Chatham County Board of Commissioners Agenda Abstract

Item Number:

Meeting Date:
6-15-09

Part A

Note: This issue was tabled April 20, and May 18, 2009.

Subject: Request by Nicolas P. Robinson, Attorney-at-Law for a three (3) year extension of the development schedule for **Phase 1B of the Laurel Ridge Subdivision** extending the final plat deadline from December 31, 2009 to December 31, 2012.

Action Requested: See Recommendations.

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

1. Request letter dated March 12, 2009 from Nicholas P. Robinson, Attorney-at-Law.
2. Map showing Phase 1B of the Laurel Ridge Subdivision
3. Letter dated April 7, 2009 to Lynn Richardson from Samuel T. Oliver, Jr, Manning, Fulton & Skinner, P. A.

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

Laurel Ridge Subdivision, Phase 1B

Introduction / Background / Previous Board Actions:

The Board of Commissioners granted sketch design approval of "Womble Subdivision", consisting of 56 lots on 202 acres on December 13, 2004. A development schedule for the "Womble Subdivision" was approved during sketch design review and approval. The 202 acres were located on both the east and west sides of Old Graham Road. The western portion was later incorporated into Chapel Ridge, Phase 3, leaving the remaining eastern portion, approximately 162 acres.

The Board of County Commissioners granted preliminary plat approval on November 20, 2006 for "Creekside", (eastern portion) consisting of 30 lots on 162 acres along with a revised development schedule. The revised development schedule stated that the final plat was to be submitted prior to December 31, 2009. This was the eastern portion of the original "Womble Tract". Due to a name duplication, the name was changed from "Creekside" to "The Estates at Laurel Ridge". Final plat approval for "The Estates at Laurel Ridge, Phase 1A", consisting of 18 lots was granted by the Board of Commissioners on October 17, 2007. A financial guarantee for the completion of required infrastructure was submitted with the final plat.

The property is zoned R-5 and has a three acre minimum lot size with a five acre average and has a watershed designation of WSIV-PA.

Issues for Further Discussion and Analysis:

In a letter dated March 12, 2009, Mr. Nicolas P. Robinson, Attorney-at-Law for the developer, is requesting a three (3) year extension to allow the final plat deadline to be extended from December 31, 2009 to December 31, 2012. Mr. Robinson states in his letter that the reason for the requested extension is due to "issues related to the timeliness of installation of certain wastewater treatment facilities by third party developers." The sanitary sewerage system for the project will be handled by low pressure sewers and the effluent will be treated at the Chapel Ridge Wastewater Treatment Plant. According to the project engineer, the plant currently has the capacity to handle the remaining 12 lots in the Estates at Laurel Ridge, Phase 1B, and there is sufficient certified spray field capacity within the Chapel Ridge complex to spray the treated effluent to be generated by those lots. The developer has advised, however, that negotiations continue between this developer, the developer of The Parks at Meadowview and Aqua (the water/wastewater utility, regulated by the NC Utilities Commission, which owns the wastewater treatment plant) regarding the timing of the construction of the balance of the spray facilities needed to service the entire Chapel Ridge complex of neighborhoods. Acceptance of the Laurel Ridge pump station and collection system by Aqua appears to have been delayed until that resolution is reached. The developer's extension request is based on the uncertainty as to the timing of resolutions of those issues. The developer is asking for the extension now because work would need to begin immediately on the Phase 1B lots if the December 31, 2009 development schedule is to be met.

Re: Laurel Ridge Subdivision, Phase 1B
Issues for Further Discussion and Analysis – cont.

The request for a three (3) year extension of the development schedule for Phase 1B of the Laurel Ridge Subdivision extending the final plat deadline from December 31, 2009 to December 31, 2012 seems reasonable, given the third party delays.

Mr. Robinson, attorney for the developer, addressed the Board and explained the request. Mr. Robinson provided the Planning Board with a copy of a letter that had been received, dated April 7th, from Samuel T. Oliver, Jr., Attorney for the developers Community Properties Inc. and Roanoke Investments, LLC. Mr. Oliver confirms in his letter that "the developers, along with third-party developers are parties to various agreements providing for the installation, conveyance and operation of the water and wastewater utility systems serving The Parks at Meadowview, Chapel Ridge and surrounding developments in Chatham County." ……"The developers of Laurel Ridge and The Bluffs are working cooperatively with the third party to cure the default; however, appropriate legal remedies are simultaneously in process. The issues resulting from the contract default of the third party developer are complex and will require considerable time to resolve." The letter has been attached for the Board's review. See attachment # 3.

The Planning Board discussed at length the issues with Aqua and their concerns regarding environmental review of the property.

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 recommended granting the three (3) year extension request.

The Planning Board [by vote of 7 – 1] recommend the developer be required to do an Environmental Impact Assessment to be reviewed by the Environmental Review Board and Planning Board and that if the ERB recommends an Environmental Impact Statement, the developer must comply and recommends granting a three-year extension of the development schedule to allow the final plat for The Estates at Laurel Ridge to be extended from December 31, 2009 to December 31, 2012