

A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT
REQUESTED BY WILLIAM R. COPELAND

WHEREAS, William R. Copeland has applied to Chatham County for a conditional use permit for a certain tract or parcel of land containing approximately 5.6 acres on the northwest quadrant of the intersection of U.S. Highway 64 and Big Woods Road for a restaurant 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 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 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 William R. Copeland attached hereto and incorporated herein by reference with specific conditions as listed below:

Stipulations Specific to the Application

1. Construction Deadlines. This permit shall automatically expire on the second 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. Site Plan. The site shall be developed substantially in accordance with the plans dated December 19, 2005 by Crawford Planning and Design.
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. Lighting Plan Approval. Lighting shall conform to the draft Chatham County Lighting Ordinance.
6. Permits. Any required State or Federal permits or encroachment agreements, including a commercial driveway permit(s) from N.C. DOT shall be obtained and copies submitted to the County prior to the issuance of a Zoning Determination Permit.
7. Improvements. Off-site improvements required by N.C. DOT or any other agency shall be constructed at no cost to the County.
8. 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.
9. Utilities. 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.

10. 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.
11. 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.
12. Silt Control. The applicant shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
13. 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.
14. 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.
15. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
16. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
17. 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 20th day of March, 2006.

CHATHAM COUNTY BOARD OF COMMISSIONERS

By: _____
Chairman

ATTEST:

Clerk