



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
10-16-06

PART A

Subject:

Request by McLean Family LTD, Partnership to rezone approximately 470 acres located off Big Hole Rd. (Private), Williams Township from RA-5 to RA-90.

Action Requested:

See Recommendations.

Attachments:

The following was distributed prior to the September 18, 2006 Public Hearing:

1. Text Amendment Application

The following information can be viewed on the Planning Department webpage:

2. Arcview Map
3. Comments from Jennifer Andrews at the September 18, 2006 Public Hearing.
4. Letter dated September 15, 2006 from The Preserve at Jordan Lake Property Owner's Association given at the September 18, 2006 Public Hearing.
5. Letter dated September 18, 2006 from Allison Weakley, Biologist, given at the September 18, 2006 Public Hearing.
6. Minutes from the September 18, 2006 Public Hearing.
7. Updated map from Natural Heritage Program showing Big Woods Wilderness Natural Area.
8. Portion of e-mail 10/3/06 from Allison Weakley, biologist, addressing Big Woods Wilderness Natural Area and rezoning request.
9. Minority report dated October 9, 2006

Submitted By:

Keith Megginson, Planning Director

Date

County Manager Review:

Charlie Horne, County Manager

Date

This abstract requires review by:

County Attorney

Date Reviewed

Finance Officer

Date Reviewed

Budget Officer

Date Reviewed

PART B

Re: McLean Family LTD, Partnership

Introduction / Background / Previous Board Actions: A public hearing was held on this request on September 18, 2006. One person, Allison Weakley, spoke in opposition of the rezoning request. Her statement and the minutes from the hearing can be viewed on the Planning webpage at www.co.chatham.nc.us under Planning then to Rezoning & Subdivision Cases, 2006. Updated comments from Ms. Weakley are listed as attachment 8. The Preserve Property Owner's Association sent a letter in favor of the rezoning. On October 3, 2006 the Planning Board met and recommended approval of the rezoning request by a vote of six (6) to approve; two (2) opposed; and one (1) abstention.

Issues for Further Discussion and Analysis: Zoning District Change - The Planning staff and Planning Board are required to make a recommendation on the requested change of the zoning district from RA-5 to RA-90. A recommendation about a zoning change is partially based on adopted land use plans and policies. The applicant has addressed this issue in their application. The Chatham County Land Conservation and Development Plan, referred to as "the Plan", is a policy guide. The Plan had a draft map which was not adopted by the Board of Commissioners but said map is specifically referenced in the document.

On page 3 of the Plan a major recommendation is to retain the current five acre average lot size in certain county designated watersheds and as shown as resource protection areas. This area was previously referenced in the Natural Heritage Program as part of the Big Woods Wilderness Significant Natural Heritage Area. Updated information obtained from the Natural Heritage Program now shows a significant reduction of this area overall but the majority of the McLean property is still shown within the area. The proximity to Jordan Lake, type of vegetative coverage and the large undeveloped acreage makes this property important as wildlife habitat, especially for more reclusive species (turkey, bobcat, pileated woodpecker). Lands that were within the Big Woods Wilderness Area that have been developed under the RA-5 zoning such as Big Woods Subdivision have been removed by the Natural Heritage Program from the Big Woods Wilderness designation due to the development that occurred.

On page 12 of the Plan, preserving the form and function of rural character is discussed. In this discussion, the creation of residential development patterns that retain the form of ruralness through large-lot zoning is recommended. To the east of this property are lands that were rezoned to a RA-40 density known as The Preserve at Jordan Lake. To the southeast is a new subdivision called The Legacy that will have the density of a RA-40 zoning. To the west and northwest the RA-40 zoning is applied. This would include Fearington Village. The northeast and southern boundaries remain at a RA-5 density. The northwest corner of this property on the north side of Big Hole Rd. currently has a RA-40 zoning.

This property is located within a WSIV-PA protected watershed area. The Chatham County Watershed Protection Ordinance provides criteria to guide residential and non-residential development. This designation allows residential development to be built on a one unit per 40,000 square foot lot (.9 acre). The applicant is asking for one residential dwelling unit per 90,000 square feet (2 plus acres). Based on topographical maps supplied by the USGS office, this property serves as head waters to seven (7) creeks and streams. The lower two (2) acre density would be preferred to the one (1) acre to lessen any adverse affects.

Re: McLean Family LTD, Partnership

Issues for Further Discussion and Analysis – con't

Access to this property is currently served by a private easement road called Big Hole Road. There currently is no public designation applied to Big Hole Rd. Phase Two of the newly approved subdivision, The Legacy, has proposed a connection between their subdivision and the McLean property. There were no sketch design maps given on the McLean property at this time. Should the property be subdivided or proposed for development in the future, further study of the Natural Heritage Program should be conducted for the possibly of occurrence of the Carolina Ladle Crayfish as noted in the program. It has also been noted by the Office of State Archaeology there were two (2) recorded sites located in the southeast corner of this parcel by Environmental Services, Inc. Further study of this site is recommended pending development or subdivision of the land.

County water currently runs along Mt. Gilead Church Rd. There are proposed water lines projected for this area according to the Chatham County Utilities Director. County water could possibly be supplied through Fearington Village as well. County water lines, per the Chatham County Fire Marshal, could be connected to The Preserve subdivision rendering a 45% - 50% reduction in the current fire rates.

Recommendation: In reference to Section 17, Item 17.1 of the Chatham County Zoning Ordinance, because of changed or changing conditions in a particular area or in the county generally, the Planning Department staff recommends approval of the rezoning request for the RA-5 zoned portion of this property to an RA-90 zoning district. Public water is likely to be available to serve the property and portions of surrounding lands have obtained rezoning to a higher density of one dwelling unit per acre. The Planning Board recommended approval of the rezoning request by a vote of six (6) to approve; two (2) opposed; and one (1) abstention.