

**LEE-MOORE OIL COMPANY**

**REQUEST FOR CONDITIONAL USE B-1 GENERAL  
BUSINESS DISTRICT AND TO CHANGE A PORTION  
OF THE PROPERTY FROM B-1 GENERAL  
BUSINESS TO RA-40 RESIDENTIAL  
AGRICULTURAL**

**29.4 ACRE PARCEL (IN NEW CU-B-1 DISTRICT)  
AND 3.78 ACRE PARCEL (CHANGED FROM B-1 TO  
RA-40) LOCATED ON EAST SIDE OF U.S. 15-501  
SOUTH OF COUNTY LINE**

**August 21, 2006**

## APPLICANT

Lee-Moore Oil Company  
Post Office Drawer 9  
Sanford, North Carolina 27331  
Telephone: (919) 895-6001  
Contact: Kirk J. Bradley

Owner

Bradshaw & Robinson, LLP  
Post Office Box 607  
Pittsboro, North Carolina 27312  
Telephone: (919) 542-2400  
Contact: Patrick E. Bradshaw

Attorney

## STATEMENT OF PURPOSE

Lee-Moore Oil Company (“Applicant”) is applying to Chatham County for approval of a CU-B-1 Conditional Use General Business District containing 29.4 acres, more or less, and to change approximately 3.78 acres that is currently zoned B-1 General Business to RA-40 Residential Agricultural. The entire tract upon which the Applicant wishes to make the requested district changes contains approximately 63.3 acres. The property is located on the east side of U.S. 15-501, just south of the Chatham County boundary with Orange County.

Approximately 19.66 acres of the tract is already zoned B-1 General Business, and the balance, about 43.64 acres, is zoned RA-40 Residential Agricultural. Creation of the requested conditional use district will allow better and more flexible planning of the use of the property to the benefit of the Applicant, nearby property owners and the public at large and will give County officials and other property owners an opportunity to review the planned business uses of the property through the conditional use permit process.

This request is made pursuant to Sections 5 and 17 of the Chatham County Zoning Ordinance. As is set forth in detail in this application, the proposal is consistent with the current nearby uses, the provisions of the Zoning Ordinance and the County Land Conservation and Development Plan.

CONDITIONAL USE DISTRICT

APPLICATION FOR  
ZONING DISTRICTS  
CONDITIONAL USE DISTRICTS  
CONDITIONAL USE PERMITS

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

Tel: 919/542-8204  
Fax: 919/542-2698  
Email: lynn.richardson@ncmail.net

(1) Applicant Information:

(2) Landowner Information (as shown on deed)

Name: Lee-Moore Oil Company  
Address: P. O. Drawer 9  
Sanford, NC 27331

Name: Lee-Moore Oil Company  
Address: P. O. Drawer 9  
Sanford, NC 27331

Phone No. (h) \_\_\_\_\_  
(w) (919) 775-2301  
Email: kbradley@lmoc.net

Phone No. (h) \_\_\_\_\_  
(w) (919) 775-2301  
Email: kbradley@lmoc.net

(3) Property Identification:

P.I.N #: 9776-67-5446.000  
Parcel#: 18726

911 Address: None

Deed Book: 1098 Page: 203  
Deed Book: 1082 Page: 960  
Plat Book: 97 Page: 42

S.R. Name: U.S. Highway 15-501 North

S.R. Number: U.S. 15-501

Township: Williams

Acreage: 63.3 entire tract  
29.4 acres proposed CU-B-1

Zoning District: B-1 and RA-40

Flood map #: 3710977600J

Watershed District: WS-IV PA

Flood Zone: X

(4) Requested Zoning District, Conditional Use District, Conditional Use Permit:

Create a CU-B-1 Conditional Use General Business District of 29.4 acres and change 3.78 acres from B-1 General Business to RA-40 Residential-Agricultural . The site currently has 19.66 acres in B-1 General Business and 43.64 acres in RA-40 Residential Agricultural. The net change from RA-40 to CU-B-1 is 9.71 acres.

(5) Directions to property: East side of U.S. Highway 15-501 North, south of Chatham County boundary with Orange County.

(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 17.3B of the Chatham County Zoning Ordinance

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

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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.

See Owner/Applicant Certification

Signature

\_\_\_\_\_ 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

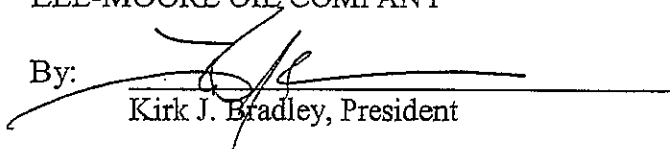
OWNER/APPLICANT CERTIFICATION

I hereby certify that Lee-Moore Oil Company is the owner of the property identified in this Application for Zoning Districts and that the information provided is complete and the statements given are true to the best of my knowledge.

OWNER/APPLICANT:

LEE-MOORE OIL COMPANY

By:

  
Kirk J. Bradley, President

Date of Execution: August 21, 2006

Description of Property  
Entire Tract

Situated in Chatham County, North Carolina on the East side of U.S. Highway 15/501 bounded and described as follows:

BEGINNING at a control corner with N.C.G.S. Coordinates (NAD '83) Y=766,729.65, X=1,975,626.79 at the southeasterly corner of N/F Dwight T. & Peggy D. Kernodle (Deed Book 1138, Page 881); thence along the northerly boundary of N/F Joseph & Tanya Froeber (Deed Book 585, Page 700) the following courses and distaces; South 88°58'23" East 232.68 feet; South 88°59'08" East 111.03 feet; South 88°58'38" 86.21 feet; South 88°59'58" East 505.52 feet; South 89°26'38" East 119.99 feet to a point in the northerly corner of Froeber and N/F James R. & Elaine J. Foster (Deed Book 583, Page 669); thence along the northerly boundary of Foster the following courses and distances; South 89°33'52" East 99.81 feet; South 889°30'09" East 127.93 feet; South 89°26'06" East 67.05 feet to a point on the southwesterly corner of N/F Demetria and Malcolm Craig (Deed Book 718, Page 289); thence North 04°38'44" West 308.05' to a point on the corner of Craig; thence North 85°39'11" 355.52 feet to a point on the corner of Craig; thence North 00°05'42" East 267.77 feet to a point of the corner of Craig; thence 45°13'03" 70.62 feet to a point on the corner of Craig; thence South 89°37'42" East 233.83 feet to a point on the corner of Craig and N/F David & Susan Keesee (Deed Book 774, Page 285); thence North 16°01'15" East 74.77 feet to a point on the westerly boundary of Keesee; thence North 15°53'20" East 217.79 feet to a point on the corner of N/F Robert & Beverly Murdock (Deed Book 774, Page 295) and N/F Michael & Diane Savage ( Deed Book 920, Page 510); thence North 23°16'51" East 178.01 feet to a point on the westerly boundary of N/F Betsy Merki (Deed Book 1007, Page 484); thence continuing along the westerly boundary of Merki the following courses and distances; North 03°33'21" East 86.48 feet; North 01°06'05" West 96.94 feet; North 17°25'58" East 5409 feet; North 48°36'17" West 34.10 feet to a point on the southeasterly corner of N/F Barry Adler (Deed Book 749, Page 416); thence North 84°43'30" West 644.60 feet to a point on the southerly boundary of Adler; thence North 84°43'30" West 75.04 feet to a point in the corner of Adler and N/F Mitchell W. & Nina G. Douglas (Deed Book 428, Page 259); thence North 85°01'43" West 222.27 feet to a point on the southerly boundary of Douglas; thence North 83°46'05" West 135.36 feet to a point on the corner of Douglas and N/F Jerry D. & Peggy G. Leggett (Deed Book 950, Page 64); thence North 46°40'38" West 150.84 feet to a point on the corner of Leggett and N/F ILIT Real Estate Holdings (Deed Book 1888, Page 340); thence along the southerly boundary of ILIT Real Estate Holdings the following courses and distances; South 87°35'46 West 352.23 feet; South 87°35'22" West 194.79 feet; South 87°36'54" West 212.78 feet to a point on the easterly right-of-way of U.S. Highway 15/501; thence along the easterly right-of-way of U.S. Highway 15/501 the following courses and distances; South 35°31'32" West 159.37 feet; South 25°32'51" West 213.41 feet; South 21°40'32" West 554.75 feet; South 26°32'32" West 230.64 feet to a point on the northwesterly corner of Kernodle; thence South 76°04'25" East 199.64 feet to a point on the northerly boundary of Kernodle; thence South 76°04'27" East 161.89 feet to a point on the northerly boundary of Kernodle; thence South 76°04'40" East 49.59 feet to a point on the northeasterly corner of Kernodle; thence South 11°36'31" West 368.19 feet to a point being the point and place of BEGINNING, containing 63.30 acres.

And being the same property depicted on survey mapping prepared by Elingburg Land Survey Co., P.A. dated January 8, 2004 and on map Exhibit No. 6 prepared by CE Group, Inc. dated August 21, 2006.

This description is based on available mapping and is not to be used for recordation, conveyances, or sales.

Description of Property  
29.4 Acre Conditional Use B-1 District

Situated in Chatham County, North Carolina on the East side of U.S. Highway 15/501 bounded and described as follows:

BEGINNING at a point along the easterly right-of-way of U.S. Highway 15/501 and on the northwesterly corner of N/F Dwight T. & Peggy D. Kernodle (Deed Book 1138, Page 881); thence South 76°04'25" East 199.64 feet to a point on the northerly boundary of Kernodle; thence South 76°04'27" East 161.89 feet to a point on the northerly boundary of Kernodle; thence South 76°04'40" East 49.59 feet to a point on the northeasterly corner of Kernodle; thence South 11°36'31" West 60.77 feet to a point on the easterly boundary of Kernodle; thence South 66°49'00" East 282.12 feet to a point; thence North 68°11'00" East 70.71 feet to a point; thence North 23°11'00" East 120.92 feet to a point; thence North 68°11'00" East 35.35 feet to a point; thence South 66°49'00" East 513.56 feet to a point; thence North 23°11'00" East 438.48 feet to a point; thence South 66°49'00" East 100.50 feet; thence North 23°11'00" East 201.00 feet to a point; thence North 66°49'00" East 100.50 feet to a point, thence North 23°11'00" East 56.52 feet to a point; thence North 21°49'00" West 70.17 feet to a point, thence North 66°49'00" West 181.74 feet to a point; thence North 19°57'28" West 161.21 feet to a point; thence North 66°49'00" West 502.42 feet to a point; thence North 09°19'05" West 172.41 feet to a point; thence North 47°06'40" West 114.92 feet to a point on the southerly boundary of ILIT Real Estate Holdings; thence South 87°35'22" West 11.14 feet to a point on the southerly boundary of ILIT Real Estate Holdings; South 87°36'54" West 212.78 feet to a point on the easterly right-of-way of U.S. Highway 15/501; thence along the easterly right-of-way of U.S. Highway 15/501 the following courses and distances; South 35°31'32" West 159.37 feet; South 25°32'51" West 213.41 feet; South 21°40'32" West 554.75 feet; South 26°32'32" West 230.64 feet to a point being the point and place of BEGINNING, containing approximately 29.37 acres.

And being the same property depicted on map Exhibit No. 1 prepared by CE Group, Inc. dated August 21, 2006.

This description is based on available electronic drawing files. A boundary survey for the above area has not been completed. This description is for informational purposes only and is not to be used for recordation, conveyances, or sales.



Description of Property  
3.78 Acre parcel changed from B-1 to RA-40

Situated in Chatham County, North Carolina on the East side of U.S. Highway 15/501 bounded and described as follows:

BEGINNING at a point on the corner of N/F Mitchell W. & Nina G. Douglas (Deed Book 428, Page 259) and N/F Jerry D. & Peggy G. Leggett (Deed Book 950, Page 64); thence North  $46^{\circ}40'38''$  West 150.84 feet to a point on the corner of Leggett and N/F ILIT Real Estate Holdings (Deed Book 1888, Page 340); thence South  $87^{\circ}35'46''$  West 352.23 feet to a point on the southerly boundary of ILIT Real Estate Holdings; thence South  $87^{\circ}35'22''$  West 183.65 feet to a point on the southerly boundary of ILIT Real Estate Holdings; thence South  $47^{\circ}06'40''$  East 114.92 feet to a point; thence South  $09^{\circ}19'05''$  East 172.41 feet to a point; thence South  $66^{\circ}49'00''$  East 363.90 feet to a point; thence North  $32^{\circ}35'01''$  East 368.62 feet to a point on the southeasterly corner of Douglas being the point and place of BEGINNING, containing 3.78 acres.

And being the same property depicted on map Exhibit No. 1 prepared by CE Group, Inc. dated August 21, 2006.

This description is based on available electronic drawing files. A boundary survey for the above area has not been completed. This description is for informational purposes only and is not to be used for recordation, conveyances, or sales.

**SCHEDULE OF  
ADJACENT LAND OWNERS**

Mr. Barry Adler  
250 S. Estes Drive  
Chapel Hill, NC 27514

Ms. Betsy C. Merki  
505 Sun Forest Way  
Chapel Hill, NC 27517

Mr. Michael M. Savage  
Mrs. Diane M. B. Savage  
100 Salford Court  
Cary, NC 27513

Mr. Robert H. Murdock, Jr.  
Mrs. Beverly G. Murdock  
11312 U.S. 15-501, Ste. 107-300  
Chapel Hill, NC 27517

Mr. David W. Keesee  
Mrs. Susan H. Keesee  
360 Luna Lane  
Chapel Hill, NC 27517

Demetria Chavis Craig  
Malcolm Thomas Craig  
514 Luna Lane  
Chapel Hill, NC 27517

Mr. James R. Foster  
Mrs. Elaine J. Foster  
500 Meadow Run Drive  
Chapel Hill, NC 27514

Mr. Joseph H. Froeber  
Mrs. Tanya A. Froeber  
227 Meadow Run Drive  
Chapel Hill, NC 27514

Dwight T. Kernodle, MD, Trustee  
Peggy D. Kernodle, Trustee  
1 Laurel Oak  
Elon, NC 27244

Mr. James T. Edwards, Jr., et al.  
77 Bell Circle  
Chapel Hill, NC 27514

Ms. Cynthia Mann Cannefax  
12405 U.S. Highway 15-501 North  
Chapel Hill, NC 27514

Ms. Margery L. Anderson  
P. O. Box 17171  
Chapel Hill, NC 27514

Ms. Helen Campbell  
131 Booth Road  
Chapel Hill, NC 27516

Mr. Douglas A. Shackelford  
Ms. Ann S. Shackelford  
535 Meadow Run Drive  
Chapel Hill, NC 27514

State of North Carolina  
c/o State Property Office  
1321 Mail Service Center  
Raleigh, NC 27699-1321

Ranova Pendergraft  
31 Tall Timbers Trail  
Pittsboro, NC 27312

Carolco, Inc.  
P. O. Box 5151  
Chapel Hill, NC 27514

ILIT Real Estate Holdings, LLC  
2968-A Highway 105 South  
Boone, NC 28607

Department of Transportation  
c/o Department of Justice  
P. O. Box 25201  
Raleigh, NC 27611

Ms. Jean Dail Davidson  
59 Dogwood Acres Drive  
Chapel Hill, NC 27516-3111

Mr. Jerry Dawson Leggett  
Mrs. Peggy G. Leggett  
101 Alaska Lane  
Chapel Hill, NC 27514

Mr. W. Douglas Mitchell  
Mrs. Nina G. Mitchell  
311 Helmsdale Drive  
Chapel Hill, NC 27517-6540

Starpoint Group  
P. O. Drawer 1329  
Chapel Hill, NC 27514

University of NC at Chapel Hill  
c/o University Property Office  
205 Wilson Street  
Chapel Hill, NC 27599-1060

Ms. Peggy D. Kernodle  
Ms. Diane Dodge  
1 Laurel Oak  
Elon, NC 27244

**EXPLANATION OF THE REQUEST ADDRESSING APPLICABLE PORTIONS OF SECTION 17.3B OF THE CHATHAM COUNTY ZONING ORDINANCE**

***Map of the Property:***

A map showing the configuration of the existing zoning districts on the property and the proposed reconfiguration of those districts and a new Conditional Use General Business District is enclosed with this application.

***Description of the Land:***

A metes and bounds description of the subject property is also enclosed.

***Error in the Ordinance:***

Development of the existing B-1 portion of the property alone could result in multiple business uses directly on U.S. 15-501 with only the 50-foot front yard and 20-foot side and rear yard requirements of Section 10.5C of the Zoning Ordinance. There would be no opportunity for site plan review by County officials and other property owners and no required buffers, landscaping or lighting controls. The size and configuration of the existing B-1 area would make it difficult for the Applicant to make reasonable business use of the property and also incorporate significant buffering and other protections for nearby property owners and the traveling public on U.S. 15-501. With a net change of just 9.71 acres from RA-40 to Conditional Use B-1, the Applicant will have an opportunity to create a modern, well-designed shopping center, to make many of the traffic impacts of the development of the property internal to the site and to incorporate more generous buffering, landscaping and lighting elements than would otherwise be possible. Creation of the requested conditional use district will allow better and more flexible planning of the use of the property to the benefit of the Applicant, nearby property owners and the public at large and will give County officials and other property owners an opportunity to review the planned business uses of the property through the conditional use permit process.

***Changed or Changing Conditions:***

The fact that nearly 20 acres of the property has been zoned B-1 General Business for many years supports the conclusion that the site is appropriate for business use. To the best of the Applicant's knowledge, that portion of the property has been zoned B-1 General Business since the time the Zoning Ordinance was adopted in the 1970's, or shortly thereafter. In the interim, business, industrial and office and institutional uses have expanded significantly in the area. Almost all the property on the east side of U.S. 15-501 from the county line to south of Mann's Chapel Road is zoned for or is being used for business purposes. There are also business, office, institutional and industrial uses and Conditional Use District Application

zoning on the west side of U.S. 15-501, on Old Lystra Road and on the Orange County side of the county line. The creation of the requested district is consistent with the existing conditions in the area.

*Land Use Plan:*

Because of its location in the commercially strategic and convenient U.S. 15-501 corridor, the creation of the requested district conforms to the Chatham County Land Conservation and Development Plan (the "Land Use Plan").

At the outset of the Land Use Plan, two fundamental policies are set forth, both of which are met by this proposal. The first general policy is that land development will reflect balanced growth by, in part, ensuring that development is "guided to suitable locations and is designed appropriately." *Land Use Plan, p. 1.* This proposal is certainly in a suitable location in that it is in the critical commercial corridor in Northeast Chatham County. Nearly 20 acres of the site is already zoned B-1 General Business, so the site has been considered suitable for business use for three decades. Almost all the property on the east side of U.S. 15-501 from the county line to south of Mann's Chapel Road is zoned for or is being used for business purposes. There are also business, office, institutional and industrial uses and zoning on the west side of U.S. 15-501, on Old Lystra Road and on the Orange County side of the county line. This parcel with frontage on U.S. 15-501 is ideally suited for business uses.

The second general policy of the Land Use Plan is that development be open, proactive and cooperative. If the requested conditional use district is created, the property will only be subject to use pursuant to a conditional use permit. Before a conditional use permit can be issued, a public hearing will be held after a public advertisement is published. The property will be posted with signs giving notice of the public hearing on the matter.

In addition to conforming to the general policies of the Land Use Plan, the proposal satisfies the relevant Major Recommendations of the Land Use Plan as well. The proposed district is consistent with recommendations 9 and 17, which are recommendations that relate specifically to commercial development. Given the existing business use of property in the area, the site is located in what would certainly be an "economic development center" under the Land Use Plan, although those zones have never been formally adopted. The draft map that was not adopted along with the Land Use Plan shows an economic development center area very near the site, and also includes the property within a proposed "compact communities corridor," in which the Land Use Plan says shopping centers are to be encouraged. *Land Use Plan, p. 5.* One might say that this property is not part of a planned compact community, but the existing residential subdivisions near the property also already existed when the Land Use Plan was written and included them in the proposed compact communities corridor. The property certainly is located in an area of

Conditional Use District Application Page 14

mixed residential and commercial uses, just as the Land Use Plan contemplated for the compact communities corridor.

The Land Use Plan also states the following objectives that would be met by the current proposal:

1. “Site commercial uses along major highways in clusters at specific, designated locations. . .” *Land Use Plan, p. 10.*
2. “Site commercial clusters so that they might be able to be served by transit in the future, especially along U.S. 15-501 north of Pittsboro.” *Land Use Plan, p. 10.*
3. “Site commercial clusters so that they extend up side roads off main thoroughfares . . .” *Land Use Plan, p.10*
4. With respect to economic development centers, the Land Use Plan specifically highlights locations “in the northern part of the County within the U.S. 15-501 corridor.” *Land Use Plan, p. 33.*

Finally, the Land Use Plan sets forth a desired outcome of promoting “commercial endeavors,” which are noted as “long term assets to the community.” The requested district will allow the creation of a commercial endeavor that will be a long term asset to the community.

## CONCLUSION

The creation of the requested Conditional Use B-1 General Business District and the change of 3.78 acres from B-1 to RA-40 will promote better and more harmonious use of the subject property, consistent with the purposes of the Chatham County Zoning Ordinance and the Land Use Plan. The applicant respectfully requests that the request be granted.