

PLANNING & ZONING REVIEW NOTES

VI. A.

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**SUBJECT:** Proposal by Contentnea Creek Development Co. by Attorney Gray Styers to rezone 130 +/- acres located on Hatley Road, owned by Cooper Family LLC etal from RA-5 to RA-90.

**ATTACHMENTS:** *The following was distributed at the July 11, 2006 Planning Board meeting:*

1. Text Amendment Application

*Included in this package:*

1. Watershed overlay map.
2. Zoning map at the affected area.
3. Email from Roy Lowder, Chatham County Utilities Director

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

1. Letter from Loyse Hurley dated July 17, 2006
2. Letter from Attorney Gray Styers dated July 24, 2006
3. Letter from John and Milota Salay dated July 21, 2006
4. Letter from Mike Davidson dated July 18, 2006
5. Letter from Reginald Wright dated July 18, 2006
6. Letter from Brett Lawrence & Laura Cerruti dated July 18, 2006
7. Letter from Linda & Brian Johnson dated July 18, 2006

**INTRODUCTION AND BACKGROUND:** Per the applicant's request, this matter was postponed until the October Planning Board meeting. The applicant has submitted requests for a conditional use district and a conditional use permit on this same property. If such are recommended favorably then this straight zoning district request may be denied and the applicant can proceed with the project with the other conditional use approvals. A public hearing was held on July 17, 2006 to hear comments for and against the rezoning of this property. Two people spoke against the request, Ms. Loyse Hurley and Ms. Allison Weekly. Ms. Hurley's comments as well as supplemental information obtained after the public hearing from neighbors can be read on the county webpage at [www.co.chatham.nc.us](http://www.co.chatham.nc.us) under Planning, Rezoning and Subdivision Cased, 2006.

**DISCUSSION:** The proposed development is being located in an area designated as RA-5. This zoning requires lots to have a 3 acre minimum with a 5 acre average over all. The RA-5 zoning was placed in areas primarily for very low density residential developments along the County's rivers and streams which are compatible with protecting the water quality of the rivers and streams. There currently are two locations that have an RA-90 zoning. The RA-90 zoning was placed to protect the University Lake watershed. The area north of Mann's Chapel Road and west of US 15-501 N, located in the WSII-BW has this straight RA-90 zoning. The Williams Pond Development approved this year obtained a RA-90 Conditional Use District with a Conditional Use Permit for a Planned Unit Development. When obtaining this conditional use rezoning, provisions were put into place to aide in the protection of rivers and streams as noted in the RA-5 zoning districts.

*Re: Contentnea Creek Development Co.*

**DISCUSSION** – con't

Several letters have been received from supporting neighbors of the development requesting certain conditions be made. These letters can be viewed on the webpage as mentioned above. With the rezoning request submitted as a regular zoning district change (not conditional use district), there are no provisions available to accomplish their requests or any requests the county may make. These requests would include wider buffer/setback areas, services such as county water connections and extensions and the upgrading of Hatley Road as stated in the application.

**RECOMMENDATION:** It is Planning Department staff's recommendation to deny this request.