



Established 1771

COUNTY COMMISSIONERS
George Lucier, *Chairman*
Mike Cross, *Vice Chairman*
Patrick Barnes
Carl Thompson
Tom Vanderbeck

Res. #2008-08
COUNTY MANAGER
Charlie Horne

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A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT REQUESTED BY New City Design on behalf of CRCED Treatment Inc.

WHEREAS, New City Design on behalf of CRCED Treatment Inc. has applied to Chatham County for a conditional use permit for an area containing approximately 10.14 acres located on Lassiter Homestead Road (Private), Williams Township, from RA-40 Residential Agricultural and Conditional Use B-1 Business Permit to Conditional Use Office & Institutional (O & I) for an increase in available beds associated with their operation as indicated in the Application; 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. Congregate care facilities, family care homes, hospital, health and welfare centers, and nursing homes and/or convalescent homes are permitted uses under the office and institutional classifications of the Zoning Ordinance.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because the facility has been operating as the treatment center for over 1 year. The Division of Facility Services has provided information that supports the need to increase the numbers of beds to supply the demand. There are no other facilities in Chatham County that offers this type of treatment. The facility provides for "in-patient" care with a "residential" component after being released from either UNC Hospital or Duke Hospital. There have been no adverse effects on surrounding properties related to tax value, traffic, or environmental concerns.
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. Traffic related to this facility will remain as minimal as possible as it has operated over the last year. Patients are not allowed to have a vehicle at the facility and visitation is mainly held on Sunday afternoons. Current staffing will remain the same. The increase in patients will be managed with the existing staff. The facility will be supplying a paved skirt entering Lassiter Homestead Road from NC Hwy 751 where a commercial driveway permit will be issued. They will maintain the gravel portion as well to aid in driver safety.

4. The requested permit is consistent with the objectives of the Land Development Plan by preserving the form and function of rural character for having a large lot development, maintaining the "farm house" appearance by not adding any additional structures or footage. It further supports employment opportunities in Chatham County and encourages balanced growth that consists of a mix of different types of development. There is no other facility of this nature located in Chatham County.

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. A private well currently supplies the facility and the increase in patients will not jeopardize the capacity available from the water source. A new wastewater system is being designed to accommodate the increase in treatment for disposal. Since there are no new additions or structures anticipated with this approval, storm water runoff and detention ponds are not required.

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 submitted by the Applicant, New City Design, attached hereto and incorporated herein by reference with specific conditions as listed below:

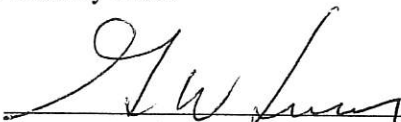
Stipulations Specific to the Application

1. A vegetative screening, in front of the staff and overflow parking area, shall be maintained. Where there is little vegetative screening, plantings shall be made at the direction of the Planning Department during optimal planting seasons. Acceptable plantings shall be approved by the Chatham County Appearance Commission and the Planning Department prior to installation.
2. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control etc.) shall be obtained and copies submitted to the Planning Department prior to issuance of a certificate of occupancy to any other structures on said property that is not currently used for the treatment facility.
3. A new sewage treatment and disposal system shall be permitted, approved, and installed prior to increasing the numbers of patients at the facility.
4. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.

5. 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.
6. 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.
7. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued Determination with the plans and conditions listed above.
8. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
9. 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.
10. This permit shall automatically expire on the first anniversary of its issuance unless (a) the increase in capacity has been established via the new sewage system and a certificate of occupancy is issued; or (b) a timely filed application for an extension of time has been approved by the county.

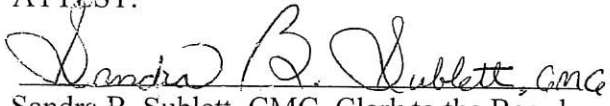
BE IT FURTHER RESOLVED, that the Board of Commissioners of the County of Chatham hereby approves the application for a conditional use permit in accordance with the plans and conditions listed above.

Adopted this, the 18th day of February 2008

By: 
George Lucier, Chairman

(RE: CRCED Treatment Inc., Conditional Use Permit Approval)

ATTEST:

Handwritten signature of Sandra B. Sublett, CMC.

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