



Chatham County, NC

Legislation Details (With Text)

File #: 23-4889 **Version:** 2

Type: Resolution **Status:** Passed

File created: 8/2/2023 **In control:** Planning

On agenda: 10/16/2023 **Final action:** 10/16/2023

Title: Vote to approve a legislative request by Pranay Parekh to rezone Parcel 17357 from CU-RA90 (previously Contentnea Creek) to R-5 Residential, being 130.443 acres, located at 739 Hatley Rd., New Hope Township.

Sponsors:

Indexes: Comp Plan Goal 1: Preserve the rural character and lifestyle of Chatham County

Code sections:

Attachments: 1. More information from the Planning department website, 2. 23-4889 Staff Presentation, 3. PPPS- Rezoning Slideshow_20230821

Date	Ver.	Action By	Action	Result
10/16/2023	2	Board of Commissioners	adopted	Pass
10/16/2023	2	Board of Commissioners	adopted	Pass
8/21/2023	1	Board of Commissioners	referred	

Vote to approve a legislative request by Pranay Parekh to rezone Parcel 17357 from CU-RA90 (previously Contentnea Creek) to R-5 Residential, being 130.443 acres, located at 739 Hatley Rd., New Hope Township.

Action Requested:

Vote to approve a legislative request by Pranay Parekh to rezone Parcel 17357 from CU-RA90 (previously Contentnea Creek) to R-5 Residential, being 130.443 acres, located at 739 Hatley Rd., New Hope Township.

Introduction & Background:

The legislative public hearing was held August 21, 2023. Representatives for the applicant and three neighboring property owners spoke on the matter. There were no objections to the rezoning application.

A conditional use rezoning to RA-90 (90,000 square foot minimum lot size) and conditional use permit for a subdivision were approved in 2006 for a development named Cooper Subdivision. The developer didn't move forward with the project and the conditional use permit expired. The current owner wishes to revert the zoning designation to the original R-5 designation (5-acre average/3-acre minimum) in order to create a large lot conventional subdivision.

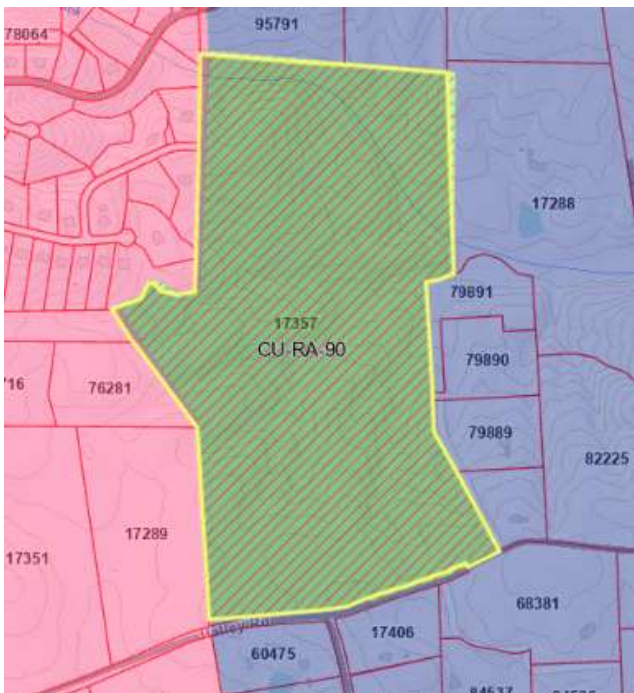
Discussion & Analysis:

When considering a general use rezoning, all uses listed in Section 10.13 of the Chatham County Zoning Ordinance listed under the proposed zoning classification are permitted. However, due to

possible limitations such as wastewater capacity, access to public utilities, built upon area limits, etc., not all uses are feasible. The decision to approve a general use rezoning shall be determined by the following criteria.

- 1. Any alleged error in the Ordinance, if any, would be remedied by the proposed amendment.** No errors in the Ordinance are being claimed.
- 2. The changed or changing conditions, if any, make the proposed rezoning reasonably necessary.** The adjoining property on three sides of this property are zoned R-5 and this parcel was zoned R-5 prior to 2006. The new owner wishes to create up to 25 new residential lots with individual private septic systems. The extension of the county water line will also be proposed.

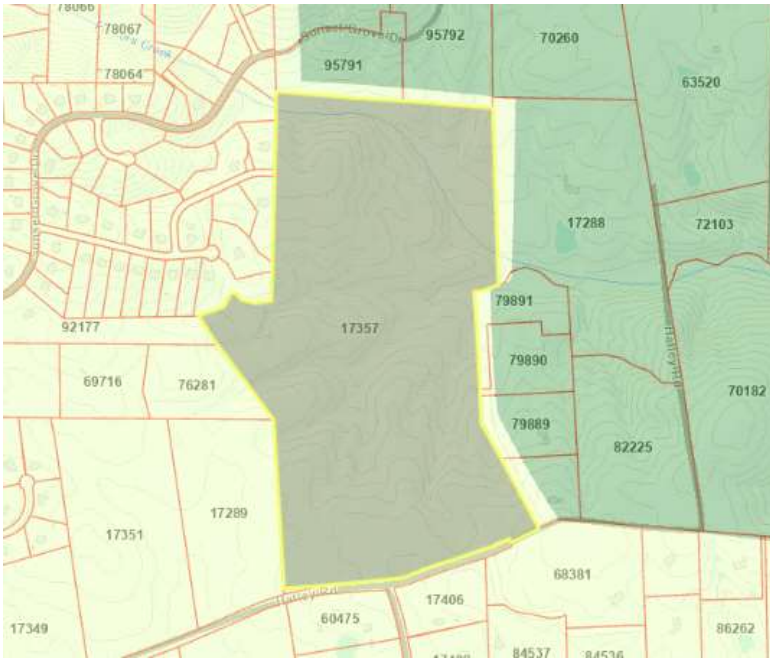
Current zoning map



- 3. The manner in which the proposed rezoning will carry out the intent and purpose of the**

adopted Land Use Plan or part thereof. The property is located within the Rural node and adjacent to the Conservation node of the Land Use Plan. Rezoning to the original R-5 zoning designation will decrease the density of development further keeping with the rural character in the surrounding area.

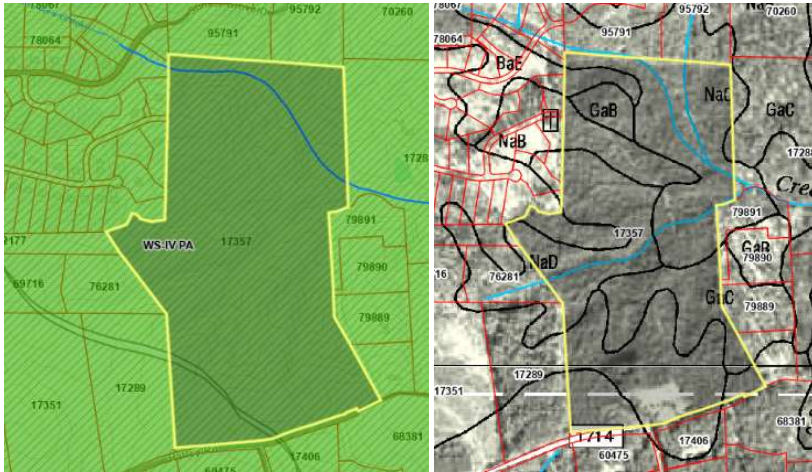
Comprehensive Land Use Map



4. **Other factors/reasons for rezoning request.** One primary entry will be proposed off of Hatley Road and an existing stub road in Sunset Grove will also be used. County water will be extended through Boxwood Drive, a stub-out that is in Sunset Grove, private septic systems will be used, and one monument entry sign will be proposed.

5. **All other information required on this application or as offered by the applicant in support of the request.** The proposed subdivision plan consists of 25 lots with individual septic systems on each lot. Homes are expected to have up to four bedrooms and will utilize the county water system. The property is located within the WSIV-Protected area watershed which allows for 40,000 square foot lots.

Watershed Map and NRCS Map



As can be seen in the above maps, any blue line streams or other water features will be required to be identified and buffered according to current regulations when the application process for the subdivision area starts.

How does this relate to the Comprehensive Plan:

1. The property is located within the Rural node and adjacent to the Conservation node of the Land Use Plan. Rezoning to the original R-5 zoning designation will decrease the density of development further keeping with the rural character in the surrounding area.

The Planning Board reviewed the application during their regular meeting on September 5, 2023 and there was brief a discussion on the matter.

Recommendation:

The Planning Board, by unanimous vote, recommends adoption of a resolution approving the following Consistency statement:

- The rezoning of this property maintains the integrity of the Rural land use designation as shown on the Future Land Use and Conservation Map in Plan Chatham.

The Planning Board recommends, by unanimous vote, adoption of an Ordinance Amending the Zoning Ordinance of Chatham County to approve a legislative request by Pranay Parekh to rezone

Parcel 17357 from CU-RA90 (previously Contentnea Creek) to R-5 Residential, being 130.443 acres, located at 739 Hatley Rd., New Hope Township.