

**A RESOLUTION APPROVING AN APPLICATION FOR A  
REVISION TO A CONDITIONAL USE PERMIT  
FOR DAVID WEBSTER**

**WHEREAS**, David Webster has applied to Chatham County for a revision to an existing conditional use permit for a certain tract or parcel of land containing approximately 2.00 acres located off S. R. 1712, East Cotten Road, parcel # 2943 to retain the existing uses (catering operation, daycare, office {business, professional, governmental}, office {engineering supply and similar sales including blueprinting, Photostatting and similar services}, landscape design, gift shops, jewelry sales and service, interior design shops, churches, public or private school, training and conference center, camera shop, retail stores and personal service shops similar to those services listed in dealing in direct consumer and personal services) and *add Veterinary clinics and hospitals not to include dog runs or equivalent facilities* by the rezoning amendment adopted this date; and

**WHEREAS**, the Chatham County Board of Commissioners hereby make the five findings as listed below:

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 will be 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 a Conditional Use Permit be, and it hereby is, approved for the reasons herein above stated subject to the additional stipulations and conditions set forth hereinafter.

**AND BE IT RESOLVED** that the Chatham County Board of Commissioners hereby approve the application for the revision to the conditional use permit in accordance with the application dated 12/20/04 and incorporated herein by reference with specific conditions as listed below:

Stipulations Specific to the Application

1. Landscaping, lighting and signage shall be as shown on the site plan dated February 17, 2005 and as stated below:

- a. An area screened with material consistent with the wooden fencing will be constructed for screening waste containers. Even though dumpsters will not be needed at the outset, the screened area shall be large enough to accommodate one later.
- b. The area on the west side of the building shall be landscaped as follows:
  - i. English Ivy to be planted along the existing fence in one-quart pots spaced two feet on center. The ivy will be allowed to fill the gaps in the fencing to provide an opaque screen.
  - ii. The yard on the southwest side of the building to be reseeded.
  - iii. A variety of evergreens to be planted on the west side of the existing fence spaced 30-40 feet on the center.

Any additional landscaping must be installed prior to issuance of the certificate of occupancy.

- 2. The use shall not include outside dog runs.
- 3. The use shall not include the boarding of animals except for sick animals under treatment.
- 4. If the property is utilized in the future for one of the previously approved uses, all conditions shall remain as stated on approval letter to Mike Hubbard dated June 17, 2003 and August 19, 2003.
- 5. All required Chatham County Environmental Health permits and Chatham County building permits must be obtained prior to renovation of property.
- 6. The private easement road must be maintained to an all weather travel surface standard at all times.
- 7. All lighting must conform to the Draft Lighting Ordinance.
- 8. All noise abatement measures and odor control measures as outlined in the Amendment to the application for Conditional Use Permit by David Webster must be utilized.
- 9. Main entrance/client entrance to be relocated to the rear of the building (South side of structure) with staff parking relocated to the East side of the structure.
- 10. Customer parking to the rear/south of the structure to be fenced with a 4-foot high chain length fence.
- 11. Privacy fencing around exercising area to be 6 feet in height.
- 12. A revised site plan to be furnished to staff prior to applying to Chatham County for a building permit.
- 13. Land Use Intensity. This conditional use permit approves:

|                         |  |
|-------------------------|--|
| Gross Land Area         | 2.00 Acres   |
| Impervious surface area | 36%  |
| Minimum Lot Size        | As required  |
| Minimum Street Frontage | As required  |
| Setbacks                | Front yard: 50 feet<br>Side yard : 20 feet<br>Rear Yard: 20 feet |

14. Lighting Plan Approval. All area lighting shall meet County standards and not adversely affect adjoining residential areas. Existing lighting on the property shall be brought into conformance with the Chatham County Proposed Lighting Ordinance requirements prior to issuance of the certificate of occupancy for any addition or renovation to existing structures.
15. Utility and Access Easements. 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 Zoning Determination Permit.
16. Permits. All required Chatham County Environmental Health permits, and any required State or Federal permits or encroachment agreements, must be obtained and copies submitted to the County prior to the issuance of a Zoning Determination Permit / building permit.
17. Improvements. Off-site improvements required by N.C. DOT or any other agency shall be constructed at no cost to the County.
18. Client and Employee Parking, and off-street loading areas. Parking and off-street loading areas shall be installed in accordance with the ordinances and policies of the County and as stipulated above.

#### Stipulations Related to Landscape Elements

19. 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.

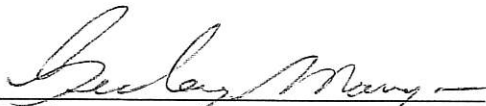
#### Miscellaneous Stipulations

20. Erosion Control. If applicable, an erosion and sedimentation control plan be approved by the North Carolina Department of Environmental Health and Natural Resources and submitted to the Planning Department prior to the issuance of a Zoning Determination Permit.
21. 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 actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of, either known and unknown, resulting to or from this decision.
22. Fees. Applicant shall pay to the County all required fees and charges attributable to the development of its project in a timely manner.
23. Continued Validity. The continued validity and effectiveness of this approval is expressly conditioned upon the continued determination that the project conform with the plans and conditions listed above.

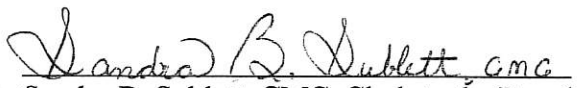
24. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
25. Non-Waiver. Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall 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 Chatham County hereby approves the application for a conditional use permit in accordance with the plans and conditions listed above.

Adopted this the 21<sup>st</sup> day of March, 2005.

  
Bunkey Morgan, Chairman

ATTEST:

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