

**..TITLE**

Request by Nicolas P. Robinson, Attorney-at-Law on behalf of Swain Land & Timber, LLC, Chatham II, LLC, and Chatham Partners, LLC for a modification of plat deadlines and a unified development schedule for The Estates at Laurel Ridge, The Bluffs, Shively/Banner, The Glens, and Harris Subdivision to allow a unified development schedule to extend the final plat submittal deadline for each subdivision to June 30, 2020.

**..ABSTRACT**

**Action Requested:**

Request by Nicolas P. Robinson, Attorney-at-Law on behalf of Swain Land & Timber, LLC, Chatham II, LLC, and Chatham Partners, LLC for a modification of plat deadlines and a unified development schedule for The Estates at Laurel Ridge, The Bluffs, Shively/Banner, The Glens, and Harris Subdivision to allow a unified development schedule to extend the final plat submittal deadline for each subdivision to June 30, 2020.

**Introduction & Background:** The following is a breakdown of the current status of each project:

**The Estates at Laurel Ridge, Phase 2B: 12 lots pending final plat approval**

**Zoning: R-5 / Water: Town of Pittsboro & Aqua / Sewer: WWTP**

Permit Extension Act of 2009 expiration date: December 31, 2013

**The Bluffs**

**Zoning: R-5 / Water: Town of Pittsboro & Aqua / Sewer: WWTP**

Phase 1B: 8 lots pending final plat approval

Permit Extension Act of 2009 preliminary plat expiration date: December 31, 2013

Phase 2A: 10 lots pending final plat approval

Permit Extension Act of 2009 preliminary plat expiration date: December 31, 2014

Phase 2B: 7 lots pending final plat approval

Permit Extension Act of 2009 preliminary plat expiration date: December 31, 2015

Phase 3A: 28 lots pending preliminary plat approval

Permit Extension Act of 2009 sketch plan expiration date: October 30, 2015

Phase 3B: 50 lots pending preliminary plat approval

Permit Extension Act of 2009 sketch plan expiration date: October 30, 2015

**Shively Tracts 1, 2, and 3(Banner)**

**Zoning: R-5 / Water: Town of Pittsboro & Aqua / Sewer: WWTP**

Phase 1: 12 lots pending preliminary plat approval

Permit Extension Act of 2009 sketch plan expiration date: October 31, 2015

Phase 2: 4 lots pending preliminary plat approval

Permit Extension Act of 2009 sketch plan expiration date: December 31, 2015

Phase 3 (Banner): 40 lots pending preliminary plat approval

Permit Extension Act of 2009 sketch plan expiration date: October 31, 2017

**The Glens: 109 lots pending final plat approval**

**Zoning: R1 / Water: Town of Pittsboro & Aqua / Sewer: WWTP**

Permit Extension Act of 2009 preliminary plat expiration date: August 31, 2015

**Harris Tract (portion of The Parks at Meadowview): 155 lots pending preliminary plat approval**

**Zoning: R1 with a CUP for a Planned Unit Development**

**Water: Town of Pittsboro & Aqua / Sewer: WWTP**

Permit Extension Act of 2009 sketch plan expiration date: December 21, 2020

The above projects are reviewed under the pre-2008 Subdivision Regulation. If the projects do not meet the expiration dates stated or receive an extension of time, the projects will expire and any further development of the properties will be subject to the current Subdivision Regulations, Watershed Ordinance and Stormwater Ordinance.

**Discussion & Analysis:**

The developer is seeking a modification of plat deadlines and a unified development schedule for The Estates at Laurel Ridge, The Bluffs, Shively/Banner, The Glens, and Harris Subdivision to *allow a unified development schedule to extend the final plat submittal deadline for each subdivision to June 30, 2020. The developer is further requesting that the development schedule no longer establish a preliminary plat submittal deadline and instead establish a unified/global final plat deadline of June 20, 2020 as stated above. The developer would still be required to submit for preliminary plat review and approval from the Board of County Commissioners prior to any land disturbing activities for each project; however, there would not be a specified deadline for submittal(s).* The developer will be required to submit valid permits from various agencies as required for a preliminary plat review and approval for each submittal. Nick Robinson, Attorney-at-Law for the applicant, has included an overall map showing the location of each project, a spreadsheet of the current development schedule, spreadsheet of the proposed development schedule, and a status summary of the various projects. The information can be viewed on line.

The Planning Board met on August 6, 2013 to review and discuss the request. Nick Robinson, Attorney-at-Law was present along with Darden Swain to represent the developers and to answer any questions the Board might have. There were several adjacent property owners and others present. Concerns expressed by the public were the length of time requested was too long and not consistent with other extension request, requiring the developers to conform to the current watershed and stormwater regulations, runoff into Haw River and Dry Creek, past erosion control problems with other developers, request does not benefit citizens of Chatham County, more stringent regulations adopted for a reason and development of this scale should be required to conform, etc. Comments from adjacent owners and others may be viewed on line.

Mr. Robinson stated that all the lots will be served by the Chapel Ridge WWTP and Town of Pittsboro water. Mr. Robinson also stated that the various projects are owned by the same entities, but, with different corporate names, that the developers are fully

committed to the projects, that the developers are monitoring the market and that each project will be completed as the market demands.

The Planning Board discussed the request with some members having concerns/questions regarding the length of time requested for the extension, projects being developed under previous regulations, possible concession from the developers to adhere to the current stormwater regulations. The discussion was tabled until the September 10 Planning Board meeting with a request that Dan LaMontagne, Environmental Quality Director, attend the September meeting to answer questions from the Board.

The Planning Board met on September 10, 2013 and continued the discussion. Adjacent property owners and others attended the meeting and addressed the Planning Board. Mr. Robinson attended the meeting along with Robbie Swain, Darden Swain, Jack Morisey, and Tommy Fonville, developers, to answer questions from the Board. Mr. Robinson stated again that all the projects will be required to meet the current Chatham County Sedimentation and Erosion Control Ordinance. Mr. Elza asked what improvements have been made to date. Mr. Robbie Swain stated that they have approximately \$300,000.00 in engineering plans invested and approximately 4.6 million invested in the Chapel Ridge WWTP and installation of 4.6 miles of water lines.

Several property owners spoke to express their concerns again regarding the length of time requested for the extension, development(s) not consistent with existing large lot development in the area, conformance with current Chatham County Watershed and Stormwater Ordinances, water quality of Dry Creek and Haw River, and erosion control on steep slopes.

Discussion by the Board members continued. Mr. Elza asked if this was a 'unified plan'. Mr. Sullivan stated that staff does not consider this a 'unified plan' since each project was approved at separate times and currently have different development schedules. He explained that the projects were all owned by the same entities, but, were totally separate projects. Mr. Ernst asked Mr. Robinson if the developers would agree to abide by the new Watershed Regulations regarding riparian buffers. Mr. Robinson stated that the project already adheres to portions of the current regulations in that the developer has already agreed to buffer ephemeral streams in the Glens and to place a 100 foot wide riparian buffer on the portion of Dry Creek within the Glens. Also, under current regulations perennial streams within 2500 feet of Haw River are already required to maintain a 100 foot riparian buffer. Mr. Robinson further stated that the developments were approved under prior regulations and engineering plans were drawn based on those regulations and that to comply with the new watershed and stormwater regulations would require new engineering plans and new designs. Other comments from Board members were that the largest risks were erosion control issues and the projects will be subject to the newer more stringent Sedimentation and Erosion Control Ordinance, and flexibility will allow developers to meet market demands.

All written comments from the developers and the public can be viewed on line.

**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.

The Planning Board by vote of 5-1-1, with 7 members present, recommends approval of the request for a unified development schedule for The Estates at Laurel Ridge, The Bluffs, Shively/Banner, The Glens, and Harris Subdivision to allow a unified development schedule to extend the final plat submittal deadline for each subdivision to June 30, 2020.