q) 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.

5) Extension of Time of Preliminary Plat approval: 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. The developer shall submit his request at two regularly scheduled Planning Board meetings prior to the date preliminary approval expires and no less than thirty (30) days prior to the expiration of preliminary approval. In the event such an extension is recommended by the Planning Board and/or granted by the Board of County Commissioners, the Board of Commissioners shall state the time limit of the

**Re: Henderson Place**

**Issues for Further Discussion and Analysis – cont.**

extension which shall be recorded in the minutes of the Board of Commissioners.”

Mr. Barber has stated in his letter, dated March 16, 2009 that the extension request is due to a delay beyond his control since the gravity sewer line to serve Henderson Place is not yet available and may not be available until sometime in 2011. Mr. R. B. Fitch, Developer of Fearrington Village, has stated in his letter dated March 13<sup>th</sup>, that the development of ‘The Knolls’, located within Fearrington Village and part of the overall Planned Unit Development, is dependent on the housing market, and may be delayed. There is not a development schedule that must be followed for ‘The Knolls’ portion of the Fearrington PUD. Mr. Fitch states in his letter that the Fearrington Development has been developed over the years at a “carefully planned growth at a pace, which meets the needs of the community and the market.”

The gravity sewer line to serve Henderson Place is part of the permit issued by the North Carolina Department of Environment and Natural Resources for a unified waste water collection system extension to serve both The Knolls and Henderson Place. Until The Knolls is developed by Mr. Fitch, the sewer line extension will not be available to Henderson Place.

Staff thinks the request for an extension seems reasonable given the third party delays as stated by the applicant.

The Planning Board was in favor of the request.

In checking the Subdivision Regulations applicable prior to Dec. 1, 2008, Section 4.2 C (5), it appears that the Board is not restricted to the 60 day time frame for review of an extension request as specified for review of a preliminary plat in Section 4.7 B (1).

**Recommendation:** The Planning Department and Planning Board [by vote of 7-0] recommend granting an eighteen (18) month extension for “Henderson Place Subdivision” extending the final plat deadline from April 20, 2010 to October 20, 2011.