

STATEMENT OF PURPOSE

Bynum Ridge LLC (“Applicant”) is applying to Chatham County for approval of a Planned Residential Development located east of the existing Bynum community with access to Bynum Ridge Road (SR 1711). The project encompasses approximately 650 acres. Applicant’s proposal calls for 185 single-family residential lots and an amenity area. Applicant seeks creation of a Conditional Use District and a Conditional Use Permit that, together, will be a significant decrease from the total allowed density.

Approximately 242 acres of the parcel are zoned RA-5 while the remaining 408 acres are zoned RA-40. Use of an on-site wastewater treatment plant and spray irrigation could have allowed development of approximately 600 single family lots. Taking into account the net land area and soil quality, the current zoning, in combination with traditional sub-surface septic systems would allow for at least 240 lots. In lieu of either of those possible proposals, Applicant has opted for a lower average density proposal of only 185 total lots (one lot per every 3.5 acres) with such lots ranging in size from 1.3 acres to 14.6 acres. The average lot size will be approximately 3.1 acres. The average lot size for lots defined as “subdivision” lots (under 10 acres) is 3.03 acres. The proposed density of one unit per 3.5 acres will not only preserve the natural beauty of the site but it will also serve as a graceful transition between the higher density of Bynum Village (slightly more than one unit per acre) and the Hudson Hills subdivision which includes one (1) acre lots to the west and the existing 5-10 acre lot subdivisions to the east such as Red Bud.

The Applicant’s land use requests are summarized as follows. Applicant seeks to create a Conditional Use District (CU-RA- 90) for the entire 650 acres. This down-zoning step alone would reduce the overall gross zoning density from approximately 456 allowed units to approximately 314 allowed units. In tandem with that reduction, Applicant is requesting a Conditional Use Permit for the District that will reduce the number of single-family residential units to a total of 185. Thus, the net effect is to reduce the number of units to approximately 40% of what current zoning would allow.¹

¹ Although this parcel does not directly adjoin the Haw River, the project includes approximately 59 lots within the River Corridor (within 2,500 feet of the river’s edge), such lots ranging in size from 2.02 acres to 14.61 acres. The average lot size within the River Corridor is approximately 3.46 acres. Although the Chatham County Watershed Protection Ordinance (the “Watershed Ordinance”) calls for five acre lots in the River Corridor, the ordinance allows clustering of lots within the River Corridor that are smaller than five acres. The Watershed Ordinance also provides that overall single family density within the River Corridor must average one dwelling unit per five acres. Requiring that density in the River Corridor in this case will have the undesirable effect of forcing the Applicant to increase the density in the RA-40 section and, thereby, increase the overall density of the project. This is an unintended consequence of the current Watershed Protection Ordinance because the ordinance did not anticipate projects that fall within two different watershed/density zones such as this one. Concurrently with this conditional use district/permit request, Applicant has requested that the Watershed Ordinance be amended to allow for density averaging under certain circumstances. The requested amendment is necessary to allow the Applicant to submit this significant **down-zoning** of the overall parcel in furtherance of the goals of the Watershed Ordinance. Without this amendment, the Applicant would submit a subdivision request that will include as many as 240 total lots rather than 185. Decreasing the overall density will have protective effects that benefit the Haw River and Pokeberry Creek. This is because of the lay of the land and the natural flow of surface waters.