



COUNTY COMMISSIONERS  
Karen Howard, Chair  
Mike Dasher, Vice Chair  
Franklin Gomez Flores  
David Delaney  
Katie Kenlan

COUNTY MANAGER: Dan LaMontagne

## Ordinance of the Chatham County Board of Commissioners

### AN ORDINANCE AMENDING THE ZONING MAP OF CHATHAM COUNTY

Manns Chapel II LLC and Circle K Stores, Inc

**WHEREAS**, the Chatham County Board of Commissioners has considered the request to rezone approximately 6.328 acres, being all or a portion of Parcel No/s 2642, 2641, 2562, 2564, 2563, 2542, 2560, located at/off 11399 US 15-501 N, Baldwin Township, from B-1 Business, CU-B-1 and R-1 to CD-NB to develop the site for a new convenience store and an additional retail and personal services commercial building, 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 not claiming any errors in the Ordinance pertaining to this request.; 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 original convenience store site was deeded in 1951 and has been used for commercial activity since the 1960s. At that time and until around the early 2000s, US 15-501 N was a two-lane road. As part of the widening project, additional right-of-way was acquired by the NC Department of Transportation which restricted the layout of the gas station. The conditional use rezoning on the adjacent parcel #2641 was approved in October 2005 for the Baycorp Corporation and was intended for a bank. This was never developed, and the conditional use permit is now void and there are no permitted uses for the site. The combination of all the parcels will allow the convenience store to be rebuilt and a layout that provides for safer vehicular movements. The redevelopment of the gas station will provide improved access from Manns Chapel Rd. and 15-501 and allow for one outparcel for other retail use.; and

No. 3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof. Chapter 2 – Creating in-county jobs and maintaining retail sales within the county. This area is shown as one of the proposed locations for commercial suitability (pg. 21-22).

Chapter 3 – Goals and Objectives- area is within the Neighborhood Center node of the land use plan.

Chapter 4 – the re-development of the project will bring approximately 12-15 jobs (Economic development, p 53). This is an area within the planned growth designations per Land Use pg. 62 and Strategy 2.1; and

No. 4: The requested amendment is either essential or desirable for the public convenience or welfare. As previously noted, the redevelopment of this retail site will provide for safer access drives at the intersection of US 15-501 N and Manns Chapel Road. The Appearance Commission reviewed the landscaping plan and new landscaping will be installed as indicated in the application. The gas station has been in this location for many decades and provides a needed service within the northeastern portion of the county. Additionally, the redevelopment of the station will provide additional services without the need for a new station at a new location.; and

No. 5: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. The NC Department of Environmental Quality, along with the Board of Commissioners reviewed a revision to the Watershed Protection Map and approved revising the boundary between the WSII-BW and WS-IV PA districts. Field surveys were prepared indicating the drainage on the property was different than as shown on the watershed projection map. The amendment was adopted by the Board of Commissioners on August 21, 2023 and this will allow more use of the property. Additional information in support of the amendment request is county water will be used and Aqua NC will continue to serve the store site for wastewater. The new out-parcel will be served by an on-site septic system. Stormwater will meet all current regulations and will be sized to accommodate all anticipated uses. All other regulations regarding lighting and signage will meet all current regulations.; 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. 2642, 2641, 2562, 2564, 2563, 2542, 2560 and being approximately 6.328 acres as depicted on Attachment "A", located at/off 11399 US 15-501 N, from B-1 Business, CU-B1 and R-1 to CD-NB, 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 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. A reduction in the overall impervious surface coverage by changing the amount of parking spaces from 1 space per 200 sf of gross floor area to 1 space per 300 sf of gross floor area is allowed. This information shall be placed on the submitted commercial site plan for approval.
3. 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**

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 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.
5. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, and Environmental Health Division,



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etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process.

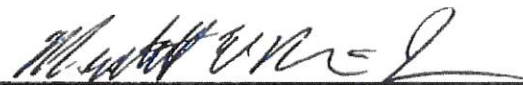
**Standard Administrative Conditions:**

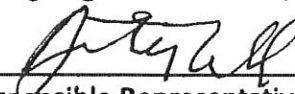
- 6. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
- 7. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
- 8. Non-Severability – If any of the above conditions is held to be invalid, this approval in its 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.


3. This ordinance shall become effective upon its adoption.

Adopted this 16 day of October , 2023

  
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Karen Howard, Chair  
Chatham County Board of Commissioners

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

  
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Responsible Representative/Applicant Signature  
(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

Tax parcels 2642, 2641, 2562, 2564, 2563, 2542, 2560, located at 11399 US 15-501 N, Baldwin Township, collectively being approximately 6.328 acres

