



Established 1771

COUNTY COMMISSIONERS

James Crawford, *Chair*
Mike Cross, *Vice Chair*
Karen Howard
Diana Hales
Walter Petty

COUNTY MANAGER

Charlie Horne

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

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF CHATHAM COUNTY

For Rezoning to Conditional District Light Industrial on behalf of Goldston Apex Properties dba Builder's First Source

WHEREAS, the Chatham County Board of Commissioners has considered the request by Goldston Apex Properties dba Builder's First Source to rezone approximately 4.19 acres to be added to the current development and to reclassify the existing zoning of the current facility being all or a portion of Parcel No.17893 and Parcel No. 73463, located at 23 Red Cedar Way, New Hope Township, from R-1 Residential and Conditional Use Light Industrial to CD-IL Conditional District Light Industrial to expand their current operation to include three new storage structures and laydown yard and bring the entire project into uniformity with the same zoning classification, 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 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 error in the ordinance.; 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 business has been successful and its need of an expansion. Their property adjacent to the current facility will afford them the opportunity to do so. The applicant is also proposing to offset the impervious surface allocation with a deed restriction on additional property located within the same watershed district allowing more of the project site to be developed. This provision was

adopted by the Legislature several years ago and has been utilized for other projects in the county. The applicant plans to utilize this statute allowance by allocating a portion of Parcel No. 11172 to be known as Parcel No. 90450 which is approximately 30 acres in size; 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 expansion of this business will be sited between the existing facility and the newly approved multi-level self-storage facility, boat and RV storage, and a boat retail and repair business. Page 34 of the Plan describes this area as an Economic Development Center location; and

No. 4: The requested amendment is either essential or desirable for the public convenience or welfare. The continuance of an existing business that provides building materials to projects located in the county and surrounding areas. There are many newly approved projects within the county and adjoining ETJ areas of Pittsboro and Apex that may also be supported by the materials supplied by this company helping to keep sales tax revenue in Chatham County.

No. 5: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. By supporting the local economy by hiring new employees, increasing the tax base of additional land, and anticipated increase in sales tax from materials purchased, this finding is supported ; 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. 17893 and being approximately 4.19 acres and the portions of 73463 for Builder's First Source as depicted on Attachment "A", located at 23 Red Cedar Way, from R-1 Residential to CD-IL Conditional District Light Industrial and CU-IL to CD-IL, New Hope 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. All conditions of the original and revised conditional use permit for this project shall remain in effect, except as modified by the application and conditions incorporated in this approval.
2. The recommendations of the CCAC shall be followed as agreed upon. Required plantings shall be installed by the next optimal planting season following the issuance of the first building permit.
3. No land disturbing activity may commence until the design plans for the new stormwater/fire protection pond has been reviewed and approved by Environmental Quality, Fire Marshal, and North Chatham Fire Department respective to their areas of concern.

Standard Site Conditions

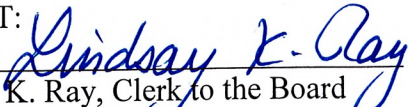
4. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning 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.
5. 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.

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 17 day of August 2015

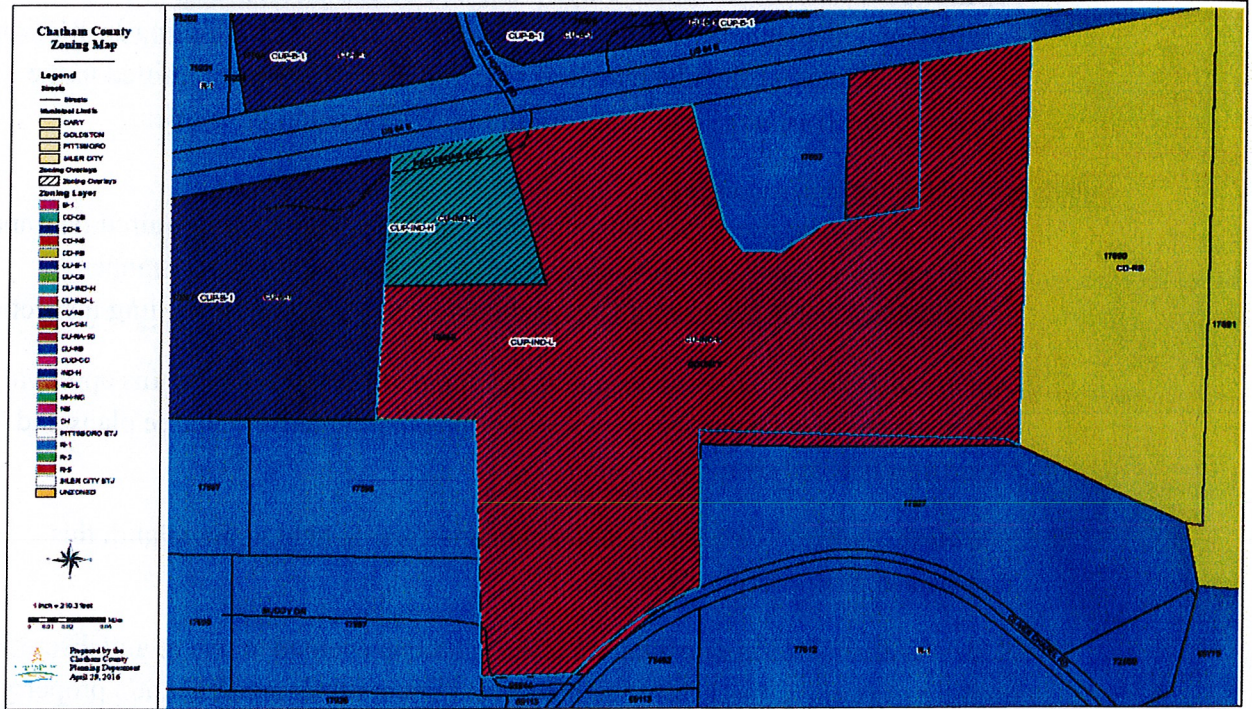

James Crawford, Chair
Chatham County Board of Commissioners

ATTEST:

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



ATTACHMENT "A"

Tax Parcel No. 17893 approximately 4.19 acres from R-1 Residential to CD-IL and Parcel No. 73463 being only the portion zoned CU-IL for Builder's First Source to be zoned CD-IL Conditional District Light Industrial, located at 23 Red Cedar Way and 12932 US 64 W, Apex, New Hope Township.





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

Rezoning Property to CD-IL District

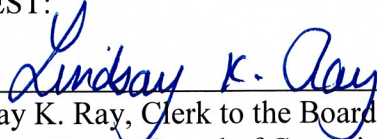
WHEREAS, the Chatham County Board of Commissioners has reviewed the application for Goldston Apex Properties dba Builder's First Source to rezone approximately 4.19 acres known as Parcel No. 17893 and reclassify the portions of Parcel No. 73463 for Builder's First Source to Conditional District Light Industrial (the "Amendment") and finds that the same is consistent with the Chatham County Land Conservation and Development Plan by approving the request to rezone 4.19 acres of Parcel No. 17893 and the portions of 73463 for Builder's First Source, from R-1 Residential and CU-IL to CD-IL which is consistent with the adopted land use plans and regulations of the County by providing adequate information for the protection of ground and surface water, by the minimal amount of disturbance needed to develop the project, allocating Parcel No. 11172 for the offset of impervious surface to be deed protected from development, further encouraging the continuance of existing business; and therefore is recommended for approval 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 17 day of August, 2015


James Crawford, Chair
Chatham County Board of Commissioners

ATTEST:


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

