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**A RESOLUTION APPROVING AN APPLICATION FOR A
REVISION TO AN EXISTING CONDITIONAL USE
PERMIT
BY HBP, LLC**

WHEREAS, Brantley Powell dba HPB, LLC, has applied to Chatham County for a revision to the conditional use permit on Parcel No 2407, located at 10677 US 15-501 N known as Polk's Village, Baldwin Township, to add additional uses as seen in Attachment A of this approval 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:

1. The use/s requested are among those listed as eligible uses in the district in which the subject property is located or is to be located.
2. The requested revision to the conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, economic changes have created a need for prospective business owners to have more flexibility and options for gaining tenants or purchasers of commercial properties.
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. Competition among commercial developments can be an essential part of doing business and with the current economic state, each commercial property being Polk's Village and William's Corner should have the same opportunities to thrive, without restriction on certain uses.
4. The requested permit is consistent with the objectives of the Land Development Plan by, among other things, locating in an area already supported by various "neighborhood business" uses as defined in the Zoning Ordinance and balanced growth is being maintained due to the property being in the same area with other commercial uses. The Land Conservation and Development Plan encourage the continuation of existing business within many areas of the county.

5. Adequate utilities, access roads, storm drainage, recreation open space, and other necessary facilities have been or are being provided through the proposal consistent with the County's plans, policies and regulations and confirmed through conditions placed on its approval as seen below.

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 Applicants, Brantley Powell dba HBP, LLC, attached hereto and incorporated herein by reference with specific conditions as listed below:

Site Specific Conditions:

1. The site plan dated July 2009 shall be considered the existing approved plan. In its revision is the addition of a five (5) foot wide sidewalk from Polk's Landing Road across from Holly Ridge Road into the development to allow for pedestrian connectivity that also includes bicycle/disability access ramps; the addition of four (4) bike racks installed at central points throughout the development; the modified evergreen undisturbed margin along Polk's Landing Road bordering the development which allows for selective clearing and revegetation with new plantings; the addition of a sign on Polk's Landing Road at the first entrance into the development stating "shopping center entrance only," and that entrance should be wide enough to accommodate a tractor-trailer.

2. The additional uses allowed to be added to the original list of uses are:

ABC Stores	Appliance Sales & Service
Cabinet Shops (excluding manufacture)	Catering Establishments
Dairy Bars and Ice Cream Shops	Specialty Food Store limited to 12,000 square feet maximum and no outside storage or displays
Music Stores	Photographic Studio, camera shops
Post Office internal to primary use structure only (no stand alone facilities)	Repair shops for jewelry, shoes, radios, televisions and other small office or household appliances with no outside storage or displays
Secretarial & Job Service Agency	Sporting Good Sales with no outside storage or displays
Bake Shops & similar food preparation	Laboratory dental, medical, optical
Bicycle sales & repair	Hardware, appliances, electrical and similar items retail sales
Lawn & Garden shops (under roof)	Medical Clinics
Opticians and optical sales and service	Paint Retail shops

Veterinary clinics and hospitals with dog runs or equivalent facilities	Laundries Laundromats and Dry Cleaning establishments
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3. The recommendations of the Chatham County Appearance Commission (CCAC) for landscaping and screening of dumpsters shall remain in effect as originally approved. The CCAC and the Planning Division may conduct yearly inspections to ensure design and intent are maintained and may advise of additions or changes be made to the site whether to the developers expense or some other entity.

4. The interior road leading through the development from US 15-501 S connecting to Polk's Landing Road shall be installed and maintained in its entirety before the certificate of occupancy for the first structure is approved and prior to Polk's Landing Road being converted to right out only at US 15-501.

5. This development was approved for a permit extension in July 2008. Due to the 2009 Permit Extension Act, this project shall obtain the first building permit before such permit will expire which will be October 16, 2012. The building permit shall remain active and valid at all times once issued.

6. A revised letter of approval from NCDOT shall be submitted to the Planning Division before any land disturbing activity may take place. Any requirements for changes or upgrades shall not affect nor be the burden of Williams Corner. Copies of all permits, changes, extensions, or modifications shall be submitted to the Planning Division before any land disturbing activity shall begin.

7. 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/Zoning Division prior to issuance of the first building permit. The design shall at a minimum as specified in Section 8.5.4 Storm Water Runoff in the original application.

8. The site plan shall be developed as approved in July 2009. A reduction in one building's square footage may be transferred to another building in the development with no one building exceeding 40,000 square feet.

Standard Site and Permit Conditions:

9. Signage, parking, and lighting shall conform to the current regulations in the Chatham County Zoning Ordinance (December 2008 version).

10. All parts of the application, notes, and approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Division or other approving board before any such changes can take place.

11. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental

Health Division, Stormwater Management, etc.) shall be obtained. If required, and copies submitted to the Planning Department prior to the issuance of the building permit.

Standard Administrative Conditions:

12. 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.

13. 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.

14. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.

15. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

16. 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 January 2011

By: Brian Bock

Brian Bock, Chair
Chatham County Board of Commissioners

ATTEST:

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