



Established 1771

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## **A RESOLUTION APPROVING A REVISION TO A CONDITIONAL USE PERMIT REQUEST**

**BY** Brantley Powell on behalf of Polk's Village, Inc.

**WHEREAS**, Brantley Powell dba Polk's Village, Inc. has applied to Chatham County for a revision to an existing conditional use permit on Parcel No. 2407 and 89420 thru 89429, located at 10677 US 15-501 N, Williams Township, for a conditional use permit (CUP) amendment to modify the site plan and uses allowed on the site to include Congregate Care Facility, Hospital, Health and Welfare Centers, Nursing Homes, and Daycare Center with a revised listing of "non-approved" uses for the project, to increase the overall square footage of commercial, retail, office & institutional space to 129,000 from 125,000, increase square footage for the proposed assisted living (congregate care) facility to 47,000 from 40,000, to increase the foot store square footage to 30,000 from 12,000, and to change wording for the LEED certificate requirement to LEED construction that would achieve acknowledgement of LEED level construction, 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. Prior text amendment approval lists all uses within the development as permitted within the B-1 Business District.
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 Certificate of Need has been issued by the State of North Carolina for Ridge Care Assisted Living Facility for a 91 bed facility which is also a "for profit" company that would bring tax revenue into the county. The increase in the food store arose from interest from a potential tenant who contacted Mr. Powell and the added flexibility helps meet the changing market to bring development to this portion of the county.
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. The modifications of this approval are internal to the existing project. The outlying areas of disturbance are unchanged. All perimeter conditions, landscaping, signage,

buffers, setbacks, and road system are unchanged and remain as approved. The addition of the congregate care facility and the daycare center replace what would have been retail and office space therefore reducing the overall traffic flow into and out of the site. LEED level construction will remain a valued component of the continued development of the project.

4. The requested revision to the permit is consistent with the objectives of the Land Development Plan by, continuing to meet the Land Conservation and Development Plan as previously determined through its approval. This encourages a mix of uses rather than a separation of uses. By broadening the list of uses for this development, this can be accomplished. The protection of ground and surface water remains unchanged as the area clearing areas will not need to be changed for the added uses.

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. Chatham County will continue to provide water for the development. The septic system will be designed and expanded based on new evaluations from AWT and/or the Chatham County Environmental Health Department. Stormwater and erosion and sedimentation control measures will be permitted and comply with current regulations.

**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, Brantley Powell on behalf of Polk's Village, Inc., and incorporated herein by reference with specific conditions as listed below;

**Site Specific Conditions:**

1. The following uses **are not permitted uses** within this development:

Amusement enterprises such as a pool, bowling, roller rink when housed entirely within a permanent structure	Automobile repair garages
Automobile sales and service	Automobile service stations (as defined in the zoning ordinance)
Bait and tackle shops	Boat, trailer, and other utility vehicle sales and service
Bus passenger stations	Cabinet shops (sales & service allowed but excludes manufacturing)
Churches and other places of worship	Feed, seed, fertilizer retail sales
Fire stations & emergency medical service	Food stores, retail (allowed up to 30,000 sq ft)

facilities	maximum size)
Fur storage	Funeral homes, embalming including crematoria
Horticulture, specialized	Furrier, retail sales
Landscaping & grading business	Hotels, motels and inns
Lock and gunsmith	Leather goods (sales & service allowed but excludes manufacturing)
Mobile homes sales and service	Lodges, fraternal & social organization clubs
Open air sales & service of accessory buildings & gazeboes and like free-standing structures	Motorcycle sales and service
Public & private schools, training & conference centers	Pawnshops and secondhand stores
Radio & television stations and their towers when the towers are located on the same site with the station	Public & private recreation camps and grounds with a minimum lot area of 10 acres as further defined in the zoning ordinance
Swimming pool & related items sales & service	Self-storage facility/mini-warehouse storage facility with related retail and services (i.e. moving truck rental)

2. Each building shall be constructed in a manner that would achieve acknowledgement of LEED level construction. A LEED certificate is not required.
3. The Congregate Care Facility shall not exceed 47,000 square feet as requested by the applicant. All other building sizes shall follow Condition No. 8 as previously approved of no larger than 40,000 sq. ft.
4. The site plan dated March 22, 2013 shall be considered the existing approved plan. All requirements and agreed upon conditions regarding 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 re-vegetation 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, shall remain valid and required.
5. 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 on additions or changes be made to the site whether to the developers expense or some other entity.
6. The interior road leading through the development from US 15-501 South 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.
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 on the site plan dated March 22, 2013. 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 with the exception of the Congregate Care Facility which is permitted to expand to 47,000 square feet in size.

**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 Department or other approving board before any such changes can take place.
11. All required local, state, or federal permits (i.e. North Carolina Department of Transportation (NCDOT) commercial driveway permits, North Carolina Division of Water Quality (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 and as needed throughout the remainder of the development of the project.

**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 compliance 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 conditional use permit in accordance with the plans and conditions listed above.

Adopted this, the 20th day of May, 2013

By:   
Walter Petty, Chair  
Chatham County Board of Commissioners

ATTEST:

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