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A RESOLUTION APPROVING A REVISION ON A CONDITIONAL USE PERMIT REQUEST BY Carolina Utility & Grading

WHEREAS, Carolina Utility & Grading, has applied to Chatham County for a revision to their conditional use permit to add the selling of retail materials used by the applicant and to include the rental of contractor equipment to the general public, located on approximately 14 acres, Williams Township, Parcel No. 76255, located at 2835 Farrington Point Road;

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 uses requested are among those listed as eligible uses in the district in which the subject property is located or is to be located. The property received approval for a Conditional Use Light Industrial zoning with a conditional use permit for a contractor's storage yard, office and staging area for construction contractor's including storage and service buildings and related facilities in 1997. Retail sales and personal service shops dealing in direct consumer and personal services not exceeding 10,000 square feet in any one building are a permitted use in the Light Industrial zoning district as well.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, this company has continued to operate as a sustainable business for over 10 years. This type of additional service is not readily available within this portion of Chatham County. There will be no large equipment provided in this portion of the business.
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 are no additional improvements needed to support the additional use. There will be no additional signage or lighting associated with the new service.
4. The requested permit is consistent with the objectives of the Land Development Plan by, among other things, supporting the continuation of existing industrial and

commercial areas, is not part of "strip" development, and does not negatively change existing land conditions.

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 currently utilizes approximately 30% impervious surface of the allowed 36% and there would be no increase in that amount. The wastewater is currently handled by Aqua NC and county water will continue to be utilized. There are no driveway improvements needed to add the proposed new use/s.

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 Applicant, Carolina Utility and Grading, attached hereto and incorporated herein by reference with specific conditions as listed below:

Site Specific Conditions:

1. All previous conditions not expressly listed in this approval shall remain valid.
2. Additional landscaping shall be installed to provide more of an opaque screen of at least 25 feet in depth along the front property boundaries along Farrington Point Road. The Chatham County Appearance Commission may provide suggestions of plant material to meet the request. Plantings shall be installed at the next optimal planting season starting in March 2009 or as indicated by a licensed landscape contractor.
3. No additional signage is permitted with this request.
4. A report shall be provided to the Planning Department from NCDWQ advising of the compliance status of the sediment basin or the corrective measures that must be taken before the incorporation of cleaning of rental equipment on the property.

Standard Site Conditions:

5. Lighting shall be installed and maintained as per the adopted lighting regulations located in Section 11A of the Chatham County Zoning Ordinance. Should any lighting or lighting fixtures be found to be non-compliant with the regulations, they shall be replaced at the expense of the landowner/operator and shall hold no liability against Chatham County for the compliance measures.

6. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County, if applicable.

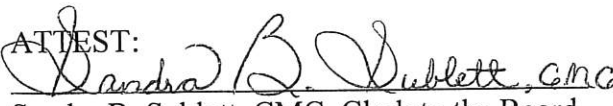
Standard Administrative Conditions:

7. 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. Nothing in this paragraph shall require the applicant to indemnify and hold the County harmless from any losses or costs associated with defense of the County's actions or procedures in considering and acting upon this application.
8. 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.
9. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
10. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
11. 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 26th day of January, 2009.


George Lucier, Chairman

ATTEST:

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