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A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT REQUEST BY Rocky McCampbell

WHEREAS, Rocky McCampbell has applied to Chatham County for a conditional use permit on Parcel No 64812, located at 1115 Mt. Carmel Church Rd., on approximately 1 acre out of a 4.03 acre tract, Williams Township for a dog grooming business 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. The Neighborhood Business District, although "dog grooming" is not listed as a separate use, falls under retail stores and personal service shops similar to those listed dealing in direct consumer and personal services.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, the applicant has gathered research that shows there are approximately 5000 residences of which about 37% of those households have a dog. This averages to 1850 dogs. There are six (6) other similar establishments within approximately 19 miles from this site of which one is an independent dog grooming facility. This equates to about 300 per establishment.
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. The Chatham County Appearance Commission has approved the site plan in regards to landscaping, signage, parking, and lighting and are satisfied that the residential character is being preserved. Due to upgrades in noise reduction materials to the garage and no outside dog runs, issues regarding noise have been satisfied, the Environmental Health Division has standards to address the dog grooming products in regards to the septic system-, and the applicant will be installing a separate septic system solely for this use.

4. The requested permit is consistent with the objectives of the Land Development Plan by, among other things, locating in an area already supported by various "neighborhood business" uses as defined in the Zoning Ordinance by guiding balanced growth to suitable locations while maintaining rural character. The site currently has a single family dwelling and two-story, two-bay garage. There will be modifications to the garage only but will still maintain a residential appearance. The impervious surface allowed on the property is 36%. There will be minimal grading involved in preparing the site for business and the approximate combined area will have about 4.4% impervious surface.

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 applicant has been approved for a new septic system for the business use and will be installing a new water meter for the business to continue to utilize the county water already being supplied to the site. NCDOT has approved a commercial driveway permit for the site.

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, Rocky McCampbell, attached hereto and incorporated herein by reference with specific conditions as listed below:

Site Specific Conditions:

1. The mechanical barrier to be installed shall be reviewed and approved by the Chatham County Fire Marshal for emergency access requirements.
2. There shall be no overnight animal stays for the grooming facility.

Standard Site and Permit Conditions:

3. Signage, parking, and lighting shall conform to the current regulations in the Chatham County Zoning Ordinance.
4. All parts of the application, notes, 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.
5. 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.

Standard Administrative Conditions:

6. 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.
7. 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.
8. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
9. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
10. 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 May 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