

**A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE
PERMIT
FOR DAVID MOSER – PIPELINE UTILITIES**

WHEREAS, **David Moser – Pipeline Utilities** on behalf of Lovelia Edwards has applied to Chatham County for a conditional use permit for a certain tract or parcel of land containing approximately 11.50 acres located off S. R. 1724, Old Lystra Road, parcel # 76372, for use as a *Contractor's plant, storage yard and staging area specifically for the storing of uncontaminated dirt and shod rock only*, as 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 in accordance with the application dated September 2, 2004 and incorporated herein by reference with specific conditions as listed below:

1. Permit Expiration. This permit shall automatically expire on the fifth (5th) anniversary of its issuance. Subject property must be reclaimed to an elevation of 510 feet and stabilized prior to expiration of the conditional use permit to prevent any erosion or runoff onto adjacent properties.

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

Gross Land Area	11.50 Acres
Impervious surface area	36%
Minimum Lot Size	As required
Minimum Street Frontage	As required
Setbacks	Front yard: 40 feet Side yard : 25 feet Rear Yard: 25 feet

3. 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.
4. The driveway entrance shall be located approximately 300 feet west of the Edwards' eastern property line. A new site plan shall be furnished to staff showing the relocation of the entrance prior to any land disturbing activity commencement on the property. The entrance shall be paved a minimum of 50 feet from the edge of the existing state maintained roadway.
5. Permits. Any required State or Federal permits or encroachment agreements, including a commercial driveway permit(s) from NCDOT be obtained and copies submitted to the County prior to any activity commencement on the property.
6. There shall be no storage of equipment on the property except for equipment to be used in the spreading of deposited dirt and shod rock.
7. Improvements. Off-site improvements required by N.C. DOT or any other agency shall be constructed at no cost to the County.

Stipulations Related to Landscape Elements

8. Landscaping/Screening. A 25-foot wide undisturbed natural buffer shall be maintained on the western and northern boundaries. A 100-foot wide undisturbed natural buffer shall be maintained on the eastern boundary. On the entire western boundary (along Luna Lane) and a portion of the northern boundary (approximately 520 feet up to the first erosion control measure as shown on the site plan) there shall be a 40-foot wide x 10 – 12 foot tall berm constructed. The berm shall be planted with indigenous grasses, shrubs, and trees. The berm shall be fully constructed within twelve months (12) of the issuance of the conditional use permit. A revised site plan showing landscaping as required above shall be submitted to staff prior to any land disturbing activity.

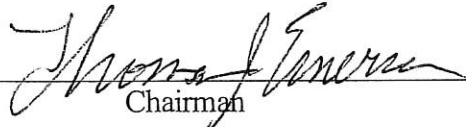
Miscellaneous Stipulations

9. Erosion Control. 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 any activity commencing on the property.
10. Silt Control. The applicant shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
11. Continued Validity. The continued validity and effectiveness of this approval ~~was~~ was expressly conditioned upon the continued determination that the project conform with the plans and conditions listed above.
12. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
13. 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