

**A RESOLUTION APPROVING AN APPLICATION FOR A  
CONDITIONAL USE PERMIT REQUESTED  
BY WALTER LEWIS**

**WHEREAS**, Walter Lewis has applied to Chatham County for a conditional use permit for a certain tract or parcel of land containing approximately 5.35 acres at the corner of US 64 E and Bob Horton Rd. (SR 1744), New Hope Township for an indoor storage facility for boats, recreational vehicles, and other vehicular and self storage uses 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 uses requested are 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 Walter Lewis attached hereto and incorporated herein by reference with specific conditions as listed below:

### **Stipulations Specific to the Application**

1. The recommendations provided by the Chatham County Appearance Commission shall be applied.
2. There shall be no plantings, fencing, or structures allowed in the Cary Utility easement area along US 64 in front of said property.
3. There shall be a minimum building setback of fifty feet (50') from the front property line and twenty feet (20') from the sides and rear property lines. Within the setback areas of the northern and western property lines adjacent to residentially zoned properties, there shall be located a fifteen foot (15') wide opaque vegetative buffer.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Erosion Control etc.) shall be obtained and copies submitted to the Planning Department prior to issuance of the first building permit.
5. A building permit shall be obtained within 24 months from the date of approval and shall remain valid at all times or the conditional use permit will be void.
6. All lighting shall conform to the Chatham County "Draft" Lighting Ordinance.
7. Site Plan. The site shall be developed substantially in accordance with the plans submitted as part of the application.
8. 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.
9. 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.
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. 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.

12. 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.
13. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
14. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
15. 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 16<sup>th</sup> day of October, 2006.

By: \_\_\_\_\_  
Bunkey Morgan, Chairman

ATTEST:

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