



Agenda Abstract

Department: Planning

Authorizing Signature: _____

Submitting Official: Jason Sullivan, Planning Director

Meeting Date:	December 17, 2012
Subject:	Request by Karen M. Kemeraite, Attorney-at-Law, on behalf of Contentnea Creek Development Co. for a twenty-four (24) month extension of the preliminary plat approval for Cooper Subdivision, consisting of 43 lots on approximately 130 acres, located off SR-1714, Hatley Road, New Hope Township, extending the preliminary plat expiration deadline from June 20, 2013 to June 20, 2015.
Action Requested:	See Recommendations
Attachments: (List Individually)	<ol style="list-style-type: none">1. Extension request letter from Karen Kemeraite, Attorney-at-Law, Styers, Kemeraite & Mitchell, on behalf of Contentnea Creek Development Co., dated October 25, 2012.2. Letter dated November 15, 2012 from John W. Harris, P. E. verifying status of existing permits.

Introduction & Background:	<p>Introduction & Background</p> <p>Zoning: R-2 with a Conditional Use Permit (90,000 square feet)</p> <p>Water Source: Chatham County</p> <p>Watershed District: WSIV-Protected Area</p> <p>Septic: On-site private</p> <p>Acreage: 130.48</p> <p>Within 100 year flood plain: No</p> <p>Cooper Subdivision is reviewed under the Subdivision Regulations and the Watershed Protection Ordinance in effect prior to December, 2008. Attachment # 1 provides background for Cooper Subdivision. In 2006, the Board of County Commissioners approved a request to rezone the property from R-5 (3 acre min/5 acre avg) to RA-90 (now considered R-2) and approved a Conditional Use RA-90 Permit for a 63-lot single family residential subdivision.</p> <p>In 2007, the Board of County Commissioners approved the Phase I preliminary plat and a revision to the site plan for the balance of the</p>
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	<p>existing sketch plan and approval of a development schedule.</p> <p>In 2008, the Board of County Commissioners approved a request for a revised development schedule for Phases II and III. The developer had previously volunteered to perform an Environmental Impact Assessment on Phases II and III prior to preliminary plat submittal for those phases and was not going to be able to complete the EIA, have it reviewed by the ERB, and respond to comments/concerns in sufficient time to meet the preliminary plat deadline.</p> <p>In 2009, the developer requested a modification to the previously approved preliminary map and development schedule for Phase 1. Based on the request from the developer, the Board of County Commissioners approved a revision to the previously approved Phase I preliminary plat, approved a revision to the development schedule for Phase I, approved the preliminary plat of Phases II and III, and approved a reduction of the number of lots from 63 to 43. At this time all three phases had the same preliminary plat expiration date. Currently, no work has commenced on the project.</p> <p>Senate Bill 831, The Permit Extension Act of 2009, "AN ACT TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE, states in Section 4 "For any development approval that is current and valid at any point during the period beginning January 1, 2008 and ending December 31, 2010, the running of the period of the development approval and any associated vested right under G. S. 153A-344.1 or G.S. 160A-385.1 is suspended during the period beginning January 1, 2008, and ending December 31, 2010. In 2010, Session Law 2010 -177 (H683) extended Senate Bill 831 for an additional one year period. <u>Based on the Permit Extension Act of 2009, the current preliminary plat expiration date of Phases I, II, & III consisting of 43 lots is June 20, 2013 unless a request for final plat approval has been submitted for all three phases on or before said date or an extension of time has been granted by the Board of County Commissioners.</u> The developer is required to complete a minimum of 40% of the improvements for the project before a final plat request with a financial guarantee can be submitted to the county for review.</p>
Discussion & Analysis:	<p>Contentnea Creek, developer for Cooper Subdivision, has submitted a request for a twenty-four (24) month extension of preliminary plat approval for 43 lots, which, if approved, will extend the preliminary plat expiration deadline for Phases I, II, and III from June 20, 2013 to June 20, 2015. John Harris, P. E. has submitted a verification letter dated November</p>



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	<p>15, 2012, regarding the status of the existing permits. All required permits are currently valid, per the engineer, and extensions will be obtained as needed. If the extension request is approved by the Board of County Commissioners, it is staff's recommendation that the developer provide staff with a copy of the new/renewed permits. Water availability fees in the amount of \$150,500.00 (\$3500.00 x 43 lots) have been paid to Chatham County. It is the developers intent to extend the county water line from Windfall Subdivision (off Big Woods Road) along Hatley Road to the Cooper Subdivision, and to provide utility easements to adjoining properties as required, and to bring the private portion of Hatley Road up to the NCDOT standards.</p> <p>If the extension request is denied and the final plat submittal for Phases I, II, and III is not received on or before June 20, 2013, the preliminary plat will expire. Any future requests would then be reviewed and processed under the current Subdivision Regulations and Watershed Regulations.</p> <p><i>At the December 4, Planning Board meeting, Karen Kemerait, Attorney-at-Law, and Jonna Bircher, developer, were present to address the Board and answer any questions. Ms. Kemerait gave a brief history of the project, stated that Contentnea Creek Development Co. was still committed to extending the county water line from Windfall Creek Subdivision off Big Woods Road to the Cooper Subdivision; was still committed to upgrading the private portion of Hatley Road to the NCDOT standards; that the developer had worked closely with the adjacent property owners; and that the adjacent property owners had no concerns regarding the extension request. No adjacent property owners were present. Ms. Kemerait also stated that currently lending conditions were still not favorable for developers, builders, or homeowners and requested the Board recommend approval of the request for a 24 month extension of preliminary plat approval.</i></p>
Budgetary Impact:	none
Recommendation:	The Planning Department did not make a recommendation on the request as this is a policy decision to be made by the Board of County Commissioners. If the request for an extension is approved, the Planning Department recommends that the developer provide staff with copies of any new or renewed permits.



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	<p>The Planning Board recommended approval, by unanimous vote, of the request for a 24 month extension of preliminary plat approval extending the preliminary expiration deadline from June 20, 2013 to June 20, 2015 and approval of the staff request to require the developer to provide staff with copies of any new or renewed permits.</p>
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