

BRADSHAW & ROBINSON, LLP

ATTORNEYS AND COUNSELORS AT LAW

HALL-LONDON HOUSE

128 HILLSBORO STREET

POST OFFICE BOX 607

PITTSBORO, NORTH CAROLINA 27312

PATRICK E. BRADSHAW
NICOLAS P. ROBINSON
ANDREW T. SLAWTER

(919) 542-2400

FAX 542-0496

bradshaw@bradshawrobinson.com

April 9, 2010

Ms. Lynn Richardson, Land Use Administrator
Chatham County Sustainable Communities Development Department,
Planning Division
80-A East Street
Pittsboro, North Carolina 27312

RE: Subdivision Application for Governors Village Parcel C

Dear Lynn:

I am writing to address subdivision review procedure, impervious surface limitations and commercial lot subdivision requirements in connection with the request of GV Commercial, L.L.C. for preliminary and final subdivision approval of Governors Village Parcel C.

Subdivision Procedure

Section 1.10 of the Chatham County Subdivision Regulations provides that any subdivision for which a sketch plan approval has been granted prior to the December 2, 2008 revisions to the regulations shall remain subject to the Subdivision Regulations in effect on the date of the approval, provided that the approval remains valid, and that such subdivisions should be allowed to be developed and proceed to final plat approval in accordance with the regulations and subject to any conditions of approval that were in effect prior to December 2, 2008.

Governors Village Parcel C is a portion of the property added to the Governors Club Planned Unit Development ("GCPUD") on October 16, 1995. In connection with a subsequent modification of the GCPUD on June 16, 1997, Governors Club Limited Partnership applied for and received approval of a subdivision sketch design that revised Governors Village consistent with the current application for preliminary and final subdivision approval of Governors Village Parcel C.

Section 4.2B(4) of the Subdivision Regulations in effect prior to December 2, 2008, provides that sketch design approval for property in planned unit developments does not expire provided the development continues according to the overall time schedule established at the time of sketch review. No time limitation was imposed on development or sketch design approvals in the GCPUD. Therefore, the 1997 sketch design for Governors Village that included the property that is now Governors Village Parcel C is still valid. Because that sketch design

Letter to Ms. Lynn Richardson
April 9, 2010
Page Two

was approved under the Subdivision Regulations in effect prior to December 2, 2008, Governors Village Parcel C is allowed to be developed and to proceed to final plat approval in accordance with the regulations that were in effect prior to December 2, 2008.

Governors Village Parcel C is adjoined to the north and south by existing public streets, on the west by a private street that is subject to a right-of-way in favor of the public and to the east by townhome lots, all of which are shown on approved and recorded subdivision plats. Along with one other lot across Governors Drive to the south, Governors Village Parcel C is one of the last two remaining lots in Governors Village to be subdivided and is surrounded by already-subdivided property. Therefore, Parcel C is already effectively subdivided. The lot already would have been finally subdivided by County review except that Section 6.4C(3) of the pre-December 2008 Subdivision Regulations requires the identification of uses and site arrangements for subdivision of lots intended for commercial use, so commercial lots cannot be finally subdivided under those regulations before the uses and site arrangement are known. Furthermore, the pre-December 2008 Subdivision Regulations provide ample opportunity for review by the County, with staff, Planning Board and Board of Commissioners review of the major subdivision application, and staff and Appearance Commission review of the site plan.

Impervious Surface

A letter from Joe Faulkner with CE Group, Inc. submitted with the application certifies that stormwater from Governors Village Parcel C is managed by an existing stormwater pond, the design and service area of which has already been approved by the North Carolina Department of Environment and Natural Resources, Division of Water Quality, and that the proposed impervious surface on Governors Village Parcel C is less than would have been allowed under the approved stormwater management plan.

The water supply watershed regulations under which the GCPUD was approved restricted impervious surface to 24% of the total area of the GCPUD. The 1997 modification of the conditional use permit for the GCPUD included an impervious surface estimate for the planned unit development that was based on an assumption of 75% impervious surface in the commercial/office and institutional areas of Governors Village. The proposed impervious surface for Governors Village Parcel C is less than 75% of the area of the parcel.

Commercial Lot Subdivision Requirements

Section 6.4C(3) of the pre-December 2008 Subdivision Regulations requires that properties platted for commercial purposes be adequate in size for the type of use and development contemplated and that the subdivider demonstrate that the site arrangement prevents undue interference with thru traffic, an integrated parking area, insulation against adverse effect on present or future adjacent residences, parcel size sufficient to allow future expansion and on-site management of the first half-inch of stormwater runoff.

Letter to Ms. Lynn Richardson
April 9, 2010
Page Three

The subdivision application for Governors Village Parcel C includes a site plan, illustrative master plan and landscape plan that satisfy the requirements of Section 6.4C(3) of the Subdivision Regulations. The plans demonstrate that the site is adequate in size for the type of use and development contemplated. Development of Governors Village Parcel C for commercial purposes was part of the design for Governors Village approved in the 1997 modification of the GCPUD, and the transportation system in Governors Village was designed and constructed to serve commercial uses on Governors Village Parcel C. The plans submitted show that the site arrangement will not unduly interfere with traffic. The plans also show an integrated parking area for all of Governors Village Parcel C. The townhomes to the east of Governors Village Parcel C are insulated against any adverse effect by the setback of the parking areas from the boundary of Governors Village Parcel C, the extensive landscaping proposed for the parcel, a ten-foot strip of common area and a twenty-foot private drive right-of-way serving the townhomes along most of the boundary of the parcel. As part of the larger Governors Village commercial area, the uses on Governors Village Parcel C will not require expansion beyond the boundaries of the parcel. Finally, stormwater from Governors Village Parcel C is managed through the coordinated stormwater management plan for Governors Village described above.

Thank you for your attention to these matters. Please let the applicant or me know if additional information would be of assistance to you in your review of this application.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Patrick E. Bradshaw', written in a cursive style.

Patrick E. Bradshaw

PEB:jbs