

PLANNING & ZONING REVIEW NOTES

VI. F.

SUBJECT: Request by Contentnea Creek Development Co. to rezone approximately 130 acres located off Hatley Rd (SR 1714), New Hope Township from RA-5 to Conditional Use RA-90 District.

ATTACHMENTS: *The following was distributed at the September 5, 2006 Planning Board meeting:*

1. Text Amendment Application

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
4. A report dated September 18, 2006 by Allison Weakley

INTRODUCTION & BACKGROUND:

A legislative public hearing was held on September 18, 2006 on this request. Mr. Ray Greenlaw and Ms. Allison Weakley spoke against the rezoning. Contentnea Creek currently has another rezoning proposal pending that was submitted June 19, 2006 and a public hearing was held on July 17, 2006. That request asked for a straight rezoning of the property from RA-5 to RA-90. The issue was tabled by the Planning Board at their August 1, 2006 regular meeting. On August 22, 2006 the applicant requested the request to be tabled until the October 3, 2006 Planning Board meeting due to requests by several neighbors wanting conditions placed on the development of the site. A subdivision submittal was made in compliance with the RA-5 zoning district and was approved in March 2006 with a sketch design for 24 lots on the 130 acre parcel of land. Nothing further has been submitted on that request.

DISCUSSION & ANALYSIS:

The Planning staff and Planning Board are required to make a recommendation on the requested change of the zoning district from RA-5 to a Conditional Use RA-90 Zoning District. Such a recommendation is partially based on adopted land use plans and policies. The Chatham County Land Conservation and Development Plan is a general policy plan. A specific plan map was not adopted but a draft map was prepared and is referenced within the document.

On page 3 of the Plan a major recommendation is to retain the current 5 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. This property no longer lies within this protected area. Should the request be approved, further information from the Natural Heritage Program should be obtained specifically in connection with the Carolina Ladle Crayfish. Said crayfish is a species that is classified as significantly rare that may occur in the area.

DISCUSSION & ANALYSIS – con't

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. Property adjacent to this tract on the western, northwestern, and southwestern sides are currently zoned RA-40 and tracts on the eastern, northern, northeastern, southern, and southeastern boundaries are zoned RA-5. The applicant is proposing a design approach that falls between the RA-5 and the RA-40 zoning districts lessening the density transition appearance.

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). A stream is located on the property crossing the northern end of the tract. The Chatham County Watershed Protection Ordinance meets and in some cases exceeds the state requirements for buffering from these surface waters. A review of the current condition of surrounding creeks, streams, and Jordan Lake may create a need for wider buffers to ensure additional protection from pollutant runoff, reducing erosion, and maintaining or protecting aquatic habitat conditions. Please refer to page 40 of the Plan.

Page 62 of the Plan references water supplies. The Plan supports public water services to designated high density growth areas and other areas that can be practically and efficiently served by public utilities. County water is currently serving properties on Mt. Gilead Church Rd., The Preserve at Jordan Lake subdivision, and Windfall Creek subdivision. Public water is to be installed on Hatley Rd. through Windfall Creek to serve this property.

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, or to rezone an area to a different zoning district, the Planning Department staff recommends approval of the rezoning request. Public water is now available to serve the area; this area is no longer included in the Big Woods Significant Natural Heritage Area; and surrounding lands have obtained either straight zoning or rezoning to a higher density to a RA-40 zoning. The Planning Board has three meetings including this one to make a recommendation to the Board of County Commissioners.