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**A RESOLUTION APPROVING AN APPLICATION FOR A
Revision to an existing CONDITIONAL USE PERMIT
REQUESTED
BY Sears Design Group, P.A. on behalf of Galloway Ridge, Inc.**

WHEREAS, the Sears Design Group, Inc. on behalf of Galloway Ridge, Inc. has applied to Chatham County for a revision to a conditional use permit for an expansion of services and renovations to existing buildings, Williams Township; 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 an eligible conditional use in the district in which the subject property is located or is to be located. The subject property was approved for development for a retirement community through the Fearington Village planned unit development permit in 1999 and opened for business in 2005. A planned unit development is an allowable use under a conditional use permit in the RA-40 (residential/agricultural) zoning district.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because the facility has been operating since 2005. It is currently at a 95% capacity with a waiting list of about 95 people. This expansion of services will produce approximately 50 new positions as well.
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. Fearington Village and all that is connected to it is noted by the Chatham County Tourism Agency as one of the top draws to the county. There have been no reports of property values dropping as a result of this facility. Visual impacts and screening shall be followed as originally approved. An approved landscaping plan along with the continuance of any stream buffers required has been provided.
4. The requested permit is consistent with the objectives of the Land Development Plan by preserving the form and function of rural character and the utilization of compact communities as a mix use development. This project also promotes a diversified, sustainable business community that attracts tourism.

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 and confirmed through conditions placed on its approval as seen below. The community will continue to be served by the Chatham County water system and share the public wastewater system owned and operated by Fearrington Utilities, Inc. The community already has in place constructed wetlands to maintain the 2 year 24 hour storm events. Walk ability is also an important part of access for pedestrians and a walking trail will be installed to make the connectivity desired by the residents and visitors.

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

That a revision to the 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, Sears Design Group, P.A. on behalf of Galloway Ridge, Inc., attached hereto and incorporated herein by reference with specific conditions as listed below:

Stipulations Specific to the Application

Site Specific Conditions:

- 1) Where applicable and appropriate, a path or sidewalk will be constructed from Speyside Circle to Galloway Ridge to encourage a pedestrian friendly environment. A plan detailing these walkable areas shall be submitted to the Planning Department prior to beginning of construction.
- 2) Landscaping and vegetative buffers shall be installed and maintained as defined on the approved site plan. The Planning Department and/or Appearance Commission may conduct yearly inspections to ensure plantings are thriving and meeting the intent of the vegetative screening and buffers as set out in the approval of the site plan.
- 3) All other conditions, not specifically addressed in this request previously approved for Galloway Ridge shall remain valid and in affect at all times unless otherwise changed or deleted through a revision to the conditional use permit.

Standard Site Conditions:

- 4) All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, etc.) shall be obtained and copies submitted to the Planning Department prior to the issuance of a certificate of occupancy of the first structure.
- 5) Lighting shall be as regulated, 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.

- 6) Stormwater runoff measures shall be installed to meet the 2 year, 24 hour storm event and a plan displaying the location and measures taken shall be supplied to the Planning Department prior to issuance of the first building permit.
- 7) Parking shall meet Section 12 Off-Street Parking and Loading of the Zoning Ordinance and included in an as built site plan before certificate of occupancy will be issued.
- 8) Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
- 9) A building permit shall be obtained within 24 months and remain valid at all times or this permit shall become void.

Standard Administrative Conditions:

- 10) 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.
- 11) 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.
- 12) Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
- 13) Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
- 14) 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 revision to the conditional use permit in accordance with the plans and conditions listed above.

Adopted this, the 21st day of April 2008

By: _____
George Lucier, Chairman

ATTEST:

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