



Agenda Abstract

Department: Planning

Authorizing Signature: _____

Submitting Official: Jason Sullivan

Meeting Date:	5-16-11
Subject:	Request by Colvard Farms HOA for preliminary/final subdivision of three non-residential lots to consist of Lot #201, Waste Water Treatment Plant, 1.34 acres, Lot 202, Community Water System, .24 acres, and Lot #203, Storage Pond and Pump Station, 3.17 acres, located off Colvard Farms Road (private), Williams Township.
Action Requested:	See recommendations
Attachments: (List Individually)	<ol style="list-style-type: none">1. Application Booklet, dated March 11, 2011.2. A Resolution Approving an Application For A Revision to an Existing Conditional Use Permit.3. Preliminary / Final plat titled "Utility Easement & Subdivision Map for Colvard Farms Water & Sewer System", prepared by Stephen D. Puckett, Land Surveyor, dated December 1, 2010.4. Revised preliminary/final map, dated 4/14/11.

Introduction Background:	& <p>Colvard Farms is a residential subdivision consisting of 146 lots on approximately 330 acres with a zoning district of R-1 and a Conditional Use Permit for a cluster subdivision. The original sketch design for the project was approved on March 13, 2001 and has had various modifications over the years. The modifications are listed in the Application Booklet. The creation of non-residential lots was not included in the original submittal and approval. The subdivision is served by a private wastewater treatment plant with storage pond and a community well. The utilities were originally intended to be owned and maintained by the homeowners association. At this time, however, it is the intention of the Colvard Farms Homeowners Association to transfer ownership of the three non-residential lots to Aqua, North Carolina who will own and operate the wastewater treatment plant and the community water system. Jeff Hunter, developer and agent for the Homeowners Association, presented a request to the county for several revisions to the CUP which included the following: <i>a request to create the three non-residential lots, to allow a 10,000 square foot lot (.24 acres), to allow the private access easement to be reduced from 30 feet to 25 feet wide, and to allow the CUP revision request to stand for the sketch design and to allow the preliminary and final subdivision review and approvals to</i></p>
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	<p><i>be completed under the Subdivision Regulations prior to 2008.</i> The Board of County Commissioners approved the requested revisions to the CUP on February 21, 2011. A copy of the Resolution is attached for your review, attachment # 2.</p>
Discussion & Analysis:	<p>The purpose of this request is to create three non-residential lots and is being submitted as a preliminary / final plat request. The Subdivision Ordinance, Section 6.4 C (3) states in part "Land subdivided for commercial, institutional or industrial use shall follow the major subdivision procedure with preliminary plat review by the Board of County Commissioners." The facilities, i.e., wastewater treatment plant, community well, and storage pond and pump station have been previously permitted and are fully constructed. No new development/construction is planned for the lots. Access to the lots will be provided by a private 25 foot wide easement off Colvard Farms Road, also private. The lots are currently owned by the Colvard Farms Homeowners Association and Colvarids Farms Development Company, LLC and are to be deeded to Aqua, North Carolina. Aqua will maintain and operate the facilities. Per the Emergency Operations Office, no road names are required since the lots are for non-residential use. No financial guarantee is necessary since the infrastructure is fully completed.</p> <p>The Planning Board discussed the request at their meeting on April 5, 2011. Issues of concern were:</p> <ol style="list-style-type: none">1. <i>Width & proposed use and maintenance of area between Lot #203, Storage Pond and Pump Station, and the western boundary of Lot #199.</i> The developer has verified that the width ranges from 3.14 feet to 6.50 feet and that the use is for a private irrigation line as shown on the revised map dated 4/14/11. A note has been placed on the revised map to state "Approximate location of a private irrigation line separate from and not a part of Colvard Farms water and sewer system". A 10 foot wide utility easement has been placed along the irrigation line for maintenance purposes.2. <i>Proposed Use of remaining portion of Lot #199.</i> The developer has stated that the remaining portion of Lot 199 will be owned by Colvard Farms Development Co, LLC and is designated as common area. The area shown north of the Lim property (parcel #76393) is also a part of Lot 199 and has a 20 foot wide access and utility easement shown for future use. A note has been placed on Lot 199 as shown on the revised plat to state "This area is not permitted for spray irrigation".3. <i>Areas permitted for spray irrigation.</i> A note has been placed on the revised plat indicating that the area within the Duke Power Line Easement is "Permitted for irrigation of reuse water."
Budgetary Impact:	



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<p>Recommendation:</p>	<p><u><i>The plat meets the requirements of the Subdivision Regulations with final approvals of other agencies.</i></u> The Planning Department and Planning Board (by a vote of 8-1) recommend granting preliminary and final plat approval of plat titled "Utility Easement & Subdivision Map for Colvard Farms Water & Sewer System", consisting of three non-residential lots, Lot #201, Waste Water Treatment Plant, 1.34 acres, Lot 202, Community Water System, .24 acres, and Lot #203, Storage Pond and Pump Station, 3.17 acres with the following recommendation:</p> <ol style="list-style-type: none">1. The final mylar show the existing private irrigation line.2. The final mylar provide a note regarding spray irrigation areas.
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