

..TITLE

Vote on a request by The Retreat on Haw River, LLC to rezone Parcels 3027, 87217, 86946, 81274, and 86878 – 86944, from CU-RA90 to a split zoning district consisting of R-1 Residential for lands outside the River Corridor area and R-5 Residential to lands within the River Corridor, being approximately 650 acres collectively, located off Bynum Ridge Rd.

..ABSTRACT

Action Requested:

Vote on a request by The Retreat on Haw River, LLC to rezone Parcels 3027, 87217, 86946, 81274, and 86878 – 86944, from CU-RA90 to a split zoning district consisting of R-1 Residential for lands outside the River Corridor area and R-5 Residential to lands within the River Corridor, being approximately 650 acres collectively, located off Bynum Ridge Rd.

Introduction & Background:

A legislative public hearing was held on this request June 16, 2014. Planning staff presented the application. At that time there were no known issues with the current property or application request. Attorney for the project, Nicolas Robinson, also spoke on behalf of his client. No one else spoke.

The original rezoning of these parcels was made in 2005 from RA-40 and RA-5 to CU-RA 90 which allowed one (1) dwelling on all lots to be no smaller than two (2) acres in size. The original name of this development was William's Pond and was permitted for 185 lots with individual septic.

Although not required by the Chatham County Zoning Ordinance, the Chatham County Subdivision Regulations required a community meeting regarding the conservation subdivision submittal also being reviewed simultaneously with this request. The meeting was held on April 7, 2014 and the topics discussed included, but not all inclusive, were walking trails, parks open to the public, lot density, view of WWTP, spray area locations, cemetery protection, and enlarged buffer along the Haw River. To planning staff knowledge, there has been no opposition to this proposal.

The Planning Board discussed this item during their July 1, 2014 meeting and had general comments about the rezoning request. There were no concerns expressed by the board.

Discussion & Analysis:

This is a general rezoning request. Section 19 of the Chatham County Zoning Ordinance sets the standard for which a general rezoning map amendment is to be processed.

1. In response to any alleged error in the Ordinance, if any, which may be remedied by this proposed amendment, the applicant is claiming none.
2. The changed or changing conditions, if any, in the area or in the County generally, which make the proposed amendment reasonably necessary for the promotion of the public health, safety, and general welfare. Also submitted simultaneously with this rezoning request is a request for a Conservation Subdivision, which is also presented to the Planning Board for review. A Conservation Subdivision was not an option for development at the time the original request was approved. Since that time, the applicant thinks that due to the housing recession since about 2007/2008, a subdivision with smaller lots and significant conservation area has become more viable.

As for the zoning designation, an R-5 zoning classification gives more protection to the lands within 2500 feet of the river. Larger lots play a key role in making sure nutrients and runoff are better filtered before reaching the waters therefore offering better protection against contaminants or other harmful effects. This rezoning puts that added protection back into the development.

3. The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Use Plan or part thereof would be to return to the zoning classifications it had when the Plan was adopted. The Plan encourages development be done through an integrated approach in protecting and promoting high-quality open space, recreation, historic and tourism locations. The applicant feels through this new plan, natural resources have been identified, conserved, and protected, surface and underground water resources are effectively protected, the emphasis on clustered and mixed use developments is being adhered to, and an increase in open space has been accomplished.
4. Other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment are the rezoning is significant in making the conservation subdivision possible, facilitating the preservation of approximately 428 acres, protecting the watershed, and creating well planned recreational opportunities within proximity of the Haw River.

Staff received an email from the Bermudez family with concerns about stormwater runoff and requesting that a 6 foot fence be constructed by the owner at the property line (email is posted on the planning department website). Since this is a general use rezoning request conditions cannot be attached.

Recommendation:

The Planning Board, by a vote of 8-1, recommends adoption of a resolution approving the following consistency statement:

The request to rezone the parcels that represent the R-1 Residential District containing 409.556 acres more or less and the parcels that represent the R-5 Residential District containing 239.836 acres more or less is consistent with the adopted land use plans and regulations of the County and therefore is approved as requested.

Planning staff and Planning Board, by unanimous vote, recommends approval of this general use rezoning request and adoption of an Ordinance Amending the Zoning Ordinance to rezone approximately 409.556 acres from Conditional Use RA90 to R-1, Residential and approximately 239.836 acres from Conditional Use RA90 to R-5, Residential.

Because this is a general use rezoning request there are no conditions to consider or request on this property. All development of the property shall follow the standards as required in the zoning ordinance and any other regulatory department or agency that may be involved in its development.