



Established 1771

## CHATHAM COUNTY COMMISSIONERS

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## COUNTY MANAGER

Renee Paschal

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## Ordinance of the Chatham County Board of Commissioners

### AN ORDINANCE AMENDING THE ZONING MAP OF CHATHAM COUNTY

For Stephen Gangemi

**WHEREAS**, the Chatham County Board of Commissioners has considered the request by Stephen Gangemi to rezone approximately 2.01 acres, being all or a portion of Parcel No. 66505, located at 10295 US 15 501 N, Baldwin Township, from R-1 Residential to CD-O & I to operate a general and professional office for a chiropractic office, and finds that the amendment is consistent with the comprehensive plan of Chatham County as described in the Consistency Statement Resolution; and

**WHEREAS**, the Board finds that the rezoning request set forth in the Application and incorporated herein by reference, if approved as pursuant to the provisions of the zoning ordinance, would be suitable for the property proposed for rezoning; and

**WHEREAS**, the Board finds the four (4) standards, as described below, from the Zoning Ordinance have been met as stated:

No. 1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed description of such error in the Ordinance and detailed, and reasons how the proposed amendment will correct the same. The applicant is claiming no error in the Ordinance; and

No. 2: The changed or changing conditions, if any, of 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. This area is growing at a 2.83% rate with more than 21,000 people within a five mile radius and over 114,000 within ten miles of this location. Housing is rapidly growing, especially within subdivisions off of US 15-501 (e.g. Briar Chapel and Chatham Park). With the current increased residential numbers and those to be constructed and occupied, the need for local medical services is and will continue to increase; and

No. 3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof. This property fits in nicely with Chatham County's vision for land conservation and development. The current woodlands will be protected, as will be the natural underground spring which is located on the south side of the property. The rural character of the house and land are suitable and ideal for this small business;

the current structure will be used with slight modifications within and the land will be maintained and improved with native trees, plants and shrubs. The location of the property is on the opposite side of US 15-501 N from Chatham Downs shopping center and is located within a community center commercial in the proposed Comprehensive Land Use Plan, which is not adopted at this time. This area has been transitioning from rural and residential uses to commercial, as has occurred along several areas of the 15-501 corridor from Chapel Hill to Pittsboro. The current Land Use and Development Plan states on Page 12 that commercial is to be cited along major highways in clusters that retain rural crossroads or village character and should be integrated with other nearby development. Page 34 speaks specifically on the US 15-501 North corridor as an area that may link to infrastructure and build on the economic activity south of Chapel Hill.; and

No. 4: The requested amendment is either essential or desirable for the public convenience or welfare. There is only one chiropractic office within a five mile radius of this property, therefore, a rezoning of this area will allow easier access to chiropractic care. There is a high demand for chiropractic services in the proposed location as approximately 8% of residents within the five mile radius (and 7.4% within ten miles) have visited a chiropractor within the last twelve months (see report in the application packet) (For comparison, a dermatologist is at 12.4% and a physical therapist is at 6.3 %.) Within a fifteen mile radius the demand for a chiropractor exceeds other health professions; and

No. 5: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. The practice does not require roadside advertisement; therefore the sign facing US 15-501 will be minimal. A 6'X2' sign approximately 6' high is proposed, either double sided, or two single-sided signs at an angle, per the visibility from both north and south 15-501 traffic.

The existing well and septic will be used and an operations permit revision from Environmental Health will be required if the rezoning is approved. The current septic area has been located is distant from any proposed land changes, including parking spaces.

The primary new built upon area will be the parking areas. Ten parking spaces are required per the size of the building and eleven are proposed. There will be eight parking spaces parallel and adjacent to the driveway, four of which will be concrete (one of which is ADA compliant) and the other four will be gravel. This is essentially the most significant change to the grounds and a few trees will need to be removed from that area, however other areas of current existing gravel parking will be replaced by trees, plants, and gardens. There will also be three gravel parking spaces in the front of the building. Concrete sidewalks will join the parking areas to the building, and possibly a gravel walkway rather than concrete from the back four spaces to the back of the building (staff parking/entrance).; and

**BE IT ORDAINED**, by the Board of Commissioners of Chatham County as follows:

1. The Application to rezone a portion of the property described as Parcel No. 66505 and being approximately 2.01 acres as depicted on Attachment "A", located at 10295 US 15 501 N, from

R-1 Residential to CD-O&I Conditional District Office and Institutional, Baldwin Township is approved and the zoning map is amended accordingly.

2. The following Conditions shall also be approved as part of this Ordinance approving the rezoning. They are:

#### Site Specific Conditions

1. The recommendations of the Chatham County Appearance Commission shall be followed. Existing vegetation should be preserved and maintained as reasonably necessary and as allowed by development of the site. Required plantings shall be installed by the next optimal planting season following the issuance of the first building permit.
2. A building permit shall be obtained and remain valid at all times within two (2) years of this approval or it shall become null and void

#### Standard Site Conditions

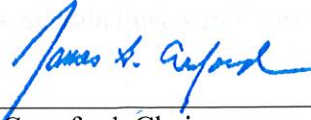
3. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.

#### Standard Administrative Conditions:

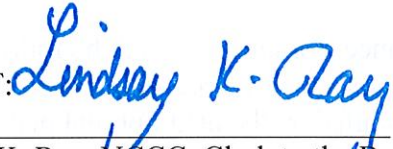
5. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
6. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above
7. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
8. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

3. This ordinance shall become effective upon its adoption.

Adopted this 16th day of October, 2017



James G. Crawford, Chair  
Chatham County Board of Commissioners

ATTEST: 

Lindsay K. Ray, NCCC, Clerk to the Board  
Chatham County Board of Commissioners



ATTACHEMENT "A"

Parcel No. 66505 being approximately 2.01 acres rezoned from R-1 Residential to CD-O & I for a general and professional office specifically for a chiropractic office.

The site plan, titled "Systems Health Care", is oriented vertically. At the top, it includes the text "APPROVED BY: [Signature]", "DATE: 10/15/14", and "DRAWN BY: [Signature]". The plan shows a building footprint with a "Systems Health Care" sign on the right side. A "PLANTING PLAN" is shown on the left side, with a north arrow. A "SIGNAGE ELEVATION" is shown on the right side, with a north arrow. A table of materials is located at the bottom right. The plan also shows a "SEWER" line and a "WATER" line. The site is bounded by "15' SIDE SETBACK" on the left and "10' SIDE SETBACK" on the right. The plan is dated "10/15/14" and includes the name "Systems Health Care" and "1511 PLANTING PLAN".

NO.	DESCRIPTION	QTY	UNIT
1	Asph/Flt	1	sq ft
2	Grass	1	sq ft
3	Concrete	1	sq ft
4	Brick	1	sq ft
5	Stucco	1	sq ft
6	Wood	1	sq ft
7	Aluminum	1	sq ft
8	Steel	1	sq ft
9	Glass	1	sq ft
10	Other	1	sq ft

