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**A RESOLUTION APPROVING AN APPLICATION FOR A
REVISION TO AN EXISTING CONDITIONAL USE
PERMIT
BY Colvard Farms Homeowner's Association**

WHEREAS, the Colvard Farms Homeowner's Association has applied to Chatham County for a revision to the conditional use permit on the subdivision property of Colvard Farms, 9310 NC Hwy 751, Williams Township, for multiple revisions as seen in ATTACHMENT A 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. Colvard Farms was approved as a Planned Unit Development in March 2001 as a cluster residential development and continues to operate as same.
2. The requested revision to the conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, because of "wording" in the approved conditions on the PUD approval, some homeowner's cannot utilize certain areas of their property if they are located on a lot along the perimeter boarder of the development. The wording change would provide more flexibility for use of previously restricted building areas. Also, the development wishes to have a private company assume the responsibility of the wastewater treatment and utility plants in the development. The creation of the non-residential lots, with access, will allow that.
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. The sketch design for the non-residential lots is solely so that the utilities portions can be assumed by an outside, private source. The building allowance within 50 feet of the approved 100 foot total perimeter buffer will be for structures that are not

permitted as dwelling or accessory dwellings therefore maintaining the safety from adjacent property use/s.

4. The requested permit is consistent with the objectives of the Land Development Plan by, among other things, the continuance of existing uses and to minimize sprawling development in areas where it is best suited.

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 and as noted on ATTACHMENT A.

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 an 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, Colvard Farms Homeowner's Association, attached hereto and incorporated herein by reference with specific conditions as listed below:

Site Specific Conditions:

1. A 50-foot undisturbed buffer area has been established along the outside property line adjacent to the public lands managed by the US Army Corps of Engineers and is shown on recorded plats.
2. A 50-foot rear setback for dwellings or accessory dwellings, in addition to the 50 foot undisturbed buffer, is established and is shown on recorded plats.
3. Within the required minimum 50-foot dwelling and/or accessory dwelling setback area, there is a restriction prohibiting the cutting of trees 18 inches or greater in diameter. This shall be documented in the Declaration of Covenants, Conditions, and Restrictions of Colvard Farms Subdivision.
4. Modify the sketch design to allow the creation of three (3) non-residential lots for the on-site utilities infrastructure and to reduce the minimum lot size as indicated on the plat titled "Utility Easement & Subdivision Map for: Colvard Farms Water & Sewer" dated December 1, 2010.
5. All other conditions as approved shall remain valid and in effect at all times.

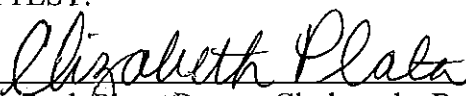
BE IT FURTHER RESOLVED, that the Board of Commissioners of the County of Chatham hereby approves the application for a revision to the conditional use permit in accordance with the plans and conditions listed above and per ATTACHMENT A.

Adopted this, the 21st day of February 2011

By: 

Brian Bock, Chair
Chatham County Board of Commissioners

ATTEST:


Elizabeth Plata Deputy Clerk to the Board
Chatham County Board of Commissioners

ATTACHMENT "A"

Colvard Farm Subdivision, Conditional Use Permit Revision

The following is the outline for the specific descriptions of the multiple revisions of this approval:

1. To replace the word "building" in conditions two (2) and three (3) above, with the word "dwelling".
2. To create three (3) non-residential lots as the original request did not include these non-residential lots. Please note that no changes in purpose are requested. Further, the Chatham County GIS system recognizes the community water system lot of 0.24 acres as Parcel No. 83070 and the wastewater treatment facility lot of 1.34 acres as Parcel No. 83069. The HOA believes these two parcel numbers may have been assigned when ownership of the property was transferred from the developer of the HOA. A third parcel is requested for the reuse water storage pond found within Parcel No. 80443 and that lot is approximately 3.17 acres in size.
3. To allow a minimum lot size of 10,000 square feet to accommodate the .24 acre +/- lot for the community water system.
4. To allow the easement serving the lots to be 25 feet in width.
5. To allow the Conditional Use Permit revision request to stand for the sketch design and to allow the preliminary and final subdivision review and approval be done under the Subdivision Regulations prior to 2008.