

**COLVARD FARMS SUBDIVISION APPLICATION
REQUEST TO MODIFY CONDITIONAL USE
PERMIT TO ADD 1 ACRE AND 1 LOT**

Prepared by Colvard Farms Development Company, LLC

June 20, 2005

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OVERVIEW

Colvard Farms is a cluster subdivision, zoned RA-40 with Planned Unit Development Approval which was granted in March 2001. A modification to this permit was approved in April 2002 to allow minimum side yards of 15 feet. A second modification was approved by the Chatham County Commissioners on June 7, 2004 for Phase V as follows:

1. Increase the total number of lots approved for the subdivision by 24 from 107 to 131 lots.
2. Reduce the minimum lot size for Phase V to 10,000 square feet.
3. Minimum setbacks from property lines for Phase V shall be as follows:
 - a. Front: 15 feet
 - b. Side: 10 feet
 - c. Rear: 25 feet (except lot #'s 114 – 119 shall have a rear setback of 15 feet).

The fifty (50) foot non-disturb buffer for lot #'s 114 – 119 shall remain.

4. Prior to the sale of lots there shall be full disclosure to prospective buyers of the various land use activities possible on US Army Corps of Engineers land, specifically hunting and control burns for timber management.

With this request the total site acreage increases from 306 to 307. The subdivision is presently approved for 145 lots and this modification, if approved, would increase that number to 146. By adding this 1 acre and 1 lot, we also request sketch design approval which includes three lots from a previously approved Phase VII. In addition, there will be no need for the thirty foot perpetual access easement approved in Phase VII since this 1 acre parcel has been purchased by F. Neal Hunter.

Located in the Williams Township of northeast Chatham County, Colvard Farms is bounded by Jordan Lake to the west, Durham County to the north, NC Highway 751 to the east and Crooked Creek to the south. More than 80% of the development is adjacent to public lands managed by the U.S. Army Corps of Engineers; therefore, access to the site is only available through Durham County on Colvard Farms Road, a private, paved road. In addition, it is located in the WS-IV-CA and WS-IV-PA watershed areas where a maximum impervious surface areas of 24% and 36% respectively are allowed for roadways with ribbon pavement.

This subdivision is a high-quality, single-family, residential development unique in its approach to blending long-term stewardship of the natural and cultural environment with sound economic growth. Randall Arendt, a nationally known conservation land planner, designed the development with approximately one-third of the property in permanent open space.

This property is not in nor does it border one of the ten “Major Wildlife Areas” identified in the *Inventory of the Natural Areas and Wildlife Habitats of Chatham County, North Carolina, 1992*. In looking at the North Jordan Lake Wildlife Areas, Colvard Farms is:

- Two miles east of the primary area and one mile north of the secondary area for the New Hope Point Eagle Roost site;
- One and one-half miles northwest of the Northeast Creek Wildlife Area;
- Approximately three miles north of the New Hope Audubon Wildlife Observation Area; and,
- Approximately two to two and one-half miles east of the primary and secondary areas for Morgan Creek Bottomland Forest.

Today there are forty-four homes occupied in Colvard Farms with two more residents scheduled to close by July 31, 2005. Four homes have been constructed in the exempt lots over 10 acres at the end of Colvard Farms Road and no lots are left in Phases I, II, III or IV. In Phase II thirteen (13) homes are under construction. Four homes are under construction in Phase III. Four homes is under construction in Phase IV. Three homes are under construction in Phase V. The recreation center and tennis courts opened May 2004 for use by residents.

Also, late last year a conservation easement was established on some of the exempt lots over 10 acres adjacent to and west of Phase IV totaling approximately 100 acres. This easement is owned and managed by the North American Land Trust.

Purpose of this Application

Colvard Farms Development Company, LLC is applying to Chatham County for approval of a modification to the Conditional Use Permit approved in March 2001 in order to add approximately 1 acre and 1 lot, bringing the total number of lots approved to 146. By adding this 1 acre and 1 lot, we also request sketch design approval which includes three lots from a previously approved Phase VII. In addition, there will be no need for the thirty foot perpetual access easement approved in Phase VII since this 1 acre parcel has been purchased by F. Neal Hunter.

The impervious surface for the development with the addition of this 1 acre and 1 lot is 11.06%. Net density for the subdivision is 1.62 acres per lot with a total of 146 lots.

As part of this application, we present a lot layout for Phase VIII of the development. Please refer to the original application for a Conditional Use Permit submitted on December 18, 2000 for details of the overall site.

APPLICATION TO MODIFY CONDITIONAL USE PERMIT

1. Applicant Information:

Jeff N. Hunter
9310 NC Highway 751
Durham, NC 27713
Work: (919) 730-9420

2. Landowner Information:

F. Neal Hunter
89 Crooked Creek Lane
Durham, NC 27713
Work: (919) 405-3844

3. Property Identification: Colvard Farms Road

<u>PIN #</u>	<u>Deed Book</u>	<u>Page Number</u>	<u>Parcel #</u>
0716-00-29-9986	874	618	0019671

Williams Township

Watershed: Critical and Protected Areas (WS-IV-CA and WS-IV-PA)

Zoning: RA-40 with Planned Unit Development Approval

Existing Access Road: Colvard Farms Road

Total Acreage = 307

Total Number of Lots Originally Approved = 107

Total Number of Lots with first Request = 131

Total Number of Lots with second Request = 145

Total Number of Lots with this Request = 146

Area for Phase VIII = 3.76 acres

Minimum Lot Size: 20,000 sq ft

Subdivision lots = 4

Maximum Lot Size: 30,765 sq ft

Average Lot Size: 25,837 sq ft

Paved private road in Chatham County with length = 5,678 feet

Paved private road in Durham County with length = 4,738 feet

Water System: Community

Sewer System: Community

Other facilities:

Bike and Pedestrian Trail – in Chatham and Durham (proposed) Counties

Recreation Center (swimming and tennis) – in Chatham County

Picnic Areas – in Chatham and Durham (proposed) Counties

4. A modification to the existing conditional use permit is requested to add 1 acre and 1 lot to the overall master plan with a minimum lot size of 20,000 square feet.

5. Directions to Property:

From the South – Starting at the intersection of US 64 and NC Highway 751, head north on NC Highway 751. Cross into Durham County, just past the intersection with Fayetteville Road (diagonally on the right); turn left onto Colvard Farms Road (a private, paved road). Follow Colvard Farms Road to the southwest until you reach Upchurch Farm Road on the left and the subject property begins approximately 400 feet from there.

From the North – Starting at the intersection of I-40 and NC Highway 751 (exit 274 on I-40), head south approximately two miles on NC Highway 751. Just before the intersection with Fayetteville Road, turn right onto Colvard Farms Road (a private, paved road). Follow Colvard Farms Road to the southwest until you reach Upchurch Farm Road on the left and the subject property begins approximately 400 feet from there.

6. The following items are addressed in this application as referenced:

- ☐ List of names and addresses of current adjoining property owners
- ☐ Map of property subject to modification (See Master Plan)
- ☐ Explanation of request addressing application portions of Sections 17.3B and 18.2A of the Chatham County Zoning Ordinance (See Finding Number 1 under Five Affirmative Findings)
- ☐ Modification to the conditional use request (See Description of Use and Finding Number 1 under Five Affirmative Findings).

I hereby certify that I am the owner or authorized agent of said property and that the information provided is complete and the statements given are true to the best of my knowledge.

Jeff N. Hunter (Authorized Agent)

Date

The owner(s) must sign the following if person other than the owner is making this application.

I hereby certify that Jeff N. Hunter is an authorized agent for said property and is permitted by me to file this application.

F. Neal Hunter

Date

LOCATION

The proposed Phase VIII of Colvard Farms, if approved, will be located on approximately 3.76 acres as shown on the enclosed plan. Phase VIII roadway (Crimson Oak Drive) is approximately .75 and 1 miles from the entrance to the subdivision respectively located in Durham County on NC Highway 751. This roadway will intersect Colvard Farms Road at two points and serve as a loop road. The site for Phase VIII is approximately 3.76 acres in size. The proposed site consists of a mixture of hardwood and pine forests with approximately one-half (1/2) acre of land in open fields. There is one manufactured home on the site, which will be relocated during 2005. Duke Power has a 325-foot wide easement across the northern border of the area and along the Chatham and Durham County line.

DESCRIPTION OF USE

Colvard Farms Development Company, LLC is applying to Chatham County for approval of a modification to an existing Conditional Use Permit to add approximately 1 acre and 1 lot to the overall master plan with a minimum lot size of 20,000 square feet, side yards at fifteen (15) feet each for a total of thirty (30) feet and rear building setbacks of twenty-five (25) feet. The size of homes in this area would be consistent with others constructed at Colvard Farms.

SITE PLAN AND DRAWING

Colvard Farms Development Company, LLC is proposing to add approximately 1 acre and one (1) home site in an area bordered by Phase VII, the Duke Power Easement and other property owned by Neal Hunter to the north and west. A copy of the original master plan for the Colvard Farms Subdivision is show on the next page. Following that is a copy of the proposed Phase VIII master plan which includes areas adjacent to Phases VI and VII. The access road for Phase VIII will be Crimson Oak Drive.

START AND COMPLETION PROJECTIONS

Phase VIII will be constructed following approval from Chatham County of the Modification to the Existing Conditional Use Permit. If approval is granted in the third quarter of 2005, these lots may be ready for final approval by as early as fall 2005. Colvard Farms will make a request for preliminary approval of the additional lots so that roads and utilities may be constructed.

ADJOINING PROPERTY OWNERS

Colvard Farms Development Company, LLC
9310 NC Highway 751
Durham, North Carolina 27713

Jeff Massey
866 Upchurch Farm Road
Durham, North Carolina 27713

Alan Massey
685 Upchurch Farm Road
Durham, North Carolina 27713

F. Neal Hunter
89 Crooked Creek Lane
Durham, North Carolina 27713

REFERENCE TO EXISTING COUNTY PLANS

The proposed Colvard Farms Phase VII is consistent with most of the “Land Conservation & Development Policies” found in the *Land Use Development Plan* (modified and adopted November 2001),

1. *Preserve both the form and function of rural character – the landscape, agriculture and home-based businesses* – by applying the principles of conservation subdivision design, care has been given to provide buffers and preserve key natural areas of the property. In addition, agricultural activities, including the production of hay may take place in the land within the Duke Power easement. Most importantly is the pending request to maintain the private James O’Kelly Cemetery and incorporate this historical site as part of the permanent open space in the subdivision.
2. *Encourage compact communities with a mix of activities as development occurs* – Colvard Farms is a compact community with significant open space. The addition of Phase VII opens this community to other buyers and provides for this “mix of activities.”
3. *Designate economic development centers in order to promote a diversified, sustainable business community* – The 1 lot will provide additional property tax revenues which could be used to support economic development within Chatham County.
4. *Develop an integrated approach to protecting and promoting high-quality open space, recreation, historic and tourism locations* – by applying conservation subdivision design, Colvard Farms has created high quality open space throughout the development. The addition of these new lots with their efficient design will further support this policy.
5. *Ensure the long-term quality and availability of groundwater and surface water resources* – the Colvard Farms subdivision is designed to maximize the quality of the groundwater and surface water with buffers, sediment control ponds, open space, minimal impervious surface areas and the use of reclaimed water for irrigation. The addition of these lots is in keeping with these important principles.

6. *Provide infrastructure in ways that support the land use, economic development and environmental objectives: water supply, wastewater and transportation* – all infrastructure costs at Colvard Farms are paid for with private funds, including water, wastewater and transportation systems. Phase VIII will rely on these systems and directly support the land use and environmental objectives and provide additional property tax revenue which could be used to further economic development in Chatham County.

Our expectations for Phase VIII in Colvard Farms are consistent with the two fundamental policies considered in every issue addressed by the current the Land Use Development Plan: 1) land development & conservation will reflect balanced growth, and 2) Chatham County's approach to land development & conservation will be open, pro-active and cooperative.

FIVE AFFIRMATIVE FINDINGS

FINDING NUMBER 1: THE USE REQUESTED IS AMONG THOSE LISTED AS AN ELIGIBLE CONDITIONAL USE IN THE DISTRICT IN WHICH THE SUBJECT PROPERTY IS LOCATED OR IS TO BE LOCATED.

1. *Validation of Use in Zoning Ordinance* – Colvard Farms is approved as a planned unit development with cluster subdivision. The addition of the proposed Phase VIII is permitted within section 10.3B of the Chatham County Zoning Ordinance as it will be part of the existing approved cluster subdivision. In addition, section 17.3B does not apply since no amendments are requested to the ordinance. However, we will abide by section 18.2 Certificate of Zoning Compliance if our request for a modification to the existing conditional use permit is approved. This proposed phase will be part of the Colvard Farms subdivision, a major subdivision as defined in the Chatham County Subdivision Regulations.

Land Use Development Plan Reference – Under the Section entitled “Open Space, Recreation, Historic Assets & Tourism” of the *Land Use Development Plan* modified and adopted by Chatham County in November 2001 supports creating a county open space, recreation, historic assets and tourism *master plan* and adopting a minimum *open space set-aside standards* for conventional subdivisions. Phase VIII will use buffers and open space as a way to integrate these lots within the subdivision.

FINDING NUMBER 2: THE REQUESTED CONDITIONAL USE PERMIT IS EITHER ESSENTIAL OR DESIRABLE FOR THE PUBLIC CONVENIENCE OR WELFARE.

1. *Need and Desirability* – The proposed Phase VIII is an important part of expanding the options available to home buyers. There is a demand for smaller, custom homes which require less maintenance both in and outside the home.
2. *Survey of Similar Uses* – The Preserve at Jordan Lake, Governor’s Club and Fearington Village have similar uses. These three developments, located in the northern and north-

central part of the County near Jordan Lake have permanent open space, recreation facilities and high quality housing.

3. *Public Provided Improvements* – No additional public improvements would be required.
4. *Tax Considerations* – The property tax revenue generated from Colvard Farms is estimated to be \$700,000 annually with 146 completed homes and the Recreation Center. This estimate was calculated by applying the current tax rate of \$0.6464 per \$100 of value to the expected facility value of \$735,000 per home and the Recreation Center.
5. *Employment* – The number of jobs is uncertain at this time. In addition, the homeowners association may choose to outsource some or all of these services.

FINDING NUMBER 3: 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.

1. *Emergency Services* – We have met with the departments responsible for emergency services (fire protection, police protection and rescue 911) and have been assured that these services will continue to be provided given the available resources.
2. *Traffic* – Phase VIII of Colvard Farms will not have an impact on local traffic outside of Colvard Farms Road. The speed limit throughout the development is 25 mph.
3. *Impact to Surrounding Land Values* – The northern portion of this phase is adjacent to the Duke Power Easement, the eastern side is next to Phase VII and the southern and western sides are adjacent to existing properties within the Colvard Farms subdivision. Based on previous experience at Colvard Farms, adding this lot will add to the overall land quality. How Colvard Farms impacts or will impact adjoining property, outside of the immediate development, is uncertain; especially since so much of the subdivision borders public lands managed by the U.S. Army Corps of Engineers.

4. *Visual Impact & Screening* – Colvard Farms, by embracing conservation subdivision design, will have vegetative buffers to screen the homes from other areas of the subdivision.
5. *Lighting* – Lighting that meets the Chatham County Lighting Ordinance and conforms to residential subdivision guidelines from Duke Power will be installed. To date, we have installed twenty-four (22) lights, each 15 feet in height, along Crooked Creek Lane, Woodgate Court, Booth Meadow Lane, Winding Ridge Road, Colvard Park Drive, Forest View Place and Edgewood Drive. These lights are serviced by Duke Power and operate from dusk to dawn. Similar lights would be installed in the proposed Phase VIII.
6. *Noise* – According to Article IV of the Chatham County Noise Ordinance, all activities at Colvard Farms, including construction, maintenance and day-to-day living, are exempt. The Colvard Farms Recreation Center will generate noise from active recreation like swimming, tennis and related activities. Given the use of buffers, low density and permanent open space, noise is expected to be minimal with the proposed site of Phase VIII.
7. *Chemicals, Biological and Radioactive Agents* – Chemicals (primarily chlorine related) are stored in small quantities for the swimming pool, wastewater treatment facility and community water system. The Chatham County Fire Marshall has approved the storage of these chemicals. Members of the Parkwood Fire Department recently performed the annual inspection of the clubhouse and swimming pool areas which included reviewing the emergency plan. We passed the inspection with no changes required.

Small amounts of fertilizer and related chemicals for maintaining landscaping around the road right-of-ways are stored on site and are used in appropriate and recommended amounts.

8. *Signs* – Using the logo and color scheme for Colvard Farms, a standard street sign (once the name is approved) and stop sign will be erected.

FINDING NUMBER 4: THE REQUESTED PERMIT WILL BE CONSISTENT WITH THE OBJECTIVES OF THE LAND DEVELOPMENT PLAN.

1. *Nodal Development Considerations* – This site is not at the intersection of a highway.
2. *Land Development Plan Reference* – The proposed Phase VIII is consistent with most of the “Land Conservation & Development Policies” found in the *Land Use Development Plan* (modified and adopted November 2001),
 - a. *Preserve both the form and function of rural character – the landscape, agriculture and home-based businesses* – by applying the principles of conservation subdivision design, care has been given to provide buffers and preserve key natural areas of the property. In addition, agricultural activities, including the production of hay, may take place in the land within the Duke Power easement.
 - b. *Encourage compact communities with a mix of activities as development occurs* – Colvard Farms is a compact community with significant open space. The addition of Phase VIII opens this community to other buyers and provides for this “mix of activities.”
 - c. *Designate economic development centers in order to promote a diversified, sustainable business community* – The 1 lot will provide additional property tax revenues which could be used to support economic development within Chatham County.
 - d. *Develop an integrated approach to protecting and promoting high-quality open space, recreation, historic and tourism locations* – by applying conservation subdivision design, Colvard Farms has created high quality open space throughout the development. The addition of this lot with the open space surrounding Phase VIII will further support this policy.

- e. *Ensure the long-term quality and availability of groundwater and surface water resources* – the Colvard Farms subdivision is designed to maximize the quality of the groundwater and surface water with buffers, sediment control ponds, open space, minimal impervious surface areas and the use of reclaimed water for irrigation. The addition of this lot is in keeping with these important principles.
- f. *Provide infrastructure in ways that support the land use, economic development and environmental objectives: water supply, wastewater and transportation* – all infrastructure costs at Colvard Farms are paid for with private funds, including water, wastewater and transportation systems. Phase VIII will rely on these systems and directly support the land use and environmental objectives and provide additional property tax revenue which could be used to further economic development in Chatham County.

Our expectations for Phase VIII are consistent with the two fundamental policies considered in every issue addressed by the current the Land Use Development Plan: 1) land development & conservation will reflect balanced growth, and 2) Chatham County's approach to land development & conservation will be open, pro-active and cooperative.

- 3. *Watershed Considerations* – None of this site lies in a defined flood plain (FEMA designated 100 year flood plain). In addition, the entire site lies in the watershed area defined as WS–IV–CA (critical area), within ½ mile of the normal pool level. The density requirements are consistent with the existing Conditional Use Permit and the impervious surface area does not exceed the 24% limit for this zoning district.

FINDING NUMBER 5: ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE, SANITATION AND/OR OTHER NECESSARY FACILITIES HAVE BEEN OR ARE BEING PROVIDED.

- 1. *Water and Wastewater Issues:*

- a. *Water Source and Requirements* – Phase VIII will use the existing community water system which has ample supply to support the homes in this phase. The existing system has an approved operating capacity of 143.5 gallons per minute. According to state specifications of 0.55 gallons per minute per home, means we could supply approximately 261 homes with drinking water.
 - b. *Water/Sewer Impact Statement* – A community reuse wastewater treatment facility and wastewater collection system are used for the recreation center in addition to single family homes. The Division of Environment and Natural Resources (DENR) approved a maximum capacity of 100,000 gallons per day or more than 215 homes at the current rate of 360 gallons per day per home. The current system is built to handle 50,000 gallons per day and the actual present use averages less than 5,000 gallons per day for 44 homes and the recreation center.
2. *Wastewater Management* – The existing water reclamation facility will be used for treating wastes generated by the homes in Phase VII.
3. *Access Roads* – To access Phase VII, residents will use Colvard Farms Road and Upchurch Farm Road. Two smaller cul-de-sacs within Phase VII will have road names to be determined later.
4. *Storm Water Runoff* – A sediment and erosion control plan will be in effect before grading begins. Storm water detention measures will be used in the overall plan and carefully managed at the site in the same way they have been handled throughout the development. The standard practice at Colvard Farms is to use sediment retentions basins and, where possible, incorporate these basins as a permanent part of storm water management.