



**COUNTY COMMISSIONERS**

Mike Dasher, Chair  
Karen Howard, 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**

Catalyst Capital Partners LLC

**WHEREAS**, the Chatham County Board of Commissioners has considered the request to rezone approximately 59.03 acres, being all or a portion of Parcel No/s 2647 and 2646, located at/off 11785 US 15-501 N, Baldwin Township, from R-2 Residential to CD-MU Conditional District Mixed Use to develop the site for apartments with amenity building, pool, and 15,000 sf commercial space, 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 errors in the Ordinance are being claimed. A revision to the current official Zoning Map, if approved, would reflect a new designation of CD-MU.; 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.

- Currently, there are no other mixed-use districts approved in the county's jurisdiction.
- One apartment complex has been approved and constructed within the last two years located within the compact community of Briar Chapel which is regulated under the Compact Communities Ordinance.
- The multi-family community will host about 20-25 full-time employees and the commercial space will employ approximately 20-25 employees.
- More than 50% of this project will remain in open space keeping the developed area on US 15-501 with easy access to and from the site.
- A multi-family development will produce approximately \$450,000 additional tax revenue dollars annually.
- In 2017 when the Plan Chatham was adopted, this area specifically was noted as an area suitable for future commercial development; 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 – Issues & Opportunities – pg. 18 Rural Character, approximately 52.5 acres of open space with about 7.1 acres in designated wetlands or riparian buffer areas help to maintain the rural character of the area. The orientation of the proposed buildings ensure that most of the property remains in rural character.
- Chapter 3 – Goals & Objectives – pg 40-41, preserve open space. 52.5 acres of the parcels to remain undeveloped. Pg 40,42, conserve natural resources by the creation of constructed wetlands for the wastewater system as approved by NCDEQ. Preserve and protect the ecosystem through green infrastructure with 100 ft perennial stream buffers and 50 ft riparian intermittent stream buffers, minimizing light pollution, and avoiding/minimizing landscape fragmentation with the use of native plantings. A 20ft Type A opaque buffer will be maintained on the southern boundary of the property to ensure maintaining a rural landscape and protection to the adjoining properties. There is currently existing vegetation that will remain and if needed, supplemental plantings may be added.
- Chapter 4 – Land Use – Policy 2 aims to direct development of any intensity requiring public utilities and other urban services to planned growth areas, pg 62. The property will utilize the county water system and a private wastewater plant will be permitted through NCDEQ.

The parcels are also within 500 feet of two Neighborhood Centers and a Compact Residential land use designation ; and

No. 4: The requested amendment is either essential or desirable for the public convenience or welfare.

- Building setbacks from property lines will be a minimum of 100 ft as required for mixed-use developments under this zoning district.
- There was a question about preserving the existing milk barn and silo and the applicant commented that a structural engineer inspected the structures and did not think preserving or moving them was possible.
- Gannett Flemming provided a Traffic Impact Analysis which states the levels of service needed will remain stable at buildout and well under capacity.
- A review by NCDOT states a requirement for a “bulb-out” across from Old Lystra on the parcel they own so vehicles can make a U-turn to travel south. They will not approve a pedestrian crosswalk from the development to the sidewalk at the park and ride lot across the highway.
- The applicant plans to incorporate the Womble farm elements and concepts into the signage, amenities and/or marketing.; and

No. 5: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.

- County Water and a private wastewater treatment system (to be permitted through NCDEQ) will provide service to the site.
- Access directly from US 15-501 with a commercial driveway permit to be issued by NCDOT

The site plan is designed for the development footprint to be as close to 15-501 as possible. The 12% built upon area limit is the most stringent of any of the limits in the county and impacts outside of the development footprint will be limited to stormwater management and on-site wastewater treatment.; 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. 2647 and 2646 and being approximately 59.03 acres as depicted on Attachment “A”, located at/off 11785 US 15-501 N, from R-2 Residential to CD-MU Conditional District Mixed Use, 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:



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### **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 site plan. 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 four (4) years of the date of this approval or the site plan becomes null and void.
3. If application to the NCDEQ Brownfields Program is accepted, a report regarding the status of any requirements or mitigation required by the Brownfields program shall be provided to the Planning Department prior to approving a commercial zoning compliance permit.
4. A review and report by the Watershed Protection Department to determine buffering of the existing pond shall be provided to the Planning Department prior to approving a commercial zoning compliance permit.

### **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:**

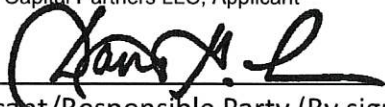
7. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
8. Continued Validity – The continued validity and effectiveness 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.

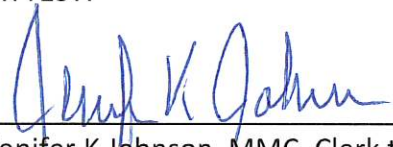
Adopted this 16 day of January, 2024

  
\_\_\_\_\_  
Mike Dasher, Chair  
Chatham County Board of Commissioners

Catalyst Capital Partners LLC, Applicant

By:   
\_\_\_\_\_  
Applicant/Responsible Party (By signing this document, you are agreeing to the conditions, if any, stated above for the approval of this request)

ATTEST:

  
\_\_\_\_\_  
Jenifer K Johnson, MMC, Clerk to the Board  
Chatham County Board of Commissioners





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**ATTACHMENT A**

Tax parcels AKPAR 2647 being 58.03 acres and AKPAR 2646 being 1 acre, located at 11785 US 15-501 N, Baldwin Township

