



Established 1771

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#### COUNTY COMMISSIONERS

Jim Crawford, Chair  
Diana Hales, Vice Chair  
Mike Cross  
Karen Howard  
Walter Petty

COUNTY MANAGER: Renee Paschal

## A RESOLUTION APPROVING A CONDITIONAL USE PERMIT REQUEST

### BY NNP Briar Chapel LLC

**WHEREAS**, NNP Briar Chapel LLC has applied to Chatham County for a conditional use permit on Parcel No. 2177 (US Steel Subdivision), located at or off Half Dollar Road, Baldwin Township, for a recreation club with a minimum lot area of five acres, 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. Recreational uses are listed as a conditional use within the R-1 Residential zoning district.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, this facility would provide an additional option for those living within The Encore community to enjoy recreation that is within walking distance to their residential living area. The application states there would be reduced pressure on existing county recreation facilities for those living outside the community and that this facility would complement the current clubhouse and pool area within Briar Chapel. The creation of this recreational club/facility would create permanent and temporary job opportunities and increase the tax value of the property. There are no county required improvements needed to support the site and NCDOT will maintain the roadway once completion is made.
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. Briar Chapel and the US Steel conservation subdivision are being developed by Newland Communities. The applicant has indicated the transition from Briar Chapel into the US Steel subdivision will be seamless meaning the general public will not know they have left the compact community of Briar Chapel. The same landscaping, street-scape, and other visual impacts will be consistent between the two developments.
4. The requested permit is consistent with the objectives of the Land Development Plan by, Page 1 of the Land Conservation and Development Plan promotes developing integrated open space and recreation. This facility does that with respect to the Briar Chapel and US Steel subdivision communities. The conservation subdivision requires that 40% of the tract be preserved as open space. The applicant has preserved more than the minimum for that approval. The additional open space above the required 40% is where the recreational club/facility will be located.

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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 any additional conditions placed on its approval as seen below. The property will be served by the Chatham County public water system and supported by the wastewater treatment plant for Briar Chapel and managed by the Old North State Water Company. The roadway is to be developed in accordance with the required NCDOT specifications so that they will take over maintenance when appropriate. Stormwater and erosion & sedimentation control review and permitting are to be integrated with the Briar Chapel community per the applicant. The recreational club/facility supports the recreation and open space requirements set out in the Conservation Subdivision, the Compact Community Ordinance, and the Land Conservation and Development Plan.

**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 plan/s submitted by the Applicant and as shown in "Attachment A", NNP Briar Chapel LLC, and incorporated herein by reference with specific conditions as listed below;

**Site Specific Conditions**

1. The recommendations of the Chatham County Appearance Commission shall be followed as recommended. Required plantings shall be installed by the next optimal planting season following the issuance of a building permit.
2. A Certificate of Occupancy shall be obtained within two years of the date of this approval or the conditional use permit shall be null and void.

**Standard Site Conditions**

3. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, Environmental Health Division, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.

**Standard Administrative Conditions:**

5. 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 inspections.



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6. Continued Validity – The continued validity and effectiveness of this approval is expressly conditioned upon the continued compliance with the plans and conditions listed.
7. Non-Severability – If any of the above conditions are held to be invalid, this approval in its entirety shall be void.

**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 21st day of November 2016

By: \_\_\_\_\_

*James H. Crawford*  
James Crawford, Chair  
Chatham County Board of Commissioners

ATTEST:

*Lindsay K. Ray*  
Lindsay K. Ray, Clerk to the Board  
Chatham County Board of Commissioners





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### ATTACHMENT "A"

Being Parcel No. 2177, on approximately 5 acres of the total acreage, located off Half Dollar Road, Baldwin Township, for commercial use as described above and as indicated on the below site plan.

