

..TITLE

Vote on a request to approve Brantley Powell on behalf of HBP Properties, LLC for a twenty-four month extension of preliminary plat expiration for balance of The Estates at Legend Oaks, Phase III, consisting of 23 lots, to extend the preliminary plat expiration date from July 1, 2015 to July 1, 2017.

..ABSTRACT

Action Requested:

Request by Brantley Powell on behalf of HBP Properties, LLC for a twenty-four month extension of preliminary plat expiration for balance of The Estates at Legend Oaks, Phase III, consisting of 23 lots, to extend the preliminary plat expiration date from July 1, 2015 to July 1, 2017.

Introduction & Background:

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. Phase 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. A portion of Phase III was sold to another developer, DR Horton. Phase 1A, consisting of 12 lots, received final plat approval on 12/16/13 from the Board of Commissioners and the final plat approval request for Phase 1B, consisting of 21 lots, received final plat approval from the BOC on 11/17/14. Homes are under construction in Phase 1A. There are 23 lots remaining in The Estates at Legend Oaks, Phase III that have not received final plat approval.

Based on the Permit Extension Act of 2009 and 2010, the preliminary plat approval for Phase III was scheduled to expire on July 1, 2013 unless a request for final plat approval for the entire phase had been submitted on or prior to said date, or an extension of time was granted by the Board of County Commissioners. In 2012, Brantley Powell, submitted a request for a twenty-four (24) month extension of the preliminary plat approval that extended the submittal deadline for a final plat for all of Phase III (56 lots) from July 1, 2013 to July 1, 2015. The request was approved by the Board of Commissioners.

As stated above, DR Horton is currently developing Phase 1A and has received final plat approval for Phase 1B. The public roadway in Phase 1A and 1B required extensive engineering work and required crossing a perennial stream. Per the engineer, the roadway serving Phases 1A & 1B have now been graveled.

Discussion & Analysis:

Brantley Powell will be developing the balance of Phase III, consisting of 23 lots. As stated in attachment # 1, Mr. Powell plans to begin development of the remaining 23 lots in 2015, however, he does not expect to have sufficient work completed in order to meet the final plat submittal date of July 1, 2015. Mr. Powell is requesting a twenty-four month extension of the current preliminary plat expiration date of July 1, 2015 to extend the expiration date to July 1, 2017.

Trenton Stewart, PE, Arcadia Consulting Engineers, PLLC, has provided information on the expiration dates of the existing permits which are required for a preliminary plat approval. See attachment # 2. As stated in the letter from the engineer, dated October 17, 2014, the Soil Erosion and Sedimentation Control Permit will expire on December 31, 2014. Per the engineer, a new Soil Erosion and Sedimentation Control permit will be obtained after the expiration of the current permit. The NCDENR Public Water Supply Permit has been extended to October 17, 2016. 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 of \$3500.00 per lot were paid to Chatham County prior to receiving preliminary plat approval.

As stated in his request letter, the developer has a substantial financial investment in the project and plans to complete the project. If the extension request is denied and the final plat submittal for the remaining lots is not received on or before July 1, 2015, the preliminary plat will expire. Any future requests would then be reviewed and processed under the current Subdivision Regulations and Watershed Regulations.

The Technical Review Committee met on October 15, 2014 to review the request. Staff did not have any questions or concerns. The Planning Board met on November 3rd to review the request. The Board had no questions or concerns.

Planning staff did not make a recommendation as this is a policy decision to be made by the Board of County Commissioners.

Recommendation:

The Planning Board by unanimous vote recommends the request. If the request is approved, the Planning Department recommends that the developer provide staff with copies of any new or renewed permits.