



COUNTY COMMISSIONERS

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COUNTY MANAGER

Charlie Horne

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A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT REQUEST BY Kenneth Hoyle and Floyd Coleman

WHEREAS, Kenneth Hoyle and Floyd Coleman, have applied to Chatham County for a conditional use permit on Parcel No 2759, located at 9555 US 15-501 N, on approximately 2.2851.16 acres, Baldwin Township, for multiple uses as stated in the conditions below 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. The Neighborhood Business District lists the uses described in Condition No. 1 as a permitted uses.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, the applicant has had a successful business for the past 26 years at this current location. There are no improvements to the property being proposed so that the current appearance could be maintained. The structure is atwo story farm house that was converted into a business with limited parking and substantial landscaping already in place.
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. The applicants will continue to operate business as usual. There are no site changes or level activity anticipated at this time. There is a perimeter of varying landscape and approvals from other agencies remain valid.
4. The requested permit is consistent with the objectives of the Land Development Plan by, among other things, locating in a area already supported by various "neighborhood business" uses as defined in the Zoning Ordinance and balanced growth is being maintained due to the property being surrounded on both sides and across the highway with other commercial uses. This area is expressly noted in the Land Development Plan as an Economic Development area which continues to support existing businesses.

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 conditions placed on its approval as seen below. The property will continue to use the existing well and the on-site septic system. There is no need for stormwater retention area due to no changes in the site at this time.

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

That a Conditional 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 conditional use permit in accordance with the plan submitted by the Applicants, Kenneth Hoyle and Floyd Coleman, attached hereto and incorporated herein by reference with specific conditions as listed below:

Site Specific Conditions:

1. The uses permitted with this conditional use permit application are limited to those of:
 - a. Antique shops; Art Supply Retail Sales; Gift Shops; Interior Design Shops; Mixed Use Building; Office - business, professional and governmental; Retail stores and personal service shops similar to those listed dealing in direct consumer and personal services; and Secretarial and job service offices.

Should any additional uses not specifically noted be desired, a revision to this conditional use permit will be required.

2. The proposed use of the property shall be consistent with the site plan included with the application and any changes shall require an amendment to the conditional use permit.

Standard Site Conditions:

3. All parts of the application, notes, and 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 Division 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 Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the issuance of the first building permit.

Standard Administrative Conditions:

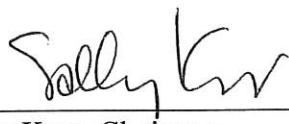
5. Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from

all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision.

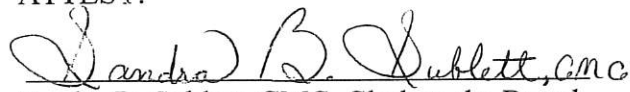
6. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspection, established from time to time.
7. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination 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.

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

Adopted this, the 19th day of January 2010

By: 
Sally Kost, Chairman

ATTEST:


Sandra B. Sublett, CMC, Clerk to the Board
Chatham County Board of Commissioners