

APPLICATION FOR
ZONING DISTRICTS
CONDITIONAL USE DISTRICTS
CONDITIONAL USE PERMITS

Chatham County Planning Department
P.O. Box 54
Pittsboro, NC 27312

Tel: 919/542-8204 Fax: 919/542-2698
Email: lvnn.richardson@ncmail.net

(1) Applicant Information:

Name: Contentnea Creek Development Co
Address: 8502 - 202 Six Forks Road
Raleigh, NC 27615
Phone No. (h) _____
(w) 919-882-2339
Email: jonna@contentneacreek.com

(2) Landowner Information (as shown on deed)

Name: Cooper Family LLC etal
Address: 739 Hatley Road
Phone No. (h) _____
(w) _____
Email: _____

(3) Property Identification:

911 Address: 739 Hatley Road
New Hope Township
S.R. Name: Hatley Road
S.R. Number: NCSR 1714
Township: New Hope
Acreage: 130.48
Flood map #: 075B& 150B (7/16/1991)
Flood map #: 3710977200J (draft 2005) 7-13-05
3710977300J
Flood Zone: NO

P.I.N #: 9772-79-4220.000; 9272-89-2400.00;
9272-89-4443.00
Parcel#: 17357; 82822; 82823
Deed Book: 977 Page: 0471
Plat Book: 2005 Page: 0261

Zoning District: RA-5

Watershed District: WS-IV PA

(4) Requested Zoning District, Conditional Use District Conditional Use Permit:

Applicant requests RA-90 zoning district with conditions.

(5) Directions to property: The property is located on the north side of Hatley Road, S.R. 1714, east of Mt. Gilead Church Road, across from the intersection with Jordan Drive.

(6) Attach the following, if requesting a zoning map amendment:

- List of names and addresses or current adjoining property owners (see Adjacent Landowners form)
- Written legal description
- Map of the property at a scale of not less than 1 inch equals 200 feet
- Explanation of request addressing applicable portions of Section 17.3B and 18.2A of the Chatham County Zoning Ordinance

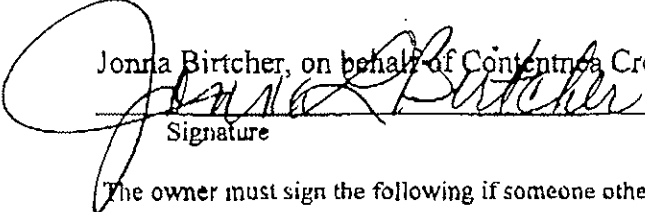
SEE ATTACHMENTS

(7) Attach Submission Materials Checklist Information (see Submission Materials Checklist form)

N/A AT THIS TIME

I hereby certify that I am the owner or authorized agent of said property and that the information provided is complete and the statements given are true to the best of my knowledge.

Jonna Birtcher, on behalf of Contentnea Creek Development Co.



Signature

6/19/06

Date

The owner must sign the following if someone other than the owner is making the application.

I hereby certify that _____ is an authorized agent for said property and is permitted by me to file this application.

Signature

Date

To Lynn Richardson or others whom it may concern at the Chatham County
Planning Department:

I, Lloyd E. Cooper, do authorize Contentnea Creek Development Co.
Agents or John Harris to sign off on the application for Rezoning with
Conditions for 739 Hatley Road property.

Lloyd E. Cooper 6-17-06
Lloyd E. Cooper Date

CONDITIONS FOR APPLICATION FOR CHANGE IN THE ZONING MAP

- (1) That a 75-foot undisturbed buffer will be retained along the perimeter of the subject property.
- (2) That the applicant will demonstrate that County water will be available to the property at the time of submitting the final plat approval.

Adjacent Landowners (property owners across a public or private road, easement, or waterway are considered adjacent landowners)

Legal notices are mailed to these owners, please type or write neatly.

- (1) Jerry C. Barnes
1 Jordan Woods
Pittsboro, NC 27312
- (2) Raymond H. Greenlaw, Jr.
2 Jordan Drive
Pittsboro, NC 27312
- (3) Brian D. & Linda A. Johnson
PO Box 2865
Chapel Hill, NC 27514
- (4) Brian D. & Linda A. Johnson
PO Box 2865
Chapel Hill, NC 27514
- (5) John W. & Milota R. Salay
28 Creekside Drive
Pittsboro, NC 27312
- (6) Brian T. & Mia A. Hrabee ETUX
1440 Grappenhall Drive
Apex, NC 27502
- (7) Jason C. Pittman
& William R. Copeland
c/o Matthew I. Van Horn
5 W. Hargett Street, Suite 500
Raleigh, NC 27601
- (8) Reginald M. Wright &
Pearl H. Wright ETUX
4211 Tryon Road
Raleigh, NC 27606
- (9) Michael Glenn & Gigi Davidson ETUX
7105 Eaidridge Drive
Apex, NC 27502
- (10) Phillip W. Corn
PO Box 1002
Cary, NC 27512
- (11) Phillip W. Corn
PO Box 1002
Cary, NC 27512
- (12) Chatham Land &
Timber Management LLC
981 Old Graham Road
Pittsboro, NC 27312
- (13) Haw River Baptist Church Inc. ETUX
1099 Mt. Gilead Church Road
Pittsboro, NC 27312
- (14) Haw River Baptist Church Inc
1099 Mt. Gilead Church Road
Pittsboro, NC 27312
- (15) Todd J. Yanders &
Suzanne M. Yanders ETUX
70 Roach Ranch Road
Pittsboro, NC 27812
- (16) Bonnie Jones Ammons
707 Hugo Street
Durham, NC 27004
- (17) Holt W. Seymour & Rheta W. Holt
Family Ltd Partnership
6325 N. Ewing Street
Indianapolis, IN 46220

NARRATIVE IN SUPPORT OF THE APPLICATION FOR AMENDMENT

1. IF THE PROPOSED AMENDMENT WOULD REQUIRE A CHANGE IN THE ZONING MAP, A MAP AT A SCALE OF NOT LESS THAN 400 FEET TO THE INCH NOR MORE THAN 20 FEET TO THE INCH SHOWING THE LAND WHICH WOULD BE COVERED BY THE PROPOSED AMENDMENT.

See map provided with the rezoning package.

2. A LEGAL DESCRIPTION OF SUCH LAND.

The parcel which is subject to the rezoning application consists of 130.48 acres and is located off Hatley Road., S.R. 1714, near the intersection with Jordan Road. The P.I.N. numbers for the property are 9772-89-2400.000, 9772-89-4443.00, and 9272-89-2400.00 and the parcel numbers are 17357, 82822, and 82823. The current zoning classification for the parcels are RA-5, and the applicant is requesting that the parcels be rezoned to RA-90.

3. THE ALLEGED ERROR IN THIS ORDINANCE, IF ANY, WHICH WOULD BE REMEDIED BY THE PROPOSED AMENDMENT WITH A DETAILED EXPLANATION OF SUCH ERROR IN THE ORDINANCE AND DETAILED REASONS HOW THE PROPOSED AMENDMENT WILL CORRECT THE SAME.

The current zoning classification for the subject property already allows residential development with lot sizes of 3 acres, so long as the average lot size is no less than 5 acres. The proposed rezoning would continue to allow for low-density residential development, but with lot sizes at least 90,000 square feet (a little more than 2 acres) to accommodate the increased demand for residential growth in the area and to support the extension of County water utilities facilities to this area.

The applicant is requesting that the zoning for the subject site be amended from the current zoning classification of RA-5 to a more appropriate zoning classification of RA-90 for the following reasons: (1) the rezoning would be beneficial to the area since it would allow a gradual transition

from RA-40 to RA-5, (2) the growth and development in recent years in Chatham County has changed the land use needs in this area, and (3) the rezoning would support the extension of County water utilities to this area.

First, the proposed rezoning to RA-90 would be beneficial to the area because allowing residential development with approximately 2-acre minimum lot sizes would be suitable for the property and would be compatible with the surrounding area. According to the Chatham County Zoning Ordinance (the “Zoning Ordinance”), the RA-90 zoning classification is considered appropriate for low-density residential development, and low-density residential development is planned for the property. A low-density RA-90 zoning district would be an appropriate zoning district since the subject property is surrounded by a low-density RA-5 zoning district to the east and a higher density RA-40 zoning district to the west. By rezoning the property to RA-90, the new low-density zoning district would be compatible with the surrounding area and would blend in well with both the low-density RA-5 area and the higher density RA-40 district. The rezoning would therefore be an appropriate transition between the low-density RA-5 district to the east and the higher density RA-40 district to the west. Thus, the proposed amendment to the Zoning Ordinance would achieve regional planning goals by providing for a transition between the RA-5 and RA-40 zoning districts and by preserving the rural and residential nature of the area.

Moreover, the growth and development in recent years in this area of Chatham County has changed the land use needs in this area since there is increased demand for residential development in this area. The rezoning would allow for low-density residential development, but would additionally allow for more residential lots on the property to help meet demand for residences in the area and support the extension of County water facilities to this area.

4. THE CHANGED OR CHANGING CONDITIONS, IF ANY, IN THE AREA OR IN THE COUNTY GENERALLY, WHICH MAKE THE PROPOSED AMENDMENT

REASONABLY NECESSARY TO THE PROMOTION OF THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

The proposed amendment is necessary in light of changed conditions due to the increased demand for residences in this area of the County in recent years and the nearby availability of County water service. In particular, the rezoning to RA-90 will help to meet the increased demand for residential growth in the area by allowing for development on lots with a minimum lot size of 2 acres to be served by County water service.

The rezoning will also enhance the public health, safety and general welfare by allowing for balanced and low-density growth that will preserve the rural nature of the area and be suitably located as the proposed residential development will be adjacent to other residential areas. Furthermore, the proposed rezoning will not have an adverse impact to the adjacent areas since the rezoned RA-90 property will fit in well with the surrounding RA-5 and RA-40 areas. Additionally, the rezoning will facilitate the expansion of the County's utilities. The rezoning will have no impact on the long-term ground water quality and quantity as the applicant intends to take the necessary steps to ensure that County water will be supplied to the property. The applicant will demonstrate the availability of County water to the property at the time of submitting the final subdivision plat.

5. THE MANNER IN WHICH THE PROPOSED AMENDMENT WILL CARRY OUT THE INTENT AND PURPOSE OF THE ADOPTED LAND DEVELOPMENT PLAN OR PART THEREOF.

The proposed rezoning from RA-5 to RA-90 is in accordance with the intent and purpose of the Chatham County Land Development Plan ("Land Development Plan"). The Land Development Plan calls for a balanced growth pattern for the County, and the proposed rezoning will be a part of that balance, providing for quality growth and low-density residential development that is in a suitable location (i.e., an area adjacent to residential development). The proposed rezoning to RA-90

also meets the goal of the Land Development Plan of preserving the form and function of the rural character of the property by preserving the property's rural nature with large (2-acre minimum) lot sizes. Accordingly, the proposed rezoning will create residential development patterns that retain the form of "ruralness", as encouraged by the Land Development Plan.

At recent public hearings involving a proposed rezoning to a Conditional Use B-1 Business District at the corner of Hatley Road and Mt. Gilead Road, area residents expressed their desire for residential development in this area along Hatley Road.

The proposed rezoning will also meet the goals of the Land Development Plan of establishing sustainable lot sizes, development patterns, and development densities in rural areas. Specifically, the Land Development Plan encourages minimum lot sizes of at least 1.5 acres in all areas where County water and sewer utilities, or suitable community-scale water and sewer services, are not available. The proposed rezoning to RA-90 will allow for residences on larger lots of at least 90,000 square feet.

6. ALL OTHER CIRCUMSTANCES, FACTORS AND REASONS WHICH THE APPLICANT OFFERS IN SUPPORT OF THE PROPOSED AMENDMENT.

The proposed rezoning will benefit the area by providing a transition of low-density development (RA-90) between the zoning districts of RA-5 to the east and RA-40 (which allows for minimum lot sizes of 1 acre) to the west. The zoning map as currently drawn provides for no such transition between the RA-5 and RA-40 zoning districts.

The rezoning will also support the extension of County water utility facilities along Hatley Road, which might not otherwise be constructed in the foreseeable future.

The applicant is also proposing conditions to the rezoning request to ensure that the goals and objectives of the Land Development Plan are met and that the rezoned property fits in well with the adjacent RA-5 zoning district.

7. INFORMATION REQUIRED FOR THE APPLICATION FORM RECEIVED FROM THE PLANNING DEPARTMENT.

See documentation provided with the rezoning package.