

**AN ORDER BY THE DURHAM CITY COUNCIL
GRANTING A MAJOR SPECIAL USE PERMIT FOR
DEVELOPMENT WITHIN THE SPECIAL FLOOD HAZARD AND
FUTURE CONDITIONS AREAS**

McDonald's at 1010 North Miami Boulevard (M1100003)

Location: 1010 N. Miami Boulevard

PIN: 0831-12-86-7423.L00, 0831-12-96-2562

The City Council of the City of Durham, having conducted a hearing on “McDonald's at 1010 North Miami Boulevard” (M1100003), concerning proposed development and fill within the special flood hazard and future conditions areas, on January 7, 2013 and having considered all written and oral evidence presented at such hearing, hereby determines that the Ordinance requirements for the granting of a Major Special Use Permit in this case have been met, and that the Use Permit should be granted.

THE COUNCIL HEREBY MAKES THE FOLLOWING FINDINGS AND CONCLUSIONS, based on the evidence presented at the public hearing:

The proposed use, as described in the application, with such further conditions as may be described below, meets the requirements of Section 3.9 and 8.4.4D of the Unified Development Ordinance, and:

1. Is in harmony with the area and not substantially injurious to the value of properties in the general vicinity;
2. Conforms with all general, special and supplementary requirements applicable to the use and the Review Factors identified in Section 3.9.8B and C;
3. Will not adversely affect the health or safety of the public.

IN SUPPORT OF THESE FINDINGS AND CONCLUSIONS, THE COUNCIL finds as fact that the descriptions and statements of fact set forth in the staff report presented as evidence to the Council are the facts describing the proposed use, surrounding conditions, and ordinance requirements, and the Council adopts by reference and includes in this decision and order all such facts as if set forth herein.

THEREFORE, THE COUNCIL HEREBY GRANTS THE MAJOR SPECIAL PERMIT.

IN ADDITION, as indicated in Section 3.9.13 of the Unified Development Ordinance this permit will become null and void in the following cases:

1. If a site plan is not approved within 12 months of the date of permit approval.
2. Where an approved site plan or building permit expires.
3. Where a building permit is not issued within two years of the date of approval, in cases where a site plan is not required.
4. If a substantial violation of the conditions of the permit, as determined by the Planning Director or designee occurs.

This determination and Order is effective upon and after the date of its adoption as shown by the stamp of the City Clerk below.

**NORTH CAROLINA
DURHAM COUNTY**

I, _____, Notary Public of the aforesaid County and State, certify that personally appeared before me this day _____ City Clerk of the City of Durham, who duly certified and acknowledged that the foregoing constitutes a true and accurate copy of the Order adopted by the City Council of the City of Durham at its meeting held _____, 20_____, as the same is taken from and compared with the recordation of said Order as Ordinance Number _____, on file in the Office of the City Clerk.

Witness my hand and notarial seal, this _____ day of _____, 20_____.

Notary Public

My Commission Expires