

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: A CONDITIONAL USE ZONING DISTRICT, CU-RA-90

(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.

Jonna Birtcher
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

CONTENTNEA CREEK
DEVELOPMENT COMPANY
REQUEST FOR CONDITIONAL USE DISTRICT
AND CONDITIONAL USE PERMIT

CONDITIONAL USE ZONING DISTRICT
(CU-RA-90) AND
CONDITIONAL USE PERMIT FOR A
RESIDENTIAL DEVELOPMENT SUBDIVISION

739 HATLEY ROAD
NEW HOPE TOWNSHIP, NORTH CAROLINA

130.48 ACRES NORTH OF
HATLEY ROAD (S.R. 1714)

August 21, 2006

DEVELOPMENT TEAM

Applicant Contentnea Creek Development Company
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Raleigh North Carolina 27615
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Contact: Karen M. Kemerait, Esq.
kkemerait@bjmls-law.com

Engineer John W. Harris, P.E.
Consulting Engineer
7909 Ococe Court
Raleigh, North Carolina 27612
Telephone: 919-789-0744

Surveyor Van R. Finch – Land Surveys, P.A.
109 Hillsboro Street
Pittsboro, North Carolina 27312
Telephone: 919-542-2503
Contact: Van R. Finch

STATEMENT OF PURPOSE

Contentnea Creek Development Company, with the consent and permission of Lloyd Cooper, as agent for Cooper Family, LLC, is requesting approval of a Conditional Use Zoning District, CU-RA-90, and a Conditional Use Permit for a residential development subdivision. The property is located on the north side of Hatley Road (SR 1714), and includes three parcels for a total of 130.48 acres. The property is currently zoned RA-5. The project, when fully built out, will include approximately 63 lots.

WRITTEN LEGAL DESCRIPTION

The property is located at 739 Hatley Road in New Hope Township, and it consists of 130.48 acres. The property is owned by Cooper Family LLC, and it consists of three tracts of land: PIN # 9772-79-4220.00 (Track-A); PIN # 9772-89-2400.00 (Track-B); and PIN # 9772-79-4220.00 (Track-C). The parcel numbers are 17357, 82822, and 82823. The parcels are located in Deed Reference: Book 977, page 0471 (Track-A); Book 977, page 0471 (Track-B); and Book 977, page 0471 (Track-C). The property is more particularly shown upon that plat entitled "Cooper Subdivision", Chatham County, North Carolina, dated March 14, 2005, by Van R. Finch, PLS, Land Surveys, P.A.

DESCRIPTION OF THE PROJECT

1. Location

- a. Public Highways: The site is located at the north side of Hatley Road (SR 1714).
- b. Private Roads: There are no private roads servicing the site.
- c. Current Zoning: The current zoning is RA-5.
- d. Watershed Classification: The watershed designation is WS-IV PA.
- e. Major Wildlife Area: The site is not in nor does it border a Major Wildlife Area.
- f. Size of Site: The size of the site is 130.48 acres.
- g. Utility or Other Easements: The parcels are not currently subject to any utility easements. The applicant has agreed to extend County water service from the Windfall Subdivision (at Windfall Creek Drive) to the end of the Cooper property as a condition of the Conditional Use Permit. The route for such future water service will be within designated easements.
- h. Current Use: The site is unimproved.
- i. Current Contents of Site: There are no used buildings on the site.
- j. Other Conditional Use Permits Granted to the Site: No other Conditional Use Permits have been granted to the site.

2. Description of Use

The proposed use is a residential subdivision consisting of approximately 63 lots. See Site Plan filed herewith.

3. Site Plan and Drawing

- a. Existing buildings: There are currently no occupied or used buildings on the property.
- b. New Buildings: New residential homes will be built on lots within the subdivision in compliance with all County zoning, subdivision, and building code requirements.
- c. Landscape Plan: No trees will be cut within a 75-foot buffer along Hatley Road. Additional plantings may be located within this area around the signage at the public road entrance to the subdivision and along Hatley Road where existing vegetation is sparse.
- d. Screening, Buffering, Setbacks: All applicable setback provisions of the Chatham County Ordinance will be met. No trees will be cut within a 75-foot buffer along Hatley Road, and this area may be supplemented with additional landscaping. On the other three sides, the subdivision will only remove existing vegetation within a 75-foot perimeter buffer as required for utility easements, road interconnections, or necessary septic fields with acceptable soils.

- e. Natural Preserved Areas: No trees will be cut within a 75-foot buffer along Hatley Road, and all stream buffers will be protected and maintained pursuant to the applicable Chatham County Ordinance provisions.
- f. Site Boundaries with Adjacent Properties: The site boundaries between the proposed site and adjacent properties are shown on the site plan.
- g. Parking: No parking will be allowed except within driveways on individual lots.
- h. Sign Location, Type and Size: The only signage that might be located on the property will be subdivision identification signs at the entrance of the public road onto Hatley Road. Any such signage will comply with all applicable Chatham County Ordinance provisions at the time of construction, and will be constructed from masonry or natural materials.
- i. Areas Reserved for Future Development or Improvements: There are no areas for future development proposed. The entire site is shown on the site plan.
- J. Lighting Plan: The lighting plan will meet the requirements of the Chatham County Draft Lighting Ordinance.
- k. Percentage of Impervious Surface: The amount of impervious surface allowed per lot will be noted on each individual lot per the recorded plat and will be less than all applicable county and state requirements.
- l. Topographical Description of the site: The topography of the site is gently rolling terrain and is shown on the enclosed map.
- m. Streams and Wetlands: All streams and wetlands are shown on the site plan. All county, state, and federal stream and wetland buffer and protection regulations will be met
- n. Vicinity Map: A vicinity map showing the location of the property is enclosed herewith.
- o. County Tax Map: A Chatham County GIS Map showing the property as parcel numbers 17357, 82822, and 82823 is included in the application packet.

4) **Start and Completion Projection**

Construction is anticipated to begin within 3 months of the approval of the subdivision plat, which is anticipated to be within 12 months of the approval date of the Conditional Use Permit. The streets in the subdivision will be completed within one year following commencement of construction, and final build-out of the neighborhood is anticipated to occur within 5 years.

5) **Reference to Existing County Plans**

To the best of the applicant's knowledge, this site is not specifically mentioned in any County plan.

FINDINGS REQUIRED BY ZONING ORDINANCE

The Chatham County Zoning Ordinance requires that the Board of Commissioners make five affirmative findings to grant a conditional use permit. All five findings are supported by this application.

Finding #1: The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.

1. Validation of Use in Zoning Ordinance: The residential use requested is an allowable use within the RA 90 Conditional Use Zoning District.
2. Land Development Plan Reference: The application complies with the policies of the Chatham County Land Conservation and Development Plan, thus justifying the request to rezone the property to RA-90 CU District.

The proposed rezoning from RA-5 to CU-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 CU-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 90,000 square feet (approximately 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. In regard to this proposed rezoning, a number of area residents have written letters expressing their support for the proposed subdivision.

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 CU-RA-90 will allow for residences on larger lots of at least 90,000 square feet.

Finding #2: The requested conditional use permit is either essential or desirable for the public convenience or welfare.

1. Need and desirability: The proposed rezoning to CU-RA-90 would be desirable 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 CU-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 CU-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.

Additionally, 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 is supplied to the property. Specifically, the rezoning will facilitate the expansion of the County's utilities as the applicant will extend (at the applicant's cost) the County water line from Windfall subdivision (at Windfall Creek Drive) to the end of the Cooper property. Furthermore, the applicant will construct Hatley Road to North Carolina Department of Transportation ("NCDOT") standards from the Cooper property to Windfall Creek Drive. Thus, the rezoning will be desirable for the public convenience or welfare since the rezoning will support the extension of County water facilities along Hatley Road and the construction of Hatley Road to NCDOT standards, which might not otherwise be constructed in the foreseeable future.

2. Survey of Similar Uses: This subdivision will be similar to the Windfall development currently under construction east of this property, but with a slightly higher density. This subdivision will be similar to other subdivisions in the RA-40 zoning areas of the County, but with a slightly lower density.
3. Public Provided Improvements: All anticipated improvements (water system extensions, public roads, etc.) will be provided by the developer. Chatham County will not need to provide additional public improvements.
4. **Finding #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.**

The rezoning and conditional use permit will not impair the integrity or character of the surrounding or adjoining districts and will not be detrimental to the public health, safety, and general welfare of the community. This proposed residential development will allow for balanced and low-density growth that will preserve the rural nature of the area, and the proposed development will be suitably located as it 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.

1. Emergency Services: This type of low density development will have limited impact on County services, such as fire protection, police protection, and Rescue 911 services. If these services are needed, the site is very accessible given its location.
2. Traffic: The proposed addition of at most 37 lots (from the current RA-5 district to the proposed RA-90 CU District) will have very little impact on traffic in the area. As opposed to worsening traffic along Hatley Road, the proposed development will improve traffic in the area since the developer has agreed to connect Hatley Road (SR 1714) from Mt. Gilead Road to Big Woods Road. Consequently, instead of having to travel to and from Mt. Gilead Road, traffic will have the alternative of traveling west to Mt. Gilead Road or east to Big Woods Road. Thus, the proposed development with the connection of Hatley Road from Mt. Gilead Road to Big Woods Road should improve traffic.

There will only be one public road access onto Hatley Road. The road will line up with the public road across Hatley Road that serves as the entrance into the Jordan Pines neighborhood. No speed limit change on Hatley Road is anticipated. Hatley Road can accommodate the proposed use, and there does not appear to be the need for any turn lanes. However, in the event that DOT were to require turn lanes on Hatley Road into the subdivision, the property owner will construct such turn lanes, at its expense, into the subdivision.

3. Visual Impact & Screening: The requested permit will not impair the integrity or character of the surrounding or adjoining properties -- all of which are either residential or undeveloped. Many of the owners of adjoining properties have expressed their support for this rezoning, which is indicative of their belief that the proposed development will not impair the integrity or character of the surrounding properties. The proposed development will have an undisturbed 75-foot buffer along Hatley Road. On the other three sides, the subdivision will only remove existing vegetation within a 75-foot perimeter as required for utility easements, road interconnections, or necessary septic fields with acceptable soils.

4. Lighting: The street lighting will comply with all requirements of the Chatham County Draft Lighting Ordinance. There will be no street lighting within 100 feet of the property line of any adjacent property.
5. Noise: There should be no noise generated by the subdivision other than that normally emanating from typical residential subdivisions. Any noise generated from the site will conform to the Chatham County Noise Control Ordinance.
6. Chemicals, Biological and Radioactive Agents: No chemicals, biological or radioactive agents will be stored on the property.
7. Signs: The only signage that might be located on the property will be subdivision identification signs at the entrance of the public road onto Hatley Road. Any such signage will comply with all applicable Chatham County Ordinance provisions at the time of construction, will be constructed from masonry or other natural materials.

Finding #4: The requested permit will be consistent with the objectives of the Land Conservation and Development Plan.

1. Land Conservation and Development Plan. This proposal is consistent with the Land Conservation and Development Plan and supports the request to rezone the property to CU-RA-90.

The proposed rezoning from RA-5 to CU-RA-90 is in accordance with the intent and purpose of the County's 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 CU-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.

As stated above in response to Finding #1, 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. In fact, a number of area residents have written letters expressing their support for the proposed subdivision.

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 CU-RA-90 will

allow for residences on larger lots of at least 90,000 square feet.

2. Watershed and flood considerations: The property is located in the WS-IV PA watershed district, and will provide for lower density than required for a WS-IV PA watershed district. Furthermore, the density will be lower than many of the areas zoned RA-40 within this area. The subdivision will comply with or exceed all stream buffer requirements. The subdivisions plans that will be approved prior to construction will provide for any necessary BMP (which will be either a wet pond, reconstructed wetlands or bioretention structures) and will be sized to meet the County's then-applicable storm water control standards. Any BMP site will not located in a flood hazard area.

Finding #5: Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

1. Water Source and Requirements: The project will be served by County water, which will be extended to the property at the developer's expense.
2. Wastewater Management: Individual septic systems will serve each lot.
3. Water/Sewer Impact Statement: The projected water usage for the project at full build-out will be approximately 25,2000 gallons per day based upon an average estimated flow of 400 gallons per day per house or lot.
4. Access Roads: The property will be accessed from an existing road, i.e., Hatley Road (SR 1714). A configuration of public roads will access all of the individual lots, and will be approved in the subdivision approval process.
5. Storm water Runoff: The subdivision will comply with or exceed all stream buffer requirements. The subdivisions plans that will be approved prior to construction will provide for any necessary BMP (which will be either wet ponds, reconstructed wetlands or bioretention structures), and will be sized to meet the County's then-applicable storm water control standards. Any BMP site will not be located in a flood hazard area.

The information presented in this application supports the Five Affirmative Findings necessary to grant approval of the request.

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.

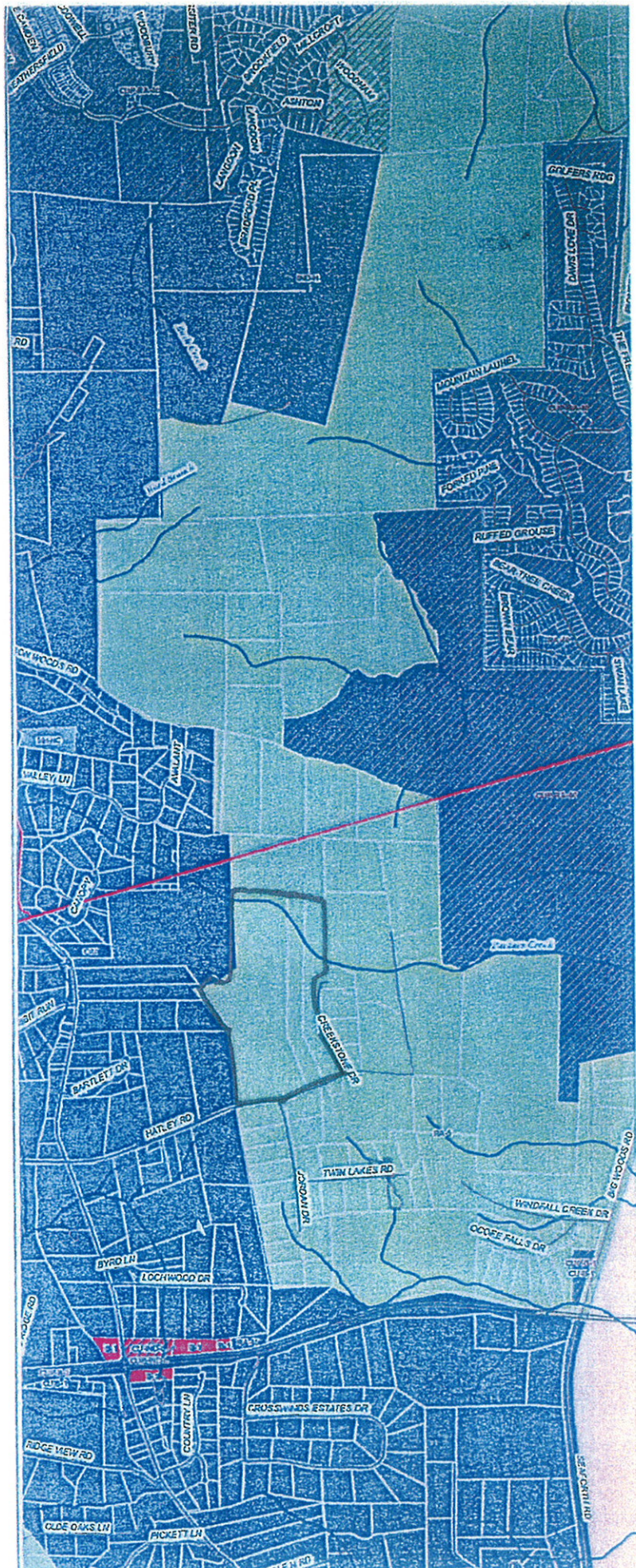
- (1) Jerry C. Barnes
1 Jordan Woods
Pittsboro, NC 27312
- (2) Raymond H. Greenlaw, Jr.
2 Jordan Drive
Pittsboro, NC 27312
- (3) Brian D. & Linda A. Johnson
PO Box 2865
Chapel Hill, NC 27514
- (4) Brian D. & Linda A. Johnson
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Chapel Hill, NC 27514
- (5) John W. & Milota R. Salay
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1440 Grappenhall Drive
Apex, NC 27502
- (7) Jason C. Pittman
& William R. Copeland
c/o Matthew I. Van Horn
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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
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- (11) Phillip W. Corn
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- (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

Chatham County Zoning Atlas

New Hopetownship

THE ZONING DATA SHOWN ON THIS MAP IS IN DRAFT FORMAT AND HAS NOT BEEN APPROVED BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS. PLEASE CONTACT THE CHATHAM COUNTY PLANNING DEPARTMENT AT 919/542-3204 TO CONFIRM THE ZONING ON A SPECIFIC PROPERTY.

- Legend**
- Streets ———
 - High School Districts
 - Zoning Layer NAME_
 - B-1
 - CU-B-1
 - CU-IND-H
 - CU-IND-L
 - CU-O&I
 - CU-RA-90
 - CUD-CC
 - IND-H
 - IND-L
 - MH-NC
 - O&I
 - RA-40
 - RA-5
 - RA-90
 - UNZONED
 - Conditional Use Permits
 - Non-Conformities



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