

A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT
FOR A REQUEST BY NORTH CHATHAM INVESTMENTS, INC.

WHEREAS, North Chatham Investments, Inc., has applied to Chatham County for a conditional use permit for a certain tract or parcel of land containing approximately 98.5 acres on the northeast corner of U.S. Highway 15-501 and Lystra Road (SR 1721) for a Planned Unit Development and Daycare within the existing RA-40 zoning district and various uses within the CU-B-1 zoning district as indicated in the Application; 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 finds as follows:

1. The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.
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.
4. The requested permit is consistent with the objectives of the Land Development Plan.
5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations.

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 of North Chatham Investments, Inc. attached hereto and incorporated herein by reference with specific conditions as listed below:

Stipulations Specific to the Application

1. A revised site plan shall be furnished to staff prior to issuance of the first building permit to include the following:
 - All landscaping details (i.e. types, sizes, and spacing of plantings) as required by the Chatham County Appearance Commission regarding perimeter landscaping and parking lot landscaping,
 - Location and size of approved signage with lighting specifications,
 - A lighting plan with detailed specifications for each phase or stage (i.e. location, foot-candles, etc) as required by the draft Chatham County Lighting Ordinance shall be provided prior to issuance of a building permit for said phase.
 - Setbacks of structures
2. All required perimeter screening and buffers shall be installed prior to issuance of a certificate of occupancy for the first structure or at the first optimal planting season following issuance of the certificate of occupancy. Vegetation internal to the property shall be installed prior to the issuance of the certificate of occupancy for the first structure within each phase or during the first optimal planting season following issuance of the certificate of occupancy. The vegetation / landscaping shall be kept in good condition and replaced if necessary at the next optimal planting season. If the existing vegetation shown on the plan is disturbed or does not provide screening as addressed in the Chatham County Design Guidelines, then vegetation shall be installed to meet said Guidelines prior to the certificate of occupancy for the applicable phase.
3. Entrance locations, the three (3) proposed driveway entrances onto Hwy 15-501 and the two (2) entrances on SR-1731, Lystra Road, shall be as shown on the site plan dated 11/28/05 (entrance locations shall also be shown on the revised site plan required in item # 1 above). The current main entrance into the development, across from Polks Landing Road, shall be designed as a NCDOT full movement entrance. The middle entrance shall be designed as a future full movement access, currently designed and used as a right-in / right-out only, and be located such that if Polks Landing Road is relocated to the North in the future, the location would be suitable for an additional traffic signal. If said relocation occurs, the entrance across from existing Polks Landing Road shall become right-in/right-out only.
4. A watershed protection plan for the entire project area shall be furnished to staff prior to issuance of the building permit and shall include impervious surface calculations. Prior to issuance of a Certificate of Occupancy for the first structure and each subsequent structure, the developer shall submit evidence satisfactory to the Planning Department of compliance with the approved plan which does not exceed 24%.
5. A storm water management plan as described in detail in the development application, sufficient to control and treat the one year 24 hour storm for the entire project area shall be approved by the Planning Department prior to issuance of a building permit. The developer shall construct and provide an engineer's verification of construction of storm water management control measures sufficient to serve the applicable project area prior

- to issuance of a Certificate of Occupancy for the first structure within the project area or phase.
6. Easement documents as required by the County for any public utilities used or furnished to the project area shall be recorded prior to issuance of a building permit.
 7. All required local, State or Federal permits (i.e. NCDOT commercial driveway permits, NCDWQ Authorization to Construct Water Lines, NCDWQ Sewer Treatment Plant, and Erosion Control Permit) or encroachment agreements shall be obtained and copies submitted to the County prior to the issuance of a building permit.
 8. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to the County.
 9. Construction Deadline. This conditional use permit shall automatically expire on the second anniversary of its issuance unless construction has commenced after issuance of the zoning determination and building permits.
 10. Setbacks of structures shall be as shown on the site plan dated 11/28/05 and at a minimum meet the B-1 Business District setbacks for area zoned B-1 Conditional Use Business and the area zoned RA-40 with Conditional Use Permit shall at a minimum meet the RA-40 setbacks.

Stipulations Regarding Required Improvements

11. Silt Control. The applicant shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
12. 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.
13. Fees. Applicant 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, building inspection, recreation and educational impact fees established from time to time.

14. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
15. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
16. 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 17th day of January, 2006.

CHATHAM COUNTY BOARD OF COMMISSIONERS

By: 
Chairman

ATTEST:


Clerk