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A RESOLUTION APPROVING AN APPLICATION FOR A REVISION TO A CONDITIONAL USE PERMIT REQUEST BY Carolina Meadows, Inc.

WHEREAS, Carolina Meadows, Inc., have applied to Chatham County for a revision to an existing conditional use permit, Parcel No. 62114, 64734, 20033, and 74450, located off Whipoorwill Lane, Williams Township, to develop the residual land within the existing boundaries to add 35 duplex villas and relocate the maintenance facility, reconstruct a new health care facility, and various other changes to existing structures and parking areas;

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 uses requested are among those listed as eligible uses in the district in which the subject property is located or is to be located. This facility received the original approval in 1983 and has continued to do so as approved.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, operates as a continuing care retirement facility that offers amenities, independent living, assisted living, and skilled nursing care. There will be no new roads constructed and additional employment opportunities will be provided.
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. Among the evidence supporting this finding is the following: Traffic utilizing the site is expected to cause an additional one (1) second increase at the intersection of Whipoorwill Lane and Old Farrington Road. The overall impervious surface for the new development will be approximately 20% where 36% is allowed.
4. The requested permit is consistent with the objectives of the Land Development Plan by, among other things, maintaining the form and function of rural character at the property and providing a mix of development opportunities for economic growth for the county.
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. The property will continue to be served by the county water system and the wastewater will continue to be maintained by Aqua NC.

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

That a 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 conditional use permit in accordance with the plan submitted by the Applicant, Carolina Meadows, Inc., attached hereto and incorporated herein by reference with specific conditions as listed below:

Site Specific Conditions:

1. All previous conditions not expressly listed in this approval shall remain valid.
2. The recommendations provided by the Appearance Commission, as stated in the application, and as shown on the site plans shall be followed. If at any time screening and buffering is not complying with the provision of this approval, the Appearance Commission, along with the Planning Department, shall make recommendations to bring said screening, plantings, or vegetation into compliance. The Chatham County Design Guidelines are incorporated into this approval as well. Landscaping shall be installed prior to issuance of a Certificate of Occupancy.
3. Signage is limited to that as stated in the application. Any illumination of signage shall follow the section on lighting in the Zoning Ordinance, Section 11A.
4. A plan for linking pedestrian trails shall be submitted to the Planning Department at each phase of the project before a Certificate of Occupancy can be issued.
5. The diversion channel noted by Fred Royal, Environmental Resources Director for Chatham County, in his report dated June 19, 2008 shall be addressed detailing what its purposes is and how it will be constructed for such use. This document shall be provided to the Planning Department and approved by Mr. Royal before beginning any land disturbing activity or the issuance of the first building permit.

Standard Site Conditions:

6. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Section, etc.) shall be obtained and copies submitted to the Planning Department prior to the issuance of a certificate of occupancy.
7. Lighting shall be installed and maintained as per the adopted lighting regulations located in Section 11A of the Chatham County Zoning Ordinance. Any lighting or fixtures found to be non-compliant with the regulations shall be replaced at the expense of the

landowner/operator and shall hold no liability against Chatham County for the compliance measures.

8. An "as-built" impervious surface calculation shall be submitted to the Planning Department prior to issuance of a certificate of occupancy for each phase of development.
9. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
10. A building permit shall be obtained and remain valid at all times or this permit shall become void. The first building permit for the first structure or renovation shall be approved and submitted within 24 months of this approval or the permit becomes void; or the expiration of the appeal period or any court decision, whichever is later.


Standard Administrative Conditions:

11. 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. Nothing in this paragraph shall require the applicant to indemnify and hold the County harmless from any losses or costs associated with defense of the County's actions or procedures in considering and acting upon this application.
12. 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.
13. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
14. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
15. 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.


(RE: Carolina Meadows, Inc. revision to conditional use permit)

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 2008

By:  _____
George Lucier, Chairman

ATTEST:


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