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**A RESOLUTION APPROVING AN APPLICATION FOR A
Revision to an existing CONDITIONAL USE PERMIT
REQUESTED
BY Jerry Turner & Associates on behalf of HBP Properties, Inc.
(Brantley Powell)**

WHEREAS, Jerry Turner & Associates on behalf of HBP Properties, Inc. (Brantley Powell) has applied to Chatham County for a revision to a conditional use permit for Polk Center for an extension of Condition No. 13 to extend the expiration date to begin construction for two years (October 16, 2010), Williams Township; and

WHEREAS, the Chatham County Board of Commissioners, having considered all of the evidence in the whole record and 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:

That due to circumstances beyond the applicants controls, mainly the determination of access road locations pending approval from the NCDOT District Engineer, the request seemed reasonable in an effort to continue to meet Finding No. 5 of the conditional use permit.

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 submitted by the applicant, Jerry Turner & Associates on behalf of HBP Properties, Inc. (Brantley Powell), attached hereto and incorporated herein by reference with specific conditions as listed below: **(Only change made is to Condition No. 13 below)**

Stipulations Specific to the Application

1. A lighting plan shall be supplied to and approved by the Planning Department prior to approval of the first building permit being issued. All lighting shall meet the requirements of the draft Chatham County Lighting Ordinance.

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 where no one sign shall exceed 150 square feet in size.
3. The recommendations from the Appearance Commission for landscaping shall be followed and a new landscape plan submitted and approved by the Planning Department prior to installation of the first plantings. Plantings shall start at the next optimal planting season from the date of permit approval.
4. A new site plan depicting the right-in/right-out only at the south drive shall be provided prior to issuance of the first building permit.
5. The proposed new road connecting US 15-501 with Polk' Landing Road shall be a public road built to NCDOT standards and dedicated to the NCDOT.
6. Setbacks from Cub Creek shall be 100 feet on each side for buffers and the stormwater management pond. A new storm water management plan shall be submitted to the Planning Department prior to issuance of the first building permit. The stormwater design shall be at a minimum to the requirements specified in Section 8.5.4 Storm Water Runoff of the application.
7. Parking requirements for the request shall be as outlined in the Zoning Ordinance, Section 12 and the Chatham County Design Guidelines.
8. An approved wastewater disposal site plan and permit from NCDWQ and any other departments as deemed necessary with respect to the wastewater disposal shall be supplied prior to issuance of the first building permit.
9. 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.
10. Dumpsters shall be screened to meet Chatham County guidelines.
11. 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.
12. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
13. The first building permit shall be issued within one year from the date of this permit's approval for extension making it **October 17, 2009** or this permit will automatically expire and become void.
14. Site Plan. The site shall be developed substantially in accordance with the plans submitted as part of the application.

15. 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.
16. 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.
17. Silt Control. The applicant shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
18. 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.
19. 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.
20. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
21. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
22. 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 21st day of July 2008

By: _____
George Lucier, Chairman

ATTEST:

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