

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

WHEREAS, George Farrell, Jr. has applied to Chatham County for a conditional use permit for two certain tracts or parcels of land containing approximately 13 acres located on U.S. 64 at its intersection with SR 1747 (Parcel #'s 69091 & 70029) for limited business uses as approved by the rezoning amendment adopted this date; and

WHEREAS, the Chatham County Board of Commissioners hereby finds as follows:

1. The uses approved herein are among those listed as eligible conditional uses 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 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 conditional use permit in accordance with the Application dated 4/19/04 attached hereto and incorporated herein by reference, and with specific conditions as listed below:

Stipulations Specific to the Development.

1. Construction Deadlines. This permit shall automatically expire on the fourth anniversary of its issuance unless (a) construction has commenced after issuance of Zoning Determination and Building Permits; or (b) a timely filed application for an extension of time has been approved by the County. This permit shall automatically expire on the fourth anniversary of its issuance unless the construction of all required improvements has been completed.

2. Land Use Intensity. This special use permit approves:

Gross Land Area	13 acres
Impervious surface area	36%
Minimum Lot Size	As required
Minimum Street frontage	As required
Maximum Number of Lots	_____
Maximum Number of Structures	_____
Setbacks	As required

3. 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.

4. Storm Water Management. A storm water management plan sufficient to collect and detain the first inch of rainfall runoff 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.

5. Fire flow. A fire flow report indicating adequate design be approved by the Chatham County Fire Marshal and Planning Department prior to issuance of a Zoning Determination Permit. Adequate fire flow shall be demonstrated prior to issuance of a certificate of occupancy. Any final plan shall indicate adequate access for pumper trucks.

6. Lighting Plan Approval. All area lighting shall meet County standards and not adversely affect adjoining residential areas.

7. 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.

8. Unity of Development. Prior to issuance of a Zoning Determination Permit, guidelines for the future development of the project as a unified whole shall be approved by the Planning Department. Such guidelines shall delineate architectural elements relating to building materials, roof treatments, and low impact from water runoff and water quality. More particularly, such guidelines shall specify the following at a minimum:

- (a) The dominant building material or combination of materials;
- (b) The means by which the materials or combination is dominant;

- (c) The dominant color or pattern of colors;
- (d) The means by which the colors or pattern of colors is dominant and the use of color on the facades of any structures;
- (e) If selected, the dominant architectural feature or combination of features;
- (f) Architectural features such as roof treatments including style, materials, and color, facade treatments including fenestration patterns and ornamentation; and building form including overhangs, canopies, protected exterior walkways, and entrance treatments; and to the extent practicable, such features shall be consistent with the existing businesses in the area
- (g) Provisions for the guidelines to be made applicable and binding upon all development within the project including all outparcels.

Stipulations Regarding State and Federal Government Approvals

9. Permits. Any required State or Federal permits or encroachment agreements, including a commercial driveway permit(s) from NC DOT be obtained and copies submitted to the County prior to the issuance of a Zoning Determination Permit.

10. Improvements. Off-site improvements required by N.C. DOT or any other agency shall be constructed at no cost to the County.

Stipulations Regarding Required Improvements

11. 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.

12. Utilities.

(a) The developer shall demonstrate availability of adequate water and wastewater supplies to serve the property and plans for provision of the same shall be approved by the Planning Department prior to issuance of a Zoning Determination Permit. Such plans shall be in conformity with any County policies then in effect and the developer shall pay all fees and charges associated with the project, including then current utility fees, review and inspection charges prior to issuance of a Zoning Determination Permit or final subdivision plat approval, whichever is earlier. The entire cost of extending public utility services if desired or required under County regulations shall be borne by the developer.

(b) Adequate water service may include the provision of an above-ground storage facility at a site satisfactory to the County if necessary to adequately provide fire flow pressures for the project and surrounding area.

(c) Adequate wastewater service for the entire project area shall be determined and approved by the appropriate regulatory agency prior to issuance of a Zoning Determination Permit and constructed at no cost to the County.

(d) All plans for underground utilities including water distribution, wastewater collection, gas, electric distribution, communications and cable television shall be approved by the respective utilities involved prior to issuance of a Zoning Determination Permit. Upon completion the County shall be provided as-built plans for all utilities to be accepted for maintenance, if any.

Stipulations Related to Landscape Elements

13. 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 partial fulfill the landscaping and buffer 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

14. Solid Waste Management Plan. A detailed solid waste management plan, including recycling and management for construction debris, shall be approved by the Planning Department prior to the issuance of a Zoning Determination Permit. The final plans shall include a detail of proposed service areas and respective access drives. This plan shall include the location and proposed use of containers for refuse and recyclables.

15. Detailed Site Plan. A final detailed site plan, grading plan, utility/lighting plans, storm water management plan with hydraulic calculations, and landscape plan for the entire project area as a unified development shall be approved by the Planning Department before the issuance of any Zoning Determination Permit and such plans shall conform to the plans approved in the application and demonstrate compliance with all applicable conditions hereof and of the County's ordinances. Non-residential subdivision of the project area shall also require the developer to comply with the site plan requirements of the County's subdivision regulations, including approval thereof by the Board of Commissioners. Such subdivision may allow modification of the master site plan approved hereunder so long as it is not inconsistent with this permit.

16. Stages. If desired, the applicant may construct the project in not more than four stages or phases. Each such stage shall be subject to approval by the County pursuant to its subdivision regulations. No final plat of a stage of the development shall be approved if there is any uncorrected violation of any provision of this permit.

16. 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.

17. Silt Control. The applicant shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.

18. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.

20. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

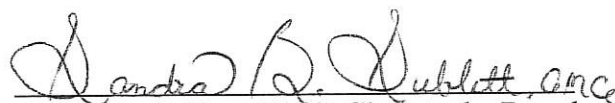
21. Non-Waiver. Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

22. Confirmation of Ownership. This permit is expressly conditioned upon confirmation to the County by the applicant, within 30 days from this date, that all of said thirteen acres of land are in common ownership.

COUNTY OF CHATHAM


Thomas J. Emerson, Chairman

ATTEST:


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