

**AN ORDINANCE APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT
FOR GBL PROPERTY II, LLC**

WHEREAS, GBL Property II, LLC (the “Developer”) has applied to the Town of Pittsboro for a special use permit for a certain tract or parcel of land containing approximately 16.42 acres of land located on Eubanks Road, adjacent to and north of US 64 East Bypass (PID 0007308) for use as commercial kennel and accessory pet daycare, grooming, and dog training; and

WHEREAS, the special use requested to be permitted herein will not materially endanger the public health, safety, or general welfare if located and developed according to the plan as submitted and modified as hereinafter set forth. The kennel will generate a minimum amount of traffic and will have a low impact on adjacent land uses, and therefore does not pose danger to life or property; and

WHEREAS, the special use requested meets all required conditions and specifications including all regulations and standards generally applicable within the R-A2 zoning district and specifically applicable to the proposed use of the property as a commercial kennel and accessory pet daycare, grooming, and dog training; and

WHEREAS, the special use requested to be permitted herein will not substantially injure the value of adjoining property if developed in accordance with the plan as submitted and modified as hereinafter set forth. Due to the low land use impact in the area the possibility of injuring property value is not a concern; and

WHEREAS, the proposed special use, if developed according to the plan as submitted and modified as hereinafter set forth and approved hereby, will be in harmony with the intensity, scale, and character of development existing or planned within the surrounding area in which it is to be located; and

WHEREAS, the proposed special use, if developed according to the plan as submitted and modified as hereinafter set forth and approved hereby, is consistent with the comprehensive plan of the Town and in general conformity with the plan of development of Pittsboro and its environs. The proposed use is reflected in the goals of the Pittsboro Land Use Plan, specifically, the Economic Development Goal; and

WHEREAS, the Developer has agreed to the stipulations and conditions set forth herein.

Stipulations Regarding State and Federal Government Approvals

1. Permits. Any required State or Federal permits or encroachment agreements, including a commercial driveway permit(s) from the NCDOT be obtained and copies submitted to the Town prior to the start of construction.

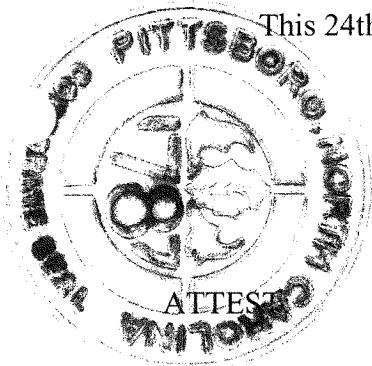
2. Improvements. Off-site improvements required by the Town of Pittsboro or any other agency shall be constructed at no cost to the Town.
3. Detailed Plans: That final detailed construction plans including, but not limited to, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), and landscape plans and landscape maintenance plans be approved by the Town Planning Director prior to the start of construction or issuance of a Zoning Compliance Certificate, and that such plans conform to the plans approved by this application and demonstrate compliance with all applicable conditions and the design standards of the Zoning Ordinance and the Stormwater Design Manual.
4. Landscaping/Screening. All required landscaping, screening and buffers shall be in place prior to issuance of a certificate of occupancy. Existing vegetation may be used to fully or partial fulfill the landscaping and buffer requirements of the Town. The extent to which the same can be used shall be determined by the Town Planning Director prior to issuance of the Zoning Compliance Certificate.
5. Erosion Control. An erosion and sedimentation control plan must be approved by the Chatham County Department of Environmental Health and submitted to the Town Planning Director prior to the issuance of a Zoning Compliance Certificate.
6. Silt Control. The Developer shall take appropriate measures to prevent and remove the deposit of wet or dry silt, mulch, or other material originating from the site onto adjacent properties and streets.
7. Conditions of Approval.
 - a. Authorization to construct will be withheld until such time that a letter of “no objection” specific to this project is issued by Duke Energy and provided to the Town of Pittsboro.
 - b. Electric utility services are to be located underground.
 - c. NCDOT Driveway Permit is to be obtained prior to the start of construction.
 - d. Due to the unstable nature of the economy, the uncertainty associated with the Caronavirus, and minimal availability of building materials, GBL Property II, LLC is granted a vested rights time period of five years. The vesting shall not be extended by any amendments or modifications unless expressly provided by the Town Board of Commissioners. The vested right shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.
 - e. In the event that the repair soils areas are required for ongoing septic system operations, a stream and wetland crossing would be required. Accordingly, GBL Property II, LLC shall seek assurances that a Buffer Impact and associated land disturbance would be obtained.

11. Appeal. The Town 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 Town concerning this resolution, or any action to enforce the provisions hereof, the Developer, its successors or assigns shall indemnify and hold the Town harmless from all loss, cost or expense, including reasonable attorneys' fees, incurred in connection with the defense of or response to any and all actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of, either known and unknown, resulting to or from this decision.

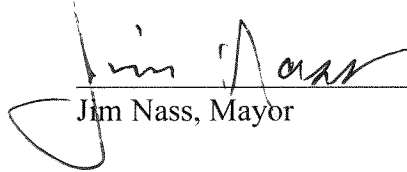
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PITTSBORO as follows:

The Board of Commissioners of the Town of Pittsboro hereby approves the application for the special use permit in accordance with the plans and conditions listed above upon acceptance thereof by the Developer. The Special Use Permit shall expire five (5) years from the date of issuance. Continued compliance with the approved site plan and this permit issued by the Board shall entitle applicants to the continued use of the property. A copy of this Ordinance shall be filed with the Chatham County Register of Deeds Office.


This 24th day of May, 2021.



TOWN OF PITTSBORO



Jim Nass, Mayor


Cassandra M. Bullock, Town Clerk

ACCEPTED:
GBL Property II, LLC

By: _____