

Ordinance of the Chatham County Board of Commissioners

AN ORDINANCE AMENDING THE ZONING MAP OF CHATHAM COUNTY

For Chris Sanders of Sanders Automotive

WHEREAS, the Chatham County Board of Commissioners has considered the request by Chris Sanders of Sanders Automotive to rezone approximately 7.07 acres, being all or a portion of Parcel No.77022, located at or off Ruth Lane, Baldwin Township, from Conditional Use District O & I and R-1 Residential to CD-NB Conditional District Neighborhood Business to expand the current automotive repair business and add retail shops, 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. Because of the current site's physical limitations, including access to and from the US 15-501 corridor, the applicant purchased a 7 acre parcel on the opposite side of US 15-501 and wants to relocate the auto service facility and provide additional flex space for future commercial development. The proposed site will allow better access and increased room to service automobiles. The site is currently zoned Conditional Use Office & Institutional for a professional office and R-1, Residential, but no development has occurred on the property. The property is also located adjacent to existing business uses on the east side of US 15-501 that include a restaurant, retail, and min-storage facility and zoned B-1, General Business, and CU-IND-L, Conditional Use Light Industrial.

The property is located in the study area of the "15-501 Corridor Market Profile and Analysis" that is an appendix to the comprehensive plan. In the market profile, traffic along US 15-501 was found to have

increased to 15,000 trips per day near Bynum. Residential development in the general vicinity has also increased and there are more than 9,000 dwelling units in the 50 square mile study area. The property is served by public water and has at least two approved septic sites. There is also sufficient property to accommodate the proposed structures and parking and meet built upon area limits; and

No. 3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof. A new service facility would allow the applicant to better serve the automobile service and repair needs of the community. Additionally, the site could accommodate future space for retail stores and other personal service shops, as well as business and professional offices. According to the comprehensive plan historic centers like Bynum should accommodate small-scale business, local retail, office, institutional, service uses, restaurants, and some residential. The application indicates that the limited uses proposed through a conditional district rezoning is consistent with that description; and

No. 4: The requested amendment is either essential or desirable for the public convenience or welfare. The need for additional limited commercial development including automotive service is supported by the increased traffic on US 15-501, as well as the development of Briar Chapel, Chatham Park and other residential neighborhoods along this highway corridor. Existing and projected traffic volumes and the lack of nearby service facilities make this site appropriate for rezoning. The applicant's existing business supports of the need for the automotive services it provides.

The property is located within the WSIV-Protected Area watershed district and also within the Jordan Lake drainage. Up to 36% built upon area is allowed without the use of curb and gutter for roads and parking areas. The site plan shows approximately 2.4 acres of built upon area, which is below the 2.52 acres permitted by the Watershed Protection Ordinance.

No. 5: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. The application proposes limited neighborhood business uses that are adjacent to existing commercial development. The proximity to a major thoroughfare and existing businesses also make it unsuitable for residential development. The site plan has also been reviewed by the Appearance Commission for compliance with the adopted design guidelines and the applicant has agreed to implement the changes recommended by that advisory committee. The lack of use of the CU-O&I rezoned portion of the property for almost two decades and success of nearby commercial uses can be viewed as supporting the rezoning request to conditional district neighborhood business; 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. 77022 and being approximately 7.07 acres as depicted on Attachment "A", located at or off Ruth Lane, from R-1 Residential to CD-NB Conditional District Neighborhood 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:

Site Specific Conditions

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and as shown on the submitted site plan, or revised site plan as required, that reflects the adopted design guidelines. The planning staff and CCAC may

conduct routine inspections of the property to ensure compliance with the landscaping requirements.

2. A building permit shall be obtained and remain valid at all times within two years of the date of this approval or the site plan and approved uses becomes 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 to or variations from any requirements of this permit must be approved through the Planning Department or other approving board before any such changes can take place.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, and Environmental Health Division, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process.

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.

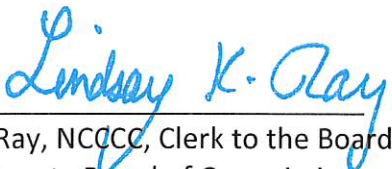
3. This ordinance shall become effective upon its adoption.

Adopted this 15 day of July, 2019



Mike Dasher, Chair
Chatham County Board of Commissioners

ATTEST:



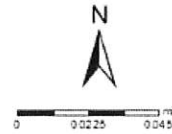
Lindsay K. Ray, NCCC, Clerk to the Board
Chatham County Board of Commissioners



ATTACHMENT "A"

Tax parcel No. 77022, being approximately 7.07 acres, located off Ruth Lane, Pittsboro, NC, Baldwin Township, rezoned from Conditional Use District Office and Institutional and R-1 Residential to CD-NB in its entirety.

Chatham County Tax Map



Service Layer Credits: Chatham County,
Chatham County GIS



Date: 5/23/2019
Time: 10:59:33 AM

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