

**CONDITIONAL DISTRICT – NEIGHBORHOOD BUSINESS
REZONING APPLICATION**

CHATHAM COUNTY, NC
PARCEL 96061
FARRINGTON POINT ROAD

OWNER & APPLICANT

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4120 Piney Gap Drive
Cary NC 27519

WHISTLING WOODS EVENT VENUE

Farrington Point Road
Chatham County, NC

Whistling Woods is planned to be an event center complying with the Chatham County definition of Events Center Limited definition to allow for gathering such as weddings, receptions, corporate meetings, birthday celebrations and other permitted activities.

Whistling Woods is designed to meet the requirements of §17.7 of the Chatham County Zoning Ordinance including the size limitation of the facility to 5,000 square feet.

Location – Environmental Characteristics

The Limited Event Center is proposed for a 19.43-acre site on the east side of Farrington Point Road.

- Portions of the property were cleared and used for agricultural activity until recently.
- The largest cleared portion of the site – about 3.0 acres - is the proposed location for the event building, new gardens, parking and stormwater management & maintenance.
- Two farm ponds are located on the site.
- The property is partly forested and abuts US Army Corps of Engineers property at its rear.
- In July 2023, the Chatham County Watershed Protection Department examined this site and determined that no riparian buffers are required.
- The site has access to public water in Farrington Point Road.
- Earthly Elements Soil Consulting PLLC examined the entire site and has determined that there is a suitable soil area [an existing cleared farm field area] for on-site treatment of wastewater with an aerobic drip system for 5,250 gallons per week [750 gallons per day].
- Capacity and use of the event center will be based up the septic system capacity permitted by the county upon its full review of the proposed system, as well as the building/fire official determinations of maximum event center capacity.
- Based upon the size of the center and NC DWQ standards for septic systems, the upper limit for weekly use appears to be 525± guests with a single event maximum of 250± attendees.

Neighboring Uses and Activity Considerations

The event center site has four adjoining properties.

- Immediately to the north are 2-single family home lots.
- Adjoining to the rear is land owned by the Army Corps of Engineers [ACE].

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- To the south is a newly created 10-acre parcel of land previously used for farming & residence. This and the event center site were part of single lot for which an exempt plat was recorded earlier this year.
- Immediately across Farrington Point Road the County Commissioners, in January 2024 approved a boat and RV storage Facility.
- Abutting that property to the north is a Strata Solar Warehouse and solar panel manufacturing facility, the site also being part of the original farm holdings.

SITE PLAN - Description

The site plan is designed to locate all the event activity in the front area of the site that has been cleared farmland for many years, thereby retaining as close to 100% of the existing tree cover as possible.

- The site slopes gently toward the rear from Farrington Point Road. Over that distance the change in topography is about 6 feet at a slope of about 2%.
- Locating a building, parking, and outdoor gardens to take advantage of existing environmental conditions of the site in has led to a plan which places the event building, outdoor patio, outdoor gardens in a location to maximize the use of the ponds and existing vegetation as a backdrop for activity.
- Using the front part of the site with significant new tree cover, including street trees and parking lot shade trees, provides the opportunity to recapture some of the cleared farmland for managed vegetation including ground cover.
- This design arrangement results in an impervious surface amount of 75,000 square feet. Parking lot landscape islands are designed to be wider than required to create bio-retention areas for stormwater management and diverse plantings.
- The result is that impervious surface is limited to 9% ± of the site.
- Parking spaces are 9' x 20' and all parking has direct access to ADA sidewalks to and from the gardens and event center.
- Lighting will be LED cutoff fixtures and at locations shown on the site plan. No lighting will be directed toward the street or neighboring properties.
- The front buffer is 40' in width with street trees and other plantings that will also serve to provide shade for parking spaces.
- Evergreen hedges meeting county design standards will shield the view of parking from the street and the view of the stormwater control basin from the street and from the parking lot.
- New trees meeting the county requirements will be placed along the northern property line.

SECTION A ADDENDUM APPLICATION MATERIALS

WHISTLING WOODS – CD-NB Rezoning Request Event Center Limited, Farrington Point Road

The applicant proposes the development of an “Events Center Limited” use in a “CD-NB” Zoning District that will satisfy the Chatham County definition of *Events Center Limited* and that will satisfy the requirements in §17.7 of the Zoning Ordinance.

In support of this request the applicant provides the following information as required by the County.

Information in Support of Rezoning Request from R1 to CD-NB

1. **Ordinance:** No error is alleged by the Applicant.
2. **Changed or changing conditions:** As a general overview, Chatham County has seen steady residential and non-residential growth in the last two-decades. Within the past 10 years, Chatham Downs, Briar Chapel, Farrington Village, Bynum, and Chatham Park have very visibly increased the rate of housing development and population growth. This will continue as these developments build out over the next 20 or so years. This new population has increased demand for commercial and community services near the new neighborhoods and near Jordan Lake as a major recreation facility. This increase in demand for services extends to event venues that provide both indoor and outdoor settings for weddings, birthday parties, family reunions, and other time limited events. These are held primarily on weekends but occur during daytime and early evening, especially in spring, summer & fall.
 - A. **Need and Desirability:** Chatham County recognized the need for and desirability of additional smaller scale wedding and social event facilities by creating the “*Event Center Limited*” land use category. Because of the many sizes and types of event venues, an additional step of limiting the size to 5,000 SF or less and allowing it only via a site-specific Conditional District application and rezoning was taken. Whistling Woods [and other “purpose built” facilities as may be developed] provide a service that is in high demand.

Whistling Woods is proposed in a location served well by existing collector/arterial roadways that provide easy access. It is proposed to be located on Farrington Point Road about two miles south of the Governors Village - Governors Club residential and commercial communities and ¾-mile the Lystra Road - Farrington Point Rd. intersection.

The proposed development is sited on a 19.4-acre lot that contains forested land, cleared land from farming, and several ponds. The property does not have any regulatory streams, water bodies, or required buffers. The property provides an unusual opportunity to preserve 95-100% of the existing trees and to place development on the gently sloped (5%≤) front portion of the site that was cleared and used for farming.

As visible in the site plan, the Event Center Limited building is set a significant distance from the two residential neighbors to the north.

Immediately across Farrington Point Road are two commercial properties.

- The Veridian Boat and RV Storage property on 21± acres rezoned to CD-NB one month ago on January 16, 2024.
- The Strata Solar Warehouse of 14.5 acres zoned CU-IND-L has been in place for several years.

B. **Survey of Similar Uses:** The applicant is proposing a stand alone *Event Center Limited* use and building with a natural setting and outdoor gardens. An inventory of existing similar facilities has identified three [3] that would be primary competitors: The Barn at Valhalla, Chapel Hill Carriage House, The Barn at Chapel Hill. All three of these are in Orange County to the west or southwest of Carrboro.

Within a 5-mile radius (by road 6 - 6.5 miles) of the applicant's property there are four "event" locations each catering to a different clientele. The closest is an indoor space in Governor's Village, 2 miles to the north.

- C. **Public Provided Improvements:** The development of a Limited Event Center on the site proposed for rezoning does not request or require added public expenditures for public improvements. An extension of a water service lateral from the existing line in Farrington Point Road and a driveway meeting NCDOT and County requirements will both be paid for by the applicant. On-site wastewater disposal will consist of a controlled sub-surface distribution with both primary and repair fields included in deed restricted areas as approved by the County.
- D. **Tax considerations:** The site for the proposed Event Center is one of several lots that have been created from a long existing farm property. Several of these have been rezoned for non-residential uses. As with them, a newly developed non-farm use property will pay real estate taxes as commercial property and revenue to the County will increase. In addition, sales tax returned to the will increase as caterers and others provide the services needed for events. As recorded in the Comprehensive Plan¹, commercial and industrial uses generate more revenue than the cost of public services they utilize. By generating no school age children, the Event Center will not affect school enrollments and costs, but will generate money for the schools via its taxes.
- E. **Employment:** Because the proposed event center will be owner operated & managed and events will primarily use contracted food service vendors at events, the direct employment for the event center will be between 1-5 employees, depending upon the size and type of event. The event center's caterers and other event support services will have an increased demand and employ existing employees for more events and/or hire new employees as their business expands to meet demand.

¹ Page 21 – Revenue to County by General Use Type: For \$1.00 in service the revenue collected is: Commercial (\$3.01), Agriculture (\$1.72) and Residential (\$0.87)

3. Comprehensive Plan 2017 Considerations

A. Chapter 2 Issues and Opportunities

The Comprehensive Plan addresses the many competing opportunities and challenging issues of balancing economic growth to serve the growing population, housing needs & desires, prime farmland preservation, and environmental protections of surface waters and forested lands.

The applicant's proposal on one small former farmland lot can serve several of these larger goals. The event center will provide for services in demand in Chatham County and Orange County and keep tax dollars in the county. The small amount of the overall site to be developed can be done so and still protect surface waters, nearby forested land, and re-use previously cleared farmland of a size that is marginally feasible today.

B. Chapter 3

Goals & Objectives

The proposed development supports Goal 4, Diversify the tax base, increase jobs in Chatham County, and reduce dependency on residential tax base. Additionally, it does not increase the demand for school facilities.

Conserving Natural Resources, Goal 5, is also supported as the plan will save the existing forested part of the site, develop with an impervious surface of less than 10% of the site, and provide for stormwater management that will be based upon bioretention practices as much as possible. This is achieved by the use of parking lot planter islands rather than through the extensive and expensive use of curb, gutter and inlet designs.

In addition, the facility will address Goal 6, Provide recreational opportunities and access to open space. Many events are in fact social, recreational activity. The site has access to existing walking paths on the site and on the adjoining Army Corps of Engineers Land. The applicant fully anticipates this relationship will become an attractive feature for many of the event groups.

Land Use – Conservation Area

While this land use category & value was not explicitly tied to the lower Farrington Point Road Peninsula, this area does contain some of the features of a Conservation Corridor.

- The natural features are the primary elements of this peninsula. It is surrounded by streams and the creation of and expansion of Jordan Lake. Farrington Point Road runs along the top of the small, elevated ridge of the peninsula and slopes toward the forests on each side. Within the remaining forests are homes and In front of the forests are often cleared farmland no longer economically productive.
- This area contains a mix of uses including single family detached lots with overall very low density. Conservation subdivisions are encouraged in order to protect natural resources but not all properties are suitable for residential use along an arterial street.
- Buildings of one and two stories, plus peaked roofs are common and desirable. Non-

residential buildings such as barns or uses in buildings fitting the barn vernacular are suitable for additional new activity.

- Public/open space: Passive recreation areas, greenway trails, variety of valuable natural resource areas are part of the peninsula.

The applicant's property and proposal fit well within the framework of conserving natural resources while using a small portion of previously cleared land.

C. Chapter 4 – Economic Development

The proposed Event Center will meet many of the economic goals for smaller entrepreneur driven businesses in both larger activity centers and in more rural areas. This is perhaps the main reason for the development of the **Event Center Limited** use, limiting the size of facility to 5,000 SF and providing the opportunity to create such facilities outside the larger activity centers with the oversight of the CD-NB Zoning approved by the County Commissioners.

4. Public Welfare and Convenience Considerations.

The proposed Event Center Limited will provide economic and social benefit to county residents and will have extremely low impacts on surrounding properties and surrounding properties.

A. Traffic and Road Considerations: According to NCDOT traffic counts, the most recent Average Daily Traffic Volume on Farrington Point Road segment that runs past the applicant site is 7,100 trips. The NCDOT threshold for full Traffic Impact Assessments is 3,000 new daily trips. The proposed event center will operate primarily on week-ends and have an estimated trip generation of 250 trips per day for the largest event the venue could hold. This trip estimate is based upon industry information that considers the number of persons per vehicle that attend this type facility. [There is no ITE Land Use category for this type of event facility]. Personal vehicles will be over 90% of the traffic, with catering vans/vehicles providing the truck traffic from the proposed use.

- a. The peak hour for traffic at the site will vary based upon events. Primarily it will be at non-peak traffic hours concentrated at the beginning and ending of wedding or other events. A single driveway with 2-way traffic can handle the amount of traffic for this facility.
- b. Farrington Point Road is able to handle the proposed increase in traffic from this facility in addition to the existing traffic.

B. Visual Impact & Screening: The street tree, parking lot and other screening requirements will be met and are shown on the Landscape Plan. The applicant met with the Chatham Appearance Commission on November 15, 2023. The Appearance Commission's recommendations have been incorporated into the Landscape Plan, including a slight revision to the entrance drive location. Buffer plantings along a portion of the northern property line add to the existing vegetation screen.

C. Lighting: Driveway entrance, parking lot, and pedestrian lighting is shown on the site plan. All lighting will meet Section 13 requirements for height and full cutoff fixtures. The lighting

will be controlled and shut off after events that end near or after dark. Building lighting will be designed and submitted for approval when building plans and the garden courtyard are submitted.

- D. Noise:** The event center will have music both inside the building and outside. Properties to the east, south and west have non-residential uses that should not be disturbed by any noise from the event center. The residents of the two residential properties that abut the site to the north have been met with to discuss possible impacts from noise, light, and other activities. The applicant proposes to provide notice to each of these families in advance of event activities and to follow all county Noise Ordinance at property lines and observe evening and night restrictions for noise generation.
- E. Chemicals, Biological and Radioactive Agents:** This facility will not generate or use any hazardous chemicals or materials of any type.
- F. Signs:** A sign location is shown on the site plan at the entrance drive. It satisfies sight line requirements as well as other location considerations. No sign design has yet been developed, but one will be provided meeting all sign requirements.
- G. Emergency Services:** Providing information is optional, yet some framework for consideration by the county is below:
- a. Building Design & Size – The proposed 5,000 SF building is a one-story building that is not required to be sprinklered. It does not propose a commercial kitchen that would need stove or other chemical suppression systems. It will have fire extinguishers as required.
 - b. ADA Considerations – The building and site are designed so that all persons in the building will be able to have entrances and exits that meet ADA and Dept of Insurance requirements. Areas have been identified that will be 50 feet or more from the building as required by DOI.
 - c. Access to Building – Direct driveway access to the event building is provided. Full curbside access via fire lanes is possible and can be seen in the site plan.
- H. Impact to Surrounding Land Values:** Providing information is optional and is not provided. With that said, the applicant believes that the development of the proposed facility will provide prospective buyers of surrounding properties with a known neighbor rather than the uncertainty of what might be developed on farmland no longer in use.
- 5. Other Circumstances, Factors and Reasons in Support of Application**
- A. Environmental Considerations:**
- The proposed site plan places all activity in previously cleared farmland, thereby protecting the existing forested land that abuts Cub Creek and the Army Corp of Engineers protected lands.
 - Less than 10% of the site will be covered with impervious surface. The site plan as drawn has 8.9% impervious surfaces. The stormwater Control Measure will be as required by Chatham County and the NC Department of Environmental Quality.

- Water will be from the County Water System.
- Wastewater will be treated on site and distributed underground in formerly cleared farmland, downslope from the event center.

