

Planning Department
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Res. #2008-45

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A RESOLUTION APPROVING AN APPLICATION FOR AN AMENDMENT TO A CONDITIONAL USE PERMIT REQUESTED BY Jack Michenfelder

WHEREAS, Jack Michenfelder has applied to Chatham County for a revision to the existing Conditional Use Permit (CUP) for a nursery, garden center, retail shop, and landscaping business, located on Parcel No. 17707, 10544 US 64 E, New Hope Township; and

WHEREAS, the Chatham County Board of Commissioners 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 continues to find as approved in the original conditional use permit request:

As directed in the approved conditional use permit, specifically Condition No. 2 which states "the tracts of land, Parcel No. 62092, consisting of 3 acres and Parcel No. 17707, consisting of 2.14 acres, may not be sold as separate tracts without revision to the permit since the tracts are considered as one for zoning purposes", the applicant has requested the condition be removed so that the sell of Parcel No. 17707 may be made. The zoning classifications are to remain "split" as currently approved until a request is made to have that changed.

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

That an amendment to the 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 as previously approved; and

BE IT RESOLVED FURTHER, that the Chatham County Board of Commissioners hereby approves the application for an amendment to the conditional use permit in accordance with the plan of Jack Michenfelder attached hereto and incorporated herein by reference with specific conditions as listed below:

A building permit shall be applied for on or before March 31, 2003 or the conditional use permit shall be null and void.

(Re: Jack Michenfelder Resolution to Approve Revision to CUP)

Any structures which may currently not meet the required setbacks from property lines must be made to conform to required setbacks for the district within six (6) months from date of approval of the request.

Stormwater retention requirements as determined by the Chatham County Public Works Department shall be installed prior to certificate of occupancy being issued for the first structure.

Landscaping/buffering as stated in the application and as specified by the Appearance Commission must be completed on or before March 31, 2003.


Lighting shall be as specified in the application, i.e. two (2) 20 foot tall pole lights, shielded on top and sides to prevent spillage into the night sky and onto adjacent properties. One (1) spotlight to spot light sign on gable end of retail center. Said spotlight shall not be situated such as to cause spillage into the night sky or onto adjacent properties.

Signage shall be as specified in the application, i.e. one (1) 4'9" wide x 3'0" long sign to be placed on front gable end of house (retail center) and one 4' tall x 3" wide sign to be placed along Hwy 64 outside the state road right-of-way.

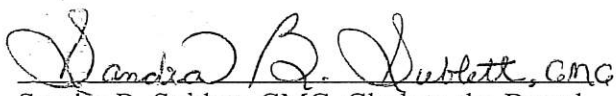
BE IT FURTHER RESOLVED, that the Board of Commissioners of the County of Chatham hereby approves the application for an amendment to the conditional use permit in accordance with the plans and conditions listed above.

Adopted this the 18th day of August 2008

By: _____


George Lucier, Chairman

ATTEST:


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