



COUNTY COMMISSIONERS
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A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT REQUEST BY Redd Dog LLC

WHEREAS, Redd Dog LLC, has applied to Chatham County for a conditional use permit on Parcel No 2684 and 2683, located on approximately 1.83 acres, Baldwin Township for a veterinary clinic and hospital with dog runs or equivalent facilities;

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 eligible uses in the district in which the subject property is located or is to be located. The Community Business District lists these as permitted uses.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, this business has been in Chatham County for over 20 years. Even after two other veterinary clinics and hospitals were approved on US 15-501 N, this business continued to expand and outgrow their current location. The project will utilize the county water system and existing median cuts in the highway corridor will serve as access for the 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. This facility will not generate more than approximately ½ to 1% of an increase in traffic, stormwater will be managed by using bio-retention cells (rain gardens), the construction of the building will be equipped with new digital radiology technology instead of the traditional x-ray equipment, and the materials used in the construction of the building will be by renewable resources and promote a "genuinely green design" without LEED certification.
4. The requested permit is consistent with the objectives of the Land Development Plan by, among other things, locating in a specific area mention in the Plan as a Compact Community Corridor" to accommodate a mix of uses not as "strip development". The entrance will be sited up a side street instead of directly from the major corridor highway.

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 abandon the existing wells and will be served by county water and private septic. Stormwater measures will be managed by bio-retention cells (rain gardens) and the septic system is proposed as a subsurface drip system. The amount of impervious surface is 31% of the 36% allowed by the ordinance.

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

Site Specific Conditions:

1. All recommendations from the CCAC shall be followed as stated from their December 10, 2008 meeting. Plantings shall be made after site preparations (grading and clearing) have been completed and at the next optimal planting season. Annual inspections of landscaping may be made by Planning Department personnel and/or the CCAC to ensure the intent of the buffers remain to be met.
2. The revised site plans submitted February 12, 2009 shall be the plan incorporated into the design of this project.

Standard Site Conditions:

3. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the issuance of the first building permit.
4. An "as-built" impervious surface calculation shall be submitted to the Planning Department prior to issuance of a certificate of occupancy.
5. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
6. A building permit, on the primary structure, shall be obtained and remain valid at all times, with an approved, passing inspection 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:

7. 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.
8. 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.
9. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
10. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
11. 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 16th day of March 2009

By:

George Lucier, Chairman

ATTEST:

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