

**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: lynn.richardson@ncmail.net

(1) Applicant Information:

(2) Landowner Information (as shown on deed)

Name: MCLEAN FAMILY LTD. PARTNERSHIP
Address: 1517 TANGLEWOOD CIRCLE
FLORENCE, S.C. 29501-5579
Phone No. (h) 843-662-9562
(w) SAME
Email: PELHMILL@aol.com

Name: MCLEAN FAMILY PARTNERSHIP LIMITED
Address: 1517 TANGLEWOOD CIRCLE
FLORENCE S.C. 29501-5579
Phone No. (h) 843-662-9562
(w) SAME
Email: PELHMILL@aol.com

(3) Property Identification:

911 Address: None

P.I.N #: 9783-27-9603.000
Parcel#: 18993

S.R. Name: Nt. Gilead Church Rd.
S.R. Number: _____
Township: WILLIAMS 13
Acreage: 53.162
Flood map #: _____ (7/16/1991)
Flood map #: _____ (draft 2005)
Flood Zone: _____

Deed Book: 812 Page: 1010
Plat Book: 2 Page: _____
Zoning District: RA-5 & RA-40
Watershed District: WS-IV PA

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

Applicant seeks to change the RA-5 zoned portion of
its property to RA-90.

(5) Directions to property: The property is located east of Nt.
Gilead Church Rd. and South of Big Hole Rd.

(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 of the Chatham County Zoning Ordinance

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

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.

M Lee Family Ltd. Partnership
Signature *Mary (Peggy) H. Youngblood, Pres.* Date *08/18/06*

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.

Mary (Peggy) Youngblood, Pres. *08/18/06*
Signature _____ Date _____
M Lee Family Ltd. Partnership

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) American Telephone & Telegraph
Big Hole Rd.
Pittsboro, NC 27312
- (3) T. H. Lingerfeldt
P. O. Box 2001
Southern Pines, NC 28388
- (5) Patricia M. Harris
8553 US Hwy 421
Bear Creek, NC 27207
- (7) Fitch Creations, Inc.
2000 Fearrington Village
Pittsboro, NC 27312
- (9) Bluegreen Golf Clubs, Inc.
4960 Conference Way North, Ste 100
Boca Raton, FL 33431
- (11) _____

- (13) _____

- (15) _____

- (17) _____

- (19) _____

- (21) _____

- (23) _____

- (25) _____

- (2) Wade Barber, Jr.
803 Greenwood Road
Chapel Hill, NC 27514
- (4) Mrs. Ebin G. Merritt
208 Simpson Street
Carrboro, NC 27510
- (6) The Legacy at Jordan Lake LLC
200 Kellyridge Drive
Apex, NC 27502
- (8) David W. Mathews
1226 Lochcarron Lane
Cary, NC 27511
- (10) The Preserve @ Jordan Lake
Community Association, Inc.
128 The Preserve Trail
Chapel Hill, NC 27517
- (12) _____

- (14) _____

- (16) _____

- (18) _____

- (20) _____

- (22) _____

- (24) _____

- (26) _____

McLean Family Limited Partnership Application
Supporting Information

1. IF THE PROPOSED AMENDMENT WOULD REQUIRE A CHANGE IN THE ZONING MAP, A MAP AT A SCALE OF NOT LESS ONE INCH EQUALS 200 FEET SHOWING THE LAND WHICH WOULD BE COVERED BY THE PROPOSED AMENDMENT.

A map in the appropriate scale is attached hereto depicting the land to be covered by the proposed amendment.

2. A LEGAL DESCRIPTION OF THE SUCH LAND.

A legal description of the property subject to this re-zoning requests is attached hereto by copy of the Deed for the property recorded at Book 812, Page 1010, Chatham County Registry. The parcel number is #18993 and the PIN number is #9783-27-9603.000. The property is 531.62 acres currently zoned RA-40 in part and RA-5 in part and located east of Mt. Gilead Church Rd and south of Big Hole Rd.

3. THE ALLEGED ERROR IN THE 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 subject tract is currently zoned RA-40 and RA-5. The neighboring tracts to the east include The Preserve and The Legacy both of which have been re-zoned with conditional use for PUDS to RA-40 density. The property nearly adjoins Fearington to the North, also a PUD with RA-40 density. The applicant proposes that an RA-90 zoning on that portion of the tract currently zoned RA-5 would accommodate the desire for low-density residential development in the WS-IV PA watershed district while **more equitably** allowing for the type of residential developments generally seen and desirable in the surrounding area and on adjoining tracts. **The error in the ordinance, whether intentional, is that it allows for no transition from the RA-40 zones to the RA-5 zones. It is especially inequitable as to the subject tract which crosses zones.** There is no bridge to protect the continuity in the appearance or planning of adjoining tracts. This inequity in the ordinance can be remedied by allowing for the McLean property to exist as an RA-40/RA-90 tract rather than an RA-40/RA-5 tract, since it adjoins higher density tracts and since such zoning will not detrimentally affect the adjacent properties or features of the land. The subject tract, if zoned RA-90 in place of RA-5 has better potential for supporting the flow of development in the County while also preserving the rural residential nature of the 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 applicant asserts that the requested zoning change is reasonably necessary to promote the public health, safety or general welfare in that it allows for a more balanced approach to low-density growth when viewing the area and adjoining tracts as a whole. The density requested, while not being as dense as the adjoining tracts, will provide for a continuity in development approach and allow for a more gradual transition between low and very low density developments. Increase in demand for residential lots in Chatham County supports the re-zoning of a portion of the subject tract while also furthering the goal of promoting the County's overall rural character. In addition, re-zoning a portion of the subject tract alone will result in no adverse impact on ground water quality and will have no detrimental affect to any adjacent property.

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

The County's Land Development Plan is in place to implement overall objectives of balanced growth, the preservation of the rural nature of the County, the establishment of sustainable lot sizes, and development patterns and densities. The applicant asserts that the proposed re-zoning request of the portion of the McLean Family property currently zoned RA-5 to RA-90 **promotes all those objectives by creating the opportunity for a low density, rural lot size, residential development which is not detrimental to, but in fact complementary to, and in conformity with the surrounding properties.**

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

The applicant simply requests that the subject tract be allowed the opportunity to provide a continuity and flow of characteristics between it and the surrounding properties and indeed within the tract itself. This re-zoning will allow for a more attractive plan for development. When any such plan is proposed, the transition within the tract from RA-90 on the east as it abuts The Preserve and The Legacy, to RA-40 on the northwest where it nearly abuts Fearington and the Barber tracts (currently zoned RA-40) will make a more sensible, attractive and equitable plan for development. The applicant asserts that the change requested is in the best interest of the County and all adjacent properties.

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

See attachments

Dec 15 8 44 AM '99

PREPARED BY: Royter, Cross & Currin, LLP (TSRJ/AL) P. O. Box 1168, Oxford, NC 27565
RETURN TO: Mary Hamme McLean, 506 Cherokee Road, Florence, SC 29501

14084

NORTH CAROLINA

CHATHAM COUNTY

BOOK 812 PAGE 1010

THIS DEED made this the 30th day of November, 1999, by and between MARY HAMME McLEAN, Unmarried, Grantor, to McLEAN FAMILY LIMITED PARTNERSHIP, CHARTERED UNDER SC LAW ON JULY 22, 1999, Grantee (506 Cherokee Road, Florence, SC 29501);

WITNESSETH:

THAT the said Grantor, for the purpose of funding a Family Limited Partnership and other good and valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does give, grant, bargain, sell and convey to the said Grantee, two certain tracts or parcels of land situate in Chatham County, North Carolina, and more particularly described as follows:

TRACT #1:

A certain tract or parcel of land situate in Chatham County, North Carolina, and more particularly described as follows:

Beginning at a stake and pointers, C. P. Stone's corner; running thence S. 88° W. 27.25 chains to a rock and dogwood pointers; running thence S. 89° W. 36.75 chains to a rock and pointers; running thence S. 36.75 chains to a stake and pointers, B. J. Williams' corner; running thence with the said Williams' line N. 89° W. 39.35 chains to a rock and pointers; running thence S. 1° W. 55 chains to a rock and whiteoak pointers; running thence S. 89° E. 10.25 chains to a rock and pointers; running thence N. .75 chains to a rock and pointers; running thence S. 89° E. 30.50 chains to a rock and pointers; running thence N. 31.25 chains to a rock and pointers; running thence S. 88° 30' E. 57.40 chains to a stake and pointers in C. P. Stone's corner; running thence with the said Stone's line N. 2° E. 58 chains to the beginning, containing 584 acres, more or less, as surveyed by J. Ralph Weaver, Registered Surveyor, September 14, 1943, and being the same tract or parcel of land conveyed to the said Joseph Hamme and wife, Carrie K. Hamme, by A. T. Harris and wife, Florence M. Harris, by deed dated October 10, 1951, of record in Book K-U of Deeds, at page 298, in the Office of the Register of Deeds of Chatham County, North Carolina.

TRACT #2:

A certain tract or parcel of land situate in Chatham County, North Carolina, and more particularly described as follows:

Beginning at a Mulberry (formerly a White Oak), C. P. Stone's corner, and running north with his line 127 poles to a dogwood J. M. Williams' corner; thence west with Williams' line 129 poles to Williams' corner to Lot No. 9 of the Jones Grove survey; thence south with the lines of Lots Nos. 9 and 10, 123 poles to a corner in W. Riddle's line; thence east with the Riddle's line 122 poles to the

beginning and containing 98 acres, being Lot No. 7 of the said Jones Grove Tract, made by R. B. Clegg, Surveyor, in August, 1889, and being all the land conveyed to W. J. Mills by deed from W. B. Julian and others, dated March 27, 1946, and registered in the Office of the Register of Deeds of Chatham County in Book J-L, page 507. See also deed in Book K-U, at page 195; and deed in Book K-U, at page 218, Chatham County Registry, and being the same tract or parcel of land conveyed to the said Joseph Hamme and wife, Carrie K. Hamme, by A. T. Harris and wife, Florence M. Harris, by deed dated October 10, 1951, of record in Book K-U of Deeds, at page 298, in the Office of the Register of Deeds of Chatham County, North Carolina.

Expressly excepted from the above described tracts or parcels of land is a tract containing 150.38 acres, more or less, conveyed to American Telephone and Telegraph Company, by deed dated October 31, 1962, recorded in Deed Book 284, page 199, Chatham County, North Carolina Registry. (103048- No Title Examination)

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has hereunto set their hands and seals, the day and year first above written.


Mary Hamme McLean (SEAL)

SOUTH CAROLINA

FLORENCE COUNTY

BOOK 812 PAGE 1012

I, a Notary Public, in and for the State and County aforesaid, do hereby certify that Mary Hamme McLean personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this the 30th day of November, 1999.



[Signature]
Notary Public

My commission expires: 08/03/09

NORTH CAROLINA, CHATHAM COUNTY

The foregoing Certificate(s) of JOHN R. CHASE Notary (ies)
Public is (are) certified to be correct. This instrument was presented for registration at 8:44 o'clock
A.M., on December 15, 1999 and recorded in Book 812 Page 1010.
By [Signature] Assistant - Register of Deeds
REBA G. THOMAS, REGISTER OF DEEDS FOR CHATHAM COUNTY

ROYSTER, CROSS
& CURRIN, LLP
ATTORNEYS AT LAW
P. O. DRAWER 1108
OXFORD, N. C. 27608

(Chatham County - McLean, Mary Hamme is McLean Family Limited Partnership-Chatham County)