



COUNTY COMMISSIONERS
Mike Dasher, Chairman
Diana Hales, Vice Chair
James Crawford
Karen Howard
Andy Wilkie

COUNTY MANAGER
Dan LaMontagne

A RESOLUTION APPROVING A REVISION TO A CONDITIONAL USE PERMIT REQUEST

BY For Garden's Sake Nursery and Landscaping

WHEREAS, For Garden's Sake Nursery and Landscaping has applied to Chatham County for a revision to a conditional use permit on Parcel No. 19644, located at 9197 NC 751 Hwy, Williams Township, for a revision to add the additional use of Event Center Limited, and;

WHEREAS, the Chatham County Board of Commissioners having considered all of the evidence in the whole record and based upon the competent, substantial and material evidence in the record, including, without limitation, the Applicant's written materials, all of which are incorporated herein by reference, hereby finds as follows:

1. The use/s requested are among those listed as eligible uses in the district in which the subject property is located or is to be located. The use of an Events Center Limited and general and professional offices are among those permitted in the current zoning classification for the property. There is no error in the ordinance that would be remedied with this request.
2. The requested revision to the conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, the property has been successful with its current business and the applicant contends they receive many requests for use of the property for small scale events such as weddings, rehearsal dinners, family and group gatherings, etc. They are located in close proximity to Pittsboro, Durham, NW Cary, Chapel Hill and other population centers in the Triangle region. The applicant thinks that with the population growth in the surrounding area makes this a prime location for the services they can offer all while maintaining a rural setting. The appearance of the boundary of the property will not be changed/modified. All activity will occur in the interior of the site.
3. The requested permit revision will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community. The property currently operates a retail business seven days a week and the parcel is approximately 20 acres. The owners have maintained a rural character in the development of the site and have proposed to continue in that same manner. Events and any additional structures that are indicated on the site plan will be constructed on the interior of the property where activity is already occurring.
4. The requested permit revision is consistent with the objectives of the Land Development Plan by, the property is located within an area identified as Conservation on the Future Land Use and Conservation Plan Map in the comprehensive plan. The conservation designation is described as development which is predominately residential and sensitively integrated into the landscape. The plan also includes in ED Policy 4, Strategy 4.4 to "permit existing commercial and industrial uses that are appropriately zoned to continue to

operate, and allow for reasonable expansion, contingent upon meeting environmental and transportation requirements." The property is also located within the Chatham County-Town of Cary Joint Land Use Plan and the Joint Land Use Plan Map identifies this area as "Commercial/Retail". This designation "includes shopping/retail uses, dining, entertainment, services, and related" and was included in the plan to recognize existing businesses that were in existence prior to adoption of the joint plan.

5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided through the proposal consistent with the County's plans, policies and regulations and confirmed through any additional conditions placed on its approval as seen below. The application notes that the current facilities and septic systems should be adequate for the initial phase of the upgrades, but they will comply with all regulatory requirements. It is further noted that prior to construction of the proposed buildings, that restrooms and septic system requirements will be met. Additionally, all county regulations will apply to future development and will be reviewed as part of the permitting process.

NOW, THEREFORE, BE IT RESOLVED BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS, as follows:

That a revision to the Conditional Use Permit be, and it hereby is, approved for the reasons hereinabove stated subject to the additional stipulations and conditions set forth hereinafter; and

BE IT RESOLVED FURTHER, that the Chatham County Board of Commissioners hereby approves the application for the revision to the conditional use permit in accordance with the plan submitted by the Applicant, For Garden's Sake Nursery and Landscaping, and incorporated herein by reference with specific conditions as listed and as shown in Attachment A below;

ATTACHMENT "A"

Site Specific Conditions

1. Add the following use: Event Center Limited.
2. Amend the site plan as shown in application with the addition of a 50' on either side of the stream leaving the pond.
3. All existing conditions shall remain in effect, except as modified by this conditional use permit amendment.

Standard Site Conditions

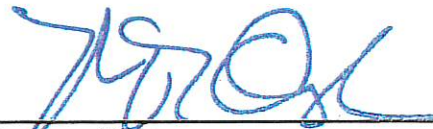
4. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning 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.
5. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, Environmental Health Division, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department to the initiation of the operation/business.

Standard Administrative Conditions:

6. 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.
7. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditional listed above.
8. Non-Severability – If any of the above conditions is held to be invalid, this approval in it's entirety shall be void.
9. 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.

BE IT FURTHER RESOLVED, that the Board of Commissioners of the County of Chatham hereby approves the application for a conditional use permit revision in accordance with the plans and conditions listed above.

Adopted this, the 18th day of November 2019



Mike Dasher, Chairman
Chatham County Board of Commissioners

ATTEST:



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

