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October 25, 2012

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

**Re: Cooper Subdivision – Request for an Extension of Time of the
Validity of Preliminary Plat Approval**

Dear Ms. Richardson:

Our firm represents Contentnea Creek Development Co. ("Contentnea"), the owner of the Cooper Subdivision. (Contentnea is also the owner of Windfall and The Gentry in Chatham County.) We are respectfully requesting a twenty-four (24)-month extension of the validity of the preliminary plat approval for the Cooper Subdivision.

I. Background Information

As background, the Cooper Subdivision consists of 130.48 acres, and it is located off SR-1714, Hatley Road, New Hope Township. On October 16, 2006, the Board of Commissioners approved Contentnea Creek's request to rezone the property from RA-5 to RA-90 (now considered R-2) and for a Conditional Use RA-90 Permit for a 63-lot single family residential subdivision. On November 19, 2007, the Board of Commissioners approved the preliminary plat for Phase I of the subdivision and approval of a development schedule. Thereafter, Contentnea Creek requested a revision to the approved preliminary plat for Phase I, a revision to the development schedule for Phase I, and preliminary plat approval for Phases II and III. (As part of that request, Contentnea reduced the number of lots from 63 to 43.) On April 20, 2009, the Board of Commissioners allowed the revision to Phase I, allowed a revision to the development schedule for Phase I, and provided preliminary plat approval for Phases II and III. Pursuant to the approved revised development schedule, Contentnea Creek is supposed to submit the final plat for the Cooper Subdivision eighteen months after preliminary plat approval.

M. Gray Styers, Jr.
Karen M. Kemeraйт
Charlotte A. Mitchell
Deborah K. Ross

As Contentnea prepared applications for the Cooper Subdivision, Contentnea was made aware of the County's desire to have a water loop line from the Monterrane Subdivision to Windfall Creek to resolve

significant water pressure problems in the Monterrane Subdivision. When Contentnea submitted its applications, Contentnea committed to extend the water line from Windfall Creek westward along Hatley Road to the Cooper Subdivision, and Contentnea remains committed to extending the water line.

Subsequent to approval of preliminary plat for the Cooper Subdivision, the real estate market experienced a severe decline. In response to that decline, in 2009, the North Carolina General Assembly passed the Permit Extension Act. In the Permit Extension Act, the General Assembly noted that “[t]he real estate finance sector of the economy is in severe decline”. Furthermore, the General Assembly stated:

As a result of the crisis in the real estate finance sector of the economy, real estate developers and redevelopers, including home builders, and commercial, office, and industrial developers, have experienced an industry-wide decline, including reduced demand, cancelled orders, declining sales and rentals, price reductions, increased inventory, fewer buyers who qualify to purchase homes, layoffs, and scaled back growth plans.

The Permit Extension Act suspended the expiration of development approvals that were current or valid at any point during a three-year period from January 1, 2008 through December 31, 2010. Thereafter, on July 10, 2010, the General Assembly enacted House Bill 683 that extended the tolling period for development approvals to December 31, 2010.

In light of the extensions provided in the Permit Extension Act and House Bill 683, preliminary plat approval for the Cooper Subdivision remains valid through June 13, 2013.

II. Request for Extension of Preliminary Plat Approval

We are requesting a twenty-four (24)-month extension of preliminary plat approval pursuant to Section 4.2(C)(4) and (5) of the Chatham County Subdivision Regulations. The Subdivision Regulations allow for the extension of preliminary plat approval, as Section 4.2(C)(4) states that approval of a preliminary plat shall be valid for a period of eighteen months unless a request for an extension has been received and approved by the Board of Commissioners prior to the expiration of preliminary plat approval.

We believe that it is not only important for Contentnea that the County allow the extension of preliminary plat, but that it is also important to the County that the extension be granted so that Contentnea may proceed with developing the subdivision. Once developed, the Cooper Subdivision will be an asset to Chatham County and it will be a very desirable place to live for Chatham County residents. Furthermore, the development of the Cooper Subdivision will be beneficial to Chatham County, as it will provide revenue to the County in property taxes and sales taxes. When the real estate market improves and Contentnea begins development of the subdivision, Contentnea will again be able to provide work to homebuilders and other contractors to construct the infrastructure and homes as work begins in the subdivision.

Also, as mentioned above, Contentnea remains committed to extending the water line from Windfall Creek along Hatley Road to the Cooper Subdivision. Contentnea’s commitment to extending the water line is evidenced in its development of The Gentry, and Contentnea anticipates that it will complete the waterline bore under US Highway 64 by the end of this year. The water line extension that is part of the development of the Cooper Subdivision will provide a benefit to the County, as it will

provide a portion of the loop line to the Monterrane Subdivision, and it will benefit the Monterrane residents, as the loop line will allow for increased water pressure in the subdivision.

While Contentnea would certainly like to be in a position to submit final plat by June 13, 2013 and would prefer to not have to request this extension, there are several reasons that make this extension necessary. Unfortunately the real estate market and the real estate finance sector have not fully rebounded from the recession. Many of the builders with whom Contentnea contracted are no longer in business or are having difficulty obtaining necessary lending from the banks. Similarly, the potential buyers of the homes are experiencing difficulty obtaining loans for new homes. In light of those practical hardships, it would be irresponsible for Contentnea to construct roads and install infrastructure in the Cooper Subdivision when homes are not ready to be built. We believe that an extension of twenty-four months will (hopefully) provide sufficient time for the real estate market and the financing sector to rebound so that the Cooper Subdivision can be constructed.

III. Status of Permits and Approvals

The following permits and approvals have been obtained for the Cooper Subdivision, and remain valid:

NCDOT -- Road plan approval;

NCDOT – Road plan approval for the Hatley Road Extension;

NCDOT – Commercial driveway permit;

NCDOT – Encroachment agreement;

Chatham County Soil Erosion and Sedimentation Control;

NCDENR – Authorization to Construct (Hatley Road Extension);

NCDENR – Water Main Extension;

NCDENR – Authorization to Construct (Chatham County water system and internal water system); and

NCDENR – Water main extension.

Contentnea has requested extensions of the following permits:

NCDWQ – 401 Water Quality Certificate; and

U.S. Army Corps of Engineers – 404 Stream Crossing Permit.

We appreciate the County's consideration of our request. Please let me know if you have any questions about our request.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen M. Kemerait". The signature is fluid and cursive, with the first name "Karen" being more prominent than the last name "Kemerait".

Karen M. Kemerait

Cc: Ms. Jonna Birtcher