



CHATHAM COUNTY COMMISSIONERS

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Franklin Gomez Flores
Karen Howard

COUNTY MANAGER

Dan LaMontagne

P. O. Box 1809, Pittsboro, NC 27312-1809 • Phone: (919) 542-8200

Ordinance of the Chatham County Board of Commissioners

AN ORDINANCE AMENDING THE ZONING MAP OF CHATHAM COUNTY

for Scott Pearce dba For Garden Sake

WHEREAS, the Chatham County Board of Commissioners has considered the request by Scott Pearce dba For Garden Sake, to rezone approximately 21.25 acres, being all or a portion of Parcel No/s 62824 and 19644 and to recombine 62824 into 19644, located at/off 9197 NC 751 Hwy, William's Township, from R-1 Residential and CU-B1 with a CUP to Conditional District Regional Business (CD-RB) to develop the site for expanded services to include lawn and garden shop, landscape business and event 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 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. No error in the ordinance is being claimed; 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. The historic O'Kelly Chapel Church was decommissioned in the 1980s after serving the community for 224 years when it began in 1794. The land and structure will remain part of the National Historic Registry. The Chatham County Historical Society has also voiced interest in preserving photos of the site before and after the church is moved approximately 40 feet closer to the existing For Garden Sake business; 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 applicant previously applied to and has been granted a modification of the Joint Land Use Plan (JLUP) map by the Town of Cary and Chatham County to change the land use designation on parcel 62824 from Very Low Density Residential to Commercial/Retail. The application notes that on Page 2-3 of the JLUP one of the guiding principles is preservation of rural character of the area. Additionally, both jurisdictions have use classifications for event center limited and the church has had a residential zoning classification even though the use is non-

residential Page 14 of the Plan Chatham encourages more opportunities for citizens and visitors to hold meetings or events based on our geographic location. Page 18 refers to preserving the rural character as one of the top goals of the plan. The applicant's business offers lawn and garden center, landscape design, and horticulture retail along with the existing design of the site, rural character has remained a top priority.

Page 41 refers to preserving historical resources. The O'Kelly Chapel Church is listed in the National Historic register and the applicant will work to maintain the structure in its current form. The cemetery located on the property was deeded to a private owner more than 40 years ago per a news article obtained by planning staff. A condition will be made for protection and access of the cemetery for those wishing to visit in case the ownership changes.

Page 68, Land Use Policy 7, the project will continue to have minimal impact on adjacent property as noted in 7.4 due to the amount of landscaping and preserving of natural vegetation as possible. Strategy 2.3 on page 106 addresses preserving heritage trees. The applicant states there are possibly two heritage trees near the front of the property that could qualify. It was also requested that Grand Trees of Chatham be involved in the identification process so they can be documented for the registry; and

No. 4: The requested amendment is either essential or desirable for the public convenience or welfare. There is no significant increase in traffic expected other than what is currently in place with the business. This request is essentially adding a building that can serve as space for the previously approved events center limited. Fencing already extends along both properties and landscaping is in place for the current business property. No additional lighting is proposed with this request. Noise may be increased for instances of live music groups or prerecorded music for specific events, but the applicant states they will comply with the Chatham County Noise Ordinance enforced by the Chatham County Sheriff's Office. Signage is already in place and no new signage is requested; and

No. 5: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. There is private septic and well on the property and no additional are requested at this time. The existing driveway on the church and garden center properties will be utilized. The current pond will continue to be used and built upon area will remain well under the 36% allowance; 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. 62824 and 19644 and being approximately 21.25 acres as depicted on Attachment "A", located at/off 9197 NC 751 Hwy, from R-1 Residential and CU-B1 with CUP to Conditional District Regional Business, William's 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 recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and as shown on the revised site plan. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
2. Access to the cemetery shall be given and maintained for visitors.
3. Access shall be provided to the Chatham County Historical Society to document the church prior to and after it is relocated on the property to supplement any historical records that currently exist.

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 becomes null and void.

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 19 day of July, 2021

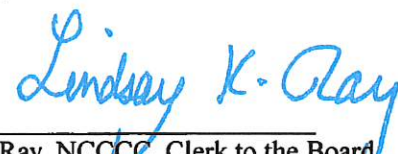


Mike Dasher, Chair
Chatham County Board of Commissioners



Responsible Representative/Applicant
(By signing this document, you agree to all findings as noted and any conditions therefore imposed above)

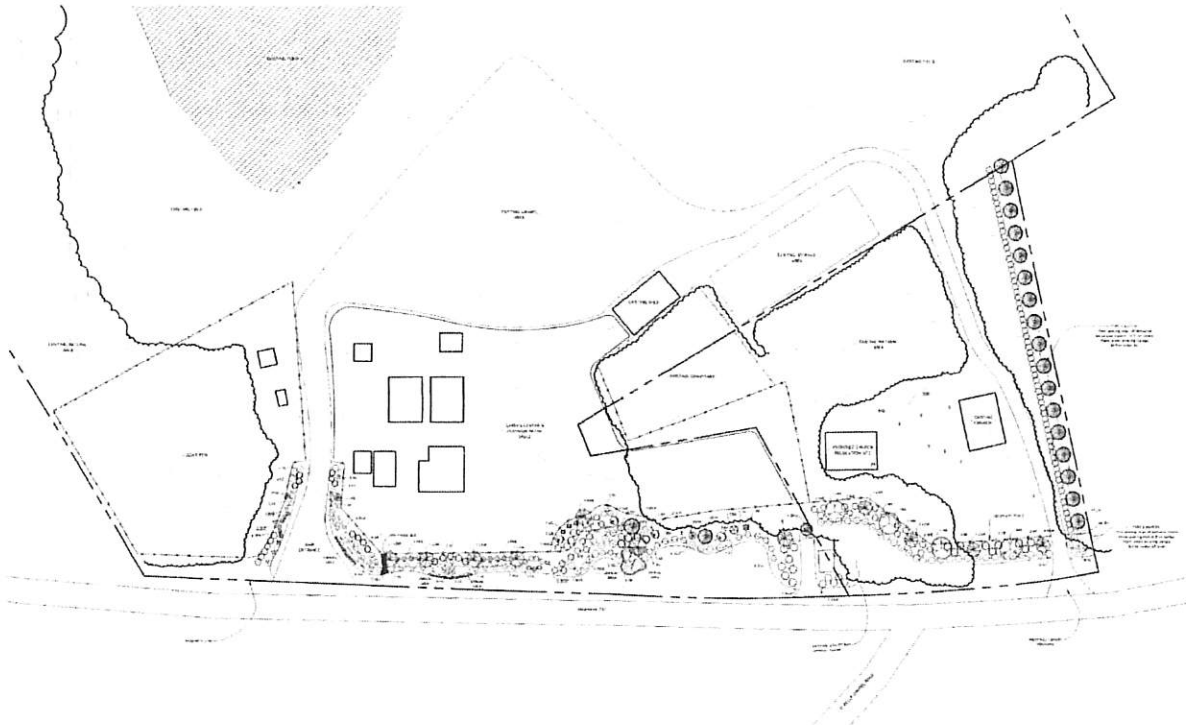
ATTEST:



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



ATTACHMENT A



	MAILING ADDRESS: 9477 NC-751 DURHAM, NC 27713 PH: 919 484 9759 OFFICE@fgsdurham.com			PROJECT:	DATE:	DRAWN BY:
	FOR GARDEN'S SAKE LANDSCAPE PLAN			MARCH 15TH, 2021	JG'S DESIGN DEPARTMENT	