

A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE
PERMIT FOR A REQUEST BY GAINES BROTHERS, LLC FOR THE HOMESTEAD

WHEREAS, Gaines Brothers, LLC has applied to Chatham County for a conditional use permit for a certain tract or parcel of land containing approximately 50.6 acres on SR 1716, Big Woods Road for use as a Planned Unit Development as indicated in the Homestead Application for a modification to an existing conditional use permit; and

WHEREAS the Chatham County Board of Commissioners, based upon the competent, substantial and material evidence in the record hereby finds as follows:

1. The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.
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.
4. The requested permit is consistent with the objectives of the Land Development Plan.
5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations.

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 conditional use permit in accordance with the revised plan of The Homestead attached hereto and incorporated herein by reference with specific conditions as listed below:

Stipulations Specific to the Application

1. At the time of subdivision preliminary review, public utility access easements shall be shown to the adjoining properties to the west.

Stipulations Specific to the Development

2. Construction Deadlines. This permit shall automatically expire on the second anniversary of its issuance unless (a) construction has commenced; or (b) a timely filed application for an extension of time has been approved by the County.
3. Land Use Intensity. This special use permit approves:

i. Gross Land Area	627.6 Acres (50.6 Added)
ii. Maximum Number of Dwelling Units	463
4. Watershed Management. A detailed watershed protection plan for the entire project area which shall include impervious surface calculations and a monitoring plan to assure compliance with the maximum impervious surface area allowed herein shall be approved by the Planning Department prior to issuance of a Zoning Determination Permit. Prior to issuance of a Certificate of Occupancy, the developer shall submit evidence satisfactory to the Planning Department of compliance with the approved plan.
5. Storm Water Management. A storm water management plan shall be approved by the County prior to issuance of a Zoning Determination Permit, and the developer is required to provide the County with final plans and an impervious surface calculation sheet. The developer shall construct storm water management control measures sufficient to serve the project area prior to issuance of a Certificate of Occupancy.
6. Fire flow. A fire flow report indicating adequate design shall be approved by the Chatham County Fire Marshal. Adequate fire flow shall be demonstrated prior to issuance of a certificate of occupancy. Any final plan shall indicate adequate access for pumper trucks.
7. Utility and Access Easements. Easement documents as required by the County for any public utilities used or furnished to the project area shall be recorded prior to issuance of a Zoning Determination Permit.

Stipulations Regarding State and Federal Government Approvals

8. Permits. Any required State or Federal permits or encroachment agreements, including a commercial driveway permit(s) from NC DOT be obtained and copies submitted to the County Planning Department prior to the issuance of a Zoning Determination Permit.

9. Improvements. Off-site improvements required by N.C. DOT or any other agency shall be constructed at no cost to the County including the traffic improvements as stated in the most recent Traffic Impact Analysis and others as deemed warranted by the NCDOT following its analysis.

Stipulations Regarding Required Improvements

10. Utilities.

- a. The developer shall demonstrate availability of adequate water and wastewater supplies to serve the property and plans for provision of the same shall be approved by the County prior to issuance of a Zoning Determination Permit. Such plans shall be in conformity with any County policies then in effect and the developer shall pay all fees and charges associated with the project, including then current utility fees, review and inspection charges prior to issuance of a Zoning Determination Permit or final subdivision plat approval, whichever is earlier. The entire cost of extending public utility services if desired or required under County regulations shall be borne by the developer.
- b. Adequate wastewater service for the project area shall be determined and approved by the appropriate regulatory agency prior to final subdivision plat approval.

11. Stages. If desired, the applicant may construct the project in stages or phases. Each such stage shall be subject to approval by the County pursuant to its subdivision regulations. No final plat of a stage or phase of the development shall be approved if there is any uncorrected violation of any provision of this permit.

12. Erosion Control. An erosion and sedimentation control plan shall be approved by the North Carolina Department of Environmental Health and Natural Resources, or other authorized regulatory agency, and said approval submitted to the Planning Department prior to preliminary subdivision plat approval.

13. Silt Control. The applicant shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.

14. 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.

15. Fees. Applicant 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, building inspection, recreation and educational impact fees established from time to time.
16. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued Determination with the plans and conditions listed above.
17. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
18. 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 17th day of October, 2005.

CHATHAM COUNTY BOARD OF COMMISSIONERS

By: _____
Chairman

ATTEST:

Clerk