

PLANNING & ZONING REVIEW NOTES

VI. A.

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**SUBJECT:**

A request by **CRCED Treatment Inc.** on Parcel #73288 for a revision to the conditional use permit for a 90 day extension to the one year time frame, specifically for the approval in wastewater capacity and a certificate of occupancy as stated in Condition #10.

**ATTACHMENTS:**

*The following was submitted at the January 6, 2009 Planning Board meeting:*

1. Application packet

*The following may be viewed on the Planning Department website at [www.chathamnc.org](http://www.chathamnc.org) under Rezoning & Subdivision Cases, 2008:*

2. The original approval from February 19, 2008.

**INTRODUCTION & BACKGROUND:**

A quasi-judicial public hearing was held on this request January 26, 2009. No one spoke in opposition of the request. Jon Wright with New City Design presented the request.

CRCED Treatment, Inc. Carolina House is a transition facility for women with eating disorders and has been in operation at its current location since 2006. It first operated as a “family care home” with up to six residents. In February 2008, an approval was granted to rezone the property to Conditional Use Office & Institutional with a Conditional Use Permit to accommodate congregate care facilities, family care homes, hospital, health and welfare centers, and nursing homes and/or convalescent homes to meet the growing need for such services.

In the 2008 approval were specific conditions placed in order for the conditional use permit to remain valid. Those conditions are:

**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.

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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.

A review by staff finds that all conditions, with the exception of #3 and #10, have been met as required. These two conditions are tied together and one cannot be made without the other.

**DISCUSSION & ANALYSIS:**

The five findings required to be made were approved in the original application in February 2008. The owners have complied with all the requirements and/or conditions placed on that approval with the exception of the completed wastewater system. The owners and the applicant had been working with a specific engineer to design and

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approve a system that would be best suited for the use and for the property. There had been four different submittals that were created in trying to obtain such approvals and permits. Each time they provided the submittals to the state, they were turned down because it would not meet their requirements. The County Environmental Health Division could not proceed with their approvals and reviews because a system had not been approved from the state.

In September, 2008, state officials suggested the applicants contact another engineer to work on their request. Agriwaste Technologies was hired and began designing the required system. They received an approval from the state by the end of October and the applicant sent the design out for bids. The Chatham County Environmental Health Division gave a construction authorization on October 31, 2008. A contract for construction was made November 20, 2008 and the preconstruction meeting with the County offices was held on December 3, 2008. The system installation began and is currently due to be completed by the middle of February 2009; within days of the one year deadline date of February 19, 2009.

The landowners and applicant have requested a 90 day extension to ensure there's sufficient time to get all paper work completed, inspections made, and the certificate of occupancy issued. The Board of Commissioners asked the applicant at the public hearing if 90 days was enough time. The applicant answered, yes.

**RECOMMENDATION:**

The Planning Board has up to three meetings to make a recommendation to the Board of Commissioners on this request. It is the recommendation of the Planning staff that this revision to the conditional use permit be approved.