

Planning Department
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Pittsboro, NC 27312-0054

Jason Sullivan, Planning Director



Phone: 919-542-8204
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www.chathamnc.org/planning

September 19, 2017

NNP-Briar Chapel, LLC
16 Windy Knoll Circle
Chapel Hill, N.C. 27516

Dear Ms. Ford,

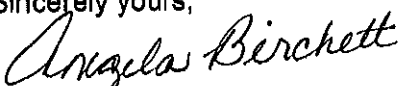
During their regular meeting on September 18, 2017, the Chatham County Board of Commissioners considered your request as described below:

Request by NNP Briar Chapel for a revision to the Conditional Use Permit to (1) revise the civic site at the intersection of Andrews Store Rd and Parker Herndon Rd (possible Chatham County elementary school site) on master plan to allow for full development of the site (rather than just 2 acres as shown), (2) create the possibility of having up to 2,650 residential units (currently approved for 2,500), (3) revise the master plan map to reduce the perimeter buffer (a) from 100' to 50' along the frontage with Chapel in the Pines church (at the church's request); (b) from 100' to 50' along the short boundary with Duke Energy ROW at SD-N; and (c) from 100' to 75' along Phase 15-S boundary to eliminate the need to build a retaining wall within the perimeter buffer, (4) revise the color key table on the master plan map to reflect adjustments to residential densities in particular locations and (5) update the moderately priced dwelling unit requirement for any increase above the original 2,389 approved units.

After considering your written request and recommendation of the County Planning Department and Planning Board, the Board of Commissioners approved your request for a revision to the Conditional Use Permit as noted above.

Minutes of the meeting are available from Ms. Lindsay Ray, Clerk to the Board of County Commissioners, at 542-8200. If you have any questions about the Board's action or would like to discuss uses of your land, please call me at 542-8207.

Sincerely yours,


Angela Birchett, CZO
Zoning Administrator
AB/pdp

Cc: Mr. Nick Robinson & Bradshaw 128 Hillsboro Street, Pittsboro, N.C. 27312



CHATHAM COUNTY COMMISSIONERS

Jim Crawford, Chairman
Diana Hales, Vice Chairman
Mike Dasher
Karen Howard
Walter Petty

COUNTY MANAGER

Renee Paschal

P. O. Box 1809, Pittsboro, NC 27312-1809 • Phone: (919) 542-8200

Resolution of the Chatham County Board of Commissioners

A RESOLUTION APPROVING A REVISION TO THE CONDITIONAL USE PERMIT

BY NNP-Briar Chapel, LLC

WHEREAS, NNP-Briar Chapel, LLC has applied to Chatham County for a revision to an existing conditional use permit on Parcel Nos. 79946, 88052, 87621, 1184, 2617, 18911, 82827, 82828, 82829, 86288, 86790, 87080, 87090, 87852, 2611, 87089, 87024, 80420, 82826, 2757, 2714, 88053, 87088, 80418, 79184, 85632 located in Baldwin and Williams Townships, to modify certain conditions and revise the approved site plan, 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. The proposed uses continue to be allowed within the district approved as Conditional Use Compact Community (CU-CC).
2. The requested revised conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons supported by evidence in the record, the applicant will afford the possibility of a Chatham County elementary school site within the project, will allow for safer parking at the Chapel of the Pines church, will allow for much-needed multi-family residential units along the US 15-501 corridor and will limit the maximum number of single-family dwellings to no more than 2, 389 as originally approved, and incorporates all previous standings in support of this finding.
3. The requested revised conditional use 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 other reasons supported by evidence in the record, the applicant continues to be required by NCDOT to make off-site road improvements to accommodate the increased traffic on surrounding roadways, is complying with the Compact Communities Ordinance with respect to perimeter and viewshed buffers around the development, and is

providing funding or land for public facilities to minimize the impact of the development on the surrounding area, provided a voluntary 50 foot perimeter buffer around the Dollar property which is no longer part of the CCO area, and will continue as stated in Stipulation 20 with payments in lieu for affordable housing options. All other previous supports in standing shall remain in effect.

4. The requested revised conditional use permit continues to be consistent with the objectives of the Land Development Plan by, among other reasons supported by evidence in the record, continuing to comply with the current Land Conservation and Development Plan. The development includes a mix of residential units, as well as complementary non-residential uses. The northeastern portion of the county has continued to experience rapid development in part due to its proximity to RTP, Wake, Orange, and Durham Counties. The developer continues to work with the county Land and Water Resources department to take measures to protect ground and surface waters.

5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided through the proposed revised conditional use permit consistent with the County's plans, policies and regulations and confirmed through any additional conditions placed on its approval as seen below. Among other reasons supported by evidence in the record, the applicant has provided or will continue to utilize the county water system and the applicant indicated that wastewater treatment plant has been permitted with adequate capacity to support the approved development, as well as the requested increase. Recreation and open space will continue to be protected and provided through site design and compliance with ordinances 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, as revised, 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 revised conditional use permit in accordance with the revised master plan, attached hereto as Exhibit A, submitted by the Applicant, NNP-Briar Chapel, LLC, and incorporated herein by reference with specific conditions as listed below;

Site Specific Conditions

1. A revised Master Plan shall be provided to the Planning Department reflecting no reduction to the perimeter buffer along the boundary of Phase 15S as was requested in the amendment application.

2. The revised Master Plan and supporting documentation submitted with this amendment shall be the guide for development of remaining phases of the project. The road system, buffers, water features, and open spaces shall remain as shown on this master plan unless subsequently modified pursuant to an order entered or a resolution adopted by the Board of Commissioners.
3. The site plan for the proposed school to be located on the civic site of Briar Chapel must be reviewed by the Chatham County Appearance Commission before any land disturbing activities commence.
4. A Traffic Impact Analysis shall be required if the developer intends to construct 2,650 dwelling units and exceed 301,500 square feet of non-residential development.
5. An approval letter from Duke Energy must be provided before land disturbing activity can begin on the northern portion of SD North as shown on the supplementary exhibit. This letter should detail what is permitted within the Duke Power easement and any landscaping that may be provided to shield the view from US 15-501.
6. An updated impervious surface calculation must be provided within six months from the date of the adopted approval and an engineer assessment of the overall impervious surface calculation will be required at the completion of the project. If county staff request an updated impervious surface calculation during the development of the project, the developer shall provide one within 60 days of such request.

Standard Site Conditions

7. 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 to or variations from any requirements of this permit must be approved through the Planning Department or other approving board before any such changes can take place.
8. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, and Environmental Health Division, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process.

Standard Administrative Conditions:

9. 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.

10. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
11. Non-Severability – If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
12. 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.

Stipulations Specific to the Development

1. Construction Deadlines. This permit shall automatically expire on December 31, 2025 unless the construction of all required improvements has been completed or extended by the County upon request prior to the expiration of the term.

2. Land Use Intensity. This conditional use permit approves:

Gross Land Area 1589 acres

Max Impervious surface area 24%

Maximum Number of Dwelling Units 2,650 (single family units not to exceed 2,389)

3. Watershed Management. A detailed watershed protection plan for the entire project area, including impervious surface calculations, has been approved by the County. Prior to approval of a final plat for each phase of the project, the Applicant shall submit evidence satisfactory to the County Watershed Administrator of compliance with the approved plan. County acknowledges that the Briar Chapel development is exempt from the Jordan Water Supply Nutrient Strategy: Protection of Existing Riparian Buffers (also known as the "Jordan Lake Water Supply Watershed Buffer Rules") (15A NCAC 02B.0267) as an "existing use." Applicant shall provide updated impervious surface calculations on a phase-by-phase basis at the time of each preliminary plat submittal.

4. Storm Water Management. County acknowledges that all phases of the Briar Chapel Development authorized by this Conditional Use Permit constitute "existing development" within the meaning of the Jordan Water Supply Nutrient Strategy (15A NCAC 2B .0263) and are therefore not subject to the stormwater management requirements for new development set out in 15A NCAC 2B .0265. A storm water management plan shall be approved by the County Stormwater Administrator prior to approval of a preliminary plat for each phase of the project. Such plan shall include final construction drawings for storm water management control measures and an impervious surface calculation sheet for that phase. The Applicant shall

construct storm water management control measures sufficient to serve each phase of the project area prior to issuance of a Certificate of Occupancy.

5. Commercial Uses. The commercial component of the development shall be limited to 510,000 square feet in the locations shown on the Revised Master Plan, and the commercial uses allowed within the development shall be all those uses now allowed or later added as allowed in the December 2008 Zoning Ordinance under Section 10.13 Table 1: Zoning Table of Permitted Uses under the Zoning Districts denominated as "O/I," "B-1," "NB," "CB," and "RB." Irrespective of whether such uses are shown as permitted or as requiring a conditional use permit, all such uses shall be deemed allowed as of right within the Briar Chapel development. Applicant has agreed to this specification of allowed uses in order to bring clarity to the scope of allowed commercial uses with the express agreement of the County that the district-specific restrictions regarding maximum size of buildings and setbacks shall not apply. Signage for the commercial uses shall comply with the Design Guidelines from the original 2005 approval and the signage provisions set forth in the Chatham County Zoning Ordinance in effect on February 15, 2005 (original approval date). Commercial components of the Briar Chapel Development shall be accessible via public sidewalks, greenways, paths or trails. Pedestrian Access to SD North is substantially complete. Such pedestrian access shall be made to SD West.

6. Lighting Plan Approval. All area lighting shall meet County standards and not adversely affect adjoining residential areas.

7. Utility and Access Easements. Easement documents as required by the County for any public utilities used or furnished to the project area have been recorded. During the preliminary plat review process, the Chatham County Water Department shall review and approve any future water utility easement locations shown on a proposed preliminary plat and shall do so within thirty (30) days after submission by Applicant to the Water Department. If the Chatham County Water Department does not respond within thirty (30) days after submission, the proposed water utility locations shall be deemed approved.

8. Unity of Development. Guidelines for the future development of the project as a unified whole have been submitted to the Chatham County Planning Department.

Stipulations Regarding State and Federal Government Approvals

9. Permits. Any required State or Federal permits or encroachment agreements, including a commercial driveway permit(s) from NC DOT shall be obtained and copies submitted to the County prior to approval of a preliminary plat for each phase.

10. 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 TIA and others as ultimately deemed warranted by the NCDOT following its analysis.

Stipulations Regarding Required Improvements

11. Parking and off-street loading areas. Parking and off-street loading areas shall be installed in accordance with the ordinances and policies of the County. Prior to final subdivision plat submittal for SD-West, Applicant will designate at least eighteen 18 park-and-ride parking spaces (such as additional spaces in proposed parking lots above the minimum number required for retail or office uses) and a bus shelter, the location of which shall be agreed upon between Applicant and Chatham Transit.

12. Streets. Roads will be stubbed-out and/or areas will remain underdeveloped as reasonably necessary to allow for future connections with currently undeveloped parcels, so long as such access takes into account physical features and other access points and are no more than necessary, and with the understanding that future connecting roads will be designed and constructed to approximately the same standards as the connecting roads in Briar Chapel. Where roads are constructed they will be built to required standards up to the perimeter buffer. The exact location of said roads may be determined during preliminary plat review. Signs shall be posted on the property advising of the future extension of said roads.

13. Utilities.

(a) The Applicant shall demonstrate availability of adequate water and wastewater supplies to serve the property. Plans for provision of water supply shall be approved by the County prior to issuance of a preliminary plat for each phase. Such plans shall be in conformity with any County water policies then in effect and the Applicant shall pay all water fees and charges associated with the applicable phase, including then current water fees, review and inspection charges, prior to submittal of the preliminary subdivision plat for each phase. The entire cost of extending public utility services if desired or required under County regulations shall be borne by the Applicant.

(b) In order to adequately provide fire flow pressures for the project and surrounding area, Applicant has provided and the County has accepted an above ground storage facility.

(c) Adequate wastewater treatment service for the entire project area shall be designed and approved by the appropriate regulatory agency prior to issuance of a preliminary plat for each phase and constructed at no cost to the County. Adequate facilities for the spray irrigation of treated effluent from each phase of the project shall be designed, approved by the appropriate regulatory agency, and constructed at no cost to the County prior to issuance of a Certificate of Occupancy for any building within that phase of the project.

(i) Equipment such as pumps and blowers will be appropriately insulated or buffered to ensure that no motor noise from them will be noticeable on a typical day at the boundary of the wastewater plant lot.

(ii) An aeration system has been installed in the 110-day holding ponds.

14. Public Facilities.

(a) Water Storage Tank Site: Applicant has constructed and donated to the County a 1 million gallon capacity water storage tank which is in use and fully operational at this time. The water storage tank and site have been conveyed to the County. This obligation has been fully satisfied.

(b) Public School Site: Applicant has deeded the public school site to the County and the school is open and operational. This obligation has been fully satisfied.

(c) Charter School Site: Applicant has deeded the charter school site to the Woods Charter School entity and the school is constructed and operational. This obligation has been fully satisfied.

(d) Civic Site: Applicant has tendered to the County, a special warranty deed, reasonably acceptable to the County, for a minimum three (3) acre building site located at the northeastern corner of Mann's Chapel Road and Great Ridge Parkway for use by the County as a civic site. The deed shall include (1) a covenant not to exceed 24% maximum impervious surface area on the site; (2) a provision allowing a septic system and also an easement sufficient to allow for installation, maintenance and repair of an appropriate sewer collection line for connection to the Briar Chapel Utilities waste water collection system and treatment plant as well as allocated sewer capacity in the amount of no more than 400 gallons per day; (3) a covenant subjecting any structure to be constructed or placed on the site to applicable Briar Chapel Design Guidelines, existing as of the date of this revision, and Design Review Committee approval, but no other approvals, covenants, terms, conditions, restrictions, fees or charges, (4) a covenant restricting use of the parcel to civic uses,, structures and facilities; and (5) a covenant providing that if one of the following does not occur within ten (10) years of the date the special warranty deed is tendered to the County the property, free and clear of any liens or encumbrances, shall revert to Applicant or its successors and assigns:

(i) Issuance of building permits for all structures on the site; provided further that construction is commenced thereon within six (6) months after the issuance of the building permit(s), and substantially completed within eighteen (18) months after the issuance of the building permit(s); or

(ii) In the case of use of the site for purposes that involve no constructed structures, the property is made open to the public for such use.

The County shall have seven (7) years from the date of approval of this amendment to notify Briar Chapel of its intent to use the reserved sewer capacity for the site. The Deed was recorded on or about December 16, 2015. This obligation of Applicant has been fully satisfied.

(e) Park Site: Park site has been constructed and has been deeded to County. This obligation has been fully satisfied.

(f) Library: Applicant delivered and the County accepted its accelerated \$80,000 library fee on August 13, 2012. This obligation has been fully satisfied.

(g) Applicant shall subject one of the commercial lots within SD North, SD East or SD West to a reservation of 5,000 square feet of shell space, to be constructed and provided to the County at no cost or charge to the County, for the Chatham County Sheriff's Office for a satellite office (the "Reservation"). Because timing, size and potential commercial developers or tenants are unknown at the time of approval of this amendment to the Conditional Use Permit, the selection of which commercial lot that will be subjected to the Reservation shall be entirely in the discretion of Applicant. Applicant, however, shall make good faith efforts to reserve said space within the agreement to convey the first lot located within the portion of SD West located north of Taylor Road. Upon execution of an agreement by which Applicant intends to convey land subject to the Reservation to a developer, Applicant will forward said agreement to the County. It will then be up to the County and the developer of the lot(s) to be conveyed (not the Applicant) to determine whether they can reach an agreement regarding leasing/sale, upfit and all other commercially reasonable terms for the Reservation space. Applicant's obligation will be deemed fully satisfied upon closing of the conveyance called for in the agreement that contains the Reservation irrespective of whether the County declines the space or fails to reach an agreement with the developer of the space. The County acknowledges that, within any agreement with a developer of the space, the County will be responsible for the cost of the up-fit to the shell space for the offices and amenities required (i.e. restrooms, showers, storage, etc.). This obligation shall be resolved between Chatham County and Applicant prior to final plat submittal for the last of the lots in SD-West.

Upon completion of the items listed in paragraph 14 (g), Applicant shall be deemed to have fully discharged all of its responsibilities with respect to the Public Facilities required by Condition 14 for the Briar Chapel development.

Stipulations Related to Landscape Elements

15. Landscaping/Screening. All required screening and buffers shall be in place prior to issuance of a certificate of occupancy or next optimal planting season after issuance of a certificate of occupancy. Existing vegetation may be used to fully or partially fulfill the landscaping and buffer requirements of the County. The extent to which the same can be used shall be determined by the Planning Department prior to issuance of the certificate of zoning compliance.

(a) A six-foot opaque fence has been erected along the east side of AKPAR parcel number 77798 (formerly referred to as the "Tripp property"), consistent with NCDOT regulations. Further, the fence has been landscaped on the side facing AKPAR parcel number 77798 to the extent allowed by the owner and landscaped with 6-8 foot tall trees on the east side of the fence. Applicant has satisfied all obligations with respect to AKPAR parcel number 77798.

(b) Applicant has satisfied the obligation to construct a pedestrian bridge and trail over Pokeberry Creek to connect Briar Chapel to Polks Landing Subdivision.

Miscellaneous Stipulations

16. Archaeological Survey. All archeological survey requirements set forth in the original Conditional Use Permit have been satisfied.

17. Solid Waste Management. Solid residential waste is managed and shall continue to be managed by residential curbside recycling and solid waste pick-up. With regard to construction debris and non-residential solid waste removal, Applicant shall continue to contract with builders and contractors to dispose of the same appropriately.

18. Detailed Site Plan. The revised Master Plan attached hereto as Exhibit A (including the anticipated uses grid) and incorporated herein by reference is hereby approved as the applicable sketch plan and revised master plan for Briar Chapel (the "Revised Master Plan 2017") in substitution for and replacement of the Second Revised Master Plan approved on November 17, 2014. Briar Chapel is unique within Chatham County because it is the only compact community approved under the Chatham County Compact Communities Ordinance. The Revised Master Plan 2017 has less detail than the original Master Plan (approved in 2005) as to specific roadway locations and lot depictions than the original Master Plan. Due to topography, physical conditions, environmental concerns and market changes, over the course of development of Briar Chapel since February 2005 (original approval date), each phase that has been approved has been designed differently (to varying degrees) than it appeared in the original Master Plan. As a condition of approval of the proposed Revised Master Plan 2017, Applicant agrees to meet with the Planning Department and the County Technical Review Committee (TRC) prior to applying for or receiving any permits for submission of preliminary plat. The purpose of this meeting will be to apprise the Planning Department and TRC members as to layout and configuration of roadways and lots to be shown on the proposed preliminary plat. The Applicant shall submit information to the Planning Department for this review at least twenty-one (21) calendar days prior to a TRC meeting. This process is unique to Briar Chapel as a compact community. With regard to each phase, as it is submitted for preliminary plat approval, a detailed site plan, grading plan, utility/lighting plans, storm water management plan with hydraulic calculations, and landscape plan for said phase shall be reviewed by Planning Staff for conformity with the Revised Master Plan 2017 and the terms of this Amended Conditional Use Permit. Applicant must submit to the Planning Staff an updated Revised Master Plan every two years from and after the approval date of this Amendment to reflect completed portions of the Revised Master Plan and projected future portions of the Master Plan. Non-residential subdivision of the project area shall also require the Applicant to comply with the site plan requirements of the County's subdivision regulations, including approval thereof by the Board of Commissioners. Such subdivision review may allow modification of the Revised Master Plan 2017 approved hereunder so long as not substantially inconsistent with this Amended permit.

19. 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. Upon subdivision review of each phase, the applicable Recreation and Open Space, Community Facilities, Community Design, including housing, standards of the Compact Community Ordinance provisions shall be satisfied. Such subdivision review may allow mutually agreeable modification of the standards referred to therein so long as not substantially inconsistent therewith.

20. Moderate Income Housing. The original CUP approval for Briar Chapel split the 5% Moderate Income Housing obligation into two parts: (a) 2.5% payment in lieu over time and (b) 2.5% satisfied in the form of 60 lots to be contributed over the course of the development. With regard to the original payment in lieu cash obligation for the originally approved 2,389 units, Applicant and County agreed that Applicant would contribute \$1,100,000.00 to the County for the purpose of ameliorating the housing needs of Chatham County citizens. Said contribution has been and shall be payable to Chatham County on a prorated basis (\$460.44/unit) upon final subdivision plat approval of each phase of the development, or, in the case of multi-family dwellings, upon issuance of a building permit for each structure containing multi-family dwellings. Such contribution represents the approximate value of 2.5% of the 2,389 approved lots in said overall development or phase thereof as applicable. In 2012, the prior obligation to contribute 60 of the approved 2,389 lots was substituted by the County for a \$900,000 lump sum payment in lieu pursuant to an approved Payment-in-Lieu Contract between the County and Applicant, dated November 16, 2012, as amended. That portion of the obligation has been fully satisfied by Applicant. As part of this 2017 CUP Amendment, in order to address any developed residential units in excess of 2,389, Applicant has agreed to pay a fee in lieu of \$920.88 per each residential unit, whether single family or multi-family, developed in excess of 2,389. For single family units, this fee will be paid at the time of final plat recordation. For multi-family units, this fee will be paid at the time of building permit issuance and will be calculated based on the number of multi-family units contained in each permitted building.

21. Environment. The lots on Bennett Mountain shall be relocated to lessen the impact of the development on the primary and secondary environmental areas as described in the Natural Areas Inventory. The Bennett Mountain areas will be one of the last areas for line installation and spray irrigation. If future regulatory changes, and/or approved system flow reductions, will ultimately result in this area not be needed for irrigation, lines will not be installed in this area unless otherwise required by the State. Before any lines are installed in the Bennett Mountain area, Newland will seek further flow reduction approval or other necessary state permission under the then existing applicable regulations so as not to be required to install irrigation lines in this area in order to comply with permit requirements and the then existing applicable regulations.

22. Erosion Control. If applicable, an erosion and sedimentation control plan shall be approved by the County, North Carolina Department of Environmental Health and Natural Resources or other authorized governmental entity and submitted to the Planning Department prior to the issuance of a Zoning Determination Permit.

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

24. 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 impact fees established from time to time. In addition to any fees or charges otherwise required by the County, the applicant shall pay or cause to be paid to the County as a voluntary contribution the sum of \$2,000.00 per dwelling unit upon the sale of each lot or unit.

25. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.

26. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

27. 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.

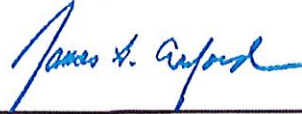
28. Inconsistencies. To the extent any condition set forth in this Amended Conditional Use Permit (or attached hereto) specifically conflicts with and provides more detail and clarity than a similar provision of the original Conditional Use Permit, including, without limitation, all information incorporated into the original Conditional Use permit as part of the original application and public record, the language of the condition of this Amended Conditional Use Permit shall supersede, it being one of the purposes of this Amended Conditional Use Permit to clarify ambiguity, if any, in the original Conditional Use Permit.

29. Applicable Zoning Ordinance. Unless otherwise specifically stated within this Amended Conditional Use Permit, the Chatham County Zoning Ordinance applicable to Briar Chapel is the Chatham County Zoning Ordinance in effect on February 15, 2005 (original approval date).

30. Compact Communities Ordinance ("CCO") Responses. Applicant reaffirms its Ordinance Compliance Responses except that Applicant amends its Responses to any provision of the CCO that has been modified from the date of the original CUP approval through the date of this approval, such that said Responses are superseded and replaced with the following response: "Applicant has or shall comply with this amended CCO provision."

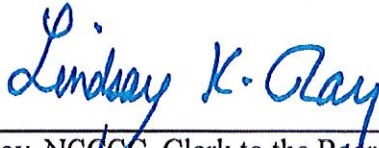
BE IT FURTHER RESOLVED that the Board of Commissioners of the County of Chatham hereby approves the application for a conditional use permit in accordance with the plans and conditions listed above.

Adopted this, the 18 day of September 2017



James G. Crawford, Chairman
Chatham County Board of Commissioners

ATTEST:



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



