

A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT REQUEST BY GEORGE FARRELL, JR.

WHEREAS, George Farrell, Jr., on behalf of Kunal Enterprises, has applied to Chatham County for a revision to the existing conditional use permit for various uses to add *Mobile home sales and services specifically for Modular home sales and display*, within the CU-B-1, Conditional Use Business zoning district and 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 George Farrell, Jr., on behalf of Kunal Enterprises., attached hereto and incorporated herein by reference with specific conditions as listed below:


Stipulations Specific to the Application

1. Only one (1) Off-Frame Modular home sales and display unit, constructed to the North Carolina Building Code Standards, shall be allowed.
2. This permit shall automatically expire on the first anniversary of its issuance unless (a) construction has commenced after issuance of a certificate of zoning compliance and building permit; or (b) a timely filed application for an extension of time has been approved by the Board of County Commissioners.
3. Parking lot spaces fronting on U. S. Hwy 64 shall incorporate landscaped islands with no more than 10 spaces on either side of the islands. Construction of islands and arrangement of parking spaces shall be completed prior to issuance of the certificate of occupancy for the Modular home sales unit.
4. All conditions on previous requests, as required by the Board of County Commissioners, shall remain.
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. 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.
6. 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.
7. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance 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 20th day of February, 2006.


Bunkey Morgan, Chairman

ATTEST:


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