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LAND DEVELOPMENT CONSULTANTS

LETTER OF TRANSMITTAL

To: Chatham county Planning

Date:	7/6/12	Job No:	19012
Attn:	Angela Birchett		
Re:	Cole Place		

- ☒ 1st Review
☐ 2nd Review
☐ 3rd Review
☐ For Approval Signoff/ Stamping
☐ Other _____

- ☐ For Review & Comment
☐ For Approval
☐ For your Use
☐ For your Files
☐ As Requested

WE ARE SENDING YOU THE FOLLOWING ITEMS VIA delivered by VW

Copies	Date	No.	Description
16	6/15/12		Engineer's Opinion
16	6/15/12	EX1	Conditional Use Permit Modification Exhibit
16			Conditional Use Permit - Application for New CUP or A Revision to an Existing CUP

REMARKS:

COPY TO: FILE

SIGNED: Michael Fiocco

LAND PLANNERS + CIVIL ENGINEERS

3708 LYCKAN PARKWAY, SUITE 201, DURHAM, NC, 27707, PHONE: 919-490-1645, FAX: 919-403-0336
WWW.CIVIL-CONSULTANTS.COM LIC. C-1030



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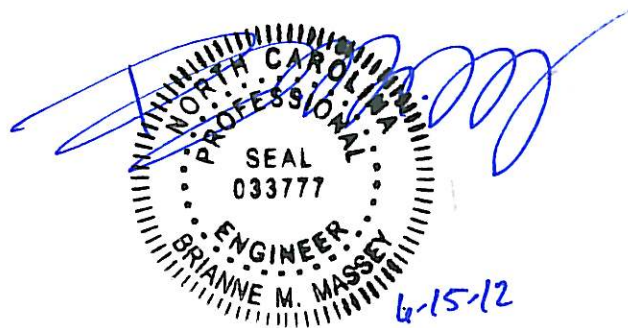
LAND DEVELOPMENT CONSULTANTS

ENGINEER'S OPINION

PROJECT: COLE PLACE

LOCATION: CHATHAM COUNTY, NC

Based upon site visits and analysis of aerial photography, it is my professional opinion that there is 5.67 acres of impervious surface coverage within the 18.98 acre boundary subject to the PUD Conditional Use Permit for the project known as Cole Place. At a ratio of 36% impervious surface coverage, the Conditional Use Permit authorizes a total of 6.83 acres of impervious surface to be constructed; 1.16 acres more than presently constructed. Accordingly, 3.22 acres may be removed from the subject Conditional Use Permit without creating a non-conformity within the remaining 15.76 acre Conditional Use Permit boundary as it relates to impervious surface.



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LIC. C-1030

CONDITIONAL USE
PERMIT

APPLICATION FOR
NEW CUP OR A
REVISION TO AN
EXISTING CUP

Chatham County
Planning Department

P. O. Box 54, 80-A East St, Pittsboro, NC 27312
Telephone: (919) 542-8204 FAX: (919) 542-2698

Section A. APPLICANT INFORMATION

NAME OF APPLICANT: IS Development Company, LLC
MAILING ADDRESS OF APPLICANT: P.O. Box 4222, Surf City, NC 28445
PHONE NUMBER/E-MAIL OF APPLICANT: (919) 612-8217 / greg@gutsinc.com

PROPERTY OWNER INFORMATION (If different from the applicant): *Owner Authorization Signature Required; See end of application.

Name(s) Greg Iserhour, Manager

Address: _____

_____ ZIP _____

Telephone: _____ FAX: _____

E-Mail Address: _____

PROPERTY INFORMATION: The following information is required to provide the necessary information to process the rezoning request:

ADDRESS OF SUBJECT SITE: 350 Plaza Drive

CHATHAM COUNTY PROPERTY PARCEL NUMBER (AKPAR #): 65804

CURRENT ZONING DISTRICT(S): CUP PROPOSED ZONING DISTRICT(S): CUP

TOTAL SITE ACRES/SQUARE FEET: 18.98 Acres

PROPOSED USE(S) AND PROPOSED CONDITIONS FOR THE SITE: Modification To Existing CUP - See Attached

It is important that the applicant provide information to explain how the permit request or revision satisfies the following required five findings. **All applications shall contain the following information.** Please use attachments if necessary. If there is a finding that you feel does not apply to this submittal, please mark with "N/A" for not applicable.

1. The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.

No Change In Use - See Attached

2. The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare.

See Attached

3. The requested permit or revision to the existing permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.

See Attached

4. The requested permit will be or remain consistent with the objectives of the Land Conservation and Development Plan.

See Attached

5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations.

See Attached

Section B. SUBMITTAL INFORMATION AND PROCEDURE

- (1) Sixteen (16) completed application packets and all supporting information shall be submitted to the Planning Department at least forty-five (45) days prior to the Public Hearing. **(PLEASE SEE ATTACHED CALENDAR FOR ALL SUBMITTAL AND DEADLINE DATES)** A digital copy of the application packet shall be submitted pursuant to the Planning Department Digital Document Submission Guidelines.

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- (2) The Planning Department shall, before scheduling the public hearing, ensure that the application contains all the required information as specified in Section 5 of the zoning ordinance.
 - (3) The Planning Department shall have fifteen (15) days from the date of submittal to notify the applicant that the application is complete for scheduling the public hearing.
 - a. If the Planning Department determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review.
 - b. The Planning Department shall take no further action on the application until the applicant submits the required information.
 - c. Once the applicant corrects the identified deficiencies, the applicant shall resubmit to the Planning Department at least 45 days prior to the next Public Hearing meeting, and the Department shall have 15 days to review the information and notify the applicant that the information is sufficient for review.
 - d. A determination that an application contains sufficient information for review as provided in this subsection (b) does not limit the ability of other county agencies, the Planning Board or the Board of Commissioners to request additional information during the review process.
 - (4) The application is reviewed by the Technical Review Committee prior to the Public Hearing for comments and recommendations from other agencies.
-

Section C. SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION and REQUIRED INFORMATION TO BE INCLUDED ON THE SITE PLAN

PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF). Please check the list below carefully before you submit:

- (1) The application shall include a **site plan**, drawn to scale, with supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to the predetermined ordinance requirements, will govern the development and use of the property. The following information must be provided, if applicable:
 - ☒ a. Information showing the boundaries of the proposed property as follows:
 1. If the entire parcel will be zoned, a GIS or survey map and parcel number of the subject property.
 2. If only a portion of the parcel will be zoned, a boundary survey and vicinity map showing the property's total acreage, parcel number, current zoning classification(s) and the general location in relation to major streets, railroads, and/or waterways,
 - ☐ b. Legal Description of proposed conditional zoning district;
 - ☒ c. All existing and proposed easements, reservations, and rights-of-way;
 - ☐ d. Proposed number and general location of all building sites, their approximate location, and their approximate dimensions;
 - ☐ e. Proposed use of all land and structures, including the number of residential units and the total square footage of any non-residential development;
 - ☐ f. All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant; (**SECTION 12 LANDSCAPING & BUFFERING REQUIREMENTS**)
 - ☐ g. All existing and proposed points of access to public and/or private streets;
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- ☐ h. Stream buffers required through this or other Chatham County Ordinances or Regulations, and other Local, State, or Federal regulatory agencies. Delineation of areas within the regulatory floodplain as shown on the Official Flood Insurance Rate Maps for Chatham County;
 - ☐ i. Proposed phasing, if any;
 - ☐ j. Generalized traffic, parking, and circulation plans; (**SECTION 14 OFF STREET PARKING**)
 - ☐ k. Proposed provision of utilities;
 - ☐ l. The location of known sites of historic or cultural significance within or adjacent to the project area, including any structure over 50 years old;
 - ☐ m. The approximate location of any cemetery;
 - ☐ n. Proposed number, location, and size of signs; (**SECTION 15 SIGN REGULATIONS**)
 - ☐ o. Location and description of any proposed lighting on the project site with a note that any lighting will comply with Section 13; (**SECTION 13 LIGHTING STANDARDS**)
 - ☐ p. The location of existing and/or proposed storm drainage patterns and facilities intended to serve the proposed development, and impervious surface calculations; and
 - ☐ q. Environmental Impact Assessment pursuant to **Section 11.3** of the Zoning Ordinance, if applicable.

The above information is required to be shown on the site plan submitted with this application. If, for some reason, any of the required items above are not included on the site plan, reasons for excluding those requirements must be given.

*This is a modification of the existing CMP without
Any improvements being requested*

- (2) In the course of evaluating the proposed use, the Zoning Administrator, Planning Board, Chatham County Appearance Commission, or Board of Commissioners may request additional information from the applicant. This information may include, but not be limited to, the following:

- ☐ a. Proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
- ☐ b. Existing and general proposed topography;
- ☐ c. Scale of buildings relative to abutting property;
- ☐ d. Height of structures;
- ☐ e. Exterior features of the proposed development;
- ☐ f. A traffic impact analysis of the proposed development prepared by a qualified professional. The traffic impact analysis shall follow the NCDOT TIA Analysis Guidelines, and shall also include consideration for non-motorized and public transportation;
- ☐ g. Any other information needed to demonstrate compliance with these regulations.

NOTE: The Zoning Administrator has the authority to waive any application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.

SECTION D.**SIGNATURE STATEMENTS**

OWNER'S SIGNATURE*: In filing this application, I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate Greg Isenhour to act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.

Signature: By: Greg Isenhour

Date: 7/5/2012

APPLICANT SIGNATURE: I hereby acknowledge that I am making this application on behalf of the above owner's statement or myself as the owner and that all the information presented in this application is accurate to the best of my knowledge, information, and belief. I acknowledge understanding of the requirements set out in this application and in the ordinances and/or guidelines used to determine the completeness of this submittal and to proceed as determined.

Signature: Greg Isenhour

Date: 7/5/2012

OFFICE USE ONLY:

DATE RECD: _____

BY: _____

APPLICATION #: C _____

FEE PAID \$: _____

Modification To Existing Conditional Use Permit
Cole Place
Chatham County
PARCEL ID 65804

Finding #1 - History of Existing CUP and Proposed Modification

The original property was approximately 18.98 acres and was previously approved for a residential project in 1984 as part of the Hudson Cole Development project. The project was originally approved for approximately 135 townhouses, duplexes, and/or single-family patio homes of which 12 units were actually constructed. Since 2004 the Chatham County Commissioners have approved three modifications to the original Conditional Use Permit to include the construction of the former Millennium Sports Club (now O2 Fitness) on approximately 5 acres and 28 townhouse units in the first phase; 28 units in the second phase; and 16 units in the third phase for a total of 72 units. The property is bordered on the south by Park and Stay Mobile Home Park, on the North by Chatham County Waste and Recycling Center, on the west by Cole Park Plaza, and on the east by Oldham Heirs property.

All Phases of construction have been completed. All townhouse units and the health club facility have been sold to third party owners. Since the completion of all phases of construction and development; there exists residual property that is not built upon land area that is no longer needed to meet the conditions of the existing Conditional Use Permit (CUP) that the developer proposes to remove from the CUP.

The tract of land subject to the existing CUP is 18.98 acres (see attached sketch). The allowed impervious area based on 36% within the WS-IV protected watershed area is 6.83 acres. With the completion of all phases, the actual impervious area for the site is 5.67 acres; or, 1.16 acres less than the area required. Accordingly, by Chatham County WS-IV watershed guidelines, the equivalent of 3.22 acres may be removed from the 18.98 acres subject to existing CUP.

This proposed modification to the existing CUP is two -fold. The first is to allow the removal/transfer of the 3.22 acres from the existing CUP and to be recombined with property(s) owned by an adjacent third party property owner. The second purpose of this modification is to insure that the existing CUP is to allow for the remaining residual property subject to the restrictions of the CUP to be transferred to the Townhomes At Cole Place Owners Association, Inc. The total area of 15.76 acres will remain subject to the Conditional Use Permit with ownership attributed to the individual townhome owners, the health club fitness facility, and the owners association. No construction or improvements are included within this modification. No changes in use are proposed.

Finding #2

The removal of 3.22 acres from the existing CUP will allow for this property to be recombined with other property for business use and allow for the creation of denser commercial development of property along the 15-501 corridor with higher impervious surface ratios of the usable land. At the same time it

allows for land that is more sensitive to development environmentally to remain undeveloped and built upon.

Finding #3

This modification will not impair the integrity or character of the adjoining zoning districts which are already zoned for commercial/business uses. It is consistent with the current Chatham County Development Ordinance and consistent with the Watershed Ordinance.

Finding #4

This modification is consistent with the objectives of the Land Conservation and Development Plan. No additional improvements are requested beyond the scope of the existing CUP.

Finding #5

No additional improvements, utilities, drainage, recreation, open space, or other facilities are required according to the Chatham County Development Ordinance for this modification. The property that remains with the existing CUP in the amount of 15.75 acres meets the requirements of the 36% impervious watershed regulations. The actual impervious surface area with the CUP is 5.67 acres.

Summary

This proposed modification to the existing CUP is to allow for the removal of 3.22 acres (shown on attached sketch and "hatched"). The removal of this area from the CUP is consistent with all of the requirements for the Chatham County Development Ordinance. After approval from the Chatham County Board of Commissioners, the applicant will take necessary steps to create a recombination plat of the subject removal property to recombine with property of an adjacent third party owner, Carolina American Properties, LLC and the Allen/Williams tract.

Adjacent Property Owners

WRI-SRP COLE PARK PLAZA LLC
PROPERTY TAX MANAGEMENT
P O BOX 450233
ATLANTA GA 31145

JOHN SLATE Oldham
7500 CLAIBORNE WOODS RD
CHARLOTTE NC 28216

J. Ben Oldham Heirs
494 Old Lystra Road
Chapel Hill, NC 27514

AQUA North Carolina, Inc.
202 Mackenan Court
Cary NC 27511

Carolina American Properties, LLC
P.O. Box 3342
Chapel Hill, NC 27515-3342

Chatham Pines, LLC
P.O. Box 5247
Chapel Hill, NC 27514-5003

MOMA, LLC
5520-200 McNeely Drive
Raleigh, NC 27612

David Holdaway
TH At Cole Place Owners Assoc., Inc.
301 Booth Road
Chapel Hill, NC 27516

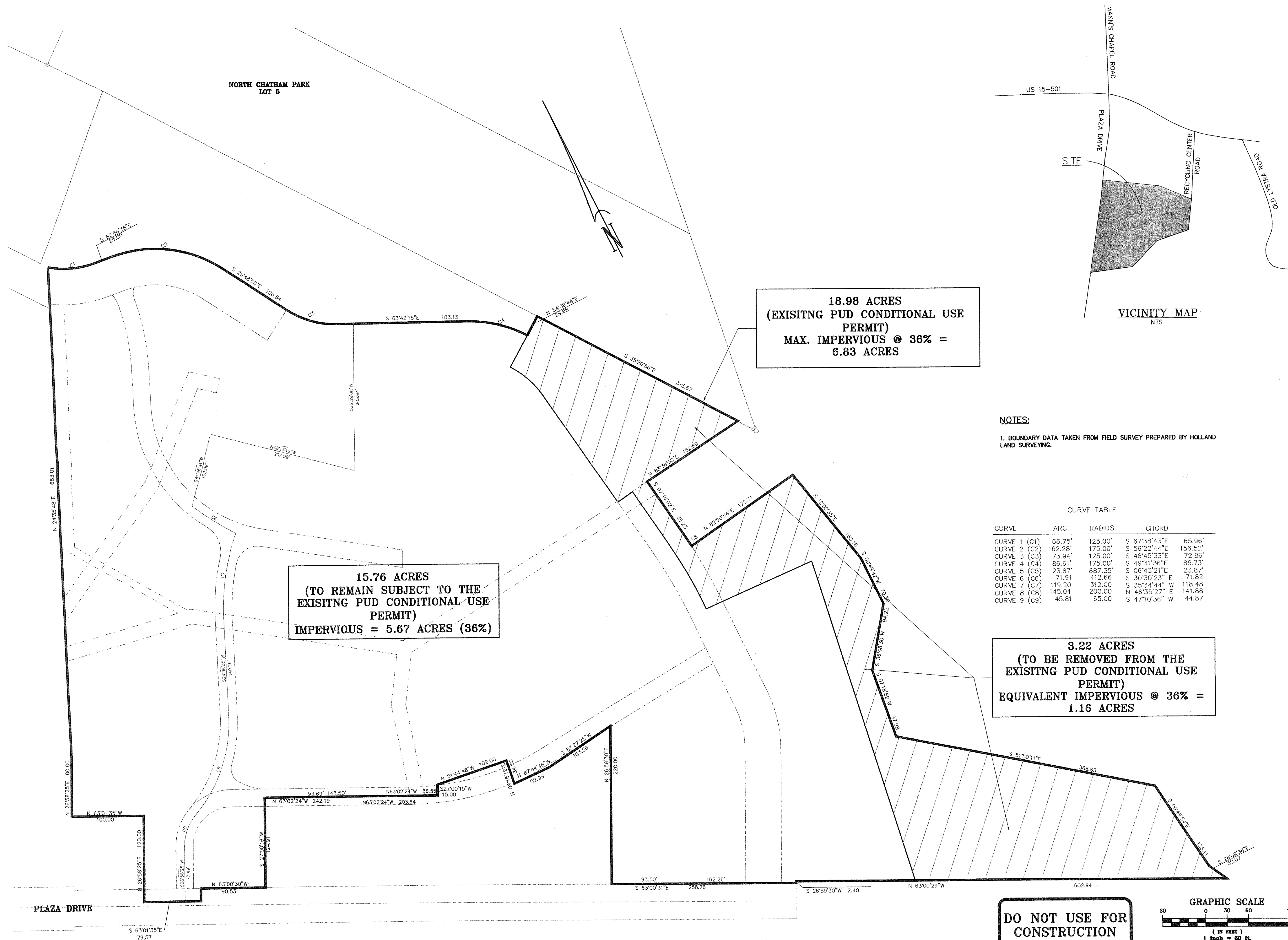
Chatham County
P.O. Box 1809
Pittsboro, NC 27312

Cole Park Plaza, LLC
8710 Glenwood Avenue
Suite 102
Raleigh NC 27617

Ding Chong
600 Mahone St.
Apt 13
Durham, NC 27713

Cole Place Condo Unit Association
P.O. Box 5202
Chapel Hill, NC 27514

HHY, LLC
167 High Hills Drive
Mooresville, NC 28117



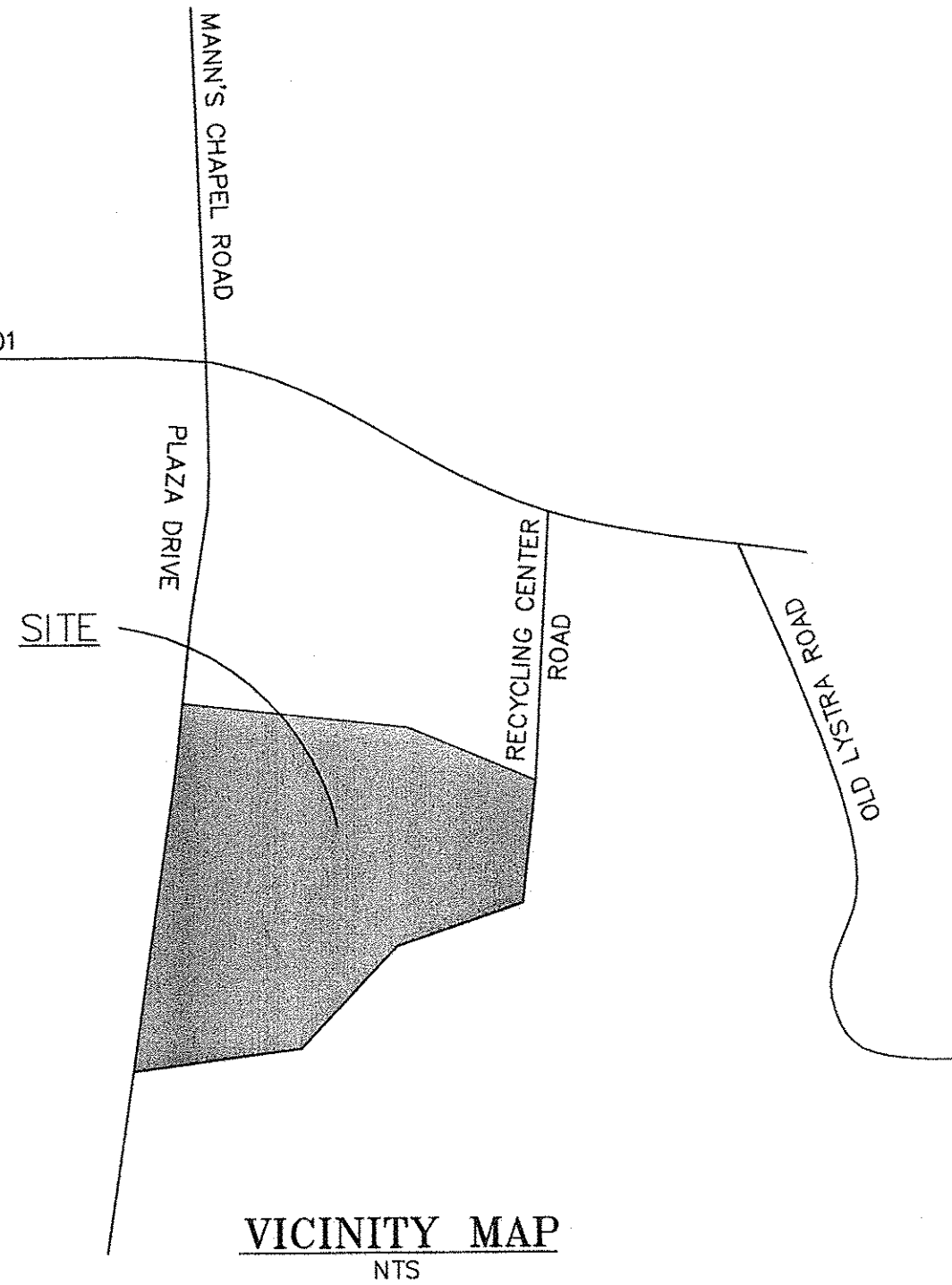
18.98 ACRES
(EXISTING PUD CONDITIONAL USE
PERMIT)
MAX. IMPERVIOUS @ 36% =
6.83 ACRES

15.76 ACRES
(TO REMAIN SUBJECT TO THE
EXISTING PUD CONDITIONAL USE
PERMIT)
IMPERVIOUS = 5.67 ACRES (36%)

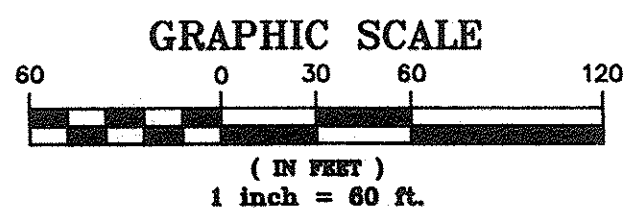
3.22 ACRES
(TO BE REMOVED FROM THE
EXISTING PUD CONDITIONAL USE
PERMIT)
EQUIVALENT IMPERVIOUS @ 36% =
1.16 ACRES

NOTES:
1. BOUNDARY DATA TAKEN FROM FIELD SURVEY PREPARED BY HOLLAND
LAND SURVEYING.

CURVE TABLE				
CURVE	ARC	RADIUS	CHORD	
CURVE 1 (C1)	66.75'	125.00'	S 67°38'43"E	65.96'
CURVE 2 (C2)	162.28'	175.00'	S 56°22'44"E	156.52'
CURVE 3 (C3)	73.94'	125.00'	S 46°45'33"E	72.86'
CURVE 4 (C4)	86.61'	175.00'	S 49°31'36"E	85.73'
CURVE 5 (C5)	23.87'	687.35'	S 06°43'21"E	23.87'
CURVE 6 (C6)	71.91'	412.66'	S 30°30'23"E	71.82'
CURVE 7 (C7)	119.20'	312.00'	S 35°34'44"W	118.48'
CURVE 8 (C8)	143.04'	200.00'	N 46°35'27"E	141.88'
CURVE 9 (C9)	45.81'	65.00'	S 47°10'36"W	44.87'



DO NOT USE FOR
CONSTRUCTION



COLE PLACE
CHATHAM COUNTY, NORTH CAROLINA
CONDITIONAL USE PERMIT MODIFICATION
EXHIBIT

REV.	DATE	DESCRIPTION	BY

DATE:	JUNE 18, 2012
HORIZONTAL SCALE:	1"=60'
VERTICAL SCALE:	N/A
PROJECT MANAGER:	MAF
DRAWN BY:	BMM
PROJECT NO:	19012
DRAWING NAME:	19012 Issue.dwg

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