



CHATHAM COUNTY COMMISSIONERS

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COUNTY MANAGER

Dan LaMontagne

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

Resolution of the Chatham County Board of Commissioners

A RESOLUTION APPROVING A SPECIAL USE PERMIT REQUEST

BY 1535 King Road LLC

WHEREAS, 1535 King Road LLC has applied to Chatham County for a special use permit on Parcel No. 95385 , located at 1535 King Rd, Cape Fear Township, for an asphalt manufacture or refining plant, 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. No error in the Ordinance is being claimed. The proposed use is allowed subject to an approval of a special use permit which also requires a special environmental study to be submitted.

2. The requested special use permit is either essential or desirable for the public convenience or welfare because, among other reasons, The existing road network is under capacity and the proposed use will not increase beyond the allowable capacity per NCDOT. No additional road improvements are required for this use. There are currently no residential uses adjacent or adjoining this property. Noise levels are those expected with normal activity from back up alarms from trucks, general operation noise, and traffic. Levels are expected to be under the 60 decibels allowed by the Chatham County Noise Ordinance.

An air control permit has been issued by the NC Department of Air Quality as deemed consistent with state regulatory requirements. NCDEQ will also monitored for a Spill Prevention, Control, and Counter Measure plan.

3. The requested permit 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. There is one other active use opposite King Road located in the Heavy Industrial area, a sawmill mulching operation. No other uses are adjacent or adjoining. Duke Energy also owns property adjacent to this property, a portion of which is associated with nuclear facility located in Wake County. There are two existing asphalt operations in the County located on Pea Ridge Road and Sugar Lake Road.

Tax value will increase, and employment opportunities will be available.

4. The requested permit is consistent with the objectives of the Land Development Plan by, Chapter 2, page 21 – shows the property within the Industrial Suitability area being close to existing compatible uses and access to adequate transportation infrastructure.

Chapter 3, Goal 4, page 41 – encourages diversifying the tax base and providing more employment opportunity to reduce dependence on residential tax bases.

Chapter 4, page 61 – encourages clustering development in designated areas. This area is already used for industrial purposes and residential uses are not adjacent to or adjoining this property. Duke Energy owns the majority of properties surrounding this parcel and are currently under present use value with the county tax office.

Page 103 – Natural Resources – This project drains to Harris Lake watershed of the Cape Fear River Basin. The designation does not prevent land uses such as being proposed however does encourage to minimize impacts to surface waters. There will be a 100 ft protected riparian buffer around the normal pool elevation of Harris Lake as well as a 100 ft vegetated buffer around the perimeter of the property. However, stormwater measures and septic fields will be located within these areas. This project respects riparian buffers and minimizes stream crossings.

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. A well will be used to service to the site the required setbacks from wells will be observed. A private septic system will be used for wastewater.

Diversion ditches will direct all site runoff to permitted stormwater basins with skimmers prior to discharge. Quarterly sampling at the discharge points is a requirement of by the NC Department of Environmental Quality (NCDEQ).

The aboveground fuel and liquid asphalt tanks will also be regulated and inspected by NCDEQ which all exceed any county standard requirements.

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

That a Special 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 special use permit in accordance with the plan submitted by the Applicant, 1535 King Road LLC, and incorporated herein by reference with specific conditions as listed and as shown in Attachment A below;

ATTACHMENT "A"

Site Specific Conditions

1. A building permit shall be obtained and remain valid at all times within two years of the date of this approval or this approval becomes null and void.
2. The recommendations from the Chatham County Appearance Commission shall be implemented into the site plan and provided to the Planning Department at the time of applying for the Commercial Zoning Compliance Permit. The CCAC and/or planning staff may conduct site visits at any time to confirm vegetation and plantings are being maintained and continue to provide the required screening as directed by Ordinance.

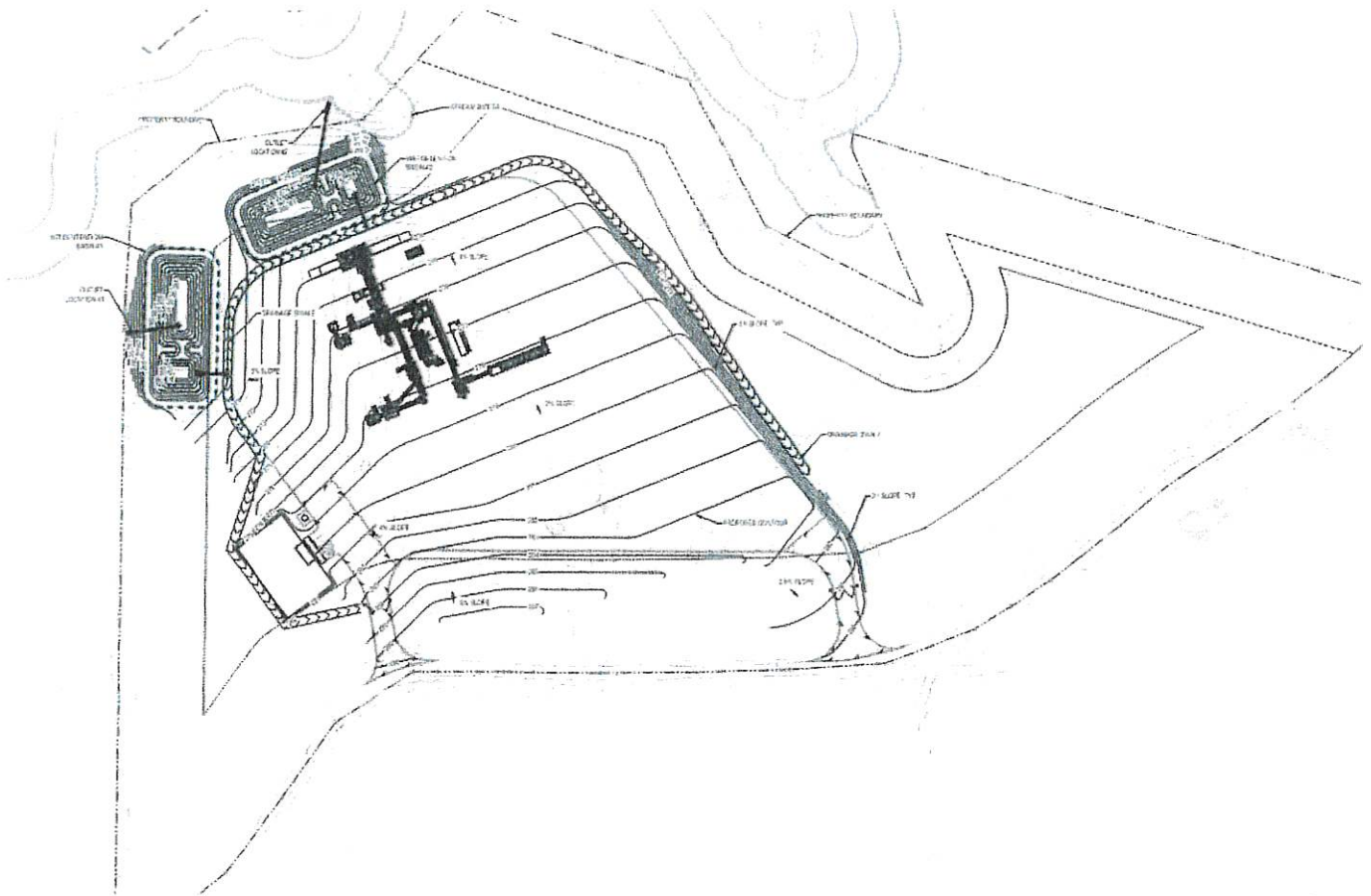
Standard Site Conditions

3. 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.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, Watershed Protection, Building and Fire Inspections, and Environmental Health Division, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the approval process.

Standard Administrative Conditions:

5. 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.
6. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
7. Non-Severability – If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
8. 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.

Site Plan Shown Below:



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

Adopted this, the 20 day of May 2024

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:

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

