

**AN ORDINANCE AMENDING THE ZONING MAP
OF THE TOWN OF PITTSBORO
45 The Whites Way, Pittsboro, NC (Pittsboro Point)
(Tax Parcel 67905)
REZ-2021-07**

WHEREAS, the Board of Commissioners of the Town of Pittsboro has considered the application of Terco Properties (REZ-2021-07) to amend the zoning map of the Town of Pittsboro to rezone the property described on **Exhibit A** attached hereto and incorporated herein by reference from R-A (Residential Agricultural) to M1-CZ (Light Industrial Conditional Zoning) pursuant to the provisions of NCGS §160D-605 and Article 10 of the Town of Pittsboro Unified Development Ordinance; and

WHEREAS, the Town Planning Board reviewed the application in detail and forwarded the request to the Town Board of Commissioners with a recommendation for approval by a “Land Use Plan Consistency Statement For Approval” but finding the Proposed Amendment is not consistent with the Town’s comprehensive plan, including the Land Use Plan, and other officially adopted and applicable Town plans and policies since the subject property has been designated for Mixed Use Neighborhood in the Future Land Use Map; and

WHEREAS, the Town Planning Board found that the rezoning request was reasonable, in the public interest, and would benefit the surrounding community considering the site is of a sufficient size to allow for proper screening and buffers to adjacent properties, the proposed use can be accommodated by public water and septic, and the property is located adjacent to a highway (US 64 Business), providing practicality, easy access, and reduced travel times to the community; and

WHEREAS, approval of the rezoning request should also be deemed an amendment to the Land Use Plan and Future Land Use Map if the site is reclassified to the Industrial Land Use requested; and

WHEREAS a Public Hearing was held on January 24, 2022 to solicit comments and concerns which were duly considered and acknowledged; and

WHEREAS, the Town Board of Commissioners makes the following findings and conclusions:

1. The subject parcel is located at 45 The Whites Way, Pittsboro, NC, and is also known as Chatham County Tax Parcel ID 67905.
2. That the Board has examined the application and associated public testimony to rezone the property described in Application REZ-2021-07 and incorporated herein by reference and finds that the amendment is reasonable considering the size and location of the property subject to the proposed rezoning and the potential benefits to the development of the Town of Pittsboro and surrounding community; considering the site is of a sufficient size to allow for proper screening and buffers to adjacent properties, the proposed use can be accommodated by

public water and septic, and the property is located adjacent to a highway (US 64 Business), providing practicality, easy access, and reduced travel times to the community and the proposed rezoning advances the public health, safety or welfare of the Town of Pittsboro.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PITTSBORO as follows:

1. That for the reasons hereinabove stated and subject to the Stipulations and Conditions attached hereto as Exhibit B, the property described on Exhibit A attached hereto and more particularly described in Application REZ-2021-07 by Terco Properties for 45 The Whites Way as stated herein, be rezoned from R-A to M-1 (CZ).

2. That development of the property described on Exhibit A in accordance with the Stipulations and Conditions attached hereto as Exhibit B and the Concept Plan dated December 22, 2021, attached hereto as Exhibit D, both incorporated by reference, be, and it hereby is, approved.


3. That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

4. That when adopting this amendment to the text of the Town of Pittsboro Unified Development Ordinance, the Board of Commissioners also hereby approves the statement attached hereto as Exhibit C and incorporated by reference.

Adopted this 24th day of January 2022.

TOWN OF PITTSBORO

By:


Cindy Perry, Mayor



ATTEST:

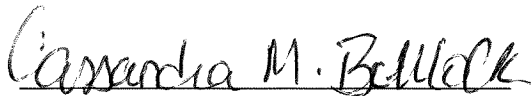

Cassandra M. Bullock, Town Clerk

EXHIBIT A
PROPERTY DESCRIPTION
REZ-2021-07

The tract or parcel of land also known as Chatham County Tax Parcel ID 67905 respectively located at 45 The Whites Way, Pittsboro, NC 27312.

EXHIBIT B
TERMS AND CONDITIONS
REZ-2021-07

1. Expiration of Conditional Zoning Map Amendment: The approved Conditional Zoning District and all conditions attached are binding on the property. If for any reason any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the concept plan for the district shall be null and void and of no effect and proceedings shall be instituted by the Town to rezone the property to its previous zoning classification or to another zoning district.

2. Violation of the Terms and Conditions of the Conditional Zoning District. A violation of the concept plan or conditions of a rezoning to a conditional zoning district is considered a violation of this Unified Development Ordinance and subject to the same enforcement and penalties.

3. Consent to Conditions: This approval is not effective until the Applicant provides written consent to this approval. Written consent must be provided within 10 days of enactment by the Town Board.

4. Land Uses: This Conditional Zoning Map Amendment authorizes the following Land Uses:

- a. Permitted uses shall be restricted to Mini-storage and Boat & RV storage only.
- b. Permitted accessory uses shall include leasing offices, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard. The rental of trucks or trailers is a separate principal use and not considered accessory to this use.

5. Miscellaneous Conditions:

- a. Site Lighting shall be designed and installed utilizing full cut-off fixtures. Pole-mounted fixtures shall be limited to a maximum height of 20 feet. Poles and fixtures shall be bronze or black in color. Motion sensor activated light fixtures shall be considered.
- b. Perimeter Buffers shall be in conformity to the width and treatment standards specified within the UDO with the additional requirement that 75% of the tree plantings shall be evergreen. The perimeter buffers shall create a continuous opaque screen to a height of at least six feet.
- c. Parcel shall be annexed into Pittsboro prior to site plan approval or tying onto public utilities, whichever comes first.
- d. Exact parking number and layout may vary from what is shown on concept plan. Parking will be subject to UDO requirements. Boat & RV storage parking

requirements shall be calculated using the same parking ratio as is used for Mini Storage.

- e. The High-Density Option for development has been approved, all requirements that accompany this option must be met.
- f. Building height shall be limited to 48'.
- g. Building Parameters
Proposed buildings on the site shall be:
 - i. constructed with the primary exterior façade material of all sides being masonry, pre-cast concrete panels, or stone;
 - ii. located no closer than 30' to any perimeter boundary;
 - iii. earth tone (such as brick or natural stone) in color, or of neutral palette such as tans or greys.
- h. Septic system will be privately owned and maintained.
- i. Boat and RV storage must be roofed and enclosed on three sides. If the fourth side of the structure remains open it must face the interior of the site.

6. Prerequisite: Prior to construction of any site plans submitted for review under this approval, the applicant shall obtain all necessary permits and approvals from the State and any other governmental agency with jurisdiction.

7. Improvements. Off-site improvements required by the Town of Pittsboro or any other agency shall be constructed at no cost to the Town.

8. Detailed Plans: That final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), and landscape plans and landscape maintenance plans be approved by the Town Planning Director prior to issuance of a Zoning Compliance Certificate, and that such plans conform to the plans approved by this application and demonstrate compliance with all applicable Town standards and ordinances, including but not limited to design standards and stormwater measures, in place at that time.

9. Erosion Control. If required, an erosion and sedimentation control plan must be approved by the Chatham County Department of Environmental Health and submitted to the Town Planning Director prior to the issuance of a Zoning Compliance Permit and/or disturbance of land.

10. Landscaping/Screening. All required landscaping, screening and buffers shall be in place one year following approval of the Zoning Compliance Certificate or installed prior to the issuance of the Certificate of Occupancy of the first building, whichever comes first. The Planning Director may approve a conditional Certificate of Occupancy, to defer the installation of landscaping if at the time would jeopardize the health of the plants, for no longer than one (1) year. Existing vegetation may be used to fully or partial fulfill the landscaping and buffer requirements of the Town. The extent to which the same can be used shall be determined by the Planning Director prior to issuance of the zoning compliance certificate.

11. Stormwater Management Plan. This project must comply with the applicable provisions of the Town Specifications and Unified Development Ordinance.

12. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.

13. Severability. If for any reason one or more conditions of this approval are held invalid, such judgement shall not affect, impair, or invalidate the remaining provisions of this conditional rezoning approval.

14. Non-Waiver. Nothing contained herein shall be deemed to waive any discretion on the part of the Town 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.

15. Appeal. The Town shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the Town concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the Town harmless from all loss, cost or expense, including reasonable attorneys' fees, incurred in connection with the defense of or response to any and all actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of, either known and unknown, resulting to or from this decision.

I hereby accept all the above listed conditions for approval.

This ____ day of January 2022.

DocuSigned by:
LEONARD HAIBT 1/31/2022
Property Owner Signature

Leonard Haibt
Property Owner Name (Printed)

EXHIBIT C
STATEMENT
REGARDING AMENDMENT
TO
TOWN OF PITTSBORO ZONING MAP

Action taken by the Board of Commissioners approving this amendment to the Zoning Map of the Town of Pittsboro is not consistent with the adopted comprehensive plan, including the Land Use Plan, and other officially adopted and applicable Town plans, but by the adoption of the amendment requested herein the Land Use Plan and Future Land Use Map are deemed to be amended to conform hereto by reclassifying the site to the Industrial Land Use Classification.

Contributing factors in the rezoning approval is encouraging economic growth with approving the use of the property and by rezoning the entire boundary with a Conditional Rezoning District, the approval limits the uses and mitigates potential impacts to the surrounding neighborhood.

Such action and amendment to the Town of Pittsboro Zoning Map as requested is reasonable and in the public interest and will benefit the community considering the site is of a sufficient size to allow for proper screening and buffers to adjacent properties, the proposed use can be accommodated by public water and septic, and the property is located adjacent to a highway (US 64 Business), providing practicality, easy access, and reduced travel times to the community and the proposed rezoning advances the public health, safety or welfare of the Town of Pittsboro.

**EXHIBIT D
CONCEPT PLAN
(December 22, 2021)**

Revisions
 11.29.21 Per Town's 1st review
 12.22.21 Per Town's 2nd review

Developer:
 The Carolina
 6006 McCrimmon Pkwy
 Charlotte, NC 28226
 813.809.7878

Project:
 Pittsboro Pointe

Concept Plan

Date:
 November 4, 2021

Scale:
 1" = 50'

Sheet:
 1

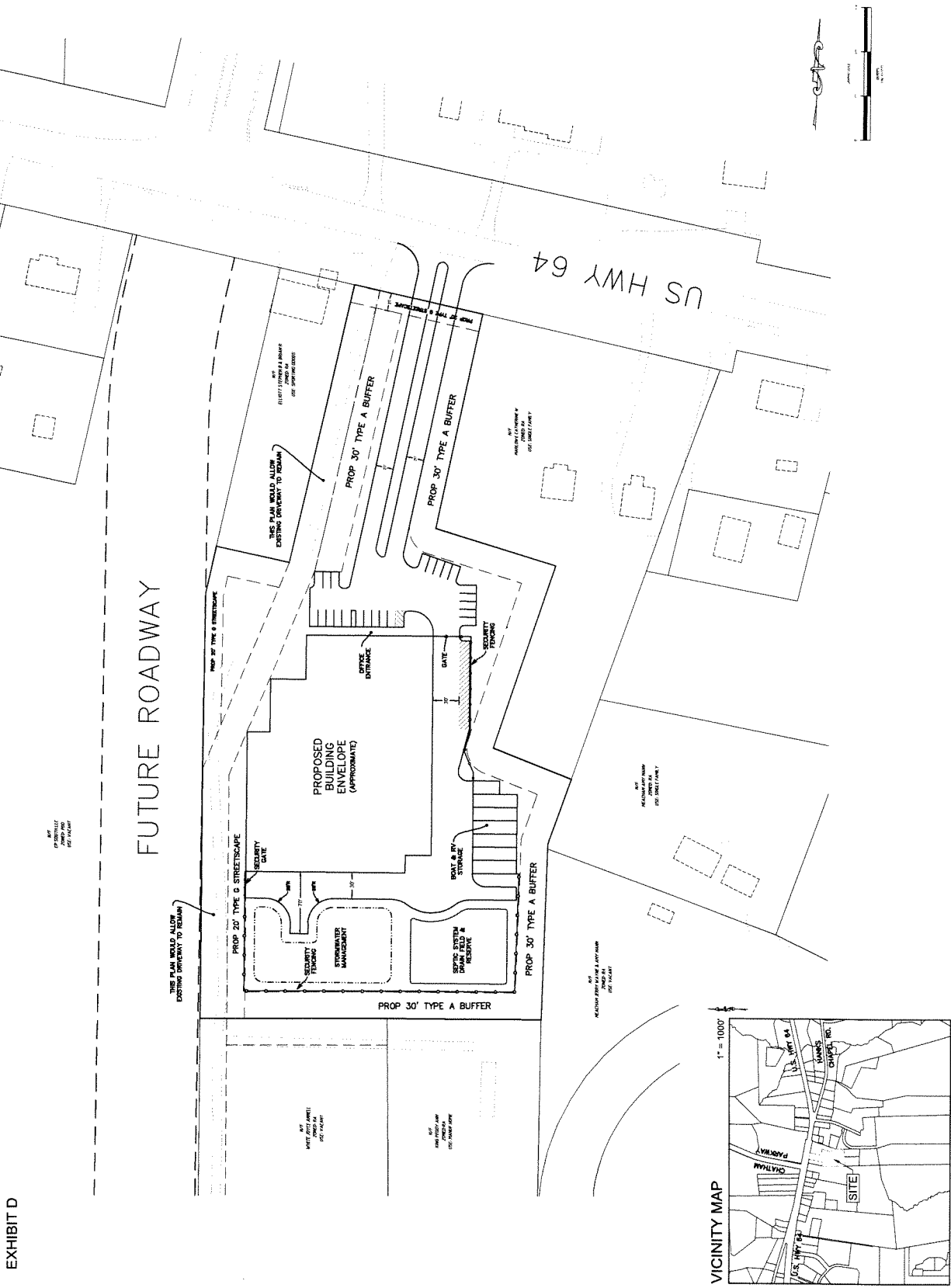


EXHIBIT D