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

**BY** The Keith Corporation

**WHEREAS**, The Keith Corporation has applied to Chatham County for a revision to an existing conditional use permit on Parcel No. 62180 currently known as Cole Park Plaza, located at 11500 US 15-501 N, Williams Township, for a conditional use permit revision to redesign the site maintaining current uses and conditions as approved, 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. The property will continue to operate as originally approved as a shopping center.
2. The requested revision to the conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, the center has been in operation since its approval and continues to offer various shopping needs to the citizens of the county. The new owners plan to upgrade the facility with new facades, landscaping, and stormwater treatment. They plan to demolish the portion of the building that currently houses the restaurant as well as the existing standalone fast food restaurant. A new fast food restaurant is proposed to be constructed. Renovations to the old hardware store are also being proposed to relocate some uses and add new retail. The applicant states the retrofitting and upgrades will hopefully spark an increase in occupancy resulting in increased tax revenue and jobs.
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 applicant met with the Chatham County Appearance Commission (CCAC) and proposed to install a new perimeter tree planting yard along with new landscape islands at the center, new light poles and new light fixtures are to be installed that will be "nighttime friendly". A new monument sign also being proposed to achieve the same updated look of the new facility. The applicants were reminded to follow the standards noted in the Zoning Ordinance for landscaping and the requirement dumpsters are to be enclosed and shielded from view. This is also conditioned below.



4. The requested revision to the permit is consistent with the objectives of the Land Development Plan by, This is a redevelopment of an existing commercial property. Water and sewer currently exist and will continue to be served by Aqua NC. The applicant also states this center is a logical “crossroads” for commercial development and continuation of existing commercial uses is encourage by the Plan.

The redesign is expected to reduce the impervious surface. Currently the site, which has a drainage area of approximately 8.7 acres and is developed at approximately 81% impervious surface. The new owners will utilize a back portion of the property to redirect approximately 2.7 acres to a new stormwater wet detention basin. This will in effect reduce the amount of impervious surface to approximately 7.5 acres of the site. Because this facility and the impervious surface was created prior to watershed regulations being adopted, the property may continue to exceed the maximum limits in effect today.

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. Wastewater will continue to be provided by Aqua NC and water by Chatham County Public Utilities. No new driveways or accesses are being added. All other necessary facilities will continue to be provided as currently approved.

**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, The Keith Corporation, and incorporated herein by reference with specific conditions as listed below;

**Site Specific Conditions**

1. All previously approved conditions shall remain in effect with the exception of modifications included with this revision.
2. The applicant shall follow the recommendations of the Chatham County Appearance Commission and install said plantings at the next optimal planting season following the issuance of the first building permit.
3. All dumpsters associated with the project under the Conditional Use Permit shall follow the adopted design guidelines and standards of the ordinance for enclosures and maintenance.
4. The first building permit shall be issued within two (2) years of the date of this approval or this revision becomes null and void.



**Standard Site Conditions**

5. The application, standards and adopted regulations of the applicable ordinances and policies, and the 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. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.
6. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater 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.

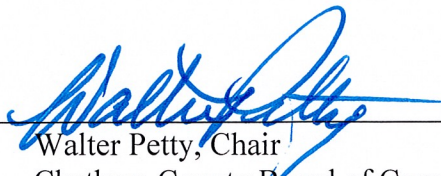
**Standard Administrative Conditions:**

7. 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 inspections.
8. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
9. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
10. 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.

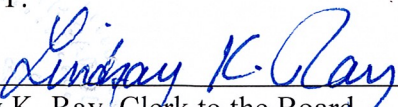
Adopted this, the 20th day of October, 2014

By: \_\_\_\_\_



Walter Petty, Chair  
Chatham County Board of Commissioners

ATTEST:



Lindsay K. Ray, Clerk to the Board  
Chatham County Board of Commissioners

