



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
10-16-06

PART A

Subject:

Request by Contentnea Creek Development Co. for a Conditional Use RA-90 Permit for a 63 lot single family residential subdivision with site plan on approximately 130 acres located off Hatley Rd. (SR 1714), New Hope Township.

Action Requested:

See Recommendations.

Attachments:

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

1. Application packet

The following can be viewed on the Planning Department webpage at www.co.chatham.nc.us under Planning, Rezoning & Subdivision cases, 2006:

2. Arcview map
3. Minutes from the September 18, 2006 Public Hearing

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: Contentnea Creek – permit request

Introduction / Background / Previous Board Actions: At the October 3, 2006 Planning Board meeting a recommendation to approve the conditional use permit, with conditions was made by a vote of seven (7) for approval, no opposition, and two (2) abstaining. A quasi-judicial public hearing was held on this project on September 18, 2006 and the minutes can be viewed on the county website at www.co.chatham.nc.us under County Commissioners. No one spoke against the conditional use permit request. The conditional use permit cannot be approved unless the zoning district change is approved

Before a conditional use permit may be approved the Board of Commissioners is required to make five findings listed in the Chatham County Zoning Ordinance and shown below:

1. The use requested is among those listed as an eligible use in the district in which the subject property is located or is to be located.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.
3. The requested 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.
4. The requested permit will be consistent with the objectives of the Land Development Plan.
5. Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities have been or are being provided.

Issues for Further Discussion and Analysis: The five (5) findings have been addressed in the application's supporting documentation. It is the staff opinion that Finding #1 could be made if the zoning district is changed to a Conditional Use RA-90 Zoning District.

It is the staff opinion that Finding #2 may be made from the standpoint of desirability in an area of current residential development. This area has been zoned residential and agricultural since around 1983. Residential development surrounds this property. Some properties are zoned RA-5 which require the lowest density and others are RA-40 which allow for higher density development. The Conditional Use RA-90 zoning allows for a lower density than the RA-40 zoning demonstrating a less dramatic transition from the RA-5 zoned areas with respect to patterned development. The application states a Conditional Use B-1 Business District for a storage facility was approved at the corner of Mt. Gilead Church Rd. and Hatley Rd. this year. The minutes from the March 20, 2006 public hearing lists the responses of the residents wanting to keep "ruralness" and residential development in the area of Hatley Rd. Those minutes can be viewed on the Planning Department webpage at www.co.chatham.nc.us under Planning, Rezoning and Subdivision cases, 2006, the John Blair request.

Finding #3 could be argued but may be made with conditions. The conditional use permit for the Conditional Use RA-90 Rezoning *will serve as the initial phase of a sketch design for a later subdivision request*. A conditional use permit allows for the county to place conditions on the development to assist in ensuring there are no adverse affects to surrounding, adjacent properties, creeks and streams, and ground water. Conditions have been placed on this development as noted under the staff recommendation.

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Issues for Further Discussion and Analysis – con't

Finding #4 is addressed in the request for a rezoning district and it is the staff opinion that it is consistent with the specific recommendations of the Plan.

Finding #5 may be supported and may be made based on conditions placed on this permit by the county and the applicant in regards to public utilities, access roads, wastewater management, and storm water runoff. The lots are to be served by individual septic systems and county water. Access to the development will be from the public road, Hatley Rd., and the developer will install public roads within the development. Stream buffer requirements will be met or exceeded with regards to creeks or streams located on the property. The Natural Heritage Program has recognized two species that may warrant further consideration if the application is approved and they are the Carolina Ladle Crayfish (crustacean) and the Loggerhead Shrike (bird). The developer should evaluate the likelihood of occurrence of said species and consider appropriate measures to protect them.

Recommendation: It is the Planning Department opinion that all of the five findings can be made with conditions and therefore the request should be approved. At the October 3, 2006 Planning Board meeting a recommendation to approve the conditional use permit, with the following conditions was made by a vote of seven (7) for approval, no opposition, and two (2) abstain.

If the request is considered favorably the following conditions are recommended along with the approved application:

- 1) A seventy-five (75) foot “undisturbed” buffer, with the exception of the removal of existing vegetation needed for utility easements, road interconnections, or necessary septic fields with acceptable soils, shall be maintained around the entire perimeter of the development. Should there be areas of little or no vegetation to act as an adequate buffer, the owner/developer shall install such vegetation at the next optimal planting season and shall be complete before the first certificate of occupancy is approved.
- 2) A one hundred (100) foot undisturbed buffer shall be maintained by conservation easement on each side of Parker’s Creek at all times, except as required for access of public dedicated right of way and utility crossings.
- 3) The owner/developer shall provide extension and installation of the Chatham County Water System to this property and provide easement access to adjacent properties for future connection to the water system.
- 4) Public rights-of-way shall be established and dedicated by the time of final plat approval for future public street access and utility connections to adjacent property to the west, currently owned by either Chatham Land & Timber and to the north, currently owned by Philip W. Corn. The applicant has the option to extend right-of-way and utility connections to the eastern property currently owned by Michael Davidson from the north side of Parker’s Creek. Only one (1) stream/creek crossing across Parker’s Creek shall be permitted for road access. Authorization from the Corps of Engineers shall be required and a copy given to the Planning Department for all stream/creek crossing.

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Recommendation – conditions con't

- 5) The state maintained portion of Hatley Road is to be extended to the corner of Michael Davidson's southwestern property corner. This will eliminate the need for a second creek crossing, thus reducing unnecessary pollutants into or near the stream.
- 6) All lighting shall meet the requirements of the Chatham County "Draft" Lighting Ordinance. A lighting plan shall be submitted and approved by this office prior to the issuance of the first building permit.
- 7) Signage shall comply with the Chatham County Zoning Ordinance specifications. Signage is allowed at the entrance of the development on Hatley Road.
- 8) Permanent storm water control measures shall be designed and installed to detain the two (2) year twenty-four (24) hour storm if the total impervious surface area for the project including roads exceeds ten percent (10%).
- 9) All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Erosion Control etc.) shall be obtained and copies submitted to the Planning Department prior to issuance of the first building permit.