

**A RESOLUTION APPROVING AN APPLICATION FOR A
REVISION TO A CONDITIONAL USE PERMIT REQUESTED
BY Absolute Land Surveying on behalf of Windsong Muse LLC**

WHEREAS, Absolute Land Surveying on behalf of Windsong Muse, LLC has applied to Chatham County for a revision to a conditional use permit for a certain tract or parcel of land containing approximately 16.756 acres on Parcel No. 17475, located at 2540 Seaforth Rd. (SR 1941), New Hope Township within the Conditional Use Office & Institutional zoning district for bed and breakfast facility and retreat and conference center to include a professional recording studio 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 revision to the 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 revision to the conditional use permit in accordance with the plan of Absolute Land Surveying on behalf of Windsong Muse, LLC attached hereto and incorporated herein by reference with specific conditions as listed below:

Stipulations Specific to the Application

1. There shall be allowed one (1) sign, no larger than 32 square feet at the entrance to the property. Interior signage is permitted as described in the application for an illuminated sign at the new studio center but is to be no larger than 32 square feet.
2. Recommendations from the Appearance Commission shall be followed. Any additional plantings shall be done at the next optimal planting season following the approval date and shall be maintained to thrive and provide the appropriate screening as required. The Appearance Commission with the Planning Department may review the landscaping and screening after one year of the initial planting to verify appropriate measures have been taken as requested. Should there be any changes in the landscaping for effectiveness of screening and environmental protections, they shall be given to the applicant at this time and the applicant will be given ample opportunity to take the corrective measures.
3. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control etc.) shall be obtained and copies submitted to the Planning Department prior to issuance of the first building permit.
4. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
5. The first building permit shall be issued within 12 months from the date of this permit's approval, expiration of the appeal period or any court decision, whichever is later, or this permit will automatically expire and become void.
6. The parking lot area shall meet the guidelines of the zoning ordinance for 1 space per 300 square feet of area for all retreat, conference, and studio floor area. The bed and breakfast shall have 1 space per unit plus 2 spaces per 3 employees on a normal shift as described in the ordinance. Turn around areas shall be provided in the largest parking lot and at the drop off/pick up point of the new structure. These parking areas shall show on a revised site plan provided to the Planning Department prior to beginning of construction.
7. Any and all lighting shall comply with the "draft" lighting guidelines applicable at the time of approval.

8. Watershed Management - An “as built” impervious surface calculation for all structures, gravel, concrete, and asphalt shall be provided to the Planning Department prior to the issuance of a certificate of occupancy.
9. Silt Control – The applicant and/or landowner shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
10. 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.
11. Fees - Applicant and/or landowner 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, and building inspection, established from time to time.
12. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued Determination with the plans and conditions listed above.
13. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
14. 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 revision to the conditional use permit in accordance with the plans and conditions listed above.

Adopted this the 18th day of June 2007.

By: _____
Carl Thompson, Chairman

RE: Windsong Muse, LLC

ATTEST:

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