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A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT REQUEST BY Belmeade Farms, LLC

WHEREAS, Belmeade Farms, LLC, has applied to Chatham County for a conditional use permit for a cemetery and memorial gardens area as well as associated and ancillary structures and uses located on approximately 194 acres, Center Township;

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 O&I Office and Institutional District list cemeteries as a permitted use.
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 as well as providing employment opportunities that could contribute the county's economy with lodging, food, and labor income, and a continued tax revenue for developed property.
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. A traffic analysis indicates there should not be a concern for increased traffic as funeral procession as a general rule are not conducted during peak am and pm hours when traffic would be its heaviest. The property received favorable comments from the Chatham County Appearance Commission for keeping a lot of vegetation, ornamental plantings, wall, and gates to further enhance the appearance of the property.
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 by locating Office and Institutional Districts within or near the town's extra territorial jurisdictions.
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 wells, potable and non-potable, at the expense of the developer. The amount of impervious surface coverage will be approximately 23%, which is below the maximum allowance of 36%. There is to be an information center available on the property as well.

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, Belmeade Farms, LLC, attached hereto and incorporated herein by reference with specific conditions as listed below:

Site Specific Conditions:

- 1) Recommendations as stated by the Appearance Commission shall remain in effect at all times. A "Turf and Landscape Management Plan" shall be provided to the CCAC for chemical applications to include a schedule for application and best management practices for maintenance prior to actual application on vegetation, landscape, or turf grasses. The applicant shall follow the recommendations of the CCAC.
- 2) This project shall comply with the Chatham County Stormwater Ordinance that.
- 3) This project shall comply with the Chatham County Soil Erosion and Sedimentation Control Ordinance.
- 4) The "through" access drives off US 64 used for the ingress/egress of the cemetery shall be built to the structural integrity required for NCDOT subdivision roads.
- 5) The attached recommendations of the Chatham County Environmental Review Board from their meeting of February 10, 2009 shall be complied with.

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, Stormwater Management, 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 13 of the revised 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 permit shall be approved within 24 months of this approval or the permit becomes void; or from the time of the expiration of an 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.
- 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.

RE: Belmeade Farms, LLC – Resolution for conditional use permit approval

Adopted this, the 16th day of February 2009

By: _____
George Lucier, Chairman

ATTEST:

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