

FEARRINGTON NORTH CONDITIONAL USE PERMIT APPLICATION

DETAILED DESCRIPTION OF THE PROJECT

A detailed description of the project follows:

1. Location: The site is located on the northern side of Fearrington Village in Chatham County.
 - a) The public highway serving Fearrington is US 15-501.
 - b) The public road serving the site is Villageway.
 - c) The current zoning of the site is RA-40.
 - 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 is not in nor does it border the “Major Wildlife Areas” identified in the “Inventory of the Natural Areas and Wildlife Habitats of Chatham County, North Carolina”, 1992.
 - f) The size of the site is 40 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.): None.
 - j) Other Conditional Use Permits that have been granted for this site: None.
2. Description of the Requested Use: A limited residential community containing 33 dwelling units (9 single-family lots and 24 clustered single-family homes) developed under a Conditional Use Permit, and will be brought into the Fearrington P.U.D.

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.

There is no development proposed in low lying lands except for crossing the stream to access the site.

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3. Site Plan and Drawing:

Site Plan Discussion:

This property will be accessed by the extension of the existing Villageway, a public road (S.R. 1718). There is a stream in the area of the southern boundary. Stream buffers and additional land 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 Fearington Village has set and maintained in the previous sections of the P.U.D.

- a) See project drawing in this section of this application.
 - 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) See FEMA Flood Map in Appendix D.
 - g) See EPA statement, "Protecting Water Resources with Higher-Density Development," found in Appendix E.
 - h) See Facts and Figures Chart found in Appendix F.
4. Start and Completion Projections: Approximate start time is 2008; completion time is estimated to be 2013. Portions of the project will be ready for operation in 5 years.
5. The Village of Fearington is mentioned in the Chatham County Land Conservation and Development Plan. This is an appropriate use of this property.

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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. 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 and lies north of Fearington. The tract, owned by Fitch Creations, Inc., founders of Fearington Village. It is zoned residential RA-40 and the use proposed is residential, an eligible use.

This request is to bring this tract into the Fearington P.U.D. with a rezoning to RA-40 Conditional Use Permit so that the homes can be clustered and thus reduce impact on the environment and preserve more open space.

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

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

1. The addition of the Fearington North tract into the Fearington P.U.D. is desirable and promotes the welfare of Fearington Village and the surrounding lands by:
 - a) Creating clustered housing in an area that would normally have been developed in a manner that disturbs far greater land area in large single-family lots.
 - b) 33 homes will be built on these 40 acres. About 15% of the land will be conserved in buffers and open spaces.
 - c) This neighborhood will be a complementary extension of Fearington Village offering an alternate housing product and thus creating diversity in the home offerings for sale.
 - d) The project will offer more opportunities for those wishing to live in a wooded area 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 this Village to continue its phased and steady growth.

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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 within the community or in private facilities. Fearington Village, when completed, will have over 200 acres of active and passive parks, recreation and open space.
- 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 \$108,405 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 ±\$6,500.

School assessment at \$1500 per dwelling will yield ±\$49,500.

Recreation fee will be \$926 x 33 dwellings = \$30,558.

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 privately owned shops, services and other entities provide additional employment. Countless other countywide services and stores enjoy the support of the residents of Fearington Village.

Fitch Creations, Inc., the construction company, will continue building about 40 homes a year for about 15 more years. At that time the Village will reach its permitted limit.

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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.

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:

Fearrington 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 33 homes. Internally, the main street in this neighborhood is an extension of Villageway, which connects directly 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 Fearrington 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 Fearrington Village.

Impact to Surrounding Land Value:

A real estate appraisal has not been made to determine values, however it is felt that the homes proposed, of equal value or greater than the adjacent Fearrington homes, will not have any negative impact on the neighboring values. This neighborhood will have a positive impact on the undeveloped forest land abutting the property.

Visual Impact and Screening:

The plan calls for the existing wooded area along the boundary to be in a buffer easement to save the trees.

The stream buffers and the open space between these and the boundaries will also provide existing trees and distance to create separation from these homes

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and nearby homes. With the conservation of the existing trees and with the natural topography, these homes will be screened from neighboring homes.

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 heard (except possibly during construction) and wildlife will continue to have refuge there. There will be a 50' buffer around the external perimeter of this tract.

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. There will be no radioactive materials used.

Signs:

The only signs to be used are traffic regulation, street signs, and physical address (house) numbers.

FINDING #4

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

The design and use of the Fearington North 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.*

The character of the Fearington North property will be preserved with carefully placed homes that fit the existing topography so as not to require excessive clearing and grading to site these homes. The streamways and bluffs will remain untouched. Buffer will wrap the neighborhood. No agricultural activities take place in this hilly forest tract.

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- 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 continuing care retirement community with 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 separate 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. About 15% of the site will be in buffers and easements to protect the forested open space.

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

As with the whole of Fearington, the Fearington North 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 streamway valleys, install and maintain vegetated swales and grassed swales along the streets. 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.*

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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 North is a WS-IV PA protected watershed. It has a blue line stream, as mapped by USGS, that joins Bush Creek $\pm 3,000'$ to the east of this tract. The Sketch Plan calls for 50' wide buffers from the top of the bank on each side of the stream, thus the buffer will be over 100' wide. Buildings will be restricted to 20' beyond the buffer line. There are two minor drainageways that are not mapped. In those areas development will be restricted to 20' beyond the drainageway and at an elevation three feet above the drainageway. This tract is in Zone X on the FEMA map. There is no Zone A Floodway on this tract.

FINDING #5

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 North 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.

Approximately 33 housing units are proposed for the Fearington North Tract. Average daily demand for water would be approximately 13,200 gallons per day. This assumes a typical estimate of 400 gallons per day per unit.

The Fearington North Tract would be served by an extension of the existing 6-inch water mains at Beechmast and Village Way. The ground elevations in the Fearington North Tract are similar to the elevations in the existing

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Ferrington development. Therefore, water pressure would be similar to the surrounding development.

2. Wastewater Management:

Ferrington is served by a private utility company for wastewater disposal. Ferrington 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 Ferrington plant is a conventional wastewater treatment plant that operates under a NPDES permit from the State of North Carolina. Ferrington 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 Ferrington plant cannot be expanded above 0.270 mgd, which is not the case. Ferrington 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 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 treatment capacity. Ferrington Utilities has adequate collection and treatment capacity to serve all proposed development in Ferrington.

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.

The Ferrington North Tract can be served by extensions of the existing gravity sewer mains in Ferrington. The Ferrington North Tract is in the immediate vicinity of the wastewater treatment plant. Gravity mains in streets and sewer easements would provide wastewater collection. No pumping should be involved to collect the wastewater from the Ferrington North Tract. No retrofit of the existing Ferrington collection system would be required.

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Water/Sewer Impact Statement:

The Fearington North Tract will be developed with 33 housing units. The anticipated average daily water demand is 13,200 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 33 housing units would generate approximately 13,900 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 access roads to this property are US 15-501 to Villageway, S.R. 1718.

The roads built in this project will be constructed to NCDOT standards for acceptance into the State system. Both roads linking this project to 15-501, Villageway and Beechmast, are State roads.

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.

The development of the Fearington North Tract would employ all of the above stated best management practices to reduce the effects of storm water runoff. 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.

ENVIRONMENTAL IMPACT ASSESSMENT

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

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The Fearington North property is accessible from Villageway, an existing street. The entire site is wooded with numerous upland and bottomland trees and other vegetation. The woodlands are mature since at least as far back as 1954. 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. A tributary of Bush Creek flows through the southernmost portion of the property and there are associated jurisdictional wetlands. Fearington Utility's Wastewater Treatment Plant discharges into this creek. Discharge and creek water quality are monitored per dictates of the operations permit and the system is both approved and regulated by the State Division of Water Quality. The plant is not on the Fearington North tract.

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 the stream at the Fearington North tract. Similarly the Appalachian Golden Banner was in the database, however the last observation was in 1958, which is not a strong indicator that it will be found within the Fearington North tract.

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

It is the design and construction goals of this plan to impact in a minimal way air, water, wildlife and overall land quality of the Fearington North tract. The layout design and home design are sensitive to the site and its features. The construction will be phased, thus limiting the disturbed land area. Buffer areas are set about the streamway, around the perimeter, throughout the floodway and on the portions of the site that have steep slopes. Roadway design crosses the stream from Villageway, then climbs to the high land where the road splits and serves the single-family lots to the west and the clustered homes to the east.

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 woods. 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 stream.

Streets will be built without curb and gutter. Many of the principles of low impact development will be employed in the site design.

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.