



Established 1771

CHATHAM COUNTY COMMISSIONERS

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COUNTY MANAGER

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Ordinance of the Chatham County Board of Commissioners

AN ORDINANCE AMENDING THE ZONING MAP OF CHATHAM COUNTY

For Nathan Glines dba Harmony Gardens

WHEREAS, the Chatham County Board of Commissioners has considered the request by Nathan Glines to rezoning approximately 6.65 acres out of the 9.72 acres, being all or a portion of Parcel No.5727, located at 5661 Beaver Creek Road, Cape Fear Township, from R-1 Residential to CD-NB to operate and Events Center Limited, 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. The use of an events center limited is an eligible conditional use under the requested CD-NB district. The Zoning Ordinance allows for uses that are listed as conditional to be considered as allowed uses when combined with a conditional zoning district rezoning application.; 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. Due to the increased residential growth in the county, there is a lack of affordable event space for weddings and other events. The area will be in the rear of the property so that traffic will be pulled into the site. Open space will be utilized for gardens and tent areas when requested. Although not a necessary use, it is desirable for the public convenience. It is also in close proximity to Old US 1 (approximately 1 mile) and US 1 which can draw revenue in from adjoining Wake County.; and

No. 3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof. The site will not be visible from the public

roadway or adjoining properties. The property will utilize the existing wooded areas along the perimeter of the site and add additional plantings for a Type A buffer along the eastern and western property lines.

A future reception hall will be constructed which is to be located in the furthest corner of the property. The current railed fencing will help to ensure guests do not trespass onto adjacent land; and

No. 4: The requested amendment is either essential or desirable for the public convenience or welfare. This venue hopes to offer options that are up to 50% less than what the average wedding cost was in 2016 to make it more affordable for more people. This is to be a low intensity commercial operation with minimal impacts to the property.

Based on an ESRI report provided by the applicant, events such as weddings draw clients from a radius of about 30 miles or 1.5 million citizens. The offering of a gardens style event center offers a unique appeal compared to other venues in the area that are either farm or barnyard style based; and

No. 5: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. This project will create a low impact business that may bring business to other parts of the county. Traffic will be minimal usually on weekends when traffic is lower. The applicant plans to hold 2-3 events per week with staggered arrival and departure times.

A commercial driveway permit will be applied for and all other regulations will be adhered to. The property will utilize well and private septic for the venue. No additional costs or infrastructure are needed from the county. The applicant will live on the parcel to ensure safety and design standards are maintained; 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. 5727 and being approximately 6.65 acres out of the 9.72 acre tract as depicted on Attachment "A", located at 5661 Beaver Creek Road, from R-1 Residential to CD-NB, Cape Fear 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 as recommended. 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. Phasing of the project is allowed provided the event center begins operations 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. 5727 being approximately 6.65 acres rezoned from R-1 Residential to CD-NB for an Events Center Limited out of the 9.72 total acre tract.

