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A RESOLUTION APPROVING A REVISION TO A CONDITIONAL USE PERMIT REQUEST

BY Scott Thomas on behalf of Jessie Fearrginton

WHEREAS, Scott Thomas on behalf of Jessie Fearrginton has applied to Chatham County for a revision to an existing conditional use permit on Parcel No. 65232, located at the corner of US 15-501 N and Morris Road, project known and approved as Fearrginton Place, Baldwin Township, for the removal of approximately .322 acres from the existing conditional use permit to be recombined with property owned by the North Chatham Fire Department, 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. This finding does not apply to this request.
2. The requested revision to the conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, when the US 15-501 widening project was completed, NCDOT closed a section of Morris Road and created a new alignment for the intersection. The NCFD would like to officially close that section of roadway due to safety concerns and be able utilize the area for future use through additional approvals.
3. The requested revision to the 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. A review of the reduction of acreage for the Fearrginton Place development will not cause any adverse actions relating to impervious surface, open space, or building site plans.
4. The requested revision to the permit is consistent with the objectives of the Land Development Plan by, This finding does not apply to this request.

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 any additional conditions placed on its approval as seen below. This finding does not apply to this request.

NOW, THEREFORE, BE IT RESOLVED BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS, as follows:

That a revision to an existing 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 existing conditional use permit in accordance with the plan submitted by the Applicant, Scott Thomas on behalf of Jessie Fearington, and incorporated herein by reference with specific conditions as listed below;

Site Specific Conditions

None

Standard Site Conditions

1. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance unless otherwise stated in a specific condition noted above.
2. The application 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.
3. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Storm water Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.
4. A building permit shall be issued and remain valid at all times within two years of this approval or this permit revision shall become null and void.

Standard Administrative Conditions

5. 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.
6. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
7. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
8. 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 21st day of May, 2012

By: _____

Brian Bock, Chair
Chatham County Board of Commissioners

ATTEST:

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