

# FEARRINGTON EAST, SOUTHERN TRACT CONDITIONAL USE PERMIT APPLICATION

## DETAILED DESCRIPTION OF THE PROJECT

A detailed description of the project follows:

1. Location: The site is located on the eastern boundary of the Fearington P.U.D. lands in Chatham County.
  - a) The public highway serving Fearington is US 15-501.
  - b) The public roads serving the site from US 15-501 are Weathersfield to East Camden to Millcroft to Woodham to existing dirt road, currently unnamed, into the property.
  - c) The current zoning of the site is RA-5.
  - d) The watershed designation is WS-IV PA and the impervious surfaces allowed are 24% with curb and gutter and 36% without curb and gutter.
  - e) The site lies on the northern tip of the Big Woods Wilderness, a “Major Wildlife Area” identified in the “Inventory of the Natural Areas and Wildlife Habitats of Chatham County, North Carolina”, 1992.
  - f) The size of the site is 197 acres. It is one of two parcels that make up the total Fearington East tract of 243 acres.
  - g) Current utility or other easements assigned to this site: None.
  - h) The current use of the site: Woodlands.
  - i) Description of the current contents of the site (buildings, utilities, etc.):  
The site is completely undeveloped.
  - j) Other Conditional Use Permits that have been granted for this site:  
None.
2. Description of the Requested Use:

The site will be a residential community with a combination of single-family lots and clustered homes developed with a Conditional Use Permit. The site will be made a part of the Fearington P.U.D. It will have 28 clustered homes and 50 single-family lots built on  $\pm 30\%$  of the land. The remaining land,  $\pm 70\%$ , will be open space land preserve.

Minimum lot sizes are shown on the Sketch Plan for single-family lots. Clustered homes will be single-family or townhouse ownership. These will be clustered and arranged to allow for the maximum stewardship of the natural landforms and forest.

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There is no development proposed in low lying lands except for crossing the creek with a sewer line.

### Reasons for requesting an increase in housing allowed on the Fearrington East, southern tract land:

- a) This property is party surrounded by existing RA-40 land that is developed at RA-40 densities. About half of the perimeter of this tract abuts RA-40 land. This rezoning would more accurately reflect the actual uses on the neighboring properties.
- b) To allow the creation of permitted dwellings in this community to meet the long term demand for housing in this desirable community.
- c) To assist in making it economically feasible to set aside for all time such a large tract (175 acres) of open space preserve.
- d) To permit the transfer of density allowed from this remote area to the central part of the Village where infrastructure is in place to serve these homes and where the land is not as environmentally sensitive as it is in this portion of the Fearrington East, southern tract property.
- e) To continue to grow Fearrington Village in a clustered, compact manner, thus meeting the goals of the Chatham County Land Conservation and Development Plan.

### 3. Site Plan and Drawing:

#### Site Plan Discussion:

This property will be accessed via the existing dirt road from Fearrington P.U.D. lands. Bush Creek and the Corps of Engineers land comprise the northern boundary of this tract. Private land owners are in the east, the Big Hole (AT&T) is on the south and Fearrington P.U.D. is on the west. A 200' Bush Creek buffer setback will be placed on the property. 175 acres of the project will be restricted for open space use to insure that the wooded character of the site is preserved. Slopes will not be developed. All housing will be on the high land with the street being carefully placed to make the least impact on the environment.

The overall design will follow the standards Fearrington Village has set and maintained in the previous Sections of the P.U.D.

The neighborhood is removed from the main part of the Village and this neighborhood will have a unique feel and aesthetic captured in the vast woodland preserve that will completely surround the built area.

- a) See project drawing in this section of this application.

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- b) Vicinity map showing property location is in this section of the application.
  - c) County tax map with location of property identified is in this section of the application.
  - d) See Zoning Classifications map of Fearington Lands in Appendix A.
  - e) See Watershed Map in Appendix B.
  - f) A vicinity map showing the property proximity to the Big Woods Wilderness Area is found in Appendix C.
  - g) See FEMA Flood Map in Appendix D.
  - h) See EPA statement, "Protecting Water Resources with Higher-Density Development," found in Appendix E.
  - i) See Facts and Figures Chart in Appendix F.
4. Start and Completion Projections: Approximate start time is 2008; completion time is estimated to be 2020. The project will be ready for operation in 3-5 years.
5. The Village of Fearington is mentioned in the Chatham County Land Use Development Plan. This is an appropriate use of this property.

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## FINDING #1

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**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. Fearington Village is located 8 miles north of Pittsboro on the east side of the recently widened US 15-501 corridor. The land for which this rezoning is requested is contiguous to the Fearington P.U.D. and is owned by Fitch Creations, Inc., founder of the Village of Fearington. This parcel lies east of Fearington P.U.D. It is zoned residential RA-5 and the use proposed is part residential and part open space preserve. These are eligible uses.

This request is to rezone the property to RA-40 and bring this parcel into the Fearington P.U.D. as a Conditional Use District with a Conditional Use Permit, as a limited single-family lot and clustered home neighborhood. 70% of the total Fearington East property will be set aside in open space forest preserve.

2. Section 10-3-B of the Zoning Ordinance specifies a Planned Residential Development as a Conditional Use Permit in an RA-40 zone.

## FINDING #2

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

1. The addition of the Fearington East, southern tract to the Fearington P.U.D. presents a unique opportunity to:
  - a) Preserve a very large tract of forest land through which Bush Creek runs.
  - b) Extend protected wildlife areas that abut Federal game lands and Lake Jordan buffer areas and to provide buffer between Fearington P.U.D. and the adjoining neighbors' properties.
  - c) Bring clustered housing into an area that would normally have been developed in a manner that disturbs far greater land area. Developed in typical RA-5 manner, 13,500 linear feet of roadway would be required, and 15 acres of land cleared for those roads. The proposed plan has only 6,300 linear feet of roads and 7.2 acres of clearing disturbance. This is less than half of the land disturbance that would be needed to develop this land in normal RA-5 fashion.
  - d) Homes will be built on only 68 acres of the 197 acres of the Fearington East southern tract. The entire Fearington East tract (both current RA-40 and RA-5 zonings) is 243 acres. 70% of this land will be preserved in a conservancy as open space as a part of the Conditional Use District.
  - e) This neighborhood will be a complementary extension of Fearington Village offering another alternative housing type for those desirous of the forest/preserve living experience.

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- f) The project will offer more opportunities for those persons wishing to live in Fearington Village.

### 2. Survey of similar uses:

Fearington Village, the oldest P.U.D. in Chatham County, is grouped with the Governors Club and Carolina Meadows as the older and larger Planned Unit communities. Each has its own focus, its own character, its own look and population. Fearington has been and continues to be a desirable community in which to live. Fearington provides a large tax base for Chatham County. It is also desirable for Fearington to continue its phased and steady growth, meeting the housing needs of this growing County.

### 3. Public provided improvements:

This addition to Fearington Village will require only minimal demands for public services.

- As Fearington is primarily an active retirement community, there will be minimal demand on the school system. Less than 3% of Fearington households have school-aged children.
- Parks and recreation demands are met primarily within the community or in private facilities. With the addition of 175 acres land preserve, the passive recreation opportunities for residents will increase two or three-fold.
- Water is requested from Chatham County. See Finding #5.
- Waste water is treated on-site by the Fearington Utility, a privately owned utility company governed by the standards enforced by the State of North Carolina. See Finding #5.

### 4. Tax considerations:

Anticipated annual tax revenue from this expansion of Fearington Village will be in the range of \$256,230 based on homes valued in the \$500,000 range, using the 2005 tax rate of \$0.6570 per \$100.

Anticipated tax on automobiles (\$30K per household) should generate an annual tax value of ±\$15,300.

School assessment at \$1500 per dwelling will yield ±\$117,000.

Recreation fee will be \$926 x 78 dwellings = \$72,228.

### 5. Employment:

Fearington Village employs 150 full time persons and 100 part time persons in the construction company, Inn, restaurants, shops and services. There are also about 30 subcontractors who employ a total of approximately 135 employees. Galloway Ridge has 135 full and part time employees. Four

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privately owned shops, services and other entities provide additional employment. Countless other countywide service providers, merchants and health care providers enjoy the support of the residents of Fearington Village.

Fitch Creations, Inc., builders of Fearington, will continue for at least 15 more years building at about 40 homes a year until the Village reaches its permitted limit.

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### FINDING #3

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**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.**

Emergency Services:

- a) The Fire Marshal has been apprised of this project and has written to or spoken with the Planning Department that this neighborhood can be served without negative impact on the Department.
- b) The Sheriff's Department has been apprised of this project and has written to or spoken with the Planning Department that this neighborhood can be served without negative impact on the Department.
- c) The Rescue Squad's estimated arrival time to the site after a 911 call is placed is minutes.

Traffic:

Fearington residents, primarily retired couples, make fewer automobile trips and make them most often at "off peak" times, as compared to residents of communities of working families. Externally US 15-501 is the traffic corridor. This corridor has the capacity for these additional 78 homes. Internally, two of the main streets in the Village offer alternate avenues to the Village Center and with a traffic signal onto US 15-501.

The most recent (2004) NCDOT Annual Average Daily Traffic volume for US 15-501 in the Fearington area is 11,000. The District Traffic Engineer said he estimates the current figure to be closer to 15,000-20,000 a day. The recent widening of US 15-501 from two to four lanes will provide an adequate major roadway for this project and for the growth planned for Fearington Village.

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### Visual Impact and Screening:

The building of this neighborhood and preserving the 175 acres of forest land will provide additional buffer for this neighborhood, for Fearington Village residents and for neighboring property owners outside of Fearington.

### Lighting:

The Village of Fearington has and will continue to limit lighting in residential neighborhoods. Where lighting is used it will meet the County's Lighting Ordinance.

### Noise:

This community will not be seen or heard (except possibly during construction) and wildlife will continue to have refuge there. The open space woodlands preserve around this neighborhood averages 300 to 400 feet on the most narrow to 1200 to 1600 feet at the widest.

### Chemicals, Biological and Radioactive Agents:

This project is a residential neighborhood served by County water and waste water is treated by the Fearington Utility. Chemicals use will be limited to only fertilizer, herbicides and insecticides used for normal home lawn and garden care on this property. There will be no radioactive materials used.

### Signs:

The only signs to be used are traffic regulation, street signs, and physical address (house) numbers and possibly "No Hunting" notices.

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### FINDING #4

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#### **The requested permit will be consistent with the objectives of the Land Conservation and Development Plan.**

The design and use of the Fearington East, southern tract property will be consistent with the Vision Statement for Chatham County: *Chatham County will be a place that cooperatively controls its own destiny to assure the state of well-being desired by all of our people, while proudly preserving diverse cultural heritages and the County's rural character.*

1. *Preserve both the form and function of rural character—the landscape, agriculture and home-based businesses.*

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The character of the Fearington East, southern tract property will be impacted with carefully placed homes that fit the existing topography so as not to require excessive clearing and grading to site these homes. The drainage patterns and bluffs will remain untouched, as will 70% of the land. Open space preserve will wrap the neighborhood. No agricultural activities will take place in this hilly forest tract.

- 2. Encourage compact communities with a mix of activities as development occurs.*

This neighborhood is an extension of the compact village of Fearington where there is a mix of single-family lots, clustered homes, traditional neighborhoods, and a continuing care retirement community of apartments and villas. There is a mix of activities in addition to housing, including shops and restaurants, offices, an inn, the Duke Wellness Center, numerous homeowner activity centers, the build and sales company, as well as support services for the Village. This project will offer another unique opportunity for those wishing to live in Fearington Village. Residents will support the businesses of both northern Chatham County and Pittsboro, including golf courses, medical centers and universities in this region.

- 3. Designate economic development centers in order to promote a diversified, sustainable business community.*

The neighborhood will contribute to the viable continuance and economic success of the businesses in Fearington Village and all the other supporting service businesses, merchants and health care providers. Read elsewhere in this application where employment in the Village is more fully described.

- 4. Develop an integrated approach to protecting and promoting high-quality open space, recreation, historic and tourism locations.*

This neighborhood will follow the tradition of Fearington Village by providing pedestrian linkage to all Village activities and open space opportunity such as Camden Park, the Village Center open space set aside, and the trail system. On this property, 70% of the site will be in buffers and easements as a preserve to protect the forested open space. This portion of the Fearington East tract is at the northeast tip of the Big Woods Wilderness Area. (The other Fearington East tract north of Bush Creek is not in the Big Woods Wilderness Area.) The Fearington East, southern tract, property comprises about 4% of the Wilderness area, however the portion of the Fearington East, southern tract land that will be built upon comprises only ±1.2% of the total acreage, a very small area. The Big Woods is not a protected area and it is riddled with land uses other than wilderness.

- 5. Ensure the long-term quality and availability of groundwater and surface water resources.*



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As with the whole of Fearington, the Fearington East, southern tract neighborhood will be developed employing “Best Management Practices” by the North Carolina Division of Water Quality to reduce the effects of storm water runoff, preserve the forest lands around the homes, maintain forested buffers on slopes and, in the drainageways, install and maintain vegetated swales and grassed swales along the streets. The plan calls for all lots to be a minimum 200’ from Bush Creek. Homes will be sited at about 300’ away from the creek. These measures all contribute to water quality. The establishment and maintenance of wide buffer zones along waterways and sediment and erosion control will protect the water resources.

6. *Provide infrastructure in ways that support the land use, economic development and environmental objectives: water supply, wastewater and transportation.*

Within this project, public water service, private sewer service, and electricity, phone and cable, and the roadway extension will be provided in a manner that minimizes the impact to the environment, supports the Planned Development permit for the Village of Fearington and provides employment opportunity for constructing and maintaining this neighborhood.

### Watershed and Flood Considerations

Fearington East, Southern Tract is a WS-IV PA protected watershed. It borders a blue line stream, Bush Creek. The Sketch Plan calls for 50’ wide buffers from the top of the bank on each side of the creek, lots set back 200’ and homes will be about 300’ away. This tract is in Zone X on the FEMA map. There is ±4 acres of Zone A Floodway on this tract.

### FINDING #5

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

1. Water Source and Requirements:

Development of Fearington East, Southern Tract will require water supply from the County of Chatham – North water system. The development would require extension of the existing public water mains in Fearington. All water main construction would be in compliance with Chatham County Public Works standards and North Carolina Public Water Supply regulations. Water mains would be located in public street rights-of-way or within utility easements. The water mains would be designed for fire protection. The housing units within the development would be constructed with water saving features such as reduced-flow fixtures to conserve water.

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Approximately 78 housing units are proposed for the Fearington East, Southern Tract (RA-5). Average daily demand for water would be approximately 31,200 gallons per day. This assumes a typical estimate of 400 gallons per day per unit.

The Fearington East, Southern Tract would obtain water supply from an extension of the existing 8-inch water main in Millcroft. The ground elevations in the portions of the Fearington East, Southern Tract that will be developed are similar to the elevations in the existing Fearington development. Therefore, water pressure would be similar to the surrounding development.

### 2. Wastewater Management:

Fearington is served by a private utility company for wastewater disposal. Fearington utilities operates a wastewater collection system consisting of gravity sewer mains and pump stations. The collection system transports the wastewater to a central wastewater treatment plant. The Fearington plant is a conventional wastewater treatment plant that operates under a NPDES permit from the State of North Carolina. Fearington has a permit that allows discharge of up to an average daily flow of 0.500 million gallons per day (mgd). The existing plant has the hydraulic capacity to treat an average daily wastewater volume of 0.270 million gallons per day. The Chatham County Land Use Development Plan implies that the Fearington plant cannot be expanded above 0.270 mgd, which is not the case. Fearington has the right by the conditions of its NPDES permit to expand the treatment plant up to the permit capacity of 0.500 mgd with the NC Division of Water Quality approval of construction plans.

The plant currently treats an average of approximately 0.160 million gallons per day. There is development that is under construction or has not been fully occupied that has been permitted to the treatment plant. Since the current flow to the treatment plant and additional flow that has been permitted to the plant have nearly reached the constructed capacity of the plant, an expansion of the plant is under design. The plans will be submitted for review and approval by the NC Division of Water Quality. The current proposed expansion will increase the hydraulic treatment capacity to 0.34 million gallons per day. Another future expansion of the treatment plant will provide the full 0.500 million gallons per day capacity. Fearington Utilities has adequate collection and treatment capacity to serve all proposed development in Fearington.

The NC Division of Water Quality monitors both the collection system and the treatment plant. Licensed operators are responsible for proper operation of the system. Daily monitoring reports with regular water quality testing are required to comply with the NPDES permit and State regulations.

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The Fearington East, Southern Tract will be served for wastewater by a combination of gravity sewer mains and a pump station. The housing units would have gravity sewer mains in the streets and sewer easements. The gravity mains would converge at a central point near Bush Creek at a proposed pump station. The pump station would be designed to serve the Fearington East, Southern Tract and also some or all of the wastewater tributary to the existing Barnsley pump station. The station would be equipped with emergency power generation and controls. Flow from the existing Fearington collection system would be diverted by gravity to the new pump station. A new force main would be constructed through Fearington to the head of the wastewater treatment plant. The Fearington East, Southern Tract pump station would be required to serve proposed development in the Fearington Village Center.

### Water/Sewer Impact Statement:

The Fearington East, Southern Tract will be developed with 78 housing units. The anticipated average daily water demand is 31,200 gallons per day. The Chatham County Public Works Department was contacted about the project. At the current time, it appears that there is sufficient water available to serve the project.

The 78 housing units would generate approximately 32,800 gallons per day of wastewater on average, according to State guidelines. Fearington Utilities has adequate treatment capacity to support the project.

### 3. Access Roads:

The public roads serving the site from US 15-501 are Weathersfield to East Camden to Millcroft to Woodham to existing dirt road, currently unnamed, into the property.

The roads built in this project will be constructed to NCDOT standards for acceptance into the State system. All connecting roads are built to NCDOT standards and already are, or are in the process of being accepted by the State.

### 4. Storm Water Runoff:

The development of Fearington has proceeded with many practices that help to manage storm water runoff. Fearington has developed with many large lots, open space preservation, stream buffers, vegetated swales, and grassed swales for drainage along most of the streets. The above are considered "Best Management Practices" by the North Carolina Division of Water Quality. Fearington has employed tree preservation practices, particularly within open space areas. Much of Fearington has heavy landscaping in developed areas. Tree preservation and landscaping act to improve storm water runoff quality and reduce volume.

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The development of the Fearington East, Southern Tract would employ all of the above stated best management practices to reduce the effects of storm water runoff from the project. Sedimentation and erosion control measures would be employed during construction to limit sediment loss from the site. The development would comply with all state and local regulations regarding sedimentation and erosion control, as well as storm water runoff.

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### ENVIRONMENTAL IMPACT ASSESSMENT

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In 2004 a Phase I Environmental Assessment of the Fearington East property was conducted. The study, conducted by S&EC, identified no previously known or previously recorded environmental contamination problems and no existing or potential future problems were discovered.

The portion of the Fearington East, southern tract property is accessible from Fearington Village from a dirt road at Windham Street. The entire site is woods except at the northern boundary. There flows Bush Creek. The property is home to numerous upland and bottomland trees and other vegetation. The woodlands are mature on the slopes particularly, but there has been storm damage to the woodlands in hurricanes in 1996 and perhaps at other times. There has been no commercial or industrial use of the property in the past 50 years. There are no improvements of any type on the property except for hunting stands. Bush Creek flows along the northern boundary of this parcel and there are associated jurisdictional wetlands.

According to FEMA Flood Map 370299 0055B dated July 16, 1991, a small portion of the Fearington East property abuts a tributary of Bush Creek and is within "Zone A: Special Flood Hazard Areas Inundated by 100-year Flood." The remainder of the property is outside Zone A, and is within the area categorized as "Other Areas - Zone X: Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood."

The Natural Heritage Program has identified favorable habitat for Carolina Ladle Crayfish in streams within a five-mile radius. These have not been specifically identified in this portion of Bush Creek. Similarly the Appalachian Golden Banner is in the database, however the last observation was in 1958, which is not a strong indicator that it will be found within the Fearington East land.

The Inventory of the Natural Areas and Wildlife Habitats (June 1992) has not identified this tract as a protected area.

It is the design and construction goals of this plan to impact air, water, wildlife and overall land quality of the Fearington East, southern tract in a minimal way. The layout design and home design are sensitive to the site and its

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features. The construction will be phased, thus limiting the disturbed land area. Roadway design is on the high land where the road loops and serves the single-family lots to the north and south and the clustered homes in the central portion.

While this tract is within the Big Woods Wilderness Area, home construction will impact only about 1% of the area.

Minimal numbers of trees will be removed, those required by NCDOT and those required to site the homes. Cleared and graded land will be stabilized with vegetation and new street trees will be planted where there are no trees. The streamway will be protected by existing and supplemental vegetative buffers. Lawn and garden care chemicals will be directed through vegetative buffers, and the homes are a great distance from the streamways and Bush Creek.

Streets will be built without curb and gutter. Many of the principles of low impact development will be employed in the site design. Support facilities found normally in neighborhoods are provided in the Village.

Stormwater runoff and sediment control will be controlled by approved plan and best management practices. Public water will be used, thus no groundwater depletion is anticipated. Waste water is treated, thus there is no risk of groundwater contamination by septic systems. Impervious surfaces will be significantly less than the 36% allowed.

This neighborhood will be built with sensitivity to the environment and it will preserve a vast area of woodlands, lowlands, and wildlife, including adding buffer to the off-site area where the bald eagle nests.