

LEE-MOORE OIL COMPANY

REQUEST FOR CONDITIONAL USE PERMIT FOR

COUNTY LINE PLAZA

29.4 ACRE PARCEL LOCATED ON EAST SIDE OF

U.S. 15-501 SOUTH OF COUNTY LINE

August 21, 2006

DEVELOPMENT TEAM

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

Developer

C E Group, Inc.
11000 Regency Parkway, Suite 410
Cary, North Carolina 27511
Telephone (919) 844-9060
Contact: Mark P. Ashness, P.E., ASLA

Civil Engineer

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

Attorney

Ramey Kemp & Associates, Inc.
4928-A Windy Hill Drive
Raleigh, North Carolina 27609
Telephone: (919) 872-5115
Contact: Ramey Kemp

Traffic Consultant

Miley, Gallo & Associates, LLC
2530 Meridian Parkway, Suite 200
RTP, North Carolina 27713
Telephone: (919) 806-4677
Contacts: Lucy L. Gallo, CPA
Emil E. Malizia, Ph.D., AICP

Economic/Fiscal Consultant

STATEMENT OF PURPOSE

Lee-Moore Oil Company ("Applicant") is applying to Chatham County for approval of a Conditional Use Permit for use of an approximately 29.4 acre parcel for a home improvement center and additional retail and shops. The working name for the project is "County Line Plaza," but the Applicant reserves the right to change the name of the project in the future. The property is located on the east side of U.S. 15-501, just south of the Chatham County boundary with Orange County. Simultaneously with the filing of this request, the Applicant has filed a request for creation of a Conditional Use B-1 General Business District on the subject property. The balance of the Applicant's 63.3 acres site will be zoned RA-40 and will not be used except for the installation of a drip waste disposal system and storm water management structures as shown on the site plan.

The proposed site plan shows a home improvement center of approximately 140,800 square feet, additional retail and shops of approximately 49,400 square feet and two out-parcels. Specific tenants or purchasers have not yet been identified. The requested use, if approved, will make a positive contribution to the welfare of the citizens of Chatham County in the form of accessible retail shops and services and beneficial economic and fiscal impacts, including the likelihood that the project will draw shoppers and sales tax revenue from residents of areas outside Chatham County. The plan will also allow the Applicant to make reasonable commercial use of its property, nearly 20 acres of which has been zoned B-1 General Business for about thirty years, and to minimize impacts to neighboring properties and the public at large by means of the overall design, buffers, lighting and landscaping shown in this application.

This request is made pursuant to Sections 5 and 15 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.

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:

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

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

(3) Property Identification:

911 Address: None
S.R. Name: U.S. Highway 15-501 North
S.R. Number: U.S. 15-501
Township: Williams
Acreage: 63.3 acres entire tract
29.4 acres proposed CU-B-1
Flood map #: 3710977600J
Flood Zone: X

(2) Landowner Information (as shown on deed)

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

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

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

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

Zoning District: B-1 and RA-40

Watershed District: WS-IV PA

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

Conditional Use Permit for a home improvement center and other retail stores and personal service shops permitted in the B-1 General Business District pursuant to the Chatham County Zoning Ordinance.

(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)

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

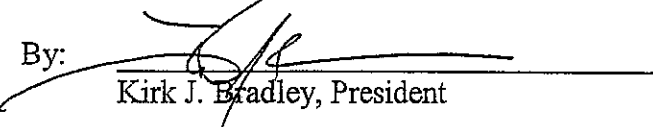
OWNER/APPLICANT CERTIFICATION

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
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.

**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

DESCRIPTION OF THE PROJECT

The Applicant intends to develop the parcel generally in accordance with the site plan attached to this Application. The Applicant requests a Conditional Use Permit approving use of the property as a home improvement center and other retail stores and personal service shops permitted in the B-1 General Business District pursuant to the Chatham County Zoning Ordinance, generally in accordance with the attached site plan.

Location:

- (1) Public Highways. The property adjoins U.S. Highway 15-501 on the east, or north-bound, side. It is anticipated that the North Carolina Department of Transportation will extend the public right of way of Smith Level Road on the east side of U.S. 15-501 to a point adjacent to the property. The attached site plan shows the proposed transportation plan for the property.
- (2) Private Roads. There are no private roads involved.
- (3) Current Zoning. The current zoning of the site is B-1 General Business (19.66 acres, more or less) and RA-40 Residential Agricultural (43.64 acres, more or less). Simultaneously with the filing of this request, the Applicant has filed a request for creation of an approximately 29.4 acre Conditional Use B-1 General Business District on the property.
- (4) Watershed Classification. The watershed classification is WS-IV-PA. Because this project does not have a curb and gutter system, up to thirty-six percent (36%) impervious surface or "built-upon area" is allowed. The actual projected impervious surface is 33.75%. Restrictions will be recorded in the Chatham County Registry requiring the portion of the Applicant's tract outside the proposed Conditional Use B-1 District to be left vacant except for the installation of a drip waste disposal system and storm water management structures as shown on the site plan for so long as the requested Conditional Use Permit is in effect.
- (5) Major Wildlife Areas. This site is not in or adjacent to any area designated as a natural area according to the "Inventory of the Natural Areas and Wildlife Habitats of Chatham County, North Carolina."
- (6) Size in Acres of Site. The size of the development site is approximately 29.4 acres. The Applicant's entire site includes 63.3 acres, more or less.
- (7) Utility or Other Easements. Rights of way for public roads in favor of the North Carolina Department of Transportation and utility service easements in favor

of Carolina Power and Light Company affect the property. No other known easements affect the property.

- (8) Current Use. The site is currently not in use.
- (9) Current Contents of Site. There are currently no structures on the site.
- (10) Other Conditional Use Permits Granted for the Site. No conditional use permits have been granted previously for the site.

Description of Use:

The proposed use of the property is a home improvement center and other retail stores and personal service shops permitted in the B-1 General Business District pursuant to the Chatham County Zoning Ordinance, generally in accordance with the attached site plan.

Site Plan and Drawing:

The proposed site plan attached to this application describes the site in detail. The project will be anchored by a home improvement center of approximately 140,800 square feet, additional retail and shops of approximately 49,400 square feet and two out-parcels. Specific tenants or purchasers have not yet been identified.

- (1) Existing Buildings. There are no existing buildings on the site.
- (2) New Buildings. The proposed new buildings are to be located as shown on the site plan attached to this application. There will also be two out-parcels. Each out-parcel will have its own structure and parking. All parking, buffering, landscaping, lighting and signage will conform to the plans attached to this application and to the County ordinances, including the drafted but as yet unadopted lighting ordinance. Further, the exterior appearance of the structures and landscaping will be subject to review and approval by the Applicant or its assignee.
- (3) Landscape Plan. The attached Landscape Plan goes well beyond County buffering standards and was designed specifically to minimize impacts on adjoining parcels. The entire tract will be ringed by 50-foot or 75-foot buffers. In some places those buffers will be landscaped and in some places the existing vegetation will be left undisturbed, as shown on the plan. A 75-foot landscaped buffer will be installed on U.S. 15-501, as compared to the 50-foot setback that would be required under existing zoning. In addition to a 75-foot undisturbed buffer on the perimeter of the large tract, a 30-foot landscaped berm will be installed on the boundary of the proposed conditional use district to shield the

residential properties to the south from the planned uses of the property. The Chatham County screening and buffering requirements from Table 6-A of the Design Guidelines will be followed or exceeded with respect to all adjoining properties. Restrictions will be recorded in the Chatham County Registry requiring the proposed buffers to be maintained on the portion of the Applicant's tract outside the proposed Conditional Use B-1 District as shown on the site plan for so long as the requested Conditional Use Permit is in effect. The parking lot landscaping also meets the Zoning Ordinance requirements set forth in Section 12.2.

(4) Screening/Buffering Plan, Setbacks. As to screening and buffering, see above. As to B-1 setbacks, all such setbacks, including the 50 foot front setback, will be complied with or exceeded as indicated on the site plan. The parking lot will be more than 10 feet from the public right of way as required by section 12.2 of the Zoning Ordinance.

(5) Natural Preserved Areas. Approximately 33.9 acres of the Applicant's 63.3 acre site will be preserved in its existing condition, subject only to installation of a drip waste disposal system and storm water management structures as shown on the site plan.

(6) Site Boundaries with Adjacent Properties. The boundaries between the site and adjacent properties are shown on the site plan. The names and addresses of adjoining land owners are provided with this application.

(7) Parking. The proposed parking areas for employees and customers are shown on the proposed site plan. Section 12 of the Zoning Ordinance sets forth a standard of 1 space per 200 feet of gross floor area. Although this site can accommodate additional parking and there is available impervious surface, the Applicant believes that so much parking area unnecessarily increases the amount of pavement and impervious surface. Some other jurisdictions require less parking. For example, the City of Raleigh parking ordinance requires only one space per each 250 square feet of commercial space. The Applicant requests that this site, including the out-parcels, be approved at a parking ratio of 4.5 spaces per every 1,000 square feet of commercial space, which is only slightly less than the Ordinance would require. All stacking requirements will be complied with if needed for the ultimate out-parcel users.

(8) Sign Location, Type and Size. Signs will be located at the entrances as shown on the site plan. All signage will comply with Section 13.7 of the Zoning Ordinance.

(9) Areas Reserved for Future Development or Improvements. If approved, the entire site will be used in accordance with the proposed site plan.

(10) Lighting Plan. The drafted but as yet unapproved Chatham County Lighting ordinance will be followed. The attached Conceptual Lighting Plan provides more detail.

(11) Percentage of Impervious Surface. The watershed classification is WS-IV-PA. Because this project does not have a curb and gutter system, up to thirty-six percent (36%) impervious surface or “built-upon area” is allowed. The actual projected impervious surface is 33.75%. Restrictions will be recorded in the Chatham County Registry requiring the portion of the Applicant’s tract outside the proposed Conditional Use B-1 District to be left vacant except for the installation of a drip waste disposal system and storm water management structures as shown on the site plan for so long as the requested Conditional Use Permit is in effect.

(12) Topographical Description of Site. A topographical map is provided as part of the attached site plan.

(13) Wetlands. Identified wetlands are shown on the existing conditions map submitted with this application.

(14) Vicinity Map. A vicinity map identifying the location of the property is provided with this application.

(15) County Tax Map. A copy of the county tax map of this site is provided with this application.

Start and Completion Projections:

The projected start date for construction of the project is estimated to be in mid-2007. Depending on the start date, the projected completion date is estimated to be near the end of 2009.

Adjoining Property Owners:

The names and addresses of the adjoining property owners are on the attached schedule.

Reference to Existing County Plans:

Because of its location in the commercially strategic and convenient U.S. 15-501 corridor, the requested conditional use permit 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 design of the project, as detailed on the attached plans, will conform to or exceed all County standards set forth in the Design Guidelines and other applicable ordinances. The requested conditional use permit will result in a well-designed shopping center, will allow many of the traffic impacts of the development of the property to be internal to the site and will result in more generous buffering, landscaping and lighting elements than would otherwise have been possible, and far more that would have been required under the existing zoning of the site.

The second general policy of the Land Use Plan is that development be open, proactive and cooperative. Because the process involved is a request for a conditional use permit, 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. The project has been designed specifically to take into account nearby residential areas and to make the use as compatible as possible. The buffers and berms proposed far exceed what would have been required under the existing zoning, and nearby property owners will benefit from imposition of the controls of the unadopted lighting ordinance as a condition of the permit.

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 permit 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

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 proposed project will be a commercial endeavor that will be a long term asset to the community.

FINDINGS REQUIRED BY ZONING ORDINANCE

The Chatham County Zoning Ordinance requires that the Board of Commissioners make five affirmative findings in granting a conditional use permit. All five findings are supported by this 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: The requested uses are allowed uses within the requested Conditional Use B-1 General Business District and, as such, are eligible conditional uses within the district.

(2) Land Development Plan Reference: This application is consistent with the Land Use Plan. Please see the discussion under "Reference to Existing County Plans" above.

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

(1) Need and Desirability: The proposed business uses will be beneficial to the County by providing necessary goods and services to the local citizenry, by increasing ad valorem real and personal property tax revenue, by adding to the number of local jobs available to County residents and by increasing sales tax revenue to the County. The only existing home improvement center in Chatham County is the new Lowe's in Pittsboro. The only home improvement center store in Orange County is the Lowe's on U.S. 15-501 east of Chapel Hill. Information provided to the Applicant from persons in the home improvement store industry indicates that there are 35,000 to 40,000 households within the market area of this site that are outside the market areas of those existing stores. It is estimated that each of those households spends between \$3,000 and \$5,000 per year on home improvement retail merchandise. The Economic Impact Analysis attached to this application concludes that the project will produce an additional \$22.3 million in annual economic activity in Chatham County, and \$40.1 million during the projected two-year buildout.

(2) Survey of Similar Uses: See the response to the preceding item for a description of similar uses in the area.

(3) Public Provided Improvements: No additional public improvements will be needed for this project, except that it is anticipated that the North Carolina Department of Transportation will cause certain improvements to be made on U.S. 15-501 and will extend the public right of way of Smith Level Road on the east side of U.S. 15-501 to a point adjacent to the property as part of the on-going improvement projects in the area. A connection to the County's existing water line on the west side of U.S. 15-501 will be made at the Applicant's expense.

(4) Tax Considerations: The Economic Impact Analysis and Fiscal Impact Analysis attached to this application conclude that the project will add \$42 million of value to the County's real estate tax base, resulting in increased annual property taxes of \$250,000.00 at current rates. The local portion of annual sales tax revenue is estimated at \$729,000.00, with \$611,628.00 of that going to Chatham County and the balance to the municipalities. The overall net fiscal effect on Chatham County government is projected to be an annual surplus of \$681,190.00. Demands on County services will be minimal. This use will not increase the County school population, will not require infrastructure improvements from the County and will have no significant impact on County fire, law enforcement or rescue services.

(5) Employment: The attached Economic Impact Analysis estimates that the project will produce 360 new Chatham County jobs per year, 530 during the two-year

buildout. Annual labor income produced by the project is estimated at \$9.2 million, and \$16.4 million during the buildout.

***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.*

This location is appropriate for a home improvement center and other retail. Nearly 20 acres of the Applicant's property has been zoned for business use for many years. The parcel is near many other commercial uses and, where residential uses adjoin, more than adequate buffering is proposed. The proposal is certainly in character with the existing uses. The proposal will not be detrimental in any way to the health safety or welfare of the community.

(1) Emergency Services: The Chatham County Sheriff's Department reported orally to the Applicant that it will be able to provide necessary services to the project, and letters from the North Chatham Fire Department and Chatham County EMS confirming their ability to provide service are attached to this application

(2) Traffic: The Traffic Impact Analysis attached to this application, prepared by Ramey Kemp & Associates, Inc., concludes that all affected intersections will continue to operate at acceptable levels of service when this project is operational. It is anticipated that the North Carolina Department of Transportation will cause certain improvements to be made on U.S. 15-501 and will extend the public right of way of Smith Level Road on the east side of U.S. 15-501 to a point adjacent to the property as part of the on-going improvement projects in the area.

(3) Visual Impact and Screening: The attached Landscape Plan goes well beyond County buffering standards and was designed specifically to minimize impacts on adjoining parcels. The entire tract will be ringed by 50-foot or 75-foot buffers. In some places those buffers will be landscaped and in some places the existing vegetation will be left undisturbed, as shown on the plan. A 75-foot landscaped buffer will be installed on U.S. 15-501, as compared to the 50-foot setback that would be required under existing zoning. In addition to a 75-foot undisturbed buffer on the perimeter of the large tract, a 30-foot landscaped berm will be installed on the boundary of the proposed conditional use district to shield the residential properties to the south from the planned uses of the property. The Chatham County screening and buffering requirements from Table 6-A of the Design Guidelines will be followed or exceeded with respect to all adjoining properties. Restrictions will be recorded in the Chatham County Registry requiring the proposed buffers to be maintained on the portion of the Applicant's tract outside the proposed Conditional Use B-1 District as shown on the site plan for so long as the requested

Conditional Use Permit is in effect. The parking lot landscaping also meets the Zoning Ordinance requirements set forth in Section 12.2.

(4) Lighting: Exterior lighting will be down-lighting with direct glare shielded from adjoining roads and properties. The lighting will be in compliance with the draft Chatham County Lighting Ordinance. The attached Conceptual Lighting Plan provides more detail.

(5) Noise: The proposed uses will produce ordinary levels of noise associated with a commercial retail facility. No industrial or significant noise-generating activities or uses are proposed.

(6) Chemicals, Biological and Radioactive Agents: The proposed home improvement center store will stock items that would be classified as household hazardous waste. Applicable placards will be placed on the building and containment of such materials will adhere to requirements of the County and the State building code.

(7) Signs: Signs will be located at the entrances as shown on the site plan. All signage will comply with Section 13.7 of the Zoning Ordinance.

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

(1) Land Development Plan Reference: This application is consistent with the Land Use Plan. Please see the discussion under "Reference to Existing County Plans" above.

(2) Watershed Considerations: The watershed classification is WS-IV-PA. Because this project does not have a curb and gutter system, up to thirty-six percent (36%) impervious surface or "built-upon area" is allowed. The actual projected impervious surface is 33.75%. Restrictions will be recorded in the Chatham County Registry requiring the portion of the Applicant's tract outside the proposed Conditional Use B-1 District to be left vacant except for the installation of a drip waste disposal system and storm water management structures as shown on the site plan for so long as the requested Conditional Use Permit is in effect.

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

(1) Water Source and Requirements: The improvements will rely on the County water system. The County water line runs along U.S. 15-501. A 12" line will be bored

under U.S. 15-501 to serve the project. The proposed uses will not appreciably tax the County's water resources.

(2) Wastewater Management: Wastewater will be treated utilizing a conventional septic tank for solids removal. The effluent will then be treated with a bio-filter system to meet State requirements. The treated liquid will be pumped and distributed to the permitted soils by surface drip. Soils review has been performed by S&EC. Adequate soils exist to serve the project in the proposed manner. The soils report dated August 14, 2006 is submitted with this application.

(3) Access Roads: The subject property directly adjoins U.S. 15-501 and will have direct access at an existing signal over an anticipated extension of the public right of way of Smith Level Road on the east side of U.S. 15-501 to a point adjacent to the property. The property will also have a right-in right-out access in the northbound lane of U.S. 15-501.

(4) Stormwater Runoff: Detention basins have been incorporated into the site plan by C.E. Group, Inc. The basins are sufficiently sized to detain the "two year, 24-hour storm" (approximately 3.6" of rain) and release at a rate less than or equivalent to the pre-development condition for the mentioned storm event. The basins will be located so as to minimize flow from the site during rain events. Neighboring properties should not experience increases in peak runoff except in unusual rain events.

CONCLUSION

The proposed application is consistent with the five necessary findings and will enhance the area by adding needed, attractive business uses that will be designed better and constructed with less impact to neighboring property owners and the public at large than the existing zoning would allow. The Applicant respectfully requests that the request for a conditional use permit be granted.