

..TITLE

Vote to approve a request by Warren Mitchell, P.E. on behalf of Vickers Bennett Group, LLC for a **twelve (12) month extension of First Plat to extend the current first plat expiration date for Vickers Village from November 15, 2023 to November 15, 2024, consisting of 183 lots**, located off US 15-501 N, Vickers Rd, SR-1719, and Jack Bennett Rd SR-1717 parcels #18847, 18848, 60719, 18636, 60653, 79965, 89281, 89395, 80493, 69057, 89206, 18857, 87996, 89272, 18856, 87093, 93157, 79288, 93156, 93155, 93154,85875, and 18914.

..ABSTRACT

Action Requested:

Vote to approve a request by Warren Mitchell, P.E. on behalf of Vickers Bennett Group, LLC for a **twelve (12) month extension of First Plat to extend the current first plat expiration date for Vickers Village from November 15, 2023 to November 15, 2024, consisting of 183 lots**, located off US 15-501 N, Vickers Rd, SR-1719, and Jack Bennett Rd SR-1717 parcels #18847, 18848, 60719, 18636, 60653, 79965, 89281, 89395, 80493, 69057, 89206, 18857, 87996, 89272, 18856, 87093, 93157, 79288, 93156, 93155, 93154,85875, and 18914.

Introduction & Background:

Zoning District: Conditional District Compact Community

Water System: Public Water (Aqua)

Sewer System: Public Wastewater (Aqua)

Watershed District: WS-IV Protected Area and Jordan Lake watershed/riparian buffers

Road type: Public

Within the 100-year flood plain: No floodable

This subdivision is reviewed under the current Subdivision Regulations. The subdivision process is a four (4) step process: Concept Plan, First Plat, Construction Plan, and Final Plat. Vickers Village received First Plat approval on November 15, 2021. Section 5.2 C (6) "Approval of a First Plat shall be valid for a period of twelve (12) months following the date of approval by the Board of Commissioner. Approval shall remain valid provided the Construction Plan application is submitted during the time period. A one-year extension may be granted if the application demonstrates that delays beyond their control are responsible for the lapse and have the extension submitted and reviewed following the process outlined in Section 5.2(D) (4) prior to the expiration of approval." "The first phase of phased subdivision must submit Construction Plans within two (2) years of approval of First Plat."

The first plat approval for 183 lots will expire on November 15, 2023, unless the Board of Commissioners approves an extension request. If the first plat expires, any future development of the property will be reviewed and approved under the current Subdivision Regulation.

Discussion & Analysis:

The deadline for submission of the construction plan is November 15, 2023. The request before the Board is for a twelve-month extension of First Plat approval to extend the first plat expiration date from November 15, 2023, to November 15, 2024. Mr. Antonio McBroom, Developer for Vickers Bennett Group, LLC, has stated in the extension request letter the team has been working non-stop since before Zoning and First Plat approval on wastewater design and permitting for the project. Considerable progress has been made and the permit is very close. Additional reasons are efforts to find a development partner has been hampered/delayed by the hike in interest rates, wastewater system design and approval process has taken longer than expected, and on-site sewer treatment and spray irrigation is a unique requirement in the broader market and finding a builder partner who is familiar with the system outs has taken more time than expected. Permits are actively being pursued and a twelve-month extension is requested to allow additional time to obtain the required permits.

Planning Board Discussion:

The Planning Board met on August 1, 2023. Mr. Robert Waldrop, an adjacent property owner, was present and wanted to know if there will be any changes to the original approval. He was informed there were no changes to the layout and the proposal is for extension. Mr. Warren Mitchell, P.E. and Mr. Antonio McBroom, Developer, were present on behalf of Vickers Bennett Group. Mr. Mitchell explained to the Board this extension is important because we do not want projects rejected and going back through the subdivision process, the cost of repeating the process will increase the home price. He commented that the average home in Chatham County is \$600,000, and this is mostly from not having wastewater treatment where the surrounding counties appear to have unlimited wastewater processing.

Mr. Mitchell stated they started the permitting process in April of 2021. This project has a lot of consultants involved with the wastewater system such as engineers, soil scientists, hydrologists, and attorneys all have been working on the documents required for the wastewater plant. It took a full year to get all the consultants involved and in May of 2022 submitted their first application to the NC Department of Environmental Quality (NCDEQ) for the wastewater treatment system. NCDEQ has 90 days to review and submit their comments to the applicant, and in August of 2022 they submitted those comments. Because of the spray irrigation system they were required to have extra levels of analysis and reports submitted. During the second review in November of 2022, NCDQ requested additional information. Mr. Mitchell stated, "in my 30 years as an engineer, I have never seen an agency tell you to start over and it is purely because they do not have the staff and resources. It was very frustrating; our group has invested over \$500,000 into this wastewater treatment system for this project." This is just the wastewater portion of the project not to mention all the other permits required before we even break ground, Mr. Mitchell stated. The second application was submitted in April of 2023 to the State, and they are currently waiting for their comments. They plan to have the wastewater approved within a month. They still have some permits that are under review by the NC Department of Transportation and Chatham County, but that will not

be nearly as difficult as the wastewater permit. There have been issues with finding a builder willing to use the proposed wastewater treatment plant and in this current climate of high interest rates it is making it very difficult.

Board discussion included:

- When NCDEQ requested additional for the wastewater system evaluation process, were the same plans basically submitted? Mr. Mitchell stated yes.
- Will the project use one builder, or will there be multiple builders? Mr. Mitchell stated all the residential homes will be built by one builder, and the commercial portion will be retained by Vickers Bennett Group.
- Affordable housing is an important issue, we have a problem in this county with wastewater and this project has suffered and was delayed due to the County's limited wastewater treatment.
- This developer worked very closely with the County's affordable housing staff, Ms. Stephanie Watkins-Cruz, and the applicant went above and beyond what was required of them for affordable housing.
- One board member expressed to help the Board they understand the difficulty obtaining a partnership with a builder. This is a project that will require a strong regional builder, if not a national builder and their experience in Chatham County, a national builder will not build on well and septic.

How does this relate to the Comprehensive Plan:

Promote a compact growth pattern by developing in and near existing towns, communities, and in designated, well planned, walkable, mixed use centers.

Recommendation:

The Planning Board by unanimous vote (10-0) recommends approval of the extension request.