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**A RESOLUTION APPROVING AN APPLICATION FOR A
CONDITIONAL USE PERMIT REQUEST
BY Irene Gattis and Joseph Mosnier dba Historic Mann's Chapel
Event Center and Café**

WHEREAS, Irene Gattis and Joseph Mosnier dba Historic Mann's Chapel Event Center and Café, have applied to Chatham County for a conditional use permit for an area containing approximately 4.454 acres located off Poythress Road and Lamont Norwood Road, Baldwin Township, Parcel No. 62230 (1.4 acres) and Parcel No. 62254 (3 acres out of 6.61), for an eating and drinking establishment, retail associated with the same, and for uses and structures customarily ancillary to such uses (including events and receptions);

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 uses requested are among those listed as eligible uses in the district in which the subject property is located or is to be located. The B-1 Business District lists eating and drinking establishments, catering establishments, and associated retail in the list of permitted uses.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, the Land Conservation and Development Plan encourages the preservation of rural character and developing an integrated approach to protecting and promoting historic and tourism locations, as well as a mix of development for economic development and this is an area suitable for this activity. The business will provide economic benefits to the county by adding to the tax base, generating new tax revenues, both ad valorem and sales, creating and facilitating tourism and preserving a structure that has served for historic purposes for the community over 20 years. The permit and requested uses are also desirable for tourism by adding a facility providing meetings places for small to medium size groups, organizations, reunions, etc. where there currently is not an abundance of in Chatham County.
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. Among the evidence supporting this finding is the following: The developer will be preserving between 34 & 39 of the existing trees on the property so there will be minimal land disturbance

to be conducted on the property. One addition to the church structure for a commercial kitchen will be added and no other structures are proposed. The current driveways have been reduced to two instead of three where the one closest to Mann's Chapel Road is an entrance only drive to help eliminate traffic hazards.

4. The requested permit is consistent with the objectives of the Land Development Plan by, among other things, maintaining the form and function of rural character at the property and providing a mix of development opportunities for economic growth and to enhance tourism to the county and preserve historic structures.

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. The property will be served by the county water system at the expense of the developer. An innovative wastewater system will be developed for a reuse system that will be located across Poythress Road. The reclaimed water will be used by re-circulating back to the business for the flushing of toilets. The applicants have applied for the commercial driveway permits from the NCDOT office for the use proposed. The amount of impervious surface coverage will be approximately 20%, which is below the maximum allowance of 36%.

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, Irene Gattis and Joseph Mosnier dba Historic Mann's Chapel Event Center and Café, attached hereto and incorporated herein by reference with specific conditions as listed below:

Site Specific Conditions:

1. The recommendations provided by the Appearance Commission shall be followed. If at any time screening and buffering is not complying with the provision of this approval, the Appearance Commission, along with the Planning Department, shall make recommendations to bring said screening, plantings, or vegetation into compliance. The Chatham County Design Guidelines are incorporated into this approval as well. Landscaping shall be installed prior to issuance of a Certificate of Occupancy.
2. Signage shall be limited to those specifically listed in the application and as generally shown on the site plan. Lighting of any sign shall comply with the provision of the lighting section of the Zoning Ordinance at all times. Refer to Section 11A of the Chatham County Zoning Ordinance for specifications. Signage and signage lighting shall be approved prior to the issuance of a construction permit.

3. The first one inch of runoff shall be captured for the new impervious surface areas. A copy of an approved stormwater management plan shall be provided to the Planning Department prior to issuance of a Certificate of Occupancy.
4. A letter of approval of the construction of the access drives and turning point areas for emergency vehicles from the Chatham County Fire Marshal's Office shall be provided prior to issuance of a Certificate of Occupancy.
5. These notes, application, and site plan in their entirety shall become part of these conditions and those specifications shall be met as applicable.

Standard Site Conditions:

6. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Section, etc.) shall be obtained and copies submitted to the Planning Department prior to the issuance of a Certificate of Occupancy.
7. Lighting shall be installed and maintained as per the adopted lighting regulations located in Section 11A of the Chatham County Zoning Ordinance. Any lighting or fixtures found to be non-compliant, existing or new, with the regulations shall be replaced at the expense of the landowner/operator and shall hold no liability against Chatham County for the compliance measures.
8. An "as-built" impervious surface calculation shall be submitted to the Planning Department prior to issuance of a certificate of occupancy.
9. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
10. A building permit shall be obtained and remain valid at all times or this permit shall become void. The first building/renovation permit shall be issued within 24 months of this approval or the permit becomes void; or from the time of the expiration of the appeal period or any court decision, whichever is later.

Standard Administrative Conditions:

11. 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. Nothing in this paragraph shall require the applicant to indemnify and hold the County harmless from

any losses or costs associated with defense of the County's actions or procedures in considering and acting upon this application.


12. 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.
13. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.

Standard Administrative Conditions – cont.


14. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
15. 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.

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 20th day of October 2008

By: 
George Lucier, Chairman

ATTEST:


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