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A RESOLUTION APPROVING A REVISION TO A CONDITIONAL USE PERMIT REQUEST

BY Sandy Pond Enterprises dba Dogwood Animal Hospital

WHEREAS, Sandy Pond Enterprises dba Dogwood Animal Hospital has applied to Chatham County for a revision to an existing conditional use permit on Parcel No. 18637 located at 51 Vickers Rd, Williams Township, to add an additional 3,500 square foot kennel building and dog runs to the site, and;

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. In the list of Permitted Uses within the Chatham County Zoning Ordinance, the existing use continues to be permitted under the conditional use business district in which it was approved in 2005.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, the applicant has continued to operate this business in the same manner as the original approval in 2005. Due to the increase in development in the surrounding area, the applicant has needed to expand to allow for additional animals to be treated. Sustaining existing businesses in the county is an objective of the Land Conservation and Development Plan.
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. Since the operation began, there have been no issues or complaints received regarding the activity of the facility. The Chatham County Appearance Commission has reviewed and approved landscaping, lighting, and signage of which the majority is already in place and thriving. The applicant states they take precautions to control any noise from the site. Veterinary services are not provided on a 24 hour basis.
4. The requested permit is consistent with the objectives of the Land Development Plan by, among other things, encouraging a mix of development by guiding balanced growth to suitable locations while maintaining rural character. Page 10 of the Plan encourages siting of commercial

uses along major highways which was the support for the original approval in 2005. Page 27 of the plan encourages the continuation of current activities which would include expansions as needed.

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 any additional conditions placed on its approval as seen below. The site currently has an approved commercial driveway permit, a state approved drip irrigation system, and county water supply. The site is located within the WSIV-PA of Jordan Lake and is permitted up to 36% impervious surface and the proposed will be approximately 16%.

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, Sandy Pond Enterprises dba Dogwood Animal Hospital, and incorporated herein by reference with specific conditions as listed below;

Site Specific Conditions

1. Should the adjacent tract, parcel no. 18908 be denied a commercial driveway permit from NCDOT to redevelop the site, a revised site plan detailing the easement access area across parcel no. 18637 with the total amount of impervious surface required shall be prepared and a copy of the legal document authorizing the access shall be supplied to the Planning Department. The access easement shall be recorded with the Register of Deeds prior to issuance of a building permit for the kennel.
2. The potential impervious surface area needed for the easement access shall be provided before any land disturbing activity begins on any further expansion projects to ensure the maximum impervious surface will not be exceeded.
3. The recommendations as provided by the Chatham County Appearance Commission shall be followed and all previous requirements shall be maintained.
4. There shall be a limit of 53 animals housed at the facility at one time. Thirty from the previous approval and 23 from this request.
5. All other previous conditions, as outlined in the original approval, shall remain in effect. (Any exclusions are those items which have been repeated in the new additional conditions): Those that remain are:
 - 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.
 - 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.

- Signage shall be as shown on the revised site plan. If illuminated, lighting shall conform to the Chatham County Lighting regulations.
- 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.
- No animals shall be housed outside overnight. All animals shall be supervised at all times when outside the structure.
- All noise abatement measures and odor control measures as outlined in the application booklet, dated 6/10/05 must be utilized.
- Any dumpster/waste areas must be screened from all adjacent property owners.
- 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.

Standard Site Conditions

6. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance.
7. The application and approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place.
8. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Storm water Management, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the mulching operation.

Standard Administrative Conditions

9. 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.

10. 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.
11. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
12. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
13. 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 7th day of November 2011

By: _____

Brian Bock, Chair
Chatham County Board of Commissioners

ATTEST:

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