

**A RESOLUTION APPROVING AN APPLICATION FOR A
CONDITIONAL USE PERMIT REQUESTED
BY JESSE FEARRINGTON**

WHEREAS, Jesse Fearrington has applied to Chatham County for a conditional use permit for a certain tract or parcel of land containing approximately 29.63 acres of a 59.58 acre tract located at the northwest corner of US 15-501 N and Morris Rd. (SR 1527) for a Specialty Retail Center with Out Parcels (i.e. retail food/grocery store, banks, drug stores, eating and drinking establishments, professional and business office use) 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 Jesse Fearrington attached hereto and incorporated herein by reference with specific conditions as listed below:

Stipulations Specific to the Application

1. All lighting shall meet the requirements of the draft Chatham County Lighting Ordinance and where specified on the site plan shall be cutoff shoe box lighting.
2. Signage shall be as specified on the site plan. Signage shall meet the requirements of the zoning ordinance for a Business (B-1) zoning district.
3. The recommendations from the Appearance Commission for landscaping shall be followed as reasonably practicable. Plantings shall start at the next optimal planting season from the date of permit approval.
4. A 8-10 foot tall berm shall be installed along the SW edge of the development beginning at the entrance on Morris Rd. extending the entire length along Morris Road to the Casper property and then along the entire length of the eastern boundary of the Casper property as shown on the site plan. A 12-15 foot tall berm shall be installed along the northwest corner of the applicant's property as shown on the site plan in the area currently existing as a field. A 12-15 foot tall berm shall also be installed along the northeast side of the applicant's property as shown on the plan north of the proposed water quality pond.
5. The berms addressed above shall be installed before the first building permit is issued. Landscaping of the berm shall commence at the next optimal planting season following the approval of the permit.
6. The minimum parking requirements for the request shall be as requested by the applicant.
7. A storm water management plan sufficient to collect and detain the two year 24 hour storm 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.
8. All required perimeter landscaping and buffering shall be installed prior to the issuance of certificate of occupancy for the first structure or at the first optimal planting season following the issuance of the certificate of occupancy.
9. 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.
10. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
11. The first building permit shall be issued within 24 months from the date of this permit's approval or this permit will automatically expire and become void.

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

By: _____
Bunkey Morgan, Chairman

ATTEST:

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