

LEE-MOORE OIL COMPANY  
REQUEST FOR CONDITIONAL USE B-1 GENERAL BUSINESS DISTRICT

PUBLIC HEARING COMMENTS  
PATRICK E. BRADSHAW

SEPTEMBER 19, 2006  
(Continued from September 18, 2006)

1. Lee-Moore Oil Company is requesting approval of a conditional use business district containing approximately 29.4 acres and to change approximately 7.48 acres that is currently zoned B-1 to RA-40. The entire tract owned by Lee-Moore contains approximately 63.3 acres.
2. Approximately 30 acres of the tract is already zoned B-1, and the balance is zoned RA-40. (Refer to map.)
3. Lee-Moore could develop the existing B-1 portion of this property without seeking any zoning approval. The result would be multiple business uses directly on U.S. 15-501 with only 50' front yard and 20' side and rear yard setbacks. There would be no opportunity for site plan review by County officials and no required buffers, landscaping or lighting controls. There would be just as much impervious surface, just as much runoff and nearly as much wastewater disposal.
4. This re-zoning will allow Lee-Moore to create a better designed shopping center, and the reconfigured business district will be able to accommodate more generous buffering, landscaping and lighting elements than otherwise would be possible.
5. The fact that 30 acres of this property has been zoned B-1 general business for 32 years supports the conclusion that the site is appropriate for business use. Almost all the property on the east side of U.S. 15-501 from the County line to south of Manns 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. The creation of the requested conditional use district is consistent with the existing conditions in the area.
6. The creation of the requested district is also consistent with the County Land Use Plan, which calls for guiding commercial development to suitable locations with appropriate design. This location has been deemed by the County to be suitable for commercial development for over 32 years. The conditional use process allows input by the County and the public into the design of the property and the reconfiguration will promote better design. The property is in or near an economic development center as specified on the draft map that was not adopted with the land use plan, it is located along a major highway in a location that might be served by transit in the future and the rezoning will allow most of the traffic to be drawn off the main thoroughfare.
7. We appreciate your consideration of the zoning district change and will present details of the proposed project in the quasi-judicial section of the hearing.

**CHATHAM COUNTY PUBLIC HEARING**  
**SEPT. 18, 2006**  
**RESPONSE TO APPLICATIONS BY LEE MOORE OIL COMPANY**  
**FOR REZONING AND FOR CONDITIONAL USE PERMIT**

We would request that the Commissioners defer any decision on these applications until such time as the applicant corrects or addresses technical and substantive errors and issues in the applications:

Technical errors/issues:

- Failure to submit at least 30 days before the hearing date (submitted on or after 8/21)
- Lists Jean Davidson as owner of an adjacent tract (sold approx. 7 months ago)
- No Wastewater Management Plan provided with the application. There is a soils report by S&EC dated 8/14/06 which indicates that on the day the report was written S&EC was told that the contractor was switching from a SPRAY IRRIGATION SYSTEM to a DRIP IRRIGATION SYSTEM. There is also a one-page "wastewater flow rate" chart prepared by CE Group, dated 8/11/06 – three days before the applicant notified S&EC that it was redesigning the wastewater management system. This is an important substantive issue for the neighboring residents, as they have very real concerns about the impact of 14,000 gallons/day of wastewater on their wells.
- Traffic Study indicates on page 28 there are 4 outparcels, rather than 2 as stated in the application
- Map attached to the Natural and Historic Records Review by S&EC states that the name of the project is "MOUNTAIN VIEW" (p. 4 of that report)\*
- The Threatened and Endangered Species Survey Report by S&EC states that a Carolina Ladle Crayfish was captured in Roberson Creek, 2 miles EAST from the site; my understanding is that Roberson Creek is actually about 20 miles SOUTH; this may be from "Belmeade."\*\*

\*It appears that portions of the S&EC reports may have been "cut and pasted" from other projects

Substantive errors/issues:

- Applications indicate that a large part of the portion of the tract zoned RA-40 will be used as drip irrigation field to handle the wastewater from the commercial area. In other words, the RA-40 portion of the tract is to be used as accessory to the commercial development. THIS IS NOT AN ALLOWED USE FOR PROPERTY ZONED RA-40. In other words, in order for the 33 acres to be used as a drip irrigation field, the RA-40 portion of the tract will have to be rezoned as well. See Development Ordinance, §§ 8.6 and 10.3.
- Many issues still outstanding with DOT (see Traffic assessment "Recommendations"), pp. 30-31) and a lot of required reworking of traffic flow in the entrance area; no indication of whether DOT will or will not approve.
- Lack of wastewater plan, as detailed above.

Accordingly, the undersigned requests these applications be "tabled" until these issues are addressed.

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## Comments to Chatham County Planning Board, September 18, 2006

Re: Request for rezoning by Lee-Moore Oil Company

My name is Jim Foster, and I live at 500 Meadow Run Drive, off Old Lystra Road in northern Chatham County, adjacent to the land proposed for rezoning. My wife, Elaine, and I bought this land in 1989, and built our home here 10 ½ years ago. We love living here, and love being in Chatham County. We plan on living here for the rest of our lives.

When we bought our land 17 years ago, we were reassured by the zoning of the land adjacent to our property on the north side. The portion of this land directly behind our home is zoned residential/agricultural. The 19.66 acre portion of this land that is zoned commercial is about 900 feet from our property. This current zoning promises that our home will be protected against severe intrusion by commercial development. We made one of the most important decisions of our life, buying this land and building our home, based on this promise.

And we love our home. What we love most is the exceptionally beautiful natural environment, with gently rolling fields, meandering streams, and substantial forest. We love the seclusion, and the peaceful evenings punctuated only by the sounds of a southern summer night – insects, locusts, distant bullfrogs, owls. Partly because of its natural beauty, our home has become the focal point and gathering place for our large extended family, which includes not only our three grown children and six grandchildren, but brothers, sisters, nephews, nieces and cousins. Two or three times a year, 20 to 30 family members gather at our home.

Without the attraction of our home, the close family relationships that we all treasure would likely not have developed as they have. They all love being here. As Emily, our 7 year old granddaughter, recently said to my wife, "Gram, I hope you never leave this house, because I just love it here!"

This would all be damaged severely by the proposed rezoning. The proposed rezoning not only increases the commercial area by 50%, but it reconfigures the commercial area such that it extends deeply into the land, making its southeastern corner about 200, not the current 900, feet from our home. The lights from the building and parking lot, and the noise from the loading docks, dumpsters, loudspeakers, roof air conditioning, etc., would be a dramatic intrusion into our life. The proposed detention pond, which is likely much of the time to be a stagnant breeding pool for mosquitoes (and possibly West Nile encephalitis) is only 100 feet from our property line, and only slightly farther from our grandchildren's swings which hang from large trees near the line. Our well will be only 100 feet from the proposed drip field and only 275 feet from the proposed paved delivery area. The application provides no solid data to assure that our well would be safe from pollution by sewage and potential carcinogens.

The above picture may sound dramatic, but it would be hard to overstate the damage that this rezoning would wreak on our home environment and on the quality of our life. A similar picture of damage could be drawn for the other homes in the still pristine area surrounding the proposed rezoning. To prevent this damage, and to maintain the unique quality of this mostly residential and natural area, I strongly urge that the promise of the current zoning be honored, and the application for rezoning be denied.

Public Hearing  
Chatham County Board of Commissioners

Re: Request for Rezoning of the Lee Moore Oil Company tract  
September 18, 2006

Gentleman,

My name is Susan Keesee and I live at 360 Luna Lane, off of Old Lystra Road in Chatham County. Our land, a total of 8 acres, abuts the 63-acre tract owned by the Lee Moore Oil Company, where the rezoning is proposed.

You are being asked to allow rezoning of almost 10 acres of the RA-40 property and to reconfigure the commercial portion to allow development much deeper into the applicant's tract. The objective is to make his land more usable.

When we were purchased of our land in 1998, my husband and I were fully aware that the adjacent 63 acre tract included slightly less than 20 acres zoned B-1 commercial along U.S. Highway 15-501. Since the entire tract is within a WS-IV watershed district, we learned from the County Planning Department that no more than 36% would be paved or be otherwise covered by impervious surfaces. And since the suitable soils for septic tanks on the 43 RA-40 acres are similar to abutting homeowner lots, which average about 6-1/2 acres each, between 6 and 7 houses could be built behind the portion zoned B-1. I have provided a chart of the lot sizes of the abutting property owners.

**Abutting land to Proposed County Line Plaza**

**Land owned by:**

**Lee Moore Oil Co.                      US 15 501                      ac=62.86**

**Parcel # 18726**

**Zoned B-1 now = 19.66 acres**

Property Owner	Parcel #		Total Acreage
Kernodle (Trustee)	18727	12330 US 15 501 N	3.71
Shackleford	70447	535 Meadow Run Dr	5.16
Froeber	68129	227 Meadow Run Dr	7.75
Foster	67903	500 Meadow Run Dr	7.34
Craig	18693	512 Luna Lane	5.38
Keesee	18725	360 Luna Lane	7.00
Murdock	74974	288 Luna Lane	10.78
Savage	70386	443 Sun Forest Way	5.77
Merki	74440	505 Sun Forest Way	4.81
Adler	70480	Sun Forest Way	7.60

Average acreage of properties 6.53

**Across 15-501 Still in Chatham County**

Pendergraft	81612	108 Booth Rd	0.41
Campbell	3062	131 Booth Rd	1.44
Anderson	3087	12455 US 15 501 N	1.95
Cannefax	3078	107 US 15 501 N	2.49
Edwards	3080	77 Bell Circle	17.33

Average including those across 15-501 5.93

Prepared by Susan H. Keesee; 360 Luna Lane, (Chatham County),  
Chapel Hill, NC 27517

18-Sep-06



September 18, 2006  
Chatham County Board of Commissioners

Re: Re-Zoning Request - Lee Moore Oil Company

Gentlemen:

Good evening. My name is Loyse Hurley and I live at 16 Matchwood in Pittsboro. Tonight, I am speaking as the President of Chatham Citizens for Effective Communities. Thank you for your attention.

This request for rezoning is incomplete on several grounds:

It does not specify which B1 uses would be proposed. Since, our zoning ordinance includes such uses as bowling alleys, boat trailer sales and services, day care centers, passenger bus stations, inert debris landfills, etc. this application for re-zoning should exclude the undesirable B1 activities and specify exactly what B1 uses are requested.

Now, the developer will tell you that in effect they only plan to ask for a re-zoning of only 10 acres. However, what they are not telling you is that they also plan to use 33 acres, not re-zoned, as part of their wastewater treatment.

It is alleged that this application meets the conditions of the Land Use Plan. This re-zoning would add to all the other commercial enterprises along 15/501. The Land Use Plan promotes "clusters" of commercial development with rural areas in between them, not wall-to-wall strip shopping centers along this roadway.

Re-zoning this section of the property in order to accommodate a large shopping center is basically unfair to the current residents of the surrounding properties. These are citizens who have purchased and invested in property based upon the inherent promise of this County to maintain a residential/agricultural property around them. The 43 acres around these properties were expected to remain as currently zoned and this proposal interferes with the basic property rights of these citizens. These are residents who have a concern about the environment, as evidenced by the covenants they have signed. These are residents, who are tolerant and have not objected to 20 acres already zoned B1. To re-zone any additional acreage in order to accommodate a bigger (not necessarily better) shopping center, is a slap in the face to these residents. You need to consider them first.

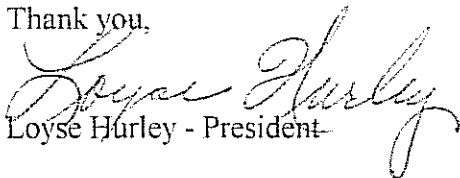
All these exceptions to our zoning ordinance are, in effect negating our ordinance requirements and rapidly turning the zoned portions of this county into un-zoned areas. The constant acceding

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to developer's wishes and total blind faith in whatever any developer wants or says is heresy. It does not provide any protections to our environment, our property values or our future. Zoning Ordinances have been enacted. They should be followed. These citizens made life-investment decisions based upon them.

Thank you.

A handwritten signature in cursive script that reads "Loyse Hurley". The signature is written in black ink and is positioned above the printed name.

Loyse Hurley - President