

**A RESOLUTION APPROVING AN APPLICATION FOR A
CONDITIONAL USE PERMIT REQUESTED
BY JOHN W. BLAIR**

WHEREAS, John W. Blair has applied to Chatham County for a conditional use permit for a certain tract or parcel of land containing approximately 10.613 acres on the southeast intersection of SR-1700, Mt. Gilead Road, and SR-1714, Hatley Road for a Self-storage facility / mini-warehouse storage facility with related retail and services (i.e. moving truck rental) and - Uses and structures customarily accessory to any permitted use - specifically for boat, recreational vehicle and other self-storage and an associated residential use 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 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 John W. Blair attached hereto and incorporated herein by reference with specific conditions as listed below:

Stipulations Specific to the Application


1. Lighting Plan Approval. Lighting shall conform to the draft Chatham County Lighting Ordinance.
2. Storm Water Management. A storm water management plan sufficient to collect and detain the two year 24 hour storm from the entire project area shall be approved by the Planning Department prior to issuance of a Zoning Determination permit, and the developer is required to provide the Planning Department with final plans and an impervious surface calculation sheet. The developer shall construct storm water management control measures sufficient to serve the entire project area prior to issuance of a Certificate of Occupancy.
3. Signage. Signage shall be as specified on the site plan with two signs. One 4'x 8' and one 2'x 4'.
4. Appearance Commission. The applicant shall follow the recommendations of the Appearance Commission concerning vegetation, lighting and signage.
5. Construction Deadlines. This permit shall automatically expire on the first anniversary of its issuance unless a building permit for Phase 1 is received within 12 months of the date of approval or the conditional use permit is null and void.
6. Site Plan. The site shall be developed substantially in accordance with the plans submitted as part of the application.
7. Watershed Management. A detailed watershed protection plan for the entire project area which shall include impervious surface calculations and a monitoring plan to assure compliance with the maximum impervious surface area allowed herein shall be approved by the Planning Department prior to issuance of a Zoning Determination Permit. Prior to issuance of a Certificate of Occupancy, the developer shall submit evidence satisfactory to the Planning Department of compliance with the approved plan.
8. Permits. Any required State or Federal permits or encroachment agreements, including a commercial driveway permit(s) from N.C. DOT shall be obtained and copies submitted to the County prior to the issuance of a Zoning Determination Permit.
9. Improvements. Off-site improvements required by N.C. DOT or any other agency shall be constructed at no cost to the County.
10. Parking and off-street loading areas. Parking and off-street loading areas shall be installed in accordance with the approved site plan.
11. Landscaping/Screening. All required screening and buffers shall be in place prior to issuance of a certificate of occupancy. Existing vegetation may be used to fully or partially fulfill the landscaping and buffering requirements of the County. The extent to

which the same can be used shall be determined by the Planning Department prior to issuance of the Zoning Determination certificate.

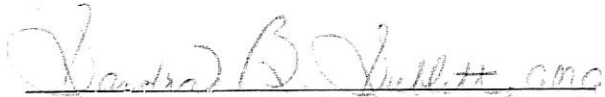
12. Erosion Control. If applicable, an erosion and sedimentation control plan shall be approved by the Chatham County Soil Erosion and Sedimentation Control Office and submitted to the Planning Department prior to the issuance of a Zoning Determination Permit.
13. Silt Control. The applicant shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
14. 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.
15. 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.
16. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
17. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
18. 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 July, 2006.

By: 
Bunkey Morgan, Chairman

ATTEST:


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