



COUNTY COMMISSIONERS

Karen Howard, Chair
Diana Hales, Vice Chair
Jim Crawford
Mike Dasher
Andy Wilkie

COUNTY MANAGER: Dan LaMontagne

**AN ORDINANCE AMENDING THE ZONING MAP
OF CHATHAM COUNTY
Pitt Hill X, LLC**

WHEREAS, the Chatham County Board of Commissioners has considered the request by Pitt Hill X, LLC, to rezone approximately 5.01 acres, being all or a portion of Parcel No/s 2721, located at/off 10329 US 15-501 N, Baldwin Township, from R-1 Residential to CD-NB Conditional District Neighborhood Business to develop the site for a retail shopping center, 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 five (5) 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 errors 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 of US 15-501 has been identified as part of the Chatham Downs Community Center node in Plan Chatham. Existing uses in the node include a chiropractor's office, grocery store, bank, retail, restaurants, daycare, and medical facility and therefore is the location adopted by the Commissioners as an area for additional non-residential growth. This site will provide services that enhance residents' access to good and services in an area designated as commercial, helps to keep tax revenue within the county which in turn keeps the tax base healthier and creates jobs.; and

No. 3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof. Page 47 of the Comprehensive Plan identifies Community Centers as retail hubs along key corridors which accommodate regional retail tenants complemented by local-serving commercial development. This property is located within the community center node identified as Chatham Downs. Page 67, Strategy 6.4 requires working with NCDOT to plan and implement the best possible access for commercial nodes. It does discourage driveway permits for every parcel by incentivizing shared driveways, cross-access easements, and other measures to reduce the number of direct access points. Medians and deceleration lanes may also be required to be installed by the developer. A condition has been recommended regarding a cross access easement since future development of the northern parcels could occur and this

would allow interconnections between the sites. The map below identifies the community node depicted on the Future Land Use and Conservation Plan Map in Plan Chatham.; and

No. 4: The requested amendment is either essential or desirable for the public convenience or welfare. In order to keep tax revenue in the county, locating non-residential development in areas identified for growth in Plan Chatham is needed. While many residents travel outside of the county for work these retail establishments provide them additional options to obtain goods and services. This project has been designed with consideration given to the residential area to the west. The buildings and parking areas have been located as close to the US 15-501 as allowed by the ordinances. Lighting and signage will also comply with the regulations so as to not interfere with the residential areas. The developer will maintain as many trees as possible in developing the septic field and storm water pond areas to the south and west of the property. The site plan indicates that built upon area will be limited to approximately 34%. The Watershed Protection Ordinance allows up to 36% without curb and gutter therefore keeping over one half of the property undeveloped. The map below depicts the current watershed classification of WSIV-PA within the Jordan Lake Buffer rule area. ; and

No. 5: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. Since this request is for conditional district rezoning, the applicant has provided a list of prohibited uses. This is to help ensure the businesses that locate on the site cause the least disruption to the adjoining residents. Additionally, the buildings are located in the front of the parcel to help reduce noise from US 15-501. As much as practical, existing vegetation will remain to also act as noise reduction and shielding from direct lighting.; and

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

1. The Application to rezone all of the property described as Parcel No/s. 2721 and being approximately 5.01 acres as depicted on Attachment "A", located at/off 10329 US 15-501 N, from R-1 Residential to CD-NB Conditional District Neighborhood Business, Baldwin Township is approved and the zoning map is amended accordingly.
2. As part of this approval, the following conditions are also approved and shall be followed at all times:

Site Specific Conditions

1. The list of prohibited uses as shown in Attachment A of the application shall apply to the site. Any deviation from this list will require a revision and approval to the conditional district zoning by the Board of Commissioners.
2. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and a revised site plan is required. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
3. Prior to any land disturbing activity a report indicating the exact location and area needed for the septic field and repair area shall be provided to the Planning Department in order to verify that native vegetation is being left undisturbed to further enhance the buffer between the non-residential property and the residential property to the west.
4. 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.



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Standard Site Conditions

- 5. 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.
- 6. 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:

- 7. 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.
- 8. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
- 9. Non-Severability – If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
- 10. 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 17 day of February, 2020



 Karen Howard, Chair
 Chatham County Board of Commissioners

ATTEST:



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



