

**COUNTY COMMISSIONERS**

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A RESOLUTION APPROVING AN APPLICATION FOR A REVISION TO AN EXISTING CONDITIONAL USE PERMIT

BY Michael Tiemann on behalf of Windsong Muse, LLC

WHEREAS, Michael Tiemann on behalf of Windsong Muse, LLC has applied to Chatham County for a revision to the conditional use permit on Parcel No 17475, located at 2490 & 2492 Seaforth Rd., New Hope Township, to add an additional driveway, reconfigure the use of the smaller, previously labeled two-vehicle garage area for additional recording space, interior parking and travel areas, and relief from the expectations for the generation of renewable energy on site 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, a changing market has shown the need for more analog technology as well as digital. This will allow the full spectrum of various types of productions and open more opportunities. The applicant, at their own expense, has supplied fiber optic internet service to approximately 100 residences should they choose to subscribe to the service.
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. Parking, lighting, and signage will continue as approved with no additional required. NCDOT has approved the additional commercial driveway, sidewalk improvements, outdoor sitting areas, water features, and sound reducing construction are things that have been or will be done to further enhance the property.
4. The requested permit is consistent with the objectives of the Land Development Plan by, among other things, the continuance of existing approved use conditional use

permit, no substantial changes are being made to take away from the rural character, and supplies a mix of development as described in the Plan.

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 and as previously approved in the original 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 an 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, Michael Tiemann on behalf of Windsong Muse, LLC, attached hereto and incorporated herein by reference with specific conditions as listed below:

Site Specific Conditions:

1. There shall be 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.

Standard Site and Permit Conditions:

2. Signage, parking, and lighting shall conform to the current regulations in the Chatham County Zoning Ordinance. All recommendations as submitted by the Appearance Commission shall be followed. Plantings shall be done at the next optimal planting season upon this approval and prior to the certificate of occupancy. Landscaping shall be maintained and comply with the intent of the ordinance at all times.
3. 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 Department or other approving board before any such changes can take place.
4. 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 first building permit or alterations permits.

Standard Administrative Conditions:

5. 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.

6. 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.
7. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
8. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
9. 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 16th day of May 2011

By: _____

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