

A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT REQUEST BY ROBERT BLITCHINGTON

WHEREAS, Robert Blitchington, on behalf of Triangle Electrical Services, has applied to Chatham County for a revision to the existing conditional use permit for Michael Cates/Ferrellgas, L.P. to remove the use, *propane gas business*, and add the use, *contractor's office and shop*, 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 revision 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

BE IT FURTHER RESOLVED that the Chatham County Board of Commissioners hereby approves the application for the revision to the conditional use permit in accordance with the plan of Robert Blitchington, on behalf of Triangle Electrical Services, attached hereto and incorporated herein by reference with specific conditions as listed below:


Stipulations Specific to the Application

1. No retail traffic is allowed without revision to the conditional use permit.
2. No new lighting is allowed except for ground lighting in the parking area and signage lighting. Any additional lighting shall conform to the Draft Lighting Ordinance.
3. The existing signage may be replaced with signage no larger than 32 square feet in area. No additional signage is allowed.
4. Landscaping/buffering shall be as recommended by the Chatham County Appearance Commission as follows and shall be completed during the first optimal planting season:
 - (a) A "Type B" screen (semi-opaque – 3 feet high opaque and intermittent visual obstruction to 20 feet high) is to be established in front of the building on either side of the sign area. Suggested plantings are Cotoneaster (Scarlet Leader), Juniper (and 3 foot tall to 5 foot tall variety), and Dwarf Yaupon.
 - (b) A "Type A" screen (8 feet high opaque and intermittent visual obstruction to 20 feet high) is to be established in the rear of the property on the north side of the shared driveway on the western boundary. This screen shall be a minimum of 15 feet wide. Suggested plantings are Wax Myrtle, Eastern Red Cedar, and Illicium Parviflorum (Anise Shrub).
 - (c) If a dumpster is added to the property at a later date, it shall be screened on all sides.
5. No outside storage of materials shall be allowed on the property.
6. 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.

7. 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.
8. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
9. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
10. 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 20th day of February, 2006.



Bunkey Morgan, Chairman

ATTEST:



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