



COUNTY MANAGER
Renee Paschal

BOARD OF
COMMISSIONERS
Diana Hales, Chair
Mike Dasher, Vice Chair
James Crawford
Karen Howard
Walter Petty

Ordinance of the Chatham County Board of Commissioners

AN ORDINANCE AMENDING THE ZONING MAP OF CHATHAM COUNTY

For O'Mara Landscaping & Lawncare, Inc

WHEREAS, the Chatham County Board of Commissioners has considered the request by O'Mara Landscaping & Lawncare, Inc. to rezone approximately 10 acres out of the 31.89 acres, being all or a portion of Parcel No.2691, located at 4590 Mann's Chapel Road, Baldwin Township, from R-1 Residential with CUP to Conditional District Community Business to relocate his landscaping and lawncare maintenance contractor business, 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. Due to the growth of the county both residentially and commercially, there will be a need for their services in a greater capacity. The applicant currently lives and operates in Durham and has a customer base in other counties which they will bring with them as an already established business. The property has historically been a good location for the existing publishing company that this business will be more acceptable and needed for the future growth of the county. The owners plan to move onto the property as their residence, as well as run the business. The property currently has a residence, an office and storage/warehouse that will be utilized. They will add several greenhouses to grow their own products, storage of various colored mulch/gravel/etc., and have parking for workers and employees. They believe this will bring jobs and an increase in the tax base for this property; and

No. 3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof. Plan Chatham was adopted in November 2017 and noted that the property

falls on the border of a rural and compact residential area as shown on the future land use map. The applicant notes that they are developing less than one half of the site (10 acres out of the 32), that the rural character, with the exception of an added driveway, will be maintained. They also contend that the continuation of supporting existing business is key to being able to locate and develop this property as they have requested. Page 45 – strict adherence to the Plan in making land use decisions is not recommended. Even though this area is shown on the adopted Future Land Use and Conservation map as compact residential, having another compact community in this area is not likely. The property is adjacent to a rural designation and this type of business provides services for properties in rural and compact residential areas.

Page 67 addresses defining the boundaries of intense commercial development so that the design will help maintain the scenic nature of commercial and mixed use development. This property will have no change from what is currently visible from Manns Chapel Road. Preservation of the existing vegetation and improving the existing drive for the business will promote strategy 6.2. Two greenhouses will be constructed on the site. All other existing buildings will be repurposed to meet the applicant's needs.

Page 54 Economic Development strategies recommends providing flexibility for rural businesses that have limited impact on adjacent properties and preserve rural character. The additional materials note that a landscaping business is more rural than a music/publishing business and more compatible with residential use. Page 55 includes increasing employment opportunities across the county and this business will bring approximately 30-40 jobs to the county.

Page 68, Strategy 7.1 encourages the support of home-based businesses. Even though this is not a home-based business per the Zoning Ordinance standards, the applicants will live in the dwelling currently located on the balance of the property; and

No. 4: The requested amendment is either essential or desirable for the public convenience or welfare. The business will serve the residences and businesses in the area and county. It is also noted that they employ people from the community and that they offer a service that helps maintain property values. There are three similarly sized businesses in a ten mile radius. With the amount of residential development already approved and not yet built, they felt there was sufficient capacity for another landscaping design company that can be supported.

No. 5: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. It is the applicant's desire to bring their business into the county so it can continue to grow and also maintain their presence in the county. It is also noted that the approximately 3 acres will need to be disturbed to prepare the site and that the business operations will be approximately 350 feet from Manns Chapel Road.; and

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

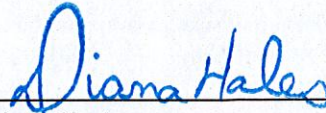
1. The Application to rezone a portion of the property described as Parcel No. 2691 and being approximately 10 acres out of the 31.89 acre tract as depicted on Attachment "A", located at 4590 Mann's Chapel Rd, from R-1 Residential with a CUP to Conditional District Community Business, Baldwin Township 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:

None

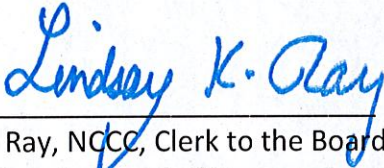
3. This ordinance shall become effective upon its adoption.

Adopted this 21st day of May, 2018



Diana Hales, Chair
Chatham County Board of Commissioners

ATTEST:



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



ATTACHMENT "A"

Tax Parcel No. 2691, being about 10 acres out of the 31.89 acre tracts, located 4590 Mann's Chapel Road, Baldwin Township

