



Established 1771

COUNTY COMMISSIONERS

Walter Petty, *Chair*
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COUNTY MANAGER

Charlie Horne

P. O. Box 1809, Pittsboro, NC 27312-1809 • Phone: (919) 542-8200 • Fax: (919) 542-8272

**RESOLUTION ADOPTING A CONSISTENCY STATEMENT FOR
THE APPROVAL OF**

Rezoning Property to Conditional District Neighborhood Business (CD-NB)

WHEREAS, the Chatham County Board of Commissioners has reviewed the application for Walter Lewis dba The Extra Garage to rezone approximately 11.46 total acres of Parcel No. 74879 and Parcel No. 5131 (the "Amendment") and finds that the same is consistent with the Chatham County Land Conservation and Development Plan remaining consistent with the adopted land use plans and regulations of the County and therefore is approved as requested. and;

NOW, THEREFORE, BE IT RESOLVED, by the Chatham County Board of Commissioners that the Amendment and presented documentation are found to be consistent with the county land use plan/s, and are determined to be reasonable and in the public interest.

Adopted this 21st day of April, 2014



Chairman Walter Petty
Chatham County Board of Commissioners

ATTEST:



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



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AN ORDINANCE AMENDING THE ZONING ORDINANCE OF CHATHAM COUNTY

For Walter Lewis dba The Extra Garage III

WHEREAS, the Chatham County Board of Commissioners has considered the request by Walter Lewis dba The Extra Garage III to rezone approximately 11.46 total acres, being all or a portion of Parcel No.74879 and Parcel No. 5131, located at 41 W H Jones Rd., New Hill, Cape Fear Township, from R-1 Residential to CD-NB to locate a boat and recreational vehicle storage facility, 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 uses set forth in the Application and incorporated herein by reference, if approved as "conditional" pursuant to the provisions of the zoning ordinance, would be suitable for the property proposed for rezoning under the conditions attached; and

WHEREAS, the Board finds the four (4) 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 error in the Ordinance and therefore this is not applicable; 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 applicant states there continues to be an unmet need for "covered" recreational vehicle and boat storage facilities. The facility will be located approximately 900 feet from the New Hope boat ramp going into Jordan Lake assisting in keeping customers traffic off the main road (Pea Ridge). This facility is proposed to keep in appearance with the other two facilities (US 64 E and Beaver Creek Rd); and

No. 3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof. Although the zoning of the area is

residential, recreational opportunities are often a part of those districts. The Land Use and Development Plan encourages support of tourism and recreational activities. This use is not a traffic generator as it only serves traffic already going to the lake. Access to the facilities bays will be internal to the structure. This property can only be developed at 24% impervious surface due to being located within the WSIV-Critical Area Watershed; and

No. 4: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. The facility will add additional revenue to the county and supports recreational activities. The site will not damage the area rural attractiveness as could be seen with other commercial businesses that would have high volumes of traffic.; and

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

1. The Application to rezone a portion of the property described as Parcel No. 74879 and Parcel No. 5131 and being approximately 11.46 total acres as depicted on Attachment "A", located at 41 W H Jones Rd., from R-1 Residential to CD-NB, Cape Fear Township is approved and the zoning map is amended accordingly.
2. The following Conditions shall also be approved as part of this Ordinance approving the rezoning. They are:

Site Specific Conditions

1. The recommendations of the Chatham County Appearance Commission shall be followed and amended as agreed. The applicant should ensure the maintenance and survival of all plantings which shall be installed at the next optimal planting season following the issuance of the building permit.
2. The applicant shall provide an "as-built" plan detailing all impervious surfaces areas in compliance with the Watershed Protection Ordinance not exceeding 24%.

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 or variations must be approved through the Planning Department or other approving board before any such changes can take place. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.
5. A Certificate of Occupancy shall be obtained within two years of the date of this approval unless other approval/s has been given for an extension, or this approval becomes null and void.

Standard Administrative Conditions:

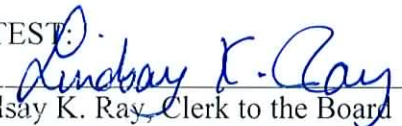
6. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
7. Continued Validity - The continued validity and effectiveness 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 21st day of April 2014



Walter Petty, Chair
Chatham County Board of Commissioners

ATTEST:


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

ATTACHMENT "A"

Tax Parcel No. 74879 and Parcel No. 5131 totally approximately 11.46 acres, to be zoned Conditional District Neighborhood Business, located at 41 WH Jones Rd., Cape Fear Township.

