

PLANNING & ZONING REVIEW NOTES

V. B.

SUBJECT:

A request by Sears Design Group, P.A. on behalf of **Galloway Ridge, Inc.**, located off US 15-501 N, Williams Township, for a revision to the existing conditional use permit (CU-PUD for Fearrington Village) for an expansion of services and renovations to existing buildings.

ATTACHMENTS:

The following was submitted at the March 4, 2008 Planning Board meeting:

1. Application packet

The following may be viewed on the Planning Department website at www.chathamnc.org under Rezoning & Subdivision Cases, 2008:

2. Arcview zoning map
3. Written comments by Hugh Chapin, Chairman and President of Galloway Ridge, Inc. dated March 17, 2008
4. Written comments by William Sommers, resident of Fearrington Village dated March 17, 2008
5. Galloway Ridge power point presentation for March 17, 2008
6. Email dated February 18, 2008 on county water availability.
7. Letters from the Chatham County Sheriff's Office and the North Chatham Volunteer Fire Department on services.
8. Letter date February 14, 2008 from R.B. Fitch for sanitary sewer availability and dwelling unit allotment.

INTRODUCTION & BACKGROUND:

A quasi-judicial public hearing was held on this request March 17, 2008. No one spoke in opposition of the expansion. Hugh Chapin and Jason Cronk presented the request.

The Galloway Ridge section of the Fearrington Village Planned Unit Development was originally approved in June 1999, formed on September 4, 2001 and opened for business in 2005. It is a 501C3 non-profit facility. The community currently houses approximately 340 residents. This is a combination of independent living, assisted living, and skilled nursing units. There are about 95 people on a waiting list to get into the community according to Mr. Cronk. Occupancy in the community is currently at 95% and requests are increasing in the 2 ½ years it has been operational. There is also the

Re: Galloway Ridge, Inc.

INTRODUCTION & BACKGROUND – con't

Duke Center for Living that currently has membership available to the general public. The current membership is approximately 1700. The area also houses the Duke Primary Care Clinic.

There is a projection of 450 residents that are going to need this type of facility. The new construction proposed is to add 24 skilled nursing beds, 14 assisted living residences, and 15 dementia beds. It also seeks to add 66 apartments and one villa for independent living. There are currently 34 units approved in the plan and there will be 33 transferred from those remaining at Fearington to Galloway Ridge. There is no request for additional dwelling units for the Fearington Village PUD.

A larger multipurpose room to meet the growing needs is proposed along with alterations to convert the existing multipurpose room into a third dining hall. An expansion of the Galloway Ridge library, arts and crafts room, and relocating the maintenance and resident woodworking shop is requested to provide space needed for dining storage and to expand the existing laundry and housekeeping areas.

The Duke Primary Care Clinic proposes to build an expanded facility that will also serve the community at large and not just the residents of Galloway Ridge. The Duke Center for Living needs to expand the locker room facilities to meet the needs of its members.

There is one new dwelling villa proposed on the far eastern section of the community. On previous approved plans, this area showed a connector road between Galloway Ridge and the Fearington Village PUD area. Since there will be three major entryways into the Galloway facility, the connector road is no longer needed. They wish to close the area in with the addition of the new villa.

DISCUSSION & ANALYSIS:

A recommendation of this request is based on the five findings as set out in the ordinance. They are:

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.

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

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.

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

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

It is the planning staff opinion **Finding #1** has been met through the original rezoning of the property for a conditional use permit for a Planned Unit Development in 1974 and with all other approvals granted to date. This is an allowed use under the list of permitted uses with a conditional use permit under RA-40 zoning (residential/agricultural).

It is the planning staff opinion **Finding #2** has been supported. The Galloway Ridge facility has been in operation since 2005. In that time they are at 95% capacity with a waiting list of about 95 people. With the extension of certain services such as the Duke

Re: Galloway Ridge, Inc.

DISCUSSION & ANALYSIS – con't

Center for Living and the Duke Primary Care Clinic to the community at large, a need for medical and recreational facilities can be supplied.

The proposed Phase II for the facility will yield an estimated \$30,000,000 in added property value. This could generate about \$206,100 more dollars in property tax for the county. With the additional housing, vehicles owned by residents, and collection and waste disposal a total increase in revenues to the county would be around \$234,405 annually.

Galloway Ridge currently employs 120 full time employees and 80 part time employees. The additions and enlargement of facilities could increase the needed number of employees.

It is the planning staff opinion **Finding #3** has been met. Letters from emergency response agencies state the facility can be served without negative impact on the departments. The Chatham County Tourism ranks Fearington Village as one of the top draws to the county. There have been no reports of property values decreasing as a direct result from the operations of Galloway Ridge.

Visual impacts and screening shall be followed as originally approved. The existing wooded buffers shall remain and be supplemented with additional evergreens along the western and southern boundaries in the area of new construction. This can also be seen on the landscaping plan and in the application on page nine. Continuance of existing stream buffers and open space shall be protected.

It is the planning staff opinion **Finding #4** may be met. The Land Conservation and Development Plan encourages the preservation of the form and function of rural character and the utilization of compact communities as a mix use development as seen on Page 1. This project also promotes a diversified, sustainable business community that attracts tourism as encouraged beginning on Page 47 of the Plan. Fearington Village is mentioned as a development of traditional style of community design allowing for a mix of housing types, a mix of land uses, a clustered pattern of development, interconnected street network, walk-ability, and a connect to public transit transportation just to name a few. It is mentioned again on Page 59 regarding the encouragement of providing locations for public transit authorities to serve the surrounding communities.

Galloway Ridge is approved to be served by the county water system. It also shares the public utility wastewater system owned and operated by Fearington Utilities, Inc. The final processing is handled by the Fearington plant which is a conventional wastewater treatment plant managed and inspected by the State of North Carolina, NC Division of Water Quality.

It is the planning staff opinion **Finding #5** may be supported and made through conditions if needed. The property will continue to be supplied by the Chatham County public water system. The additional 7,000 gpd needed for the additions and expansion is acceptable with the public works department. (See email dated February 18, 2008, Item #6).

Re: Galloway Ridge, Inc.

DISCUSSION & ANALYSIS – con't

Wastewater will continue to be handled through the Fearington Utilities, Inc. collection system and treated in the existing wastewater treatment facility permitted through the State of North Carolina. (See letter dated February 14, 2008, Item #8)

Per the application, storm water runoff management will be handled partially by existing ponds which are approved and installed. Additional treatment systems are to be designed and permitted to meet county and state standards for storm water management for the additional Phase II construction not covered with the existing ponds.

This area has not been identified as a protected area under the Inventory of Natural Areas and Wildlife Habitats. There are no current habitats for other species covered under the Natural Heritage Program as well. Please refer to the application, page 15 for further information.

It is the opinion of the planning staff all five findings may be supported as indicated.

RECOMMENDATION:

The Planning Board has up to three (3) meetings to make a recommendation to the Board of Commissioners. It is the recommendation of the Planning staff that this application be approved. If the Planning Board's recommendation is to be a favorable one, it is requested the Planning Board review the conditions listed below:

Site Specific Conditions:

- 1) Where applicable and appropriate, sidewalk connectivity shall be installed to encourage a pedestrian friendly environment. A plan detailing these walkable areas shall be submitted to the Planning Department prior to beginning of construction.
- 2) Landscaping and vegetative buffers shall be installed and maintained as defined on the approved site plan. The Planning Department and/or Appearance Commission may conduct yearly inspections to ensure plantings are thriving and meeting the intent of the vegetative screening and buffers as set out in the approval of the site plan.
- 3) All other conditions, not specifically addressed in this request previously approved for Galloway Ridge shall remain valid and in affect at all times unless otherwise changed or deleted through a revision to the conditional use permit.

Standard Site Conditions:

- 4) All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, etc.) shall be obtained and copies submitted to the Planning Department prior to the issuance of a certificate of occupancy of the first structure.

Re: Galloway Ridge, Inc.

RECOMMENDATION – con't

- 5) Lighting shall be as regulated, installed and maintained as per the adopted lighting regulations located in Section 11A of the Chatham County Zoning Ordinance. Any lighting or fixtures found to be non-compliant with the regulations shall be replaced at the expense of the landowner/operator and shall hold no liability against Chatham County for the compliance measures.
- 6) Stormwater runoff measures shall be installed to meet the 2 year, 24 hour storm event and a plan displaying the location and measures taken shall be supplied to the Planning Department prior to issuance of the first building permit.
- 7) Parking shall meet Section 12 Off-Street Parking and Loading of the Zoning Ordinance and included in an as built site plan before certificate of occupancy will be issued.
- 8) Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
- 9) A building permit shall be obtained within 24 months and remain valid at all times or this permit shall become void.

Standard Administrative Conditions:

- 10) Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision. Nothing in this paragraph shall require the applicant to indemnify and hold the County harmless from any losses or costs associated with defense of the County's actions or procedures in considering and acting upon this application.
- 11) Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspection, established from time to time.
- 12) Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
- 13) Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

Re: Galloway Ridge, Inc.

RECOMMENDATION – con't

- 14) Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.