

FIVE FINDINGS

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) The existing site is zoned O&I with a Conditional Use Permit allowing the operation of a Bed and Breakfast facility and a Retreat and Conference Center. The Retreat and Conference Center has been used for strategic planning meetings, board meetings, training, and conferences, as well as for personal and spiritual growth and development. All of these fit within the definition of 10.4 Office and Institutional District (A) Permitted Use designations. The planned construction provides a facility to expand upon these existing uses, by providing a separate and new facility that will consist of general and professional office facilities and which will also provide additional training and conference facilities, with technical enhancements to support audio and media education, training, and production.
- 2) The proposed improvements are consistent with the Land Conservation and Development plan as follows:
 1. The proposed development balances land development and conservation (p. 1). The present construction plan requires the felling of exactly one tree that cannot be relocated or replaced elsewhere on the property. By choosing the location of a previous (but now collapsed) improvement, we are further conserving the environment by not destroying historic environmental assets. Moreover, the use of “green” building materials, construction methods, and technologies will ensure that environmental impact of the building is minimal over its 50+ year expected lifespan. Finally, the target of making the building 100% carbon neutral through the use of solar and geothermal facilities will make this a model development for Chatham County and the State of North Carolina.
 2. The architecture of the building is heavily informed by the the designs of the greatest American architect, Frank Lloyd Wright. His designs integrated nature and shelter, form and function, and have themselves become national treasures for their simple, elegant, yet enduring forms that reflect, rather than dominate, the natural environments around them. The design references rural and early industrial architecture of Chatham country, and also uses materials that highlight their origins and use within Chatham county. People who appreciate the natural beauty of the Doris Duke Center at the Sarah P. Duke Gardens will recognize a similar style and beauty of this design set into Chatham County. Although modern, we believe that our design credibly respects both the form and function of the rural character (p. 1) into which it will be born.
 3. The intended use of the facility has virtually zero impact on long-term quality and availability of groundwater and surface water resources. With two flush toilets and four sinks for washing hands, this office space will scarcely change the existing environmental profile of the existing use of this 16+ acre property (p. 2).
 4. The global economy is shifting from agriculture to technology and services, but that does not render rural land obsolete. In fact, the preservation and protection of rural land is vital to provide the creative re-charge that many in the 21st century's “creative class” want and need. The choice to situate this development on 16+ acres of rural land is very intentional, as we believe that the rural environment will provide value to this facility unattainable in a more developed setting. For this reason, we are committed stewards of the rural character of the land, and take full responsibility for whatever we can do to protect, if not enhance, its environmental health and value. Moreover, as a facility designed to transform creative energy into digital products, the commercial inputs and outputs of the facility will easily support the land use, economic development, and environmental objectives concerning water supply, wastewater, and transportation (p. 2).
 5. The proposed plan is strongly supportive of the plans Desired Outcomes (p. 9), particularly

1. Balanced Growth – because the facility does not create unbalanced demand for any public or private services or housing.
2. Conserved and Protected Natural Resources – because the plan was conceived from the start as being environmentally friendly and minimally intrusive.
3. Commercial Endeavors, a Net Long-Term Asset to the Community – because the facility caters to, and employs, the emerging creative class in Chatham County, the workforce of the 21st century.
6. The proposed plan is directly beneficial to a number of Goals (pp. 9-10)
 1. We have attempted to identify, conserve, and protect all natural resources on the property.
 2. The plan respects and protects Chatham County's surface and underground water resources.
 3. We have done extensive evaluation of the site and its scenic value and have worked tirelessly to make this development an enhancement to the scenic value of the property. Because of the location and because of natural buffers, there is no visual incursion into any other scenic areas that surround the property.
 4. The intended use of the facility will create no measurable impact to long-term transportation, water supply, wastewater, and/or solid waste requirements. Nevertheless, since we do anticipate serving Church and School communities, we have designed the garage so that two full-sized 10-person vans can be parked inside. This proactive planning typifies our approach to being a model, rather than merely meeting minimums of design.
 5. The location of the site is sufficiently close to the Jordan Lake recreation area that the facility will likely increase use of that State facility. Moreover, as perhaps the best facility of its type east of Nashville Tennessee, and with excellent access to the Haw River, Jordan Lake, and historic Pittsboro, we believe that we are creating what will become a true destination for those seeking a superlative creative experience. Those who come do not only bring their creativity—they combine that creativity with the community, culture, and cultivations of the host. The experiences of Chatham County will become an inseparable component of the digital product they create, and when others aspire to emulate what we have created, they, too, will be tempted to tour Chatham in order to find the magic that works for them.
6. The proposed plan is consistent with, if not a model for, the Policy Objectives (pp. 10-13)
 1. By developing a sensitive office environment in the location where the old barn used to be, we re-create the same work flow that existed when the land was used agriculturally. The creative people who use this facility will be sweating different details than the farmers who came before, but they will walk the same paths through the same meadow that the farmers walked, wipe their brows in the same sun and the same wind that the farmers did, do their work under the same trees the farmers did, and will drink in the same calming view the farmers enjoyed when they faced west and watched the sun set over the pond. It is different work, but the feel of the land will remain the same. The rural *form* of the land will be preserved by the consistent pathways that we will continue to trace.
 2. Cultivating creativity has many parallels with cultivating land: you cannot make a summer crop grow in winter, and you cannot get creative product when the artist and the environment are not ready to collaborate. Cultivating creativity is not literally farming, but it is more like farming than just about any other approved use of the land that is not farming. As such, we intend to preserve the *function* of ruralness in

that such function is to help the seeds of creativity sprout within the clients who use the facility.

3. One of the largest and most underreported home-based business activities is that of the home studio. Talking informally with developers, there's anecdotal evidence that hundreds of Chatham County houses have home recording studios, usually in bedrooms, bonus rooms, or over garages, and with the Internet, become virtual record labels as they share their products with friends, family, and fans. The professional capabilities of this facility, unmatched by any known similar facility in Chatham County (or Durham, Orange, Wake, or Alamance) provides an opportunity for these home businesses to reach the next level of audience, experience, and revenue. Because of the Internet, much of the traffic between these home businesses and the facility can be virtual. And because of the nature of digital media, clients can take it with them—back home—to rewrite, rearrange, or otherwise perfect their products in ways they could not have imagined without a chance to hear what they might be able to accomplish in a professional environment. This facility will not be a home business, but it will help many who have home studios be more successful.
4. Because the business itself produces so little waste of any kind (water, solid, or otherwise), because the site itself was an original building site, and because the facility is designed to be soundproof (16"-20" thick, double-layer masonry walls with 4" of solid acoustic fiber between the two layers), we believe that we will produce no degradation in environmental quality, tranquility, or quality of wildlife habitat.
5. Creativity is not a singular function nor artifact. The facility is being designed to support audio recording, mixing, mastering, and publication, video recording, animation, editing, production, and release, as well as training, education, and cultural stewardship. Moreover, we intend to service clients and the community in diverse ways, whether it is helping church choirs make CDs for fundraising purposes, elementary school students learn the ins and outs of new media production methods and career opportunities, aging artists pass on their legacy to those who are up-and-coming, or helping to establish new trends in North Carolina music and media. The diversity of our services, the diversity of our intended clients, and the diversity of the disciplines of creativity all exemplify the policy of encouraging a broad blend of uses rather than a separation of uses.
6. We are open to linking our development plan to a conservation plan, whether through conservation easements or other mechanisms. We share the County's interest in the preservation of the rural environment as an essential feature of this plan.
7. The proposed development is very convenient to US 64 east of Pittsboro, and "on the way" from US 64 to Jordan Lake's Vista Point recreation center. If there were some future transit system linking downtown Pittsboro and Jordan Lake's Vista Point, a logical bus stop at Seaforth Rd and N. Pea Ridge Rd would be only ½ a mile, about the distance between the Carolina Inn and the Moorehead Planetarium on the UNC campus or the distance between the General Store and Chatham Mills in downtown Pittsboro.
8. The site is especially suited for the particular use we have in mind. First and foremost, is it a site that is conducive to the type of creativity we seek to nurture, so it is a better site than others we have considered. Second, as evidenced by buildings that have existed on the property in the past, it is a site that has been used for quiet productive purpose in the past. Third, the site is large enough, and well-positioned,

to support the generation of solar and geothermal energy, which is vital to achieving “green” operational goals. Fourth, the extremely limited effect this site will have on the environment by any measure: land use, water use, waste creation, visual impact, acoustic impact, light pollution, etc., make this plan not in any way *unsuitable* for its intended purpose.

9. The intended development requires no known expenditures by the County on its behalf. Rather, the development will pay the costs of permits required, pay for any and all improvements it requires, and will become a productive asset on the tax rolls when fully operational.
 10. The entire plan has been designed as a model “green” facility in an industry class that is already considered relatively “green”. As new green technologies become available and are deemed compatible with the rural and tranquil character of the site and are determined to be beneficial (or at least do no harm) to existing environmental resources, we will certainly investigate how we can keep our model project at the forefront of the green revolution.
 11. We envision this project becoming an educational resource for Chatham and surrounding counties. Given the expansive, albeit private, natural environment the site provides, along with a state-of-the-art technical facility, we believe this project demonstrates the kind of integrated use (contemplative/production) that is encouraged by the Chatham County Strategic Plan.
 12. The location's propinquity to Jordan Lake and the Haw river provides a natural encouragement for the use of natural resources unique to Chatham County as part of the larger experience of creating new media projects. The easy rhythm of work a little, swim a little, work a little, raft a little, work a little, walk a little, will promote a new brand of media production tourism.
 13. The facility does not require any new services to be provided by the County (electrical service is already available and other services not provided by the county are not needed). The facility will stretch the demands for rural Internet connectivity, but such a demand will be placed by one private enterprise upon other private enterprises, expanding commerce for all.
 14. The facility is being designed to be very friendly to Church and School bus transportation. Alas, it is not practical (neither economically or architecturally) to build an enclosed bus depot for full-sized school buses. But we are investing to be able to park two full-sized 10-person vans inside the garage, which should greatly encourage van-pooling, and existing parking lots easily accommodate the largest school buses with full turn-around capabilities.
 15. Finally, though we are not ourselves empowered to combine school and park sites, the educational mission of the facility and the natural, park-like environment demonstrates our commitment to and consistency with the policy objectives of the Plan.
7. With respect to Major Recommendations (pp. 14-15) Item #10, and the subject of sustainable enterprises, we believe that this plan typifies such an enterprise. First, the plan requires no investment from the County, so it is self-starting. Second, the plan is based on sustainable inputs: power from solar, oxygen from grass and trees, water from rain, and creativity from the human experience of nature, so it can be sustained in a wide variety of possible disruptions. Third, the plan seeks to provide employment for the fastest growing job sector of the 21st century—technology and media services—so it should more than sustain; it should prosper.
 8. To address the topic of Rural Character (p. 16), we note that Rural Character

“...is defined as the combination of natural and built features that portray the traditional form and preserve the traditional function of the rural landscape. In Chatham County, rural character is manifested in a backdrop of forests and fields, dotted with natural features such as creeks and hills and structures such as barns, silos, churches, poultry houses, general stores, and craft studios.”

The plan respects and follows these guidelines: retaining the backdrop of forests, fields, creeks and ponds already part of the property, and the builds, where a barn stood before, a craft studio for the 21st century.

9. Addressing the topic of the evolution of the agricultural economy (p. 17), we merely note that we are preserving virtually all of the rural land and character of the site and redirecting it to a different harvest: human expression and creativity. The grass that fed goats 100 years ago—still there. The milkweed that sustains the Monarch Butterflies on their 3000 mile migration—still there. The forests in which the deer hide—still there. The pond, stocked by birds, swimming with fish, frogs, and snakes, and sustained by sun, rain, and mosquitoes—still there. The trees where hawks nest, woodpeckers peck, and around which other birds flare and dive—still there. All of these resources treated not as inputs to be consumed, but catalysts for the harvest of digital media. In this way, the plan anticipates the evolution of the agricultural economy, while preserving almost perfectly, the idyllic rural character that is the heritage of Chatham County.
10. Concerning the topic of Economic Centers (p. 27), the concept of this proposal respectfully distances itself from being a component of an economic center. The idea of creative cultivation requires a calm, calming environment, not one focused on diverse or concentrated commerce. (Others may choose to serve those who do best in high-intensity environments, but that is not the focus of this project.) Nevertheless, this project does not present any of the negative aspects (such as strip development in environmentally sensitive areas) that would govern why this proposal should be forced to adapt itself to an Economic Center plan.
11. Concerning the topic of Major Conditions and Trends (p. 27), the majority influence that larger regional activity has on the county's local and economic character is tied to economies of scale and the nature of national brands. This project does not need to import a national brand, but ties Chatham's productivity into the larger regional economy, exporting Chatham's unique character to the larger stage. Chatham's economy and identity will both benefit from the posture and direction of this proposed development. In this way, the proposal also addresses Sustainable Business Enterprises (p. 36) because all decisions are driven from a seat in Chatham County rather than an office tower in another state that knows nothing about our county or our character. Nevertheless, the marketplace for this Chatham product is truly global, as any digital media production can be delivered to any computer anywhere the Internet reaches.
12. As for Historic Assets and Tourism (p. 50), this facility could become a highlight of the Open Studio Tour and as a reference in the Arts and Cultural Resources Directory.

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

- 1) North Carolina has some history and tradition in creating distinctive music and media. The Public's interest is not limited to sacred vs. secular, traditional vs. modern, acoustic vs. electric, but encompasses an ever-expanding range and definition of genres. Amazingly, not even a

Google search reveals a single recording studio or media production facility in Chatham County, despite finding dozens in adjacent counties. Is it possible that Chatham County is distinctly disinterested in preserving and promoting its indigenous musical talents? Or, more likely, is there a clear need for the first serious facility of this type to raise Chatham's creative and cultural profile within the State? We believe there is a clear need, and we believe that the proposed development offers precisely the right blend of natural advantages to make us competitive with any facility from here to Nashville. Most importantly, it provides an opportunity to demonstrate the transition of a natural asset (rural land and character) into an economic asset while fully retaining the natural asset. If our theory of creative cultivation bears out, other property owners may find that they, too, can find productive use that retains virtually all of their rural form and function, just translated into 21st century cultivation. In summary, the use preserves and enhances the rural character of the land, creates new economic opportunities without compromising environmental or development principles, and provides community service opportunities that benefit local schools, churches, and other cultural and community resources.

- 2) In our survey of similar uses, we have found numerous anecdotal stories of people creating recording studios in their spare bedrooms, bonus rooms, and garages, but we have found no full-fledged professional environment comparable to our proposed development. There are dozens such environments in other counties, across the nation, and around the world, but none in Chatham County, and most importantly, none that provide Chatham County flavor. How can Chatham County meet the challenges of 21st century economics if it cannot offer leading-edge facilities that comprehend those economics? We believe that our facility can function as a concentrator and an accelerator to the creative energies that Chatham County can develop.
- 3) The only improvement we can imagine asking for is the extension of electrical service from the utility pole to the electrical panel of the new facility. We do not seek any other public improvement for this project.
- 4) If the facility is successful, we anticipate that it will employ 3-5 full-time staff and perhaps an additional 3-5 part-time staff. The full-time jobs would be high-paying (more than \$50,000 per year) and because of our commitment to sustainability, all jobs, full-time or part-time, will pay at least a living wage for Chatham County (which we currently estimate to be at least \$12/hour). The typical client we intend to serve will be groups of 4-8 people, which translates to \$160-\$320 of craft services per day, and \$200-\$400 of lodging costs per night if from out of town. Because the facility will be used for education and training as well, larger groups, visiting just for the day, may expend over \$1000 on craft services daily.

The following chart estimate is based on the construction plan and estimates, and the hiring of one full-time and one part-time person per year for each of the first five years after construction is completed. It assumes that

- We book the facility at 20% capacity and grow bookings by 20% capacity increments in each of the next five years.
- Less than half of the clients need lodging facilities
- Internet licensing revenues grow by 50% per year.
- Utilities, client craft (food and beverage, no alcohol), client lodging, and client events (training and conferences) are taxable at the sales rate of 7%.
- All salaries pay income tax at their income rates (no deductions) and that the gross income of the facility is also taxed at income rate (no deductions or depreciation).
- The franchise tax value of the facility is 55% of \$2M.

The net result of expenditure of county services and facilities required is essentially zero (other than the marginal cost of providing police, fire, and other services already provided for the existing Retreat and Conference center), vs. the county's share of nearly \$300,000 paid to the state over the next five years. See the following chart.

	2008	2009	2010	2011	2012	2013
Building Materials	\$800,000					
Construction Labor	\$800,000					
Utilities (pre solar)		\$701	\$771	\$848	\$933	\$1,026
FTE Salaries		\$50,000	\$100,000	\$150,000	\$200,000	\$250,000
PT Salaries		\$24,000	\$48,000	\$72,000	\$96,000	\$120,000
Client Craft		\$75,000	\$150,000	\$225,000	\$300,000	\$375,000
Client Lodging		\$24,000	\$48,000	\$72,000	\$96,000	\$120,000
Client Events		\$15,000	\$30,000	\$45,000	\$60,000	\$75,000
Internet-based licensing		\$25,000	\$37,500	\$56,250	\$84,375	\$126,563
Expected gross income		\$32,400	\$52,300	\$78,450	\$113,975	\$163,563
Sales Taxes (7%)	\$56,000	\$8,029	\$16,014	\$23,999	\$31,985	\$39,972
Income Taxes (6.9%)		\$7,342	\$13,821	\$20,731	\$28,288	\$36,816
Franchise Taxes (1.5% per \$1000)		\$1,650	\$1,815	\$1,997	\$2,196	\$2,416
Total Taxes	\$56,000	\$17,021	\$31,650	\$46,727	\$62,470	\$79,203
Five Year Total (plus construction)						\$293,070

5) The full-time positions available for employment include:

- Recording engineer (\$50,000-\$85,000/year)
- Mix engineer (\$50,000-\$85,000/year)
- Producer (\$50,000-\$85,000/year)
- Business/Office manager (\$50,000-\$85,000/year)
- System administrator (\$50,000-\$85,000/year)

The part-time positions available for employment include:

- Videographer
- Video editor
- 3d modeling, animation, rendering
- 2d computer paint and illustrator
- Technical lighting
- Hardware maintenance
- Accountant
- Lawyer
- Cleaning and grounds-keeping

Finding #3: The requested permit will not impair the integrity of character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community.

The visual renderings submitted attempt to show the extent to which the planned facility integrates with, and enhances, the rural character of the land into which it will be built. Nevertheless, the facility is visually well hidden from the two neighboring properties that surround the subject site and all the many houses that seem to have sprouted up almost overnight.

- 1) Emergency Services (Fire, Sheriff, and Rescue to provide)
- 2) The projected traffic generated by this facility will be, on average, three passenger vehicles entering and leaving the facility morning and evening. Larger groups (such as church choirs) will be encouraged to use van pools (because there is special parking provided). From time to time there will be truck traffic to load/unload client equipment, but such traffic would be infrequent, as such client installations would remain in place for days or weeks at a time. From time to time there may also be a school bus that drops off and picks up children, but this would happen infrequently and the facility is really only large enough for one or two school buses anyway. Such additional traffic is a mere fraction of the traffic that flows on to the Jordan Lake Vista Point recreation center, and Seaforth Road provides more than enough capacity to carry this small diversion half way to the road's dead end.
- 3) Impact on Land Value – unknown.
- 4) Visual Impact and Screening: as the supplied renderings show, natural screening greatly limits the visual impact of the facility. There are two properties that adjoin our land. To the North and East, a timber company that has recently clear-cut their property is buffered by a series of tall trees that run the length of our North-East property boundary. To the South and the West, Reginald Rice owns forested land that adjoins our forested land (to the West) and is almost fully blocked by both the high point of our land and by the existing two-story Retreat Center facility that sits atop that high ground. We will of course comply with the Design Guidelines for fencing certain utility services (like condensers for air conditioners), but these are small and easily hidden next to the 32' tall building.
- 5) The facility will be lit so as to fully comply with the current draft proposed lighting ordinance,

implementing the highest standard of “Full Cutoff”. That is, all fixtures (except for exit lighting used in emergency situations) shall have no light intensity emitted at or above a horizontal plane drawn through the bottom of the fixture, and no more than 10% of the lamp's light intensity will be emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture. The lighting will be moderate, tasteful, and will be primarily used to illuminate the walkable path around the building and the building itself (maintaining the discretion that illumination on any exterior surface or angular roof shall not exceed 5.0 FC average). There will be no billboard or sign illumination visible from the public road, and the only sign and only sign illumination will be for identification and navigation for vehicles and pedestrians already on the property.

- 6) Noise: the facility has been designed to be virtually soundproof. While there will be loud sound sources inside the facility, 16”-20” double-layer masonry walls with 4” acoustical insulation between the layers and airport-grade double-pane glass capable of blocking jet take-off noise should result in no measurable sound outside the building regardless of how loud the sound is inside the building. Indeed, if the facility does not block at least 80dB of sound (meaning that 110 dB of sound inside translates to 30 dB of sound outside—the ambient sound level of a typical library—the design is a failure. Put another way, there is no conceivable way the facility could violate the noise ordinance standing right outside the building, let alone anywhere out on the property line.
- 7) Chemicals, Biological, and Radioactive agents: there will be no biological or radioactive agents used in the facility, period. There will be no chemical agents in the facility other than those contained in fire extinguishers, or those comprising normal commercial janitorial supplies (used for cleaning purposes only).
- 8) Signs: it is anticipated that there will be a sign near or on the facility for identification purposes. It will be visible only when on the property, and it will be illuminated so that pedestrians and vehicles already on the property can see and navigate to the building. Because the facility is near the end of a dead-end road, we may need to place a small sign near the mailbox or the driveway for identification purposes, but we would do so only if many clients could not find our secluded location. There is no intention to advertise the facility using a sign.

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

- 1) Answered in Finding #1?
- 2) Watershed and flood considerations: See site plan for impervious surface area calculations.

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

- 1) Potable water will be supplied by an existing supply well as shown on attached site plan. Anticipated demands are expected to less than 100 gpd.
- 2) See proposed waste water septic area on site plan. There will be no utilization of a public wastewater or potable water utility.
- 3) Site is served by a public roadway, SR 1941, Seaforth Road
- 4) Storm water runoff during construction will be controlled by silt fencing. Post construction all disturbed areas will be vegetated with grass and landscaped buffers. A soil and erosion control plan will be approved and filed with the Chatham County Soil and Erosion Control Officer for areas greater than one acre of disturbance.