

**COLVARD FARMS HOMEOWNERS ASSOCIATION
REQUEST FOR PRELIMINARY AND FINAL
APPROVAL OF THREE NON-RESIDENTIAL LOTS**

Prepared by Colvard Farms Homeowners Association, Inc.

March 11, 2011

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EXECUTIVE SUMMARY

The Colvard Farms Homeowners Association, Inc. is applying to Chatham County for preliminary and final approval of three non-residential lots at the Colvard Farms residential development as shown in the attached plat titled “Utility Easement & Subdivision Map for Colvard Farms Water & Sewer System.”

Colvard Farms is a cluster subdivision, zoned RA-40 with Planned Unit Development Approval which was granted in March 2001. Since then a number of modifications to the conditional use permit have been approved as shown below:

- April 2002 to allow minimum side yards of 15 feet.
- April 2003 to allow a tennis and recreation facility.
- June 2004 to allow for homes on Edgewood Drive:
 - Minimum lot size of 10,000 square feet
 - Minimum setbacks from property lines
 - Front: 15 feet
 - Side: 10 feet
 - Rear: 25 feet (lot #'s 114 – 119 have a rear setback of 15 feet)
- February 2011 for the following:
 - To replace the word “building” in conditions 2 and 3 above, with the word “dwelling.”
 - To create three non-residential lots as the original request did not include these nonresidential lots. Please note that no changes in purpose are requested (see Property Map on page 16). Further, the Chatham County GIS system recognizes the community water system lot of 0.24 acres as parcel number 83070 and the wastewater treatment facility lot of 1.34 acres as parcel number 83069. The HOA believes these two parcel numbers may have been assigned when ownership of the property was transferred from the developer to the HOA. A third parcel is requested for the reuse water storage pond found within parcel number 80443 and that lot is approximately 3.17 acres in size.
 - To allow a minimum lot size of 10,000 square feet to accommodate the .24 acre +/- lot for the community water system.
 - To allow the easement serving the lots to be 25 feet in width.
 - To allow the Conditional Use Permit revision request to stand for the sketch design and to allow the preliminary and final subdivision review and approval be done under the Subdivision Regulation prior to 2008.

The site covers more than 330 acres in Chatham (307 acres) and Durham (27 acres) Counties. The subdivision is approved for 146 lots in Chatham County. Additionally there are eleven (11) lots approved by Durham County on adjacent property within the overall boundaries of the subdivision. 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.

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. In addition, the subdivision is located in the WS-IV-CA and WS-IV-PA watershed areas.

All permits and approvals to state and local government agencies have been obtained for the subdivision.

Since March 2001, the Chatham County Board of Commissioners have made the five required findings and approved these requests with nine conditions. The status of these nine conditions follows:

1. A 50-foot undisturbed buffer area has been established along the outside property line adjacent to the public lands managed by the US Army Corps of Engineers and is shown on recorded plats.
2. A 50-foot rear building setback from the 50-foot undisturbed buffer has been established and is shown on recorded plats.
3. Within the required minimum 50-foot building setback, there is a restriction prohibiting the cutting of trees 18 inches or greater in diameter. This is documented in the “Amended and Restated Declaration of Covenants, Conditions and Restrictions of Colvard Farms Subdivision” recorded on January 27, 2003 in book 991, pages 311 through 364.
4. Signs have been posted approximately every 100 feet along the border of the property in Chatham County with the public lands managed by the US Army Corps of Engineers. On one side, these signs inform homeowners that hunting is permitted on designated game lands. From the US Army Corps of Engineers side, signs will inform citizens of the Colvard Farms residential development.
5. As noted in the application to the North Carolina Department of Transportation for a Driveway Permit, turning lanes have been constructed according to DOT standards at the entrance of the subdivision road with North Carolina Highway 751 (see “Final Right of Way Dedication Plat of NC Highway 751, F. Neal Hunter Property” recorded on August 23, 2002 in plat book 156, page 199).
6. Colvard Farms will ensure that lights are shielded from upward glare and on the sides or placed to prevent spillage onto adjacent properties. A minimum number of street lights are used within each phase of the development.
7. The developer has met with the Chatham County Historical Association regarding the evaluation and disposition of existing farm structures on the property and appropriate action has been taken according to their recommendations.

8. After further discussion with the Chatham County Planning and Health Departments in December 2002, it was agreed that Colvard Farms would send a copy of reports required by the state on the water reclamation facility to the attention of the Director of Public Works in Chatham County. Reporting for the facility began in August 2002. Effective December 2002, the Public Works Department received all reports to date and now receives the monthly and annual reports at the same time they are sent to the Division of Water Quality in Raleigh.
9. Landscaping/buffering shall be as shown on the site map and shall also include a 20 foot wide, Type A, opaque buffer on the western boundary (along the roadside) of the recreation center lot to provide adequate buffering for Lot 80.

Purpose of this Application

The Colvard Farms Homeowners Association is applying to Chatham County for preliminary and final approval of three non-residential lots. The addition of the proposed non-residential lots is consistent with the original approval for the subdivision as these lots will serve an existing and approved water and sewer system. This request does not alter the current use; instead, if approved, this request will allow the Colvard Farms Homeowners Association the ability to sell the ownership of the water and sewer utilities to Aqua North Carolina. Further, the Colvard Farms HOA requests that the preliminary and final subdivision review and approval be performed under the Subdivision Regulation prior to 2008.

MAJOR SUBDIVISION APPLICATION

Type of Review: Preliminary and Final

Name of Subdivision: Colvard Farms in Williams Township

Applicant Information:

Colvard Farms HOA
c/o Charleston Management Company
P.O. Box 97243
Raleigh, N.C. 27624
Work: (919) 847-3003 x110
Fax: (919) 848-1548

Landowner Information:

Colvard Farms HOA
c/o Charleston Management Company
P.O. Box 97243
Raleigh, N.C. 27624
Work: (919) 847-3003 x110
Fax: (919) 848-1548

Colvard Farms Development Co., LLC
9310 NC Highway 751
Durham, North Carolina 27713
Work: (919) 405-3844

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

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

Zoning: RA-40 with Planned Unit Development Approval

Existing Access Road: Gravel road to Colvard Farms Road to NC Highway 751

Flood Map Number: 3720070600J

Flood Zone: X

Property Identification: Colvard Farms Road

<u>Parcel #</u>	<u>Deed/Plat Book</u>	<u>Page Number</u>	<u>Year</u>
0078989	1417 / 0968	2001 / 0499	2008
0083069	1223 / 0990		2005
0083070	1223 / 0990		2005
0076392	1168 / 0350		2005
0080143	955 / 0958	2002 / 0387	2002

Total Acreage in Chatham County = 307*

Total # of Residential Lots Originally Approved = 146

Total # of Residential Lots with this Request = 146

Total # of Non-Residential Lots with this Request = 3

Minimum Lot Size for Three Non-Residential Lots = 10,603 square feet

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 Counties

Recreation Center (swimming and tennis) – in Chatham County

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 the HOA Board of Directors and Colvard Farms Development Company, LLC to file this application.

F. Neal Hunter, Chairman of the Board
and Vice President, Colvard Farms HOA

Date

LOCATION

The three non-residential lots, if approved, will be located as shown on the attached plat titled “Utility Easement & Subdivision Map for Colvard Farms Water & Sewer System.” Non-residential buildings and facilities related to the water and sewer systems at Colvard Farms presently reside on this property. The existing roadways are graveled and will support heavy truck traffic. Directions to the proposed non-residential lots are:

From Pittsboro – Starting at the intersection of business US 64 and NC 15-501 (old Chatham Courthouse) go east toward Raleigh on US 64 business to US 64 bypass. Staying on US 64 East, turn left onto NC Highway 751 and head north for about 8 miles. 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, travel past the power easement (Chatham/Durham County line is in the middle of this easement) and Colvard Park Drive. The subject property begins at the next right.

From Durham – 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, travel past the power easement (Chatham/Durham County line is in the middle of this easement) and Colvard Park Drive. The subject property begins at the next right.

DESCRIPTION OF USE

Colvard Farms Homeowners Association, Inc. is applying to Chatham County for preliminary and final approval for three non-residential lots. In February 2011 the Colvard Farms HOA signed an agreement to sell the water and sewer utilities to Aqua North Carolina. The approval of these non-residential lots does not change the current use which has been previously approved. Instead, it will facilitate the transfer of ownership of the water and sewer utilities.