



Chatham County Planning Board Agenda Notes

Date: December 4, 2012

Agenda Item: VII. 1.

Attachment #: 1

☒ **Subdivision**

☐ **Conditional Use Permit**

☐ **Rezoning Request**

☐ **Other:**

Subject:	Request by Brantley Powell for an extension of preliminary plat approval for Legend Oaks, Phase III, consisting of 56 lots on 99.23 acres, located off 15-501 North, Williams Township to extend the preliminary plat submittal deadline from July 1, 2013 to July 1, 2015.
Action Requested:	See Recommendation
Attachments:	<ol style="list-style-type: none">1. Extension request letter from Brantley Powell, HPB Properties, LLC, dated September 13, 2012.2. Letter dated October 3, 2012 from Trenton D. Stewart, PE, Arcadia Consulting Engineers, PLLC, verifying status of existing permits

Introduction & Background

Zoning: R-1

Water Source: County

Watershed District: WSIV-Protected Area

Septic: On-site private

Within 100 year flood plain: no

Legend Oaks Subdivision is reviewed under the Subdivision Regulations and the Watershed Ordinance in effect prior to December, 2008. Legend Oaks consist of three (3) phases. Phases I consisting of 31 lots received final plat approval on 7/17/06 and Phase II, consisting of 27 lots received final plat approval on August 20, 2007. There are completed homes as well as homes under construction in these phases. Phase III, consisting of 56 lots received preliminary plat approval on August 17, 2009. 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.

Based on the Permit Extension Act of 2009 and 2010, the preliminary plat approval for Phase III will expire on July 1, 2013 unless a request for final plat approval has been submitted on or prior to said date or an extension of time has been granted by the Board of County Commissioners.

Discussion & Analysis

The developer, Brantley Powell, has submitted a request for a twenty-four (24) month extension of preliminary plat which, if approved, will extend the final plat submittal deadline for all of Phase III (56 lots) from July 1, 2013 to July 1, 2015. See attachment # 1. Per Mr. Powell's letter, he is planning to submit a request for final plat review and approval of 13 of the 56 remaining lots in the near future, but, is concerned that the development of the balance of the lots may not occur prior to the expiration date.

Trenton Stewart, PE, Arcadia Consulting Engineers, PLLC, has provided information on the expiration dates of the existing permits which are required for preliminary plat approval. See attachment # 2. As stated in the letter from the engineer, dated October 3, 2012, the Soil Erosion and Sedimentation Control Permit and the NCDENR Public Water Supply Permit will both expire prior to July 1, 2015. The developer will renew these two permits prior to the expiration date. 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 \$192,500.00 have been paid to Chatham County. As stated in his letter, the developer has a substantial financial investment in the project and plans to bring the balance of the lots for final plat approval as the economy permits.

If the extension request is denied and the final plat submittal for the balance of the 56 remaining lots is not received on or before July 1, 2013, the preliminary plat will expire. Any future requests would then be reviewed and processed under the current Subdivision Regulations and Watershed Regulations.

Recommendation: The Planning Department is not making a recommendation on the request as this is a policy decision to be made by the Board of County Commissioners. If the request is approved, the Planning Department recommends that the developer provide staff with copies of any new or renewed permits.