

JESSE FEARRINGTON

**REQUEST FOR CONDITIONAL USE DISTRICT AND
PERMIT**

**29.6 ACRE PARCEL LOCATED AT NORTHWEST
QUADRANT OF U.S. 15-501
AND MORRIS ROAD/VILLAGE WAY**

INSERT PHOTO # 1 HERE

April 17, 2006

DEVELOPMENT TEAM

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STATEMENT OF PURPOSE

Jesse Fearington (“Applicant”), is applying to Chatham County for approval of a conditional use district and a conditional use permit for use of a 29.6 acre site (the “Property”) to be developed as a specialty retail center with out-parcels. The total acreage for the site is approximately 59.58 acres. **See Tab 1 Entire Tract Aerial.**

Applicant seeks a Conditional Use District and Permit (along with attendant sketch design approval) for only the 29.6 acres with frontage on U.S. 15-501 and Morris Road, all as indicated on the attached site plan. **See Tab 2 Site Plan.** The site will be anchored by a specialty retail center. The Applicant is in discussions with representatives of the Whole Foods and Fresh Market shopping center companies. The idea is to locate a specialty grocer at this intersection that will supplement the shopping currently available at the Lowes Foods store (located at the intersection of 15-501 and Manns Chapel Road) and the Harris Teeter store (located at the intersection of Lystra Church Road and 15-501). The balance of the acreage will remain zoned as RA-40 and will not be improved except to install the below ground wastewater treatment system.

The property is located at the intersection of U.S. 15-501 and Morris Road – an intersection that currently is home to the commercial uses within Fearington Village, the Sawyer Exterminators building, the Sprint Cell tower, as well as the North Chatham Fire Department. The proposed conditional land use district and permit are for the following anticipated uses: Retail food/grocery store, drug stores, banks, eating and drinking establishments, professional and business office use and retail stores and personal service shops similar to those listed in the Chatham County Zoning Ordinance dealing in direct consumer and personal services. For a full list of the reserved uses, see the list taken from the Zoning Ordinance that is attached to the Application. The uses marked out on this list are not requested. This request is to convert the Property to a conditional use district for restricted B-1 uses and to grant a conditional use permit for those uses.

The Applicant, Jesse Fearington is a lifetime resident of Chatham County and comes from a family with deep and long roots in Chatham County. Mr. Fearington’s ancestors arrived in Northeast Chatham County in the 1770s and located where the Fearington House is now situated. Much of the land that comprises what is known as Fearington Village was acquired from Jesse Fearington and bears his name. Mr. Fearington would like to develop this parcel in ways that benefit nearby residents, as well as those that commute on U.S. 15-501. Mr. Fearington also has a vision for providing convenient, attractive and well-controlled shopping and working environments for local residents. As can be seen in the enclosed economic analysis, Mr. Fearington’s plan will also create significant value to the County.

In consultations with Fitch Creations, the developer of Fearrington Village (located across U.S. 15-501 from this Property), every effort has been made to ensure that this project will blend harmoniously with the superb rural/commercial feel established by the Fearrington Village project. The project will have fencing designed to match the Fearrington Village fencing all along the 15-501 and Morris Road frontage. The signage is intended to be consistent with the Fearrington Village signage (subject to approval by Fitch Creations). The frontal elevation of the retail center will have an understated look with clapboard siding, pitched roof with dormers above along with a covered walk area. Signage over the storefronts will not have any form of neon gas. The intent is to provide a simplistic residential feel. Structures developed on the out-parcels will face the exterior roadway and will also have the same understated architectural character.

People on both sides of the growth debate in Chatham County generally agree that more commercial uses are needed in Chatham County to help us fund the growing needs of the County in education and infrastructure. This proposal represents an excellent opportunity to generate needed revenue and jobs in a sensible location without imposing any significant burden on the County for services.

The request is made pursuant to Sections 5 and 15 of the Chatham County Zoning Ordinance. As is set forth in detail in this application, the proposal is consistent with the provisions of the zoning ordinance and the County Land Conservation and Development Plan.

INSERT APPLICATION

LEGAL DESCRIPTION OF PROPERTY

All that 26.9 acre tract of land located at the northwest corner of the intersection of U.S. Highway 15-501 South and Morris Road, as the same is depicted on the attached site plan attached hereto.

The development parcel is comprised of a portion of the following parcels.

Parcel # 65232 is described as follows:

All of that certain tract of land described as Tract II and conveyed to Jesse Fearington and J. Earl Thomas, a Partnership, by deed from Jane Humm, Executrix of the Estate of Rosemary M. Kent recorded on January 4, 1986 at Book 490, Page 282, Chatham County Registry; SAVE AND EXCEPT the following property:

1. The property conveyed to Charlie Casper by deed recorded at Book 500, Page 877, and depicted on that certain plat slide 86-34, Chatham County Registry (comprising approximately 6.342 acres);
2. The property depicted as Kentview Phase II on the plat recorded at plat slide 98-204, Chatham County Registry;
3. All easements and rights of way of record.

Parcels #s 2904 and 2905 are described as follows:

All of that certain land conveyed to James E. Harris and wife Lessie J. Harris as described in the Deeds recorded at Book JM, Page 261; Book, 338, Page 42, Book 351, Page 306, Book 351, Page 308; SAVE AND EXCEPT all out conveyances and easements and rights of way of record by the owners applicable to said tracts, all as described more particularly in the tax records for parcels # 2904 and 2905 and containing approximately 47.29 acres and by survey.

See **TAB 7** attached hereto and incorporated herein by reference.

DESCRIPTION OF PROJECT

The Applicant intends to develop the parcel in accordance with the site plan attached hereto at **TAB 2**.¹ The property will be used for the business/retail purposes set forth on the pages from the Chatham County Zoning Ordinance attached to the application. The business uses crossed out on those pages will not be allowed on the property.

Upon establishment of the B-1 conditional use district, Applicant requests a conditional use permit approving any of the allowed uses in accordance with the site plan attached at **TAB 2**.

Location:

- (1) Public Highways. The property adjoins US 15-501 South and Morris Road (S.R. 1527). The property will have a full access driveway on Morris Road and a right-in, right-out access on U.S. 15-501.
- (2) Private Roads. There are two existing private roads that lie entirely or partially within the property. Sunny Acres is a private road that essentially serves four unoccupied residences. Sunny Acres road will be removed and closed. Spider Web Lan is a private road that runs along a portion of the northern boundary of the property and provides access to two properties. Spider Web lane will not be modified.
- (3) Current Zoning. The current zoning of the site is RA-40.
- (4) Watershed Classification. The watershed classification is WS-IV-PA. Because this project does not have a curb and gutter street system, up to thirty-six percent (36%) impervious surface or “built-upon area” is allowed. The actual projected impervious surface is 26.68%.
- (5) Major Wildlife Areas. This site is not in or adjacent to any area designated as a natural area according to the “Inventory of the Natural Areas and Wildlife Habitats of Chatham County, North Carolina.”

¹ A primary site plan is attached at **TAB 2**. An alternative site plan is attached at **TAB 3**. The only difference between the two site plans is the location of the Morris Road driveway. The **TAB 2** driveway is located opposite Kentview Drive. In a community meeting with surrounding property owners, a request was made to determine whether the Morris Road driveway could be located further east so as to minimize the traffic impact on thus entering and exiting Kentview South. **TAB 3**, the alternative site plan, is offered as a possible solution but is subject to approval by NCDOT. If the NCDOT will approve the alternative location, Applicant would desire to obtain approval of that site plan for the benefit of those living in the Kentview South subdivision that made the request. If the alternate driveway location is approved, all landscaping shown on the plans set forth at **TAB 2** (Site Plan) and **TAB 5** (Conceptual Landscape Plan) will be installed. The Alternate Driveway plan omitted reference to landscape trees but only because it was mainly intended to show the driveway location.

(6) Size in Acres of Site. The size of the development site is approximately 29.6 acres. The overall combination of parcels comprises approximately 60 acres. The non-development portion will be used as open space and land for septic appurtenances and fields.

(7) Utility or Other Easements. Rights of way for US 15-501 south, Morris Road serve the site as well as easements CP&L (Progress Energy) for utilities and a powerline. There also appears to be an easement of access along the northern boundary (Spider Web Lane), which easement will not be modified.

(8) Current Use. The site is currently not in use. The Lessie J. Harris Estate property was used for residential purposes but all structures thereon are vacant at this time.

(9) Current Contents of Site. The site currently contains four vacant residences, a barn and several out-buildings. The sellers of the Lessie J. Harris Estate property have retained the option to remove such dwellings and structures.

(10) Other Conditional Use Permits Granted for the Site. None.

Description of Use:

The proposed use of the property is grounds and facilities the specified B-1 uses in accordance with the plans attached hereto and as described above.

Site Plan and Drawing:

The preliminary site plan attached as **TAB 2** describes the site in detail. The site will be anchored by a specialty retail center. The Applicant is in discussions with representatives of the Whole Foods and Fresh Market shopping center companies. The idea is to locate a specialty grocer at this intersection that will supplement the shopping currently available at the Lowes Foods store (located at the intersection of 15-501 and Manns Chapel Road) and the Harris Teeter store (located at the intersection of Lystra Church Road and 15-501). Please also refer to **TABS 4 and 5** for lighting and landscaping plans.

(1) Existing Buildings. The existing structures will be removed.

(2) New Buildings. The proposed new building is to be located as shown on the site plan attached hereto as **TAB 2**. The footprint of the anticipated building will be approximately 81,200 square feet. There will also be four outparcels. Each outparcel will have its own structure and parking. Each outparcel will be subject to covenants requiring the building to face the exterior roadway with vehicle access from the interior roadway. All parking, landscaping, lighting and signage will conform to the County ordinances, including

the drafted but as yet unadopted lighting ordinance. Further, the exterior appearance of the structures and landscaping will be subject to review and approval by a developer committee. General uniformity of on-building signage will also be required.

(3) Landscape Plan. The attached landscaping plan (**TAB 5**) goes well beyond County buffering standards and was designed specifically to ensure minimization of impacts on adjoining parcels. The residential uses to the north and to a portion of the western boundary line will benefit from a generous 150 foot wooded or bermed and landscaped buffer. This buffer is ten times the width of buffer required under the Chatham County Design Guidelines (the “Deign Guidelines”). The residential uses across Morris Road to the south will benefit from a seventy-five foot (75’) landscape buffer with a berm. Originally, the plans called for a fifty foot buffer and no berming in this area. As a result of requests and suggestions at the community meeting, the Applicant has revised the plan increase the buffer to 75 feet and to add the buffer as depicted on the plan. This seventy-five foot buffer is five times the Design Guideline requirement for width. In addition, the balance of the frontage along Morris Road and along U.S. 15-501 will have a 50 foot landscaping buffer. This section will also be complemented by the white, three-rail horse fence and periodic plantings.

The Chatham County screening and buffering requirements from Table 6-A of the Design Guidelines will be followed with respect to all adjoining properties. The parking lot landscaping also meets the Zoning Ordinance requirements set forth in Section 12.2.

(4) Screening/Buffering Plan, Setbacks. As to screening and buffering, see above. As to B-1 setbacks, all such setbacks, including the 50 foot front set back will be complied with as indicated on **TAB 2**. The parking lots will be more than 10 feet from the public right of way as required by section 12.2 of the Zoning Ordinance.

(5) Natural Preserved Areas. Approximately fifty percent (50%) of the total acreage will be preserved in its existing natural condition, subject only to installation of below ground septic appurtenances.

(6) Site Boundaries with Adjacent Properties. The boundaries between the site and adjacent properties are shown on **TAB 1**. The names and addresses of adjoining land owners are provided with this application.

(7) Parking. The proposed parking areas for employees and customers are shown on **TAB 2**. Section 12 of the zoning ordinance sets forth a standard of 1 space per 200 feet of gross floor area. For the retail anchor parking lot, this requirement would necessitate 406 spaces. Although this site can readily accommodate additional parking and there is ample available impervious surface, applicant believes that so much parking area unnecessarily increases the amount of pavement and impervious surface. For example, the City of Raleigh parking ordinance requires only one space per each 250 square feet of commercial space (or 325 spaces for this site). Applicant requests that this site be approved at a parking ratio of

one space per every 224.3 square feet of commercial space. Thus Applicant has requested approval of a main parking lot containing 362 spaces ((81,200 sq. feet divided by 224.3 equal 362). Applicant also requests that the same ratio apply to the out-parcels when developed (unless another parking ratio applies to the particular use for the out-parcel). All stacking requirements will be complied with if needed for the ultimate out-parcel users.

(8) Sign Location, Type and Size. Signage at the two entrances will comply with Section 13.7 of the Zoning Ordinance. The signage will be comparable to the Fearington Village signs in size and style (subject to approval and consultation with Fitch Creations).

The main signs, at the 15-501 and on the Morris Road island will be no larger than two square feet per lineal foot of frontage on 15-501.

INSERT PHOTO #2 HERE

The secondary sign (at the Morris Road driveway) will be smaller and in keeping with the Fearington Village Center sign shown here.

INSERT PHOTO # 3 HERE

Signs on the retail spaces and out-parcel buildings will conform to the sign ordinance provisions.

(9) Areas Reserved for Future Development or Improvements. The balance of the property is reserved for possible future development but at this time no other future use is anticipated. The vast majority of the undeveloped space will be used as open space and septic area. If this space is ever to be used for a different purpose, a separate application to the County will be made.

(10) Lighting Plan. The drafted but as yet unapproved Chatham County Lighting ordinance will be followed. Please see **TAB 4** to view the conceptual lighting plan showing estimates iso-candle impacts.

(11) Percentage of Impervious Surface. The plan, including the parking lot, driveway and building, contains a proposed impervious surface of 26.68% — substantially below the 36% impervious surface ratio allowed under the watershed ordinance.

(12) Topographical Description of Site. A topographical map is provided as part of the site plan attached as **TAB 2**.

(13) County Road Map. A county road map identifying the location of the property is provided as **TAB 6**.

(14) County Tax Map. The tax map image of the site is shown at **TAB 7**.

Start and Completion Projections:

ESTIMATED DEVELOPMENT SCHEDULE

Summer 2006	Preliminary Site Plan and Conditional Use Approval
Summer 2007	Completion of Site Permitting
Fall 2007	Commence Construction of Retail Center
Spring 2008	Commence Construction on Out-parcels
Summer 2008	Complete Construction of Retail Center
Spring 2009	Complete Construction of Out-parcels

Adjoining Property Owners:

The names and addresses of the adjoining property owners are on the attached schedule.

Reference to Existing County Plans:

Because of its location at the commercially strategic and convenient crossroads of U.S. 15-501 and Morris Road, the project meets and conforms to the Chatham County Land Conservation and Development Plan (the “Land Use Plan”).

At the outset of the Land Use Plan, two fundamental policies are set forth, both of which are met by this proposal. The first general policy is that land development will reflect balanced growth by, in part, ensuring that development is “guided to suitable locations and is designed appropriately.” *Land Use Plan, p. 1.* This proposal is certainly in a suitable location in that it is at the critical intersection of 15-501 and Morris Road. It will join pre-existing commercial uses at this intersection including the significant Village Retail Center at Ferrington Village, as well as the commercial site occupied by Sawyers Exterminators, the Sprint PCS tower site and the North Chatham Fire Station. This parcel is ideally suited to a commercial use with frontage on both U.S. 15-501 and Morris Road. This is a rare combination of attributes along the 15-501 corridor because of the divided highway. Most intersections with the highway do not have a traffic signal and a median cut. As such, the parcel is ideally suited for business uses. The location is suitable and the design will conform to or exceed all County standards set forth in the design guidelines and other applicable ordinances.

The second general policy of the Land Use Plan is that development be open, proactive and cooperative. The Applicant has voluntarily met with adjoining property owners, representatives of the Ferrington Homeowners Association and representatives of Chatham Citizens for Effective Communities Bob Eby and Loyse Hurley all prior to filing this application. Numerous changes to the plan have been incorporated as a result of those meetings, including additional landscaping, berming and possible relocation of the Morris Road driveway pending NCDOT approval. In addition, Applicant conferred with the Ferrington Homeowners Association (the “FHA”) President concerning the project. The FHA Board of Directors met and decided that it would circulate a summary of the proposal (and all pertinent meeting dates) to FHA members and provide Applicant’s contact information to said members. The FHA summary circulated to its members can be found at <http://fhaferrington.org/>. This has proven to be productive as some Ferrington residents have contacted the Applicant with questions and words of support. Finally, Applicant has met with Planning Staff to address any concerns on the front end. All of these meetings have been very productive and, it should be noted, are voluntary. These meetings have enhanced the open, proactive and cooperative aspect of this proposed development.

Further, because the process involved is a request for a conditional use permit, a public hearing will be held after a public advertisement is published. The property will be posted with signs giving notice of the public hearing on the matter and notice will be given to all adjoining property owners. The project has been designed specifically to take into account nearby residential areas and to fold it nicely into existing commercial/business uses

The Land Use Plan also promotes the form and function of rural character. In an era when the economies of Chatham, other counties and the nation as a whole are changing from rural/farming economic models to residential and service based models, especially in Chatham, it is important for commercial uses to be informed by rural character. In much the same way as the Fearington Village project, this project is intended to carry the rural character to a natural combination of commercial forms with rural elements in this developing area.

In addition to conforming to the general policies of the land Use Plan, the proposal meets with the relevant Major Recommendations of the Land Use Plan as well. The proposed development meets squarely with recommendations 9, 12 and 17 which are the recommendations that relate specifically to commercial development. The property is located in what would certainly be an “economic development center” and a “cross-roads commercial center” under the Land Use Plan although those zones have never been formally adopted.

In addition, the Land Use Plan specifically allows for shopping centers within “compact community corridors.” The Land Use plan defines “compact community corridors” as being located “along U.S. 15-501 north of Pittsboro” (Land Use Plan, page 2). The Chart on page 5 of the Land Use Plan specifies that shopping centers are encouraged within the compact communities corridors. This proposed project is enhanced by the fact that it is consciously integrated with the healthy mix of residential and other commercial uses existing in the area, just as is contemplated by the ordinance.

In many ways, the orientation of this project is the prototypical and sought after “clustered and mixed use development,” referred to in the Land Use Plan. It is located in a unique part of the County that combines a variety of nearby residential and commercial uses. For example, the project has Fearington Village nearby which is comprised not only of single family residential but also, multi-family and high density in the senior care center known as Galloway Ridge. Also nearby are the Creekwood estates subdivision and the Kentview South and North subdivisions. Blending this high-quality, non-strip center with the existing mixed use attributes of the surrounding neighborhood is a natural fit.

Further, this project is also located in what would have to be considered an economic development center under the Land Use Plan. Unfortunately, the location of such economic centers has never been specified under the Land Use Plan. Given the existing commercial uses at this critical intersection, this should be considered an economic center. Shopping centers are specifically allowed in such economic development centers.

The Land Use plan also states the following objectives that are met by the current proposal:

1. “Site commercial uses along major highways in clusters at specific, designated locations, design these commercial sites to retain a rural cross-roads or village character. . .” *Land Use Plan, p. 10.*
2. “Site commercial clusters so that they might be able to be served by transit in the future, especially along U.S. 15-501 north of Pittsboro.” *Land Use Plan, p. 10.*
3. “Site commercial clusters so that they extend up side roads off main thoroughfares . . .” *Land Use Plan, p.10*
4. With respect to economic development centers, the Land Use Plan specifically highlights locations “in the northern part of the County within the U.S. 15-501 corridor.” *Land Use Plan, p. 33.*

In addition, the Land Use plan sets forth a desired outcome of promoting “commercial endeavors” which are noted as “long term assets to the community.” This project, much like Fearington Village, will be a commercial endeavor that is a long term asset to the community.

The intersection would have to be either an economic development center or a commercial crossroads under the Land Use Plan and, as such is an ideal and conforming location for the project.

FINDINGS REQUIRED BY ZONING ORDINANCE

The Chatham County Zoning Ordinance requires that the Board of Commissioners make five affirmative findings in establishing a conditional use district and in granting a conditional use permit. All five findings are supported by this application.

Finding #1: *The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.*

(1) Validation of Use in Zoning Ordinance: The requested uses are all allowed uses within the requested B-1 conditional use district and, as such, are eligible conditional uses within the district, the establishment of which is being requested.

(2) Land Development Plan Reference: This application is consistent with the Land Use Plan. Please see the discussion under "Reference to Existing County Plans" above.

Finding #2: *The requested conditional use permit is either essential or desirable for the public convenience or welfare.*

(1 and 2) Need and Desirability/Survey of Similar Uses: The proposed business uses will be beneficial to the County by providing necessary goods or services to the local citizenry, by increasing ad valorem real and personal property tax revenue, by adding to the number of local jobs available to County residents, and by increasing sales tax revenue to the County. With the widening of the intersection, the widening of U.S. 15-501 and the realignment of Morris Road to form a signalized four-way intersection, the continuing viability of this site as a residential parcel has been considerably diminished. These same roadway improvements have also made these parcels strong candidates for commercial uses. In addition, the location of commercial uses nearby leads to the conclusion that conversion of the property from residential to commercial is appropriate.

The general market rule of thumb is that it takes 3,000 households or a population of 8,000 people to support a full-service grocery. The proposed grocery store is a smaller store of the specialty variety. Typically, specialty grocery stores look to a ten mile radius of population because they fill a niche not filled by existing large grocery stores. Current population data indicates that there are at least 38,000 households within 10 miles of this site. Current data also shows that there are over 5,600 residences within five miles of the Property. There are approximately 1,600 residential units in Fearington Village alone. That does not even account for the several thousands of homes that are approved in the area but not yet in existence. There is no other specialty grocery retail store between Pittsboro and the County line on 15-501. The nearest store of this type is the Weaver Street Market in Chapel Hill but is smaller and serves an essentially local population in Southern Village. Market data evidences the fact that there is a current need. Certainly, the proposed uses are desirable for the public convenience or welfare. Further, given the significant residential growth in the area, including the approved Briar Chapel subdivision, commercial and business uses will certainly be in demand in this location. The site can accommodate a sit-down restaurant which will be highly desirable given the paucity of restaurants in the area. Numerous nearby residents have expressed enthusiasm at the idea of a restaurant to complement the existing but limited eating and drinking establishments nearby. The ideal configuration of out-parcels for this project will include a restaurant, a drugstore, possibly a bank and another as yet undetermined use.

(3) Public Provided Improvements: No additional public improvements will be needed for this project.

(4) Tax Considerations: A detailed analysis of the tremendous economic benefit of the project is attached hereto at **TAB 8**.

(5) Employment: See **TAB 8**.

Finding #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.*

Generally speaking, there could hardly be a more appropriate location for a B-1 district than at this signalized, four-way commercial crossroads. As described above, the parcel is adjacent to other commercial uses and, where residential uses adjoin, more than adequate buffering is proposed. The widening of U.S. 15-501 severely curtails the utility of these parcels for residential purposes. What are the integrity and character of the surrounding districts? This project is located on a major transportation corridor such that the integrity and character is complemented by a commercial use at a signalized intersection. At the same time, the existence of a tremendous number of residences not far from the project causes this site to be a natural fit for a commercial development. With respect to the residential properties that adjoin the project, great care has been taken to minimize impacts by creating buffering, berming, landscaping and other design features. It can hardly be said that this use would impair the integrity or character of the nearby fire station, office buildings, commercial uses at Fearington and cell tower site. But by the same token it is inherent that the project will enhance quality of life of those residing in the area. The proposal is certainly in character with the existing uses. The proposal will not be detrimental in any way to the health safety or welfare of the community.

(1) Emergency Services: The project is expected to make very limited demands on fire and police protection and emergency services. This is certainly true as compared to other possible uses of the subject property, such as residential.

(2) Traffic: The site will have no significant impact on area traffic. With two ingress and egress driveways, traffic impacts will be minimized. The project will have a “right in-right out” on U.S. 15-501 and a full access driveway on Morris Road. A traffic study performed by Ramey Kemp & Associates, Inc. for the parcel is attached at **TAB 9**. The conclusion of the traffic engineers is that with certain intersection improvements, the intersections and approaches will all function within acceptable levels of service, even taking into account significant future residential growth in the area. This is true irrespective of which driveway scenario for Morris Road is approved. An appointment with the regional DOT inspector has been made to evaluate whether the proposed alternate driveway is acceptable. That response and information will be received well in advance of the public hearing and forwarded to the planning staff upon receipt. Applicant will perform all improvements either required by the NCDOT or recommended by the traffic impact analysis.

(3) Visual Impact and Screening: This project is designed as much as possible to have a minimal impact on neighbors. The attached lighting plan and landscape plan at **TABS 4 and 5**, respectively, evidence compliance with applicable buffering and screening requirements.

(4) Lighting: Exterior lighting will be down-lighting with direct glare shielded from adjoining roads and properties. The lighting will be in compliance with the draft Chatham County Lighting Ordinance. **See TAB 4.**

(5) Noise: The proposed uses will produce ordinary levels of noise. No industrial or significant noise-generating activities or uses are proposed.

(6) Chemicals, Biological and Radioactive Agents: Given the proposed uses, none are anticipated.

(7) Signs: See the discussion above within the “Site Plan” section, paragraph 8.

Finding #4: *The requested permit will be consistent with the objectives of the Land Development Plan.*

(1) Land Development Plan Reference: This application is consistent with the Land Use Plan. Please see the discussion under "Reference to Existing County Plans" above.

(3) Watershed Considerations: The watershed classification is WS-IV-PA. Because this project does not have a curb and gutter street system, up to thirty-six percent (36%) impervious surface or “built-upon area” is allowed. The actual projected impervious surface is about 26.68% -- well below the allowed limit.

Finding #5: *Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.*

(1) Water Source and Requirements: The improvements will rely on the County water system. The county water line runs along U.S. 15-501. The proposed uses will not appreciably tax the County’s water resources.

(2) Wastewater Management: Wastewater will be disposed of by sub-surface drip irrigation septic methods. Soils testing has been performed by JDG Consultants. See **TAB 10**. Adequate soils exist to serve the property. Submitted with this Application is the soils report dated April 11, 2006. In addition, Fitch Creations has allocated 10,000 additional gallons of wastewater treatment capacity under the permit it has for treatment of wastewater under certain conditions specified in the attached correspondence from Fitch Creations.

(3) Access Roads: The subject property directly adjoins US 15-501 and Morris Road (S.R. 1527).

(4) Stormwater Runoff: Detention basins have been incorporated into the site plan by C.E. Group, Inc. The basins are sufficiently sized to absorb the “one year, 24-hour storm”

(approximately 3" of rain). The basin will be located so as to minimize flow from the site during rain events. Neighboring properties should not experience increases in runoff except in unusual rain events.

CONCLUSION

The proposed application is consistent with the five necessary findings and will enhance the area by adding needed, attractive commercial uses. The applicant respectfully requests that the request for a conditional use district and permit be granted.