

A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A REQUEST BY SANDY POND ENTERPRISES, LLC.

WHEREAS, Sand Pond Enterprise, LLC, has applied to Chatham County for a conditional use permit for a certain tract or parcel of land containing approximately 4 acres on the northeast corner of U.S. Highway 15-501 and Vickers Road (SR 1719) for Veterinary Clinics and Hospitals with dog runs or equivalent facilities and for a dog boarding facility as indicated in the Application; and

WHEREAS the Chatham County Board of Commissioners, 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 requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.
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.
4. The requested permit is consistent with the objectives of the Land Development Plan.
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.

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 of Sandy Pond Enterprises, LLC attached hereto and incorporated herein by reference with specific conditions as listed below:

Stipulations Specific to the Application

1. A building permit shall be obtained within 18 months of the date of approval by the Board of County Commissioners and remain valid at all times or the conditional use permit becomes null and void.
2. Mature trees along the northern and north eastern boundary line shall remain and shall be supplemented with an additional variety of vegetation to create a 15 foot wide or wider Type A, Opaque landscape buffer. All other landscaping shall be as shown on the revised site plan, dated October 26, 2005 and shall also be a variety of plantings. Mature, existing trees shall remain on the property where practical. All required landscaping shall be installed prior to issuance of the certificate of occupancy for the structure. All landscaping shall be maintained properly and replaced if found dead or diseased.
3. Signage shall be as shown on the revised site plan. If illuminated, lighting shall conform to the draft Chatham County Lighting Ordinance.
4. Lighting shall conform to the draft Chatham County Lighting Ordinance
5. A 25 foot wide permanent cross access with a 10 foot wide temporary construction easement on either side or temporary construction easement(s) as necessary to construct the connection to the common boundary line of the Bobby Arrington property, parcel #18909 shall be designated on a revised site plan prior to issuance of a building permit for the structure. Legal instruments shall be recorded so that if and when parcel #18908 is developed, access shall be allowed. All cost associated with said connection shall be the responsibility of the adjacent property owner.
6. All required local and state permits, i.e. NCDOT commercial driveway permit(s), NCDENR erosion control permit, NCDWQ septic permit, etc., must be obtained and a copy furnished to staff prior to issuance of a building permit for the structure.
7. Phase A will allow the boarding of no more than 30 animals. No animals shall be housed outside overnight. All animals shall be supervised at all times when outside the structure.
8. All noise abatement measures and odor control measures as outlined in the application booklet, dated 6/10/05 must be utilized.
9. Any dumpster/waste areas must be screened from all adjacent property owners.
10. It is requested that the applicant and Travis Blake, adjoining property owner, discuss the issues regarding relocation of the parking area along the northern

boundary line and if an agreement is reached, that it shall be shown on the revised site plan to be furnished to staff prior to issuance of a building permit.

Stipulations Specific to the Development

11. Watershed Management. A detailed watershed protection plan for the entire project area which shall include impervious surface calculations and a monitoring plan to assure compliance with the maximum impervious surface area allowed herein shall be approved by the Planning Department prior to issuance of a Zoning Determination Permit. Prior to issuance of a Certificate of Occupancy, the developer shall submit evidence satisfactory to the Planning Department of compliance with the approved plan.
12. Utility and Access Easements. Easement documents as required by the County for any public utilities used or furnished to the project area shall be recorded prior to issuance of a Zoning Determination Permit.

Stipulations Regarding Required Improvements

13. Erosion Control. An erosion and sedimentation control plan if required shall be approved by the North Carolina Department of Environmental Health and Natural Resources, or other authorized regulatory agency, and said approval submitted to the Planning Department prior to issuance of a building permit.
14. Silt Control. The applicant shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
15. 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.
16. 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 educational impact fees established from time to time.

17. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued Determination with the plans and conditions listed above.
18. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
19. 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 21<sup>st</sup> day of November, 2005.

CHATHAM COUNTY BOARD OF COMMISSIONERS

  
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Bunkey Morgan, Chairman

ATTEST:

  
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Sandra B. Sublett, CMC  
Clerk to the Board