



# CHATHAM COUNTY BOARD OF COMMISSIONERS AGENDA ABSTRACT

ITEM NUMBER:  
MEETING DATE:  
4-18-05

## PART A

**Subject:**

Request by Jeff Hunter on behalf of Colvard Farms for a revision to the existing Conditional Use Permit for a Planned Unit Development for a cluster development to add approximately 14 acres of land to consist of 14 lots, located off Hwy 751, Williams Township.

**Action Requested:** See Recommendations.

**Attachments:**

The following was distributed in the March 21, 2005 public hearing packets:

1. Application request and text.

The following is included in this packet:

2. E-mail from Jeff Hunter dated March 18, 2005 regarding clarification information on Finding # 5 concerning the waste water treatment plant.
3. E-mail from Jeff Hunter, dated March 30, 2005 regarding additional information concerning Phase VII.
4. ArcView map, parcels 19669 and 19667
5. Copy of map showing overall subdivision plan including proposed 14 acre addition.

**Submitted By:**

\_\_\_\_\_  
Keith Megginson, Planning Director

\_\_\_\_\_  
Date

**County Manager Review:**

\_\_\_\_\_  
Charlie Horne, County Manager

\_\_\_\_\_  
Date

**This abstract requires review by:**

☒ **County Attorney**

\_\_\_\_\_  
Date Reviewed

☒ **Finance Officer**

\_\_\_\_\_  
Date Reviewed

☐ **Budget Officer**

\_\_\_\_\_  
Date Reviewed

## PART B

**Re: Colvard Farms**

**Introduction & Background:** Colvard Farms received zoning approval from the Chatham County Board of Commissioners on March 12, 2001 for a conditional use permit for a cluster development consisting of 107 subdivision lots on slightly less than 300 acres with approximately 100 acres of open space. A reuse wastewater treatment plant and a community water system serve the property. See attachment # 2 for additional information on the sewer treatment plant. On June 7, 2004 a modification was approved to increase the number of lots by 24 bringing the total number of lots to 131. Other modifications have been made to the conditional use permit. See the applicant's text for an overview. The subject property lies within both the WSIV-Protected Area and a WSIV-Critical Area Watershed districts. The property is not within the 100 year flood plain.

A public hearing was held on the request on March 21, 2005. No public comments were received.

**Discussion & Analysis:** The applicant's request is to add 14 acres (portions of parcels 19669 and 19667) to the existing conditional use permit for a cluster development bringing the **total site acreage to 306**. The second part of this request is to create 14 single family lots on the additional acreage bringing the **total number of lots to 145**. The map on page 11 of the applicant's text shows the newly proposed 14 acres along with land already in the initial PUD. The land to the north of the dashed line is the 14 acres to be added to the PUD. The land to the south of the dashed line is already a The requested conditional use permit is either essential or desirable for the public convenience or welfare.

part of the initial PUD. This land includes, Phase VI, lots 134 – 147, which was granted preliminary approval by the Board of County Commissioners on March 21, 2005. The balance of the land between the dashed line and Upchurch Farm Road, was granted sketch design approval during the Phase 3 review. Lots 148 – 176 will be presented simultaneously at a later date for preliminary approval. The applicant, Jeff Hunter, will have a better defined map at the Planning Board meeting for review by the Board. See attachments 3 and 4.

The Chatham County Zoning Ordinance requires the following five findings:

1. The use requested is among those listed as an eligible use in the district in which the subject property is located or is to be located.
2. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.
3. The requested permit will be consistent with the objectives of the Land Development Plan.

**Re: Colvard Farms**

4. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

The five findings were made when the original conditional use permit was approved.

A private cemetery, know as the James O'Kelley Cemetery is located within the newly proposed 14 acre land area. The developer has petitioned the Board of Commissioners to grant ownership of this private cemetery to the Colvard Farms Homeowners Association along with responsibility for on-going maintenance. This request was tabled at the February 21<sup>st</sup> County Commissioner meeting. This area is currently shown as an outparcel with pedestrian access through Colvard Farms common area.

Parcel #19671, owned by Linwood Lee Hackney and Linda Cates, as shown on attachment # 5, is not part of Colvard Farms. The ArcView map shows this property in the wrong location. A new survey, recorded in Plat Slide 2001, Page 26 shows this property correctly located. The current access to this property is byway of the old, gravel Upchurch Farm Road. Upchurch Farm Road is being relocated and paved in the development of Colvard Farms. New access from Colvard Farms Road to the Hackney/Cates lot will be provided by Colvard Farms Development Co. across the Duke Power line easement.

The 14 acre additional property proposed to be added to the PUD will be accessed by existing private paved roads, Colvard Farms Road and Upchurch Farm Road. These roads are maintained by the homeowners association.

Staff thinks the five findings can be made.

**Recommendation:** The Planning Department recommends granting approval of the request to modify the existing Conditional Use Permit for a Planned Unit Development for a cluster development to add approximately 14 acres of land and approval of the subdivision sketch design consisting of 14 lots with the following condition:

1. Colvard Farms Development Company shall provide a 30-foot wide perpetual, deeded access easement from the Hackney/Cates property, parcel #19671, to the Colvard Farms Road.
