



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
June 15, 2009

PART A

Subject: Request by Nicolas P. Robinson, Attorney-at-Law, for a three (3) year extension of the development schedule for **Phase 2A of The Bluffs Subdivision** extending the final plat deadline from December 31, 2010 to December 31, 2013.

Action Requested: See Recommendations.

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

1. Letter dated May 15, 2009 from Nicolas P. Robinson.
2. Map showing The Bluffs, Phase, 2A
3. Letter from Robert D. Swain, Jr., Polk-Sullivan, LLC to Lynn Richardson regarding a request to modify lot counts.
4. Phasing map of The Bluffs.

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

Phase 2A of The Bluffs

Introduction / Background / Previous Board Actions:

The subject property is located in a portion of Chatham County zoned R-5 which requires a 3 acre minimum / 5 acre average lot size.

Approvals to date include the following:

May 15, 2006: The Board of County Commissioners approved sketch design for “The Bluffs”, consisting of 112 lots on 597 acres along with a development schedule.

November 20, 2006: Preliminary plat approval of “The Bluffs, Phase 1”, consisting of 36 lots on 180 acres along with a modification of the existing development schedule as follows:

	<u>Submit Preliminary Plat</u>	<u>Complete Infrastructure</u>	<u>Submit Final Plat</u>
Phase 1: (35 lots)	2/28/07 (unchanged)	10/31/09	12/31/09
Phase 2: (47 lots)	10/31/09	10/31/11	12/31/11
Phase 3: (30 lots)	10/31/11	10/31/13	12/31/13

June 18, 2007: Approval to add two (2) additional lots to “The Bluffs” bringing the total number of lots to 114.

November 19, 2007: Final plat approval of “The Bluffs, Phase 1A”, consisting of 12 lots (a portion of the preliminary plat approval granted on 11/20/06).

February 28, 2008: The developer requested to modify the lot allocations within the current phasing schedule. The request was approved by staff. The revision is not an increase in the total number of lots or an extension of the final phasing date. See attachment # 3 for the current lot allocation for each phase and attachment #4 for the phasing map.

September 30, 2008: A new map was recorded taking Phase 1A out of The Bluffs, changing the name from “The Bluffs, Phase 1A” to “The Estates at Laurel Ridge, Phase 2A”; renumbering the lots to be consecutive with the lot numbers for “The Estates at Laurel Ridge”; and changing the road from private to public. Staff received the NCDOT permit for the roadway change.

Issues for Further Discussion and Analysis:

Nicholas Robinson, Attorney, for the developer, is requesting a three (3) year extension for The Bluffs, Phase 2A (consisting of 10 lots) to extend the final plat submittal date from December 31, 2010 to December 31, 2013. This is a portion of Phase I, which received preliminary plat approval on November 20, 2006 and consisted of 36 lots. A development schedule was approved during the preliminary plat review and later revised on February 28, 2008. See attachments #3 and #4.

Phase 2A of The Bluffs

Issues for Further Discussion and Analysis – cont.

The Planning Board reviewed an extension request at the April 7th Planning Board meeting for The Bluffs, Phase 1B for a three (3) year extension of the final plat deadline extending the date from December 31, 2009 to December 31, 2012. After discussion the Board made the following motion:

The Planning Board by vote [6 – 1] approved a motion to deny the request and to instruct the developer to bring a new proposal that would enable them to continue with the development with an Environmental Assessment, safeguards for protecting water resources (such as the Haw River, Jordan Lake, and Dry Creek) and responsibly develop the project.

The motion for denial passed 6-1-0 with all Board members present voting in favor of the motion; except Ms. Turner who voted against. The request along with the Planning Board recommendation was forwarded to the Board of County Commissioners at their April 20th meeting for their consideration. The Board of Commissioners tabled the request along with the request for a three (3) year extension of final plat submittal for The Estates at Laurel Ridge, Phase 1B. On May 18th, Mr. Robinson requested a postponement of both requests (The Bluffs, Phase 1B and The Estates at Laurel Ridge, Phase 1B) until the June 15th BOC meeting so that those two request along with the current request for The Bluffs, Phase 2A can be reviewed simultaneously.

As stated in the April 7th notes for The Bluffs, Phase 1B, the reason for the requested time extension was due to "issues related to the timeliness of installation of certain wastewater treatment facilities by third party developers." Copies of the Planning Board notes and Board of Commissioner notes for the issue can be viewed on the Planning Department website.

The Phase 2A extension request is being submitted at this time due to timing issues and the installation of infrastructure. The approved (revised) development schedule for The Bluffs states that the final plat submittal deadline for Phase 2A is December 31, 2010. If the three year extension request for Phase 1B (to extend the final plat submittal deadline from December 31, 2009 to December 31, 2012) is granted, that will cause access issues for Phase 2A unless the Phase 2A final plat deadline is also extended. Access to Phase 2A is provided through Phase 1B which requires the Phase 1B infrastructure to be in place prior to submittal of Phase 2A.

The Planning Department recommended granting the three year (3) extension request for The Bluffs, Phase 1B to allow the final plat submittal deadline to be extended from December 31, 2009 to December 31, 2012.

Phase 2A of The Bluffs

Recommendation: The Planning Department recommends granting the final plat submittal deadline for The Bluffs, Phase 2A from December 31, 2010 to December 31, 2013.

The Planning Board (by vote of 6-1) recommends denial of the request; and to instruct the developer to bring a new proposal that would enable them to continue with the development with an Environmental Assessment, safeguards for protecting water sources (such as the Haw River, Jordan Lake, and Dry Creek) and responsibly develop the project; and that no final plat of Phase 2A be permitted until sewer availability is demonstrated to the satisfaction of the county attorney.