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March 13, 2009

Ms. Lynn Richardson
Chatham County Planning Department
80-A East Street
Post Office Box 54
Pittsboro, North Carolina 27312

Re: Cooper Subdivision – Requests for (1) Amendment to the Preliminary Plat for Phase 1 and (2) Revision to the Development Schedule

Dear Ms. Richardson:

Our firm represents Contentnea Creek Development Co., and we are requesting (1) a revision to the approved preliminary plat for Phase 1 of the Cooper Subdivision, and (2) a revision to the development schedule. We are requesting approval of the revised preliminary plat for Phase 1 so that the design of Phase 1 and the design of the entire Cooper subdivision will be more environmentally sensitive. As will be explained in more detail below, the preliminary plat for Phase I was amended to incorporate many improvements to the project that were identified by the Environmental Impact Assessment ("EIA") that was voluntarily performed. We are also requesting an amendment to the development schedule to provide that the final plat for Phase 1 must be submitted eighteen months after approval of the revised preliminary plat for Phase 1.

I. Background

As background, development and construction of the Cooper subdivision project has been planned in three phases. Contentnea initially submitted the preliminary plat for Phase 1 of the subdivision, and on November 19, 2007, the Chatham County Board of Commissioners approved the preliminary design for Phase 1 (which consisted of 10 lots on 23 acres). At the time of preliminary plat approval for Phase 1, Contentnea informed the County that the number of lots for the overall project had been reduced from 63 to 60 and that the balance of the project would be submitted in two additional phases (*i.e.*, Phase 2 consisting of 24 lots and Phase 3 consisting of 26 lots.)

At the time of preliminary plat approval for Phase 1, Contentnea voluntarily agreed to perform an EIA for Phases 2 and 3 prior to submitting preliminary plats for those phases.

(Contentnea's agreement to perform an EIA was not made a condition of preliminary plat approval for Phase 1.) Even though Contentnea committed to performing the EIA for Phases 2 and 3 only and even though the County had already approved the preliminary plat for Phase 1, Contentnea requested that the EIA consider the design for all three phases of the project. Contentnea has used the EIA as one of the design tools for the subdivision, and, as a result of the EIA, Contentnea has redesigned the entire project to avoid a substantial number of impacts to natural resources. For example, Contentnea has reduced the total number of lots in the subdivision from 60 to 43 (and thus eliminated seventeen lots from the subdivision), and Contentnea has redesigned the road layout to eliminate five stream crossings. This new design works better with the natural topography because it minimizes the amount of cut and fill required for construction. Furthermore, as a result of eliminating lots and redesigning the road layout, Contentnea was able to eliminate the crossing of Parkers Creek and thereby minimize impacts to Parkers Creek by replacing the road crossing with a shared driveway for two lots.

II. Request for revision to preliminary plat for Phase 1.

Contentnea submitted a revised preliminary plat for Phase 1 and the preliminary plats for Phases 2 and 3 on March 11, 2009. Contentnea is requesting approval of the revised preliminary plat for Phase 1 and the preliminary plats for Phases 2 and 3. As Contentnea has made extensive changes to the design of the entire project due to information obtained from the EIA, the previously approved preliminary plat for Phase 1 needs to be amended to allow for the changes in the layouts to the lots and roadway. As the revised preliminary plat for Phase 1 indicates, the road layout and lot layout in Phase 1 has been changed to allow for a less dense and more environmentally sensitive subdivision.

III. Request for revision to the development schedule.

We are also requesting a revision to the development schedule so that the final plat for Phase 1 may be submitted eighteen months after the approval of the revised preliminary plat. This revision to the development schedule is necessary since Contentnea has spent a substantial amount of time preparing the EIA and redesigning the entire project (including the redesign to Phase 1). It was not feasible or possible for Contentnea to move forward with the final plat for Phase 1 while it was redesigning Phase 1 in light of the EIA. Furthermore, Contentnea has spent much time preparing the EIA, redesigning the entire project, and working with the ERB as to the specifics of the design of all three phases of the subdivision.

Please let me know if you have any questions about our requests.

Sincerely,



Karen M. Kemerait

Cc: Ms. Jonna Birtcher
Mr. John Harris
Ms. Jennifer Burdette