

APPLICATION FOR

CONDITIONAL USE PERMIT

Chatham County Planning Department
P.O. Box 54
Pittsboro, NC 27312

Tel: 919/542-8204
Fax: 919/542-2698
Email: angela.birchett@chathamnc.org

(1) Applicant Information:

Name: Michael Tiemann

Address: 125 Graylyn Dr.

Chapel Hill, NC 27516

Phone No: (h) _____

(w) 919-602-7739

(m) _____

Email: michaeltiemann@mac.com

(2) Landowner Information (as shown on deed)

Name: Windsong Muse, LLC

Address: 2540 Seaforth Rd

Pittsboro, NC 27312

Phone No: (h) _____

(w) 919 602-7739

(m) _____

Email: michaeltiemann@mac.com

(3) Property Identification:

911 Address: 2490 Seaforth Rd
2492 Seaforth Rd

Pittsboro, NC 27312

S.R. Name: Seaforth Rd

S.R. Number: 1941

Township: New Hope

Acreage: 16.756

Flood map #: 3710977100J

(2-07-2007)

Flood Zone: X

PARCEL#: 17475

Deed Book: 1242 Page: 556 Yr: 2006

Plat Book: 89 Page: 263

Current Zoning District: CU/04I

Watershed District: Critical & WSIVPA

(4) Requested Conditional Use Permit for the following Uses: Section 10 of Zoning Ordinance

CU/04I

(5) Directions to property from Pittsboro:

From Pittsboro East on 64 By-Pass right onto Seaforth Rd - site is approximately 2.5 miles on the right

(6) Attach the following, if requesting a zoning map amendment:

- ☐ List of names and addresses or current adjoining property owners (see Adjacent Landowners form)
 - ☐ Written legal description
 - ☐ Map of the property at a scale of not less than 1 inch equals 200 feet
 - ☐ Explanation of request addressing applicable portions of Section 17 Conditional Use Permits of the Chatham County Zoning Ordinance
-

(7) Attach Submission Materials Checklist Information (see Submission Materials Checklist form)

I hereby certify that I am the owner or authorized agent of said property and that the information provided is complete and the statements given are true to the best of my knowledge.

Michael Tieman

Signature

Feb 18 2011

Date

The owner must sign the following if someone other than the owner is making the application.

I hereby certify that _____ is an authorized agent for said property and is permitted by me to file this application.

Signature

Date

Adjacent Landowners (property owners across a public or private road, easement, or waterway are considered adjacent landowners)

Legal notices are mailed to these owners, please type or write neatly.

(1) TC: I TIMBER COMPANY LLC
350 PARK AVE 17TH FLR.
NEW YORK, NY 10022

(3) RONALD JOSEPH RICE
492 LOWER THRIFT RD.
NEW HILL, NC 27562

(5) _____

(7) _____

(9) _____

(11) _____

(13) _____

(15) _____

(17) _____

(19) _____

(21) _____

(23) _____

(25) _____

(2) _____

(4) _____

(6) _____

(8) _____

(10) _____

(12) _____

(14) _____

(16) _____

(18) _____

(20) _____

(22) _____

(24) _____

(26) _____

Submission Materials Check List: Application for Conditional Use District and / or Conditional Use Permit

(Draft # 5. Last modification : 02-13-03)

(Approved for use by the Planning Board on 07/01/97) – Revision 9/12/00 Finding #5 b. Water/Sewer Impact Statement

Introduction:

The materials required in applications for a Conditional Use District (CUD) and/or a Conditional Use Permit (CUP) are given below. While some areas are optional, depending on the nature of the requested use, other items are required of all applications. Material that must be provided in all applications is designated as **<Required>**. Material, that is not essential due to the type or characteristics of the requested use, is designated as **<Optional>**. The Planning Board may, at its discretion, require the presentation of any of the information designated as optional. The Planning Board may request, due to the unique nature of the application, any additional information not directly listed in this check list.

Completion of all required items by the applicant, **working with the Planning Department**, and others as needed, would be **mandatory** for the application to be considered at public hearing and then by the Planning Board. The Planning Department will not forward incomplete applications to the Planning Board. Substantial amounts of new information will not be last-minute additions to the application at the Planning Board meeting where the application is first considered (e.g. a substantial redesign of the proposal during the review). If a decision on an application is deferred, then clearly, new material may be added to the application for consideration at the next Planning Board meeting.

As the applicant is often requesting, via a CUD/CUP, a zoning change, the development of a complete application should not be considered an unreasonable expectation. It should be considered an opportunity to develop a strong application that clearly identifies the benefits of the requested use.

The original zoning decisions of the Board of County Commissioners are presumed to be correct; there is no requirement to defend existing zoning or prove why it should not change. It is the responsibility of the applicant to prove why a change should be made and the CUD/CUP be granted.

General Application Requirements:

A detailed description of the project, a requirement that is common to all applications, is discussed in this section.

- 1) Location **<Required>**. The location of the site in Chatham County. Including:
- a. public highway(s) servicing this site; SR 1941 - Seaforth Rd
 - b. private road(s) servicing the site; None
 - c. the current zoning of the site; CU O + I

- d. watershed designation, the site classification and % impervious surface allowed; WS IV PA 36% Impervious Allowed
- e. is the site in or border the "Major Wildlife Areas" identified in the "Inventory of the Natural Areas and Wildlife Habitats of Chatham County, North Carolina", 1992, starting on page 181; (a copy of this inventory is located in the Planning Department) No
- f. the size (in acres) of the site; 16.756 Ac ±
- g. current utility or other easements assigned to this site; None
- h. the current use of the site; Conference Center
- i. description of current contents of the site (e.g. buildings, utilities, etc.)
Two story converted residential structure
- j. other Conditional Use Permits that have been granted for this site.
C.U. O+I

2) Description of Use **<Required>**. Provide a description of the requested use.

Professional recording studio

3) Site Plan and Drawing **<Required>**. Describe the plans for the site in detail. Provide drawing(s) at an appropriate of the completed project. This information should be of adequate detail (a drawing done by a licensed land surveyor and design details from a licensed architect are **strongly recommended**) to address the following:

- existing buildings on site, construction description and size.
- proposed new buildings, location on site, size, construction description in adequate detail to determine the general appearance of the building and to establish the architectural design.
- landscape plan with materials used.
- screening/buffering plan, setbacks.
- natural preserved areas that will remain in this condition.
- site boundaries with adjacent properties.
- parking design.
- sign location, type, size.
- areas reserved for future development or improvements under this permit.
- lighting plan.
- percentage of impervious surface, include storm drainage management plan.
- topographical description/drawing of current site and after improvements have been made to the site.
- designate streams and wetlands and any required water hazard setback areas.
- vicinity map showing property location.

o. county tax map with location of property identified

4) Start and Completion Projections <Required>. Provide a project plan. Provide the approximate start time for the project development. Provide the approximate completion time for the project; when it will be ready for operation.

Project began Dec. 2007-completion May 2011

5) Reference to Existing County Plans <Required>. Is this site specifically mentioned in any County plan (such as the highway plan, watershed plan, etc.?). (If the requested use for the site is specifically counter to existing plan, the application must provide a compelling argument as to why the provisions in the plan should be set aside and the permit granted.)

This site is not mentioned in any ^{County} plan

Specific Application Requirements:

The following requirements are needed to support the Five Affirmative Findings found in the Chatham County Zoning Ordinance. All of these findings must be met to grant the application.

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

1) Validation of Use in Zoning Ordinance (Zoning Ordinance information: http://www.co.chatham.nc.us/dept/planning/planning_dept/ordinances/documents/Zoning_Ordinance.pdf) <Required>. Simply confirm that the requested use is eligible for the requested site.

Attached

2) Land Development Plan Reference <Required> (Land Development Plan: http://www.co.chatham.nc.us/dept/planning/planning_dept/ordinances/documents/Land_Use_Development_Plan.pdf)

Provide (in context) references to the Land Conservation and Development Plan that support this application.

Attached

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

1) Need and Desirability <Required>. The application should describe why there is a need for the proposed use in this area. Describe how this was determined (for example, an analysis of present or projected demands on existing similar uses).

This is an opportunity for the applicant to establish the benefit to the county that will result from approval of this permit. Why is the proposed use more desirable than other uses permitted under the existing zoning?

2) Survey of Similar Uses <Required>. How many other instances of this use are currently in Chatham or within an adjacent county? Are there similar uses already approved for the requested use on adjacent properties? Provide summary of existing similar uses. If there are already a number of such uses allowed in the County or another similar use in reasonably close proximity to the new requested site, Why is this new instance of this use essential? Are these other instances currently in operation and successful?

Attached

3) Public Provided Improvements <Required>. Identify any public improvements, services, etc., that the county would be required to provide in support of this site if the use is approved. If no additional public improvements are needed, then state this as the case.

Attached

4) Tax considerations <Optional>. If appropriate, or of advantage to the application, provide an estimate of the tax revenue (direct and indirect) to the County that this use would provide over the next five years. Describe how this estimate was determined. What is the net result of expenditure of County services and facilities required VS the tax revenue generated?

Attached

5) Employment <Optional>. Discuss the number of jobs that would be created by this use. Designate these positions as full time or part time. If possible, describe the salary ranges of the employees.

Attached

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.

1) Emergency Services <Optional>.

- a. Fire Protection. Document the impact on respective volunteer fire department's ability to service the site with the requested use. This should come from the Chatham County Fire Marshal as a letter.

- b. Police Protection. Document the impact to the Chatham County Sheriff Department's ability to provide protection for the site with the requested use. This should come from the Sheriff in the form of a supporting letter.
 - c. Rescue 911. Document the impact to the Chatham County Rescue Squad's ability to provide support to the site; provide approximate arrival time to site after 911 call is placed.
-

2) Traffic <Required>.

Document projected traffic generated by the use (this is available for many/most uses from DOT). Document current capacity for the road that serves this site (available for all/most roads from DOT). What kind of traffic will this be (that is car, bus, truck, etc.) and what will be the peak time of day for the traffic? Do you anticipate changes to the speed limit on the principal service road for this site? Are modifications to the road system needed (e.g. a turning lane)? How will these road improvements be financed? A letter of opinion from DOT would be required if introduction of significant new traffic loads was expected or there is already a high accident rate at this location. Will the road(s) included in the County Thoroughfare Plan accommodate these anticipated requirements?

Attached

3) Impact to surrounding Land Values <Optional>. What will be the impact to surrounding land values as a result of the proposed use? Is this impact anticipated to change with time and the possible changes in use of the surrounding properties? Note that if the applicant does choose to provide this information to support the application, then the basis for the information **must** be provided. For example, if a real estate appraiser's opinion is presented, then the opinion is expected to be derived from an analysis of comparison sites with requested use, some other real estate study or survey.

Attached

4) Visual Impact & Screening <Required>.

Describe the visual presentation of the completed project, in context of the adjoining properties. How will fencing and/or plantings alter the future visual presentation?

Attached

5) Lighting <Required>. Will there be lights associated with the use? If so, describe the wattage, type, method of support (if on poles, give height of pole), and times of night the lights would be in use. What considerations and methods have been considered to the shielding of the light from adjacent properties? Are similar lights in use elsewhere that can be evaluated?

6) Noise <Required>. Will there be noise generated by the use? If so, what will the source of this noise. Provide an estimate of the level of noise in decibels at the property lines of the site. Provide the basis for this estimate. If the noise generated is anticipated to exceed the County Noise Ordinance, has a permit been requested or approved to exceed this ordinance?

Attached

7) Chemicals, Biological and Radioactive Agents <Required>. Identify types and amounts of chemicals, explosives, biological and radioactive materials that will be utilized by the requested use. What is the estimated amounts of these agents that will be generated as waste; how will they be disposed? Identify the possible biochemical or radioactive hazards that may be associated with this use; how will these be handled? Identify the potential for emissions into the air. Identify the potential for discharges or runoff of liquids that would pollute the surface and/or groundwater sources.

None

8) Signs <Required>. Will the use include the display of a sign (advertisement or identification)? If so, describe the method of display, color, size and location on the site.

None

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

(1) Land Development Plan:

http://www.co.chatham.nc.us/dept/planning/planning_dept/ordinances/documents/Land_Use_Development_Plan.pdf

(2) Land Conservation and Development Plan Reference <Required>. Provide information which demonstrates how this request would conform to each relevant provision of the current Land Conservation and Development Plan.

Attached

(2) Water shed and flood considerations: <Required>. Provide information that demonstrates how the requested use conforms to the Watershed Protection Ordinance and the Flood Damage Prevention Ordinance.

http://www.co.chatham.nc.us/dept/planning/planning_dept/ordinances/ordinances.htm

see site plan

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

1. Water Source and Requirements >. <Required>. How much water will the use require? What is the source of the water (public or private supply)? If supply is public then (with the help of the Public Works Dept./ 542-8254) identify how the water connections are to be provided.

*Potable water will be supplied
by private on-site well*

2) Wastewater Management >. <Required>. What is the wastewater capacity needs for this use? Specify the treatment and disposal methods to be used. If individual septic, provide septic improvements permit letter from the Chatham County Health Department. If other than individual septic systems are to be used, submit a plan for wastewater management. If system requires approval from NCDENR, state progress towards getting approval from NCDENR.

Attached

Water/Sewer Impact Statement >. <Required>. All applications where a public utility is to be utilized, (water or sewer) must state clearly the amount of usage that is anticipated. The usage estimate must be validated by the County Public Works Director, along with an updated usage vs. capacity statement. The impact statement should provide a projection of the demand after the site is fully developed.

3) Access Roads >. <Required>. Describe the access from the site to public highways. If the requested use will require a new driveway or enhancement to existing highway(s) address the following questions. If a new driveway access is part of the proposal, has NC DOT approved this access (include copy of the commercial driveway permit)? If the Site is located on a road designated as a "major collector", is the site accessed by an existing or proposed service road. Describe any upgrades of public or private roads necessary to serve the property.

Attached

4) Storm Water Runoff >. <Required>. Detail the methods and various structures that will be used to control storm water runoff. This information will detail all points of off site discharge with design techniques used and projected impact on neighboring properties.

Attached

Name of Applicant:

Michael Tiemann

Signature:

Michael Tiemann

At the June 18 2007 meeting of the Chatham County Board of Commissioners, an application for a Conditional Use Permit by Windsong Muse LLC to build a recording studio was considered and granted, subject to certain conditions, virtually all of which we have met and will continue to meet. We are happy to report that after more than 3 years of careful construction, we are nearly ready to begin to deliver the benefits to Chatham County promised in Finding #2 of our 5 Findings submission. During the course of that construction, which was far more costly and time-consuming than we ever imagined, changes in the industry, changes in the economy, and changes in our own understanding of the land and best use consistent with our original 5 Findings submission caused us to make some adaptations to our original plans in order to ensure the sustainability of our enterprise. We now understand that a Conditional Use Permit is far more limited than a General Commercial Use Permit when it comes to adapting approved structures and uses to new circumstances and conditions. Therefore, we are requesting a revision to the existing Conditional Use Permit as follows:

1. We wish to make permanent the construction driveway we have been using since 2007, which will improve access and simplify utility and emergency access greatly.
2. We wish to reconfigure the layout and use of the approved smaller building, effectively converting a two-vehicle garage into a one vehicle garage and repurposing the space as a digital audio and video post-production environment. This change preserves the footprint and structure of the approved building, and its use falls entirely within the eligible conditional use granted in 2007. Despite this change in function, it will maintain a virtually silent noise profile as the construction is designed to be as sound-proof as the approved main building.
3. We wish to amend our patio and hardscaping profiles as shown in the revised site plan to better integrate the building and the land and to properly integrate the buildings with our now-defined driveway and turn-around plans. All of these changes will fully meet drainage, permeable surface, visual, noise, lighting, signage, and other applicable ordinances and guidelines.
4. Relief from the expectations that we will generate renewable energy on site, which has become economically infeasible.

Because so much of our plan remain unchanged, and because the discussion by the Chatham County Commissioners seemed in such strong agreement on so many of the findings we presented, we will reference previously made arguments and present only those which are new or different since our last application. We now present the full details to support our request, formatted to inform the 5 Finding process.

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.

Quoting the meeting minutes: "It is the opinion of the Planning staff Finding #1 can be made. This application request is to add an additional facility to provide general and professional office space with additional training and conference areas. One use the landowner plans to make with this new structure is for technical support in audio and media education, training, and production (recording studio). Though the zoning ordinance does not specifically mention this type of activity, it is staff opinion the general, professional, medical, and governmental office category is the correct designation."

In this new application, there are some changes from our initial application, neither of which appears material to the finding quoted above. First, because of construction delays and the expiration/uncertainty related to solar renewable energy credits (SRECs), we have put on hold the idea of generating solar power on site. We continue to investigate other approaches to renewable energy, but we cannot maintain the “above and beyond” position on solar power that was part of our first submission. Second, in our initial submission for Finding #1, we said in 6.14:

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.

After spending countless hours (and many thousands of dollars on plans and designs), we found that the concept of the large garage was contrary to the architecture, aesthetics, accessibility, and economics of the rest of the project. As previously submitted, we patterned our architecture after that of the great American architect Frank Lloyd Wright, and deeply embedded in that design was the notion of exterior soffits 8' above ground level. We initially thought that we could accommodate the height of the large vans by sinking the floor 4'-8", but that created all manner of problems for accessibility, which set strict limits on ramp slopes and railing requirements. We spent months trying to settle the height requirements of the vans, the length and width requirements of the ramps, and the drainage required for a subterranean floor within the plan space of the garage, to no avail. In the mean time, construction costs of the main building were exceeding our cost estimates by 2:1, which meant that even if we could work out how to fit the vans into our garage without destroying our architecture, we would be building a million dollar garage for two vehicles that are at best incidental to the intended use of the facility. That made no sense, so we began to think about alternative uses of that space that would be 100% consistent with the intended mission of the enterprise without impacting the building's approved foundation or structure. We found that the shape and structure of the building was perfectly suited to enhancing the programmatic capabilities already approved, and we commenced to design a new interior layout for that purpose.

We believe that these two changes—the deferral of our solar plans and the replacement of a two-van garage with a one-car garage and a second control room—should not affect the Planning staff's assessment of Finding #1 because neither are mentioned in any material way in the approval comments, and because neither is material to the Conditional Use Permit initially submitted with respect to Finding #1 (i.e., “technical support in audio and media education, training, and production (recording studio).” We therefore hope and request that the Planning staff can reaffirm that as we have made no changes to the stipulations of our use with respect to zoning compliance, the construction of an “audio and media production suite” within the walls of the second building should be deemed still in compliance with respect to permitted use. We further hope and request that the Planning staff can affirm that the reorganization of our floorplan to accommodate such a room (i.e., moving the position

of the lounge and the lav, changing the size of the machine room and the garage) can also be approved under this Conditional Use application.

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

Reiterating some of the points made from our previous submission, and updating to 2011:

- 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. As construction on the recording studio proper progressed, I have invited musicians, producers, academics, and entrepreneurs to see the space we are building and to imagine what can be created in Chatham County. And as the building has taken shape, I have begun to receive clearer input from my intended market.

When I initially planned the technical capabilities of the studio, I had assumed that the trend of digital recording technology replacing analog recording technology would be complete, so we assumed that a single digital console could serve all the purposes of the space. I quickly learned that analog recording technology was not only going away, but that in larger recording spaces (such as was approved), analog technology is expected, and its absence would be a huge demerit. Yet in the market for film and video post-production, which is also very audio intensive, digital consoles are considered the only way to go. My thesis, which was to serve both markets with a single room, was being disproved by the market, and thus the benefits that I had promised as part of my first application were not as great as I had first assumed. It became clear that the best way to remedy this was to convert an overly expensive two-van garage into a digital control room and a single car garage, which is the principle subject of the current application.

Being able to serve the full spectrum of audio production, from recording and dubbing, to mixing, to film and video post-production, creates the essential synergy needed for survival in today's economy. Single-purpose studios are closing, and client diversity is the key to earning reliable revenues when one segment of the market or another is having a difficult time. The proposed reorganization of space (without any change to foundation or structure) allows us to strengthen our business and to expand the benefits we promise without any degradation or cost to Chatham County, be it economic cost, environmental cost, or quality of rural character as compared with our initial application. Reiterating, if not reinforcing our approved application, we believe that the intended use as a recording and media production facility (with both analog and digital capabilities) 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 we found none in Chatham County (neither in 2007 nor as of February 2011). Nevertheless, the strong encouragement we have received from prospective clients makes us believe we have chosen wisely to build and invest in Chatham County. Some examples follow:

The founder of Zenph Sound Innovations has contacted us on three separate occasions to enquire whether we can record his next project. Zenph is a Durham-based startup that has secured more than \$10M in investment funds for their projects, announced a strategic production agreement with SONY, and has won multiple Grammy nominations for their innovative re-performances of piano masters, such as Glenn Gould, Art Tatum, and Sergei Rachmaninoff. Due to construction delays, we have had to turn down each of these projects, watching business that could have been done in Chatham County North Carolina go instead to places like Orange County, California. In another example, Brooklyn Rider, a world-class string quartet whose members also play with world-renowned cellist Yo Yo Ma's Silk Hope Road Ensemble, visited the studio in September 2010 before playing concerts in Chapel Hill and Raleigh. They told me that they had just finished making a recording at one of the largest remaining studios in New York City, but that they would come to Pittsboro and our studio to make their next record, as our studio was so much more inspiring. Dozens of other world-class musicians who have visited the studio have said the same, validating what we said in our 2007 application: there is a clear need, and that the proposed development offers precisely the right blend of natural advantages to make us competitive with any facility from here to Nashville (or, apparently, New York and California).

Turning to film and video, the Dean of the School of Film at the UNC School of the Arts has told me that funding for North Carolina films is easier when more counties are involved in production, not just those surrounding Charlotte and Wilmington. The State actively encourages county participation in such productions, but private investment must bootstrap production capabilities. This project represents just such an investment, and if successful in its mission will bring State benefits to the County.

Reiterating and reinforcing our previous summary of this point, we believe that our facility can function as a concentrator and an accelerator to the creative energies that Chatham County can develop.

- 3) In 2007, we wrote that "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." We do now have utility power coming to the facility, but I believe it was we who paid for that improvement. We also contracted with TimeWarner Cable Business Class to deliver gigabit-class fiber-optic internet services to our

site. We paid 100% of the \$25,000 cost to extend fiber from Highway 64 south on Pea Ridge Road and then West along Seaforth Road. We also committed to a multi-year service contract exceeding \$35,000. The extension of this fiber capacity benefits the estimated 100+ households who live along that route, and that now have the option to connect to the Internet at rates 20x-1000x faster than the currently available alternative, satellite modem. To put this benefit into perspective, the US Department of Agriculture, Rural Development has been providing loan finance for broadband since 2000, and has loaned approximately \$1.22 billing for the provision of a variety of technologies including wireless, fiber, hybrid fiber and coaxial, DSL, and broadband over power lines (source: Rural Broadband, A PUPRI Policy Brief, Brian Dabson, December 8, 2008). These loans served 1,263 communities with a total of 582,000 household subscribers, placing an economic value of \$2,096.22 per household connected to broadband. The economic value of bringing such advanced internet connectivity within easy reach of 100+ households in this part of the County (not to mention the many more households that are yet to be established in four subdivisions along this route) can therefore be valued at more than \$200,000 today and much more in the future. Such community benefit derived from individual investment confirms the wisdom of the Goals, Desired Outcomes, and Policy Objectives of the Chatham County Strategic Plan. It also demonstrates that our project was serious about investing in Chatham County and delivering benefits to its citizens without demanding compensation or special treatment.

- 4) We wrote in 2007 "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." This remains largely true, with some adjustments.

First of all, we were too optimistic in our construction schedule, so we could not begin to generate revenue in 2009, nor in 2010. We are striving to get a Certificate of Occupancy and all other necessary permits for our main building so that we can begin earning revenues in 2011. Secondly, and more importantly, as the buildings took shape and as discussions with prospective clients advanced, it became clear that an adjustment to the plans for our smaller building—invisible to any surveyor or structural engineer—would substantially improve the viability and sustainability of our enterprise. Instead of building a large garage with additional program space for a staff lounge, lav, machine room, and storage room as initially proposed/amended, we propose to configure the building as an additional studio facility—one which is both consistent with, and complementary to the main recording studio building. A second control room featuring a digital mixing console will make the facility more attractive to film, video, and animation projects, while remaining 100% in keeping with the permitted use outlined in Finding #1. As a film/video post-production room, the Annex Control Room can

command top dollar for film/video projects, making the facility far more cost-effective than an audio-only facility. As a smaller, digital audio control room, the Annex Control Room can also be used as a lower-cost alternative to the Main Control Room, expanding the potential market to a wider range of artists and projects. By complementing the Main Control Room with an alternative that can reach into both more lucrative markets (film/video) and larger markets (lower-cost digital audio), the chances of the studio's survival in a difficult economy are greatly improved.

The Annex Control Room is designed to fit entirely within the existing structure approved for construction in 2007, using the natural angles of the walls and the natural height of the roof to achieve ideal acoustic results. Other adjustments to the floor layout flow logically from that first idea: the lav moves to a more accessible location, the machine room shrinks a little, the garage shrinks from two spaces to one, and the staff lounge shifts from its windowless position on the North side of the building to the South, with operable windows overlooking the meadow, reminding our visitors why they have come to North Carolina in the first place. Without making any changes to our outward appearance or to the fundamental nature of the intended use, we diversify and expand the business we can do and the benefits we bring to Chatham County within the use requested for Finding #1.

The following (revised) chart is our best estimate of our revenue outlook based on construction plans 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. When compared with our first submission you will see that some of our costs have increased whereas we do not plan on any immediate change to our revenue estimates. The reason we have not raised our forecast is (1) things have gotten worse in the music industry, and (2) we have learned that to serve the complete audio market, we need to support both analog and digital console technologies. To reiterate, this plan assumes that

- We book both 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 \$3.5M.

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 more than \$350,000 paid to the state over the next five years. See the following chart.

	2011	2012	2013	2014	2015	2016
Building Materials	\$1,500,000					
Construction Labor	\$2,000,000					
Utilities		\$1,402	\$1,542	\$1,696	\$1,866	\$2,052
Internet/Telecom connections		\$12,000	\$12,000	\$12,000	\$12,000	\$12,000
FTE Salaries		\$52,000	\$104,000	\$156,000	\$208,000	\$260,000
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		\$32,600	\$52,700	\$79,050	\$114,775	\$164,563
Sales Taxes (7%)	\$105,000	\$8,078	\$16,068	\$24,059	\$32,051	\$40,044
Income Taxes (6.9%)		\$7,493	\$14,124	\$21,186	\$28,895	\$37,575
Franchise Taxes (1.5% per \$1000)		\$2,888	\$3,176	\$3,494	\$3,843	\$4,228
Total Taxes	\$105,000	\$18,459	\$33,368	\$48,739	\$64,789	\$81,846
Five Year Total (plus construction)						\$352,202

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

- Recording engineer (in Main, \$50,000-\$85,000/year)
- Mix engineer (in Main and/or Annex, \$50,000-\$85,000/year)
- Post engineer (in Annex, \$75,000-\$100,000/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 (in Main)
- Video editor (in Annex)
- 3d modeling, animation, rendering (in Main and/or Annex)
- 2d computer paint and illustrator (in Main and/or Annex)
- Technical lighting (in Main)
- Hardware maintenance (in Annex)
- Accountant (offsite)
- Lawyer (offsite)
- Cleaning and grounds-keeping

In summary, we believe that if anything, this new proposed configuration makes our application stronger than the one submitted in 2007.

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 inputs to this finding are largely unchanged, with the exception that, like most other places in Chatham County, the majority of parking will be found outside rather than inside a building. This should in no way deter van-pooling or other smart use of vehicles. Vehicular traffic may increase from three to maybe five vehicles a day owing to the opening of the Annex Control Room, but only when both facilities are operating. We anticipate that for quite some time to come we will be operating only one or the other at a time, and thus we will mostly average two to three vehicles a day.

We propose expanding the dimensions of our patios and walkways for convenience and comfort. We found that the narrow pathway around the building submitted in our first plan could be challenging when two people were walking together and talking. By widening these "sidewalks", people will be more comfortable as they spend time outside. We also found that the West Patio area was very popular with construction workers in winter when it is cold, but too hot for comfort in the summertime. We propose adding a North Patio, which will extend the times when it is comfortable to be outdoors, a benefit to health. In keeping with our initial application, which recognized the extraordinary beauty of the Sarah P. Duke gardens, we also propose adding some reflecting pools as an architectural reference to the pond that lies on our property. These small pools are nothing as large as the water features at the Sarah P. Duke gardens, but enhance the view with a similar effect. These changes are virtually invisible to the surrounding or adjoining districts, are fully in compliance with all health, safety, and other applicable regulations. The improvements proposed in 2007 used only a small fraction of our theoretically improvable land, and these adjustments to the Patio configuration do not change this fraction in any material way.

The construction of the Annex walls are not quite as thick as the walls in the Main (14" thick along the walls and 18" thick at the corners), but as with the Main, the construction is double-masonry with rigid insulation gap and they will remain virtually soundproof. Indeed, because there will be no windows in the Annex Control Room, that room may be more soundproof than the approved Main control room (which has 3" thick solid glass blocks on its three rear walls). This represents no change to the approved structure or construction, but we want to emphasize that the change of intended use does not create any issues with respect to this Finding, especially with respect to noise.

All of the other input to Finding #3 remains as it was when it was approved.

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

No changes to approved submission.

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

We have always maintained compliance in all regards with respect to these items during construction,

and plan to continue to do so. We have hired David Swanson as a landscape architect to ensure that our drainage plan meets not only Chatham County standards, but affords us the ability to cultivate a fitting natural environment around these studio buildings. (David Swanson did the landscape architecture for the North Carolina Botanical Garden, among other projects.) We propose making the construction entrance a permanent entrance and reconfiguring our parking plan accordingly. We have sought the advice of DOT, 911 services, and other authorities to ensure that access, designations, etc., are acceptable and will follow their guidance.

In keeping with Recommendation #6 from the June 18 2007 meeting minutes, we have designed a turn-around at the drop off/pick up point of the new structure. We believe that the gravel drive we have designed (which is completely unobstructed on its West shoulder) and the turnaround we have designed (which has been used almost daily of late for turning large dump trucks, concrete trucks, and 50' delivery trucks) strikes a reasonable balance between preservation of our rural character and the need for emergency, utility, and vehicular access. We ask Chatham County to consider that these two buildings are not residential, operate entirely at ground level, and that all exterior walls are double-wythe insulated masonry construction, surrounded by a buffer of at least 7' of concrete patio from the insulated metal exit doors, and consider that the driveway and turn-around that has served very heavy construction traffic should be more than adequate for both the light operational use we expect as well as any foreseeable emergencies.

As hinted at in Finding #3, we have also designed a drop off/pick up point in our Patio program that was not present when we first submitted our plans. Thus our redesigned patio represents an improvement to our originally approved plans.

In all other regards to this finding, our submission is unchanged, and we merely reaffirm that with respect to the commentary of our approval we have:

- (#2) followed the Recommendations from the Appearance Commission
- (#3) obtained and will maintain all required local, state, and/or federal permits
- (#4) have not requested nor do we expect Chatham County to pay for any off-site improvements
- (#6) plans to meet all guidelines of the zoning ordinance for 1 space per 300 sq ft of area for all retreat, conference, and studio floor area. We will maintain 1 space per unit plus 2 spaces per 3 employees on a normal shift as described in the ordinance, and we will provide turn-around areas as required
- (#7) happily ensured that our lighting complies with the "draft" lighting guidelines (and we humbly request that Chatham County encourage our neighbors to similarly keep their lights from polluting our night sky)
- (#9) taken appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.

Moreover, we will:

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- (#1) restrict any signage for the studio to no larger than 32 square feet at the entrance to the property
- (#8) provide “as built” impervious surface calculations for all structures, gravel, concrete, and asphalt to the Planning Department prior to requesting a Certificate of Occupancy

In light of all of this and with respect to this Finding, we believe our plans are again stronger than those we first submitted, and we hope and request that the Planning staff grant approval so that we can complete our project.