

**A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE
PERMIT
FOR IS DEVELOPMENT COMPANY, LLC**

WHEREAS, IS Development Company, LLC on behalf of **North Chatham Park, Lot # 5** has applied to Chatham County for a conditional use permit for a certain tract or parcel of land containing 5.63 acres located off Hwy 15-501 N, parcel ID # 78761, for restricted B-1 uses as listed in the applicant's text, approved 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 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 that the Chatham County Board of Commissioners hereby approve the application for the conditional use permit, dated August 23, 2004 and in accordance with the site plan dated, August 20, 2004, revised September 02, 2004 attached hereto and incorporated herein by reference with specific conditions as listed below:

1. Construction Deadline. This permit shall automatically expire on the first anniversary of its issuance unless (a) construction has commenced after issuance of the 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 second anniversary of its issuance unless the construction of all required improvements has been completed.

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

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|-------------------------|--|
| Gross Land Area | |
| Tract 5-A | .667 |
| Tract 5-B | 4.966 |
| Total | 5.633 |
| Impervious surface area | 36% |
| Minimum Lot Size | As required |
| Minimum Street Frontage | As required |
| Setbacks – Lot 5-B | Front yard: 50 feet Side yard : 20 feet Rear Yard: 20 feet |
| Setbacks – Lot 5-A | Front yard: 9.5 feet Side yard: 3 feet Rear yard: 3 feet |

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 one-half inch of rainfall 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. Lighting shall conform to the standards as set forth in the proposed Chatham County Lighting Ordinance.

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. Permits. Any required State or Federal permits or encroachment agreements 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 ordinances and policies of the County.

Stipulations Related to Landscape Elements

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. Per the Chatham County Appearance Commission recommendation, the screening fence on the back of the storage building between applicant's property and the Chatham County Recycling Center shall be chain link with diagonal screening slats that are brown in color. Also the landscape plan shall be amended to call for climbing vegetation to be planted along the fence line. The vegetation / landscaping shall be kept in good condition and replaced if necessary.

Miscellaneous Stipulations

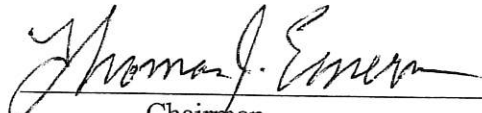
12. Erosion Control. If applicable, an erosion and sedimentation control plan shall be approved by the North Carolina Department of Environmental Health and Natural Resources and submitted to the Planning Department prior to the issuance of a Zoning Determination Permit.
13. Silt Control. The applicant shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
14. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination that the project conform with the plans and conditions listed above.
15. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

16. 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.

This 18th day of October, 2004.

CHATHAM COUNTY BOARD OF COMMISSIONERS


Chairman

ATTEST:

Clerk