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June 6, 2014

Ms. Lynn Richardson
Chatham County Planning Department
P. O. Box 54
Pittsboro, NC 27312

RE: Retreat on Haw River Conservation Subdivision; Response to Staff Sufficiency Review

Dear Lynn:

Please allow this to constitute the response of the Retreat on Haw River, LLC to your Staff Sufficiency review e-mail of May 30, 2014. I have set out each of your inquiries in bold below with the response beneath each one.

- 1. Please provide a cover letter with details of the development along with an explanation of the conservation space breakdown of uses between the Natural Space, Open Space and Green Space. Since Green Space is not a required part of a Conservation Subdivision, provide an explanation of proposed uses.**

“Green Space” is a term that we are using for additional Open Space that is not subject to the conservation guidelines. In other words, it is area that is voluntarily left open by the developer beyond the minimal conservation guideline Open Space requirements. This space is significant in size (+/- 169 acres). The applicant anticipates both active and passive recreation to occur in the Green Space, dependent in large part upon the identification and nature of the ultimate beneficiary/donee of any such space. In addition to recreation, gardens and maintained landscaped areas will also be featured within the Green Space. The Open Space and the Natural Space will be put to uses allowed under the conservation subdivisions provisions of the Chatham County Subdivision Ordinance.

- 2. Provide one map copy and a digital copy that clearly labels all areas designated as Natural Space, Open Space and Green Space.**

A map is submitted with this letter along with a pdf.

- 3. In the Narrative provided, copy attached, you state “Approval of the First Plat is a condition precedent to Applicant’s request to rezone.” We are not sure what is meant by this statement because the zoning process will need to be completed prior to First Plat**

approval. Please explain.

As we discussed on the telephone after you sent this inquiry, we would like your help with regard to the procedural timing of our two simultaneous requests, (1) rezoning the river corridor and the portion of the property outside the river corridor back to their original zoning and (2) approval of the first plat for the Conservation Subdivision. As you know, the Retreat on Haw River already has an approved conditional use permit and site plan, both of which are contingent upon the existing zoning. What we want to make sure of is that the underlying zoning does not get changed unless the requested conservation subdivision site plan is approved. If, for some reason, the conservation subdivision site plan were not to be approved, the developer should be allowed to maintain the existing zoning and the existing conditional use permit and associated site plan. Therefore, our request is merely a procedural one that the Commissioners first take up the question of whether the proposed first plat conservation subdivision will be approved. If it is to be approved, then we request that the rezoning matter be addressed. We are open to any suggestions Planning Staff may have with respect to how to handle the logistics of this so long as our concerns mentioned in this paragraph are addressed.

4. In the Narrative provided, you state “Of that space, approximately 1% is currently estimated to be reserved for Open Space but that percentage may be increased with the parameters of allowance. It is anticipated that the Open Space percentage would not be increased beyond ten percent 10% of the total Conservation Space (approx. 25.2 ac)” Since a First Plat approval defines the development plan, if you think you may increase the amount of Open Space up to potentially 10%, you will need to show on the site plan where the additional Open Space would be located. The First Plat should show all the details of the development.

Upon review, it does not appear that the Open Space would need to exceed the 1% estimate.

5. Provide a document stating the density calculations and how the density was determined. This information is provided in the EIA, however, it will be easier for the Board members to review if it is a separate document.

Please see attached.

6. See the e-mail from Lesa Chavis with Emergency Operations regarding the road names and the necessary corrections/changes to insure proper addressing of lots. These corrections/changes need to be made and shown on the site plan.

Road names have been accordingly revised on the Site Plan.

7. Add all adjoining property owners, deed book & page or plat reference to the site plan.

These have been added to the Site Plan.

8. Show the riparian buffer widths and types of features on the site plan or on a separate map.

We are submitting a separate plan showing the buffer widths along with the proposed perimeter buffer.

9. Provide staff with a copy of the riparian buffer/stream determination report provided by the soil scientist.

Information attached. The exhibit is titled County ACOE Wetland Jurisdictional Calls.

10. Is access to the Conservation Space by way of ownership or easement?

It is Applicant's anticipation that the Conservation Space will most likely be conveyed by deed to the beneficiary (subject to appropriate easements and covenants in favor of the developer and possibly the applicable homeowners association). Possible beneficiaries of the Conservation Space include Chatham County (possibly for use as a mostly passive park area) or one of the conservation organizations. Although Applicant anticipated conveyance by deed, because the exact beneficiary of the Conservation Space is not yet known and because the identity of that organization may impact the exact form of the restricted conveyance, Applicant recognizes the need to retain flexibility in the form. However, whether the form of conveyance is by deed or conservation easement, the conveyance will be properly restricted in conformity with the Conservation Subdivision requirements.

11. What is the 'Emergency Entrance' shown on the site plan? Is this to be an entrance open to the public or only to emergency vehicles?

This access will act as a construction entrance for several years then be converted to an emergency access for public health and safety.

12. Show location of all structures 50 years or older. The site plan shows the location of the cemetery, but, not the location of the other historical structures.

The structure sometimes referred to as the "Bynum-Lambeth House" (in the northwestern corner of the property very close to Bynum Ridge Road, has been added to Site Plan.

13. Are there any cemeteries or structures more than 50 years old within 100 feet of the subject property? If so, they are required to be shown on the site plan.

Figure 14 in the EIA, which incorporates such structures identified by the SHPO reveals no such structures nor cemeteries. Applicant is unaware of any such structures or cemeteries within 100 feet of the property.

14. Are there any significant cultural or historical sites as defined by NC Office of Archaeology, Department of Cultural Resources and/or Chatham Historical Association on the property?

No areas of archaeological significance were noted during previous submittals of the Retreat at Haw River site plan. A request for comments has been sent to the State Office of Archaeology. The original conditional use permit for this project, approved in 2005 contained a condition requiring a certain archeological survey prior to preliminary plat. The Chatham County Planning Department determined that this condition had been met in 2006. Correspondence was

conducted with Bev Wiggins of the Chatham Historical Society. Two cemeteries were noted within the project boundaries. A cemetery was located south of the pond (Bynum E80.1) and has been shown on the proposed site plan. Another cemetery (Bynum-Slave E80.2) was not found during site visits from the Chatham Historical Society and is believed to have been disturbed beyond recognition.

15. Show typical width of perimeter buffer(s) on site plan.

We have provided the buffer widths on a separate plan along with perimeter buffer.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Nicolas P. Robinson', with a stylized flourish at the end.

Nicolas P. Robinson

NPR:jbs

Enclosures