

9/18/2006

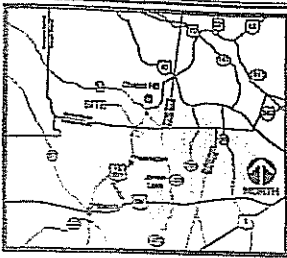
**Chatham County
Public Hearing**

Dear Folks:

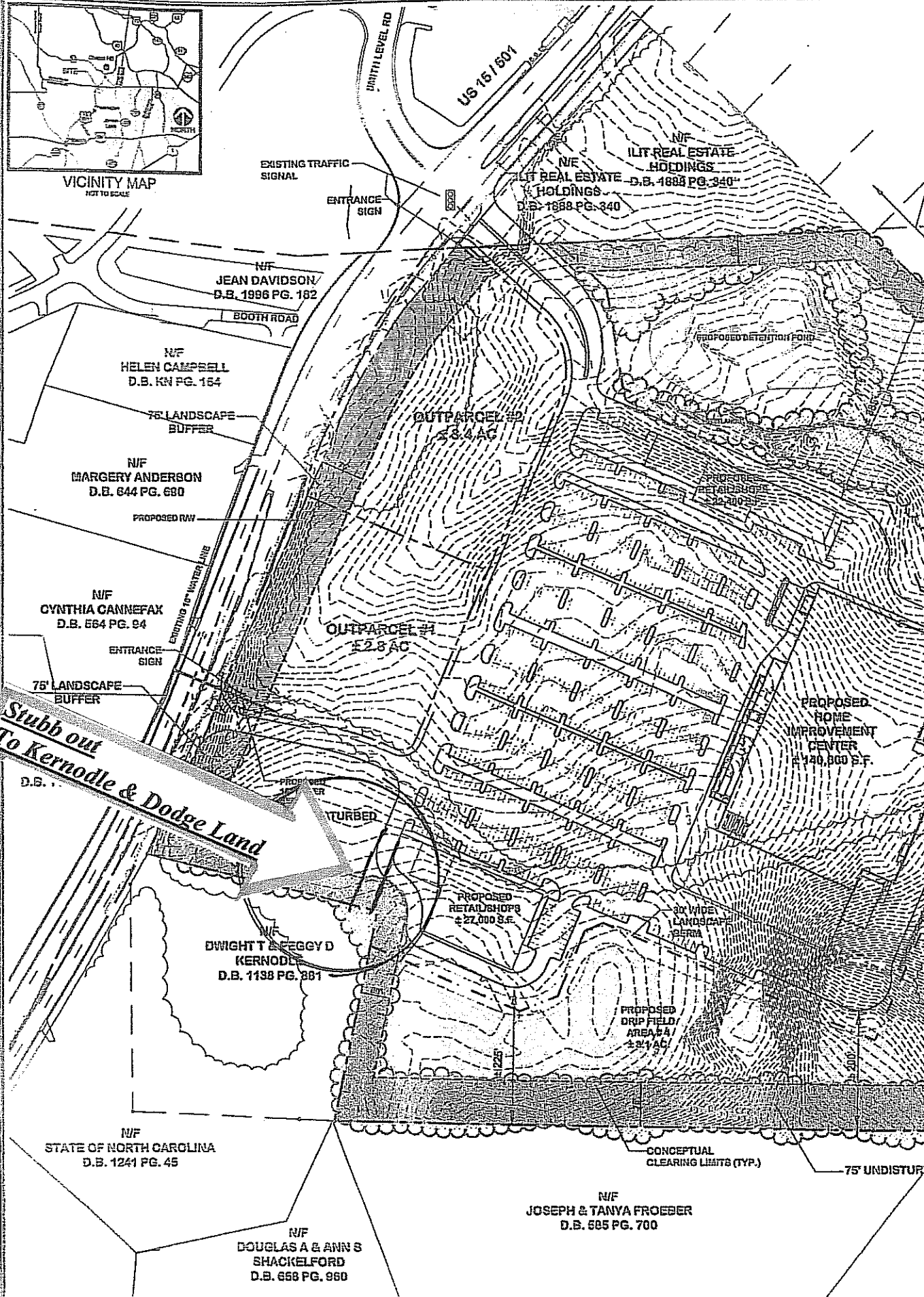
I'm here tonight with Diane Dodge who with her mother own the approximately 4 acres and single family home at the SW corner of the proposed Lee Moore Oil property. We are here tonight to request that as a condition of approval of their site plan that you include a "stub out" from their project. I have made copies of the current site plan and have spoken with Kirk Bradley and he has no problem with giving us access.

It is our thought that since this home is sandwiched between the UNC parking lot and this new B1 project that the most rational future use for this property will be commercial. To this extent we feel that for the sake of safety and congestion that access through the Lee Moore property only makes good common sense. Thank you for your consideration and time.

**John McPhaul
McPhaul Real Estate
1709 Legion Road
Suite 215
Chapel Hill, NC 27517**



VICINITY MAP
NOT TO SCALE



**Stub out
To Kernodle & Dodge Land**
D.B. 1138 PG. 381

N/F
STATE OF NORTH CAROLINA
D.B. 1241 PG. 45

N/F
DOUGLAS A & ANN S
SHACKELFORD
D.B. 658 PG. 960

N/F
JOSEPH & TANYA FROEBER
D.B. 585 PG. 700

N/F
DWIGHT T & EGGY D
KERNODLE
D.B. 1138 PG. 381

PROPOSED
RETAIL SHOPS
27,000 S.F.

PROPOSED
DRIP FIELD
AREA #1
2.21 AC

PROPOSED
HOME
IMPROVEMENT
CENTER
2120,800 S.F.

PROPOSED
RETAIL SHOPS
22,400 S.F.

OUTPARCEL #2
28.4 AC

OUTPARCEL #1
28.4 AC

N/F
JEAN DAVIDSON
D.B. 1996 PG. 182

N/F
HELEN CAMPBELL
D.B. KN PG. 154

N/F
MARGERY ANDERSON
D.B. 644 PG. 680

N/F
CYNTHIA CANNEFAX
D.B. 564 PG. 94

N/F
ILIT REAL ESTATE
HOLDINGS
D.B. 1888 PG. 340

N/F
ILIT REAL ESTATE
HOLDINGS
D.B. 1888 PG. 340

CONCEPTUAL
CLEARING LIMITS (TYP.)

75' UNDISTURBED

30' WIDE
LANDSCAPE
PERM

TURBED

75' LANDSCAPE
BUFFER

ENTRANCE
SIGN

PROPOSED R/W

ENDING OF WATER LINE

PROPOSED
ENTRANCE

PROPOSED
ENTRANCE

ENTRANCE
SIGN

EXISTING TRAFFIC
SIGNAL

US 16 / 601

UNIT LEVEL RD

BOOTH ROAD

Public Hearing
Chatham County Board of Commissioners

Re: Request for Conditional Use Permit for the Lee Moore Oil Company tract
County Line Plaza
September 18, 2006

Gentleman,

My name is Susan Keesee and I live at 360 Luna Lane in Chatham County on land abutting the Lee Moore Oil Company tract. We are downhill and downstream. I am a medical librarian and work in the School of Public Health and also at the Health Sciences Library at UNC.

Helping people find thorough and reliable resources for public health information is an essential component of my career. I take exception to the sentence within Statement of Purpose on page 3 of the application, "As is set forth in detail in this application, the proposal is consistent with current nearby uses, the provisions of the Zoning Ordinance and the County Land Conservation and Development Plan." This project is a mismatch! The entire description of the County Line Plaza project is dreadfully vague and needs to provide essential research data before it is rewritten and resubmitted for consideration. There are two areas I will draw upon my personal experience to reinforce why this request for a conditional use permit to develop County Line Plaza should be denied.

My most major concern is the inadequate drainage and stormwater runoff plan which challenges Finding #5. You should not consider making a decision on the

integrity of this plan without hard evidence. Although the details on elevations are lacking, I could tell from a topographic map that once the subject property is bulldozed to accommodate a big box store and its retail outparcels, the elevation will be several feet higher than it is now. Will water continue to flow from the Northwest to the Southeast of the property? Is the location of the stormwater detention ponds appropriate considering the location of existing wetlands and streams? Are the streams being relocated? The application states that the detention basins are sufficiently sized to detain the "two-year, 24 hour storm" (approximately 3.6" of rain). Are these basins large enough to handle the volume of rain we had this June when 8 inches fell over the course of two weeks? No data are given. Why was not 10-year, 24 hour storm data referenced? That would include several hurricanes: Fran, Floyd and Isabel recalling a recent few. Is there a plan described to remediate the water coming from a 900 plus-space parking lot before it is released into the pond and streams flowing on my property? No.

So, not only will there be more stormwater flowing onto our property, it will be mixed with the moisture from the septic fields. On page 14 of the application reference is made to the impervious surface calculation under item 11 ending with: "storm water management structures as shown on the site plan for so long as the requested Conditional Use Permit is in effect." Who takes responsibility for stormwater management and the septic fields if and when the big box store is vacated?

We purchased our property in December 1998 and began construction of our home in 2001. Two photos I will provide to each of you were taken in my backyard during a heavy rain in January 2002. ^{after 3:00 am on 19th} The stream coming from the top of the photo is barely visible and hardly audible during dry periods and here it meets with the other stream coming from the west through the Craigs' property looking like a small waterfall. Please note that this is in January, not hurricane season. Because the properties, including the Lee-Moore tract, where the streams originate are well-vegetated, these photos demonstrate how clear the water is in our backyard. This will not continue to be the case if you allow this plan to go forward without complete assurances that stormwater runoff will be handled appropriately. We are good stewards of our land and the surrounding environments. I demand the same good stewardship practices to be evident in a plan submitted by the applicant and sent for review to the planning board. You must require more details before submitting this plan to our county planning board.

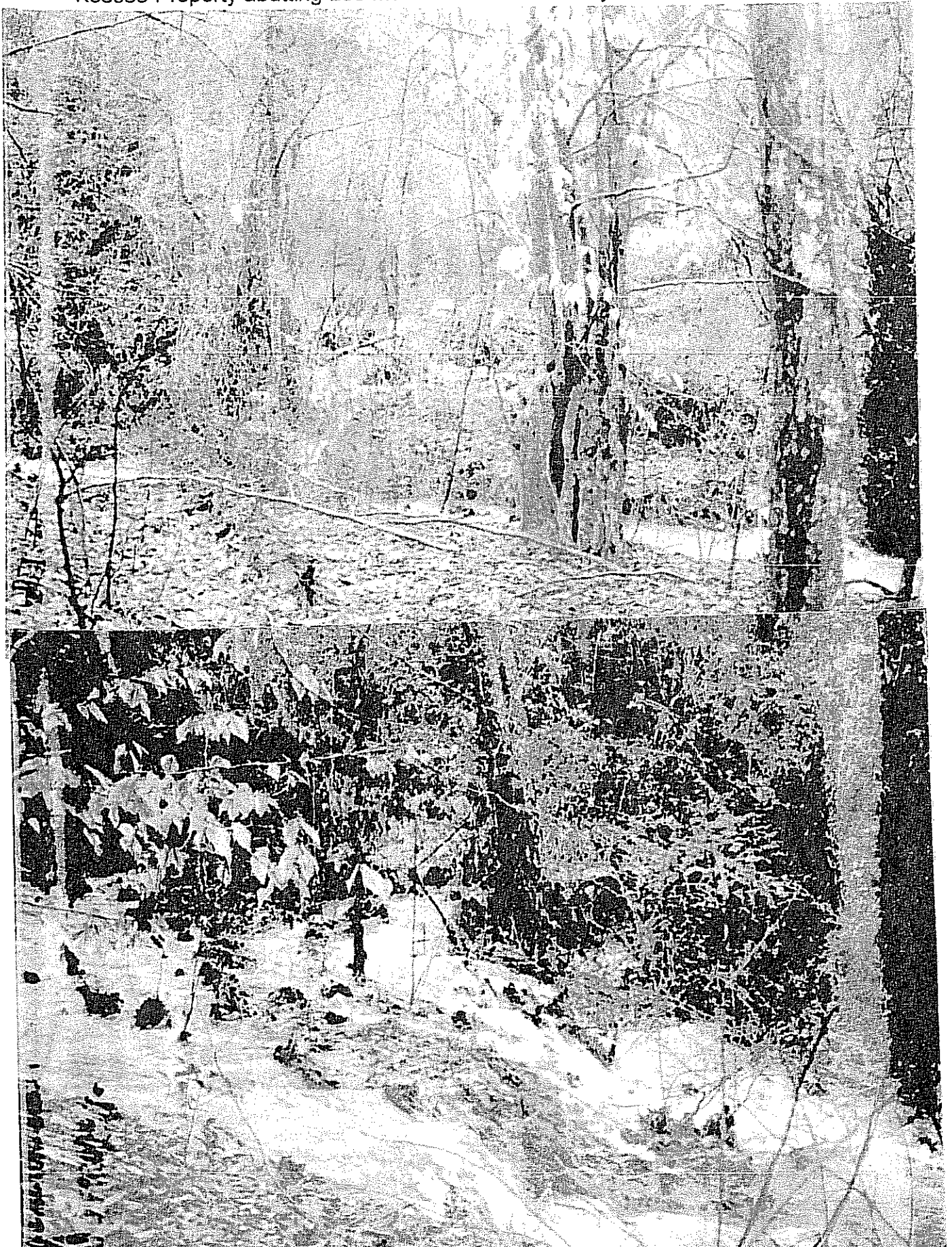
My second point is to refute the conclusion reached on item two, Traffic, listed within Finding #3, on page 18. I live less than 5 miles from the UNC campus. As a participant in UNC's commuter alternatives program, I have a permit to park and then ride the bus to work from the now year-old Chatham Park and Ride lot on the corner of Old Lystra and 15-501, just south of the proposed project. My bus ride is 10 minutes from the lot to the southernmost stop, which is the Ambulatory Care Center on the UNC campus and slightly less than 10 minutes

returning to the lot from the State Employees Credit Union on Pittsboro Street.

While I accept that any development on the 20 acres zoned B-1 will increase the wait at the intersection of 15-501 and Smith Level Road slightly, allowing the project to be so much larger than the original 20 acres will undoubtedly lead to Unacceptable levels of service at affected intersections. From what you have heard (or will hear) about the inconsistencies in the traffic report alone, this application should be denied.

Thank you for your time, attention and kind consideration of my objections to the proposed plan.

Keesee Property abutting Lee Moore Oil Tract. January 2002





September 18, 2006
Chatham County Board of Commissioners

Re: Conditional Use Permit- Lee Moore Oil Company

Gentlemen:

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

This permit application is flawed. Indeed, it is fatally flawed.

First there's a traffic assessment included in the Lee Moore Oil Company's packet. This traffic assessment is a sham. It is not current, it is based upon 10 year old data and doesn't include the completion of the 15/501 widening project.

The application and the traffic assessment appear to be unrelated. Where is the sit down restaurant, the 20 pump gas station, the fast food restaurant and the residential development listed in the application? They are included in the traffic assessment. They have tried to update the TIA with a letter, which includes a convenience store with a 20 pump gas station and a car wash. The application only lists a convenience store and has no mention of gas pumps or car washes. Ah! But wait! The 20 pump gas station is reduced to 10 pumps on page 15 of the traffic report along with the inclusion of 21 single family homes! Page 28 refers to 4 out parcels not just the 2 included in the application. This is not the usual caliber of Ramey Kemp and Associates. All of these discrepancies are based upon another concept of this commercial development, and all impact any traffic flow estimates. The elimination of these might even reduce the traffic impact, but how is anyone to know from this submission? You need a new Traffic Impact Analysis to evaluate this proposal.

Now, let's address the traffic flow projections. This study used 1996 DOT background data. That was 10 years ago! Before approval of all the major developments in the area! Before 15/501 was widened! Ah! They do refer to the incomplete traffic improvement program for 15/501. That project took so long, I can sympathize with them. But you can not. A new traffic impact assessment is needed.

To go further, page 7 of this traffic assessment says "In order to account for the growth of traffic and subsequent traffic conditions at the build out year and the design year, future traffic projections are needed." Isn't this the reason for the traffic report in the first place? They admit to this report being incomplete. We agree. On page 27 they say the levels of operation are not achievable without improvements to the intersection. Page 29 states that queues from the intersection of 15/501 and Smith Level Road could potentially extend back and block the

PO Box 412 Pittsboro, NC 27312

intersection which would increase the delay time. Translation - major traffic jam. Pages 30 and 31 contain recommendations and refer to a six lane cross section for the main access to the development. All this based upon old data and the wrong description of the proposal. In order to meet finding ⁵, you need to have current information and not this garbage, a new TIA is needed. *Blind*

Now let's address the main access point of the proposed shopping center. Lee Moore Oil Company and the DOT entered into some type of a land swap about the driveway. It is common knowledge that Orange County is opposed to this development and the main entrance is in Orange County. A clever way around this problem. However, there is no permit about this driveway entrance included in the application. What good is a shopping center if you can't get into it?

Other aspects of this conditional use application include mention that this is in the compact community corridor. Untrue, your designation for a compact community stopped at Mann's Chapel Road. It also includes the existing residential homes as part of this alleged "compact community".

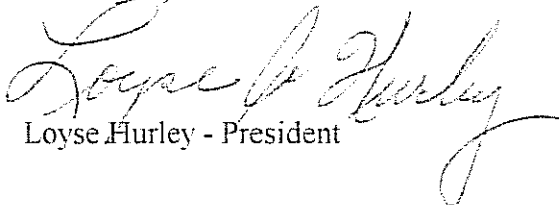
They are proposing commercial stores, but do not mention the location of any loading docks nor the times of day anticipated for deliveries. They do mention the storage of hazardous materials but give no indication of how these materials will be stored or any indication of how the environment will be protected. Inside storage or covered storage is needed, in case bags or drums rupture. This is in the WS-IV-PA for Jordan Lake. Biofiltration of the wastewater should be amended to include reductions of Nitrogen and Phosphorous because of the sensitivity of Jordan Lake to these elements. There is an un-named stream on the property. There are wet lands on the property. Yet, buffers for these areas are not addressed.

Three stormwater retention ponds are mentioned. They are supposed to contain 3.6 inches of rainfall. Last year, in July 2005 we had 4 inches of rain in one storm. During Hurricane Fran we had 10" in 2 days on top of 5" the previous week. They make the statement "*Neighboring properties should not experience increases in peak run off, except in unusual rain events.*" What do they mean by an unusual rain event? Hurricane Katrina?

In their fiscal report, they mention they plan to hire primarily Chatham County residents. Given the proximity to Orange County, how do they plan to exclude those residents? Is that even legal?

You, the Chatham County Board of Commissioners, need more information to meet the 5 findings for this application. Request this additional information, before sending it onto the already over-burdened Planning Board.

Thank you,


Loyse Hurley - President

Subject: Lee-Moore Oil Conditional Use Application

Date: September 18, 2006

My name is Beverly Murdock, and I live in Chatham County on Luna Lane off Old Lystra Road.

The owners of 15 of the properties adjacent to the Lee Moore Oil property and several other nearby property owners have discussed this application. Questions need to be answered, errors need to be corrected, and missing information needs to be provided before this application can be considered.

The application has the following general problems or errors:

- The application was submitted late; it should have been submitted on August 18 but was not submitted until August 21. The late submission cost the affected citizens valuable time needed for investigating and understanding the impact of the project.
- The notice for the hearing and the application itself state that the application is for 29.4 acres when, in actuality, the application describes the usage of the entire 63.3-acre tract belonging to Lee-Moore Oil.
- The application states that signs giving notice of the public hearing were to be posted; only one sign was posted and it was not visible part of the time after the application was submitted. Therefore, the notification of the hearing was not adequate.
- Elevations of the completed project are not provided with this application, making it impossible to determine all the impacts this project will have on surrounding and nearby properties.
- The outparcel usage and the tenants for this project (particularly the “home improvement center” tenant) are not identified in the application. Without this information, affected parties cannot determine the impacts of this project.

The application fails on Finding #1 for the following reason:

- The “Validation of Use in Zoning Ordinance” section does not address the eligible uses for an RA-40 district and this project has drip fields and detention ponds on the adjacent RA-40 property. Section 5.3 of the Zoning Ordinance states that “within a conditional use district, only those uses listed as permitted uses or conditional uses in the corresponding zoning district shall be permitted”. The permitted RA-40 uses do not include drip fields and detention ponds for an adjacent business project. Because of that, this project violates the Zoning Ordinance.

The application fails on Finding #2 for the following reasons:

- The application mentions a number of home improvement stores that already exist. With so many similar stores, yet another one is not needed.
- Although this project supposedly will produce a large income for the tenant, retail jobs are typically neither high-quality nor high-paying. We want the best employment opportunities for Chatham county citizens and others who might be employed and this project does not meet that need.

The application fails on Finding #3 for the following reasons:

- We want assurances that the septic drip fields will not affect the ground water and will not affect or contaminate our wells. The applicant has not provided adequate information.
- We want plans to be implemented that insure the security of our neighborhoods, both during construction and during operation, such as gates, fences, walls, and other means to restrict anyone on this property from viewing and entering our properties.
- The amount of traffic for this project has been inadequately defined in this application. There is potential for increased pollution and for increased numbers of accidents. Further research is needed.
- We want plans in place to shield us from the noise from all sources having to do with this project, including but not limited to, traffic, delivery and other trucks, dumpsters, machinery, and loudspeakers, both during construction and during operation.
- We want baffling or other noise-mitigating shields to be provided for all rooftop and other machinery used for this project.
- We want walls or other noise-mitigating shields to be built around all delivery and dumpster areas and any other areas where loud activities will take place.
- We want loudspeaker use to be limited to inside the buildings and for doors to be kept shut so that these loudspeakers cannot be heard in our neighborhoods.
- We want plans in place to ensure that the lighting from signs and other lights for this project do not trespass, shine, or reflect onto our properties or create light pollution overhead.
- We want the buffer on the periphery to include only established trees and not to include denuded areas or ponds.

- In addition to the buffers, we want a berm around the entire project that blocks our view of this project and blocks the light and noise from this project. We need specifications on the berm and a plan in place to maintain it.
- This project should adhere to the Land Use Plan and use a county wastewater system; if it did that, the remaining acreage could be left wooded providing a natural buffer between the property owners and both the project site and 15-501.
- We want only native, non-invasive trees and plants to be included in the landscape plan, as invasives pose a threat to our properties and to the entire region.
- We want plans to be implemented to maintain all trees and plantings for this project, including the trees in the undisturbed buffers.
- We want protection from hazardous materials that will be used or stored on site. Storage areas for these materials should be covered and should be bermed and diked.
- We want a plan in place to address control of mosquitoes on the detention ponds and the solution must be both environmentally friendly and nontoxic.
- Many of us are bound by subdivision or personal covenants with strong environmental restrictions that protect us and the environment, such as leaving trees and natural areas as is and not using hazardous chemicals such as pesticides and herbicides. We want this project to follow those same restrictions in order to protect the environment and to ensure our health.
- We want restricted hours of operation for all activities that will be disruptive to our neighborhoods, including but not limited to, construction, deliveries, dumpster activity, and any other activity that might affect the peaceful and bucolic nature of our neighborhoods or change how we currently enjoy our properties.

The application fails on Finding #4 for the following reasons:

- The impervious surface calculation must be based on the B-1 district only. This application includes both the B-1 and the RA-40 districts in its calculations and is therefore invalid.
- This project is not consistent with the Land Use Plan:
 - The application refers to the Land Use Plan's call for balanced growth. The economic center located 1.2 miles south on 15-501 already has many retail businesses; therefore, something other than retail at this location would provide more balance, for example, a well-designed office

complex, which could include an attractive visitor's center as this property is at the gateway to Chatham county.

- The economic center also is not "very near the site" as the application states. What is very near the site is almost entirely residential area.
- The application refers to the Land Use Plan's call for development to be "designed appropriately". This business project intrudes into the surrounding residential areas and is therefore inappropriate.
- The Land Use Plan does not encourage shopping centers, as the application states.
- The application mentions compact communities. The shopping center is neither a compact community nor part of one. Inserting a shopping center into a residential area does not create a compact community.

The application fails on Finding #5 for the following reasons:

- The Land Use Plan says that alternative septic systems, such as the proposed drip fields, are undesirable. Before approval of large-scale commercial projects such as this, the county needs to address its lack of adequate wastewater treatment systems.
- We want verification that the stormwater detention ponds are the best management practice, including sufficient sizing and adequate design. The largest detention pond is across the stream from the impervious surfaces and the stream flows into a wetland area. The southeast detention pond is in close proximity to another wetland area. We want assurances that these ponds will be properly monitored and that any problems that are detected will be immediately addressed, and we want a plan that provides better protection for the stream and for these wetland areas.
- The elevation of the project has not been stated but looks like it will be higher than many of the surrounding properties and that these properties will be subjected to large amounts of runoff, particularly because so many trees will need to be removed for this project. We want a plan in place to monitor and control this runoff and assurances that any problems that are detected will be immediately addressed,
- We want information about the pollutants that will be in the runoff from parking areas, driveways, and rooftops. We want a plan in place to remove the pollutants so that they do not end up in the water table, our wells, and our watershed.

Because of the errors, misstatements, and missing information, this application must be researched, reworked, and resubmitted at a later time.

Opposition to the Request to Rezone Acreage to Conditional
Use B-1 General Business District by Lee Moore Oil Co.

Comments Prepared by

C. Halford House Ph. D
611 Vickers Road
Chapel Hill, NC 27517

September 19, 2006

I am opposed to the application as submitted due to the following:

- (1) The application is incomplete based on the omission of critical information for **<Required>** items included within the Materials Check List: Application for Conditional Use District and /or Conditional Use Permit. The required items are defined in the "Check List" as needed in the application for meeting the requirements of Alternative Finding #5 "Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided."
- (2) The information for **<Required>** items omitted in the application are critical since adjoining properties down slope and downstream of the proposed project have already received damage from storm water runoff even though the proposed project site has not been recently disturbed.

Items (1) with information omitted is Wastewater Management as a **<Required>** item to meet Finding #5. The applicant should "submit a plan for wastewater management." The plan submitted is lacking major components and does not demonstrate how it is to function for adequate sanitation.

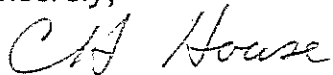
Item (2) with information omitted is Storm Water Runoff **<Required>** "Detail the methods and various structures that will be used to control storm water runoff. This information will detail all points of off site discharge with design techniques used and projected impacts on

neighboring properties.” The plan does not show the design techniques used in enough detail to determine that Storm Water Runoff will be managed without significant impacts to the properties down slope and downstream.

Recommendations:

Since “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 materials have not been completed based on the Materials Check List of **<Required>** items; and the proposed project site is at particularly at risk of liabilities related to the omitted items, I recommend that the application as submitted be denied.

Sincerely,

A handwritten signature in cursive script that reads "C. Halford House".

C. Halford House Ph. D

**CHATHAM COUNTY PUBLIC HEARING
19 SEPTEMBER 2006**

Peer Review of Threatened and Endangered Species and Historical Records Review/Natural Heritage Program File Search Reports Presented in Support of the Applications by Lee Moore Oil Company for Rezoning and Conditional Use Permit

Adequate evaluation of the presence or absence of North Carolina Natural Heritage Program-listed rare species has not been conducted on the site. If it were subject to review by the US Fish and Wildlife Service, the NC Wildlife Resources Commission, or the NC Natural Heritage Program (publicly funded), the project would be unlikely to be approved.

- No survey was conducted or cited for any species outside Chatham County
 - 48 rare species not on record in Chatham County are listed in Orange County (the home of the UNC Biology Department, and extensive ecological evaluation)
 - The northern property boundary is the county line separating Orange and Chatham counties
- No evaluation was conducted for species without known and recorded populations (element occurrences) within three miles of the property boundary, inside Chatham County
 - One element occurrence, sweet pinesap (*Monotropis odorata*) was reported from Orange County, 2.06 miles from the site, but no evaluation of habitat or formal search was conducted or reported
 - Potential habitat may exist on the site for a number of the 44 rare species listed in Chatham County, but not discussed in the report (element occurrences greater than three miles from the property boundary)
- Seasonal surveys and/or specific sampling techniques are necessary to accurately evaluate the presence or absence of many species, both plants and animals
 - The field evaluation date was not reported but, based on report dates, took place during mid-to late-summer
 - Four-toed salamander needs a late winter or early spring survey
 - Sweet pinesap needs a late spring survey
 - Many of the other rare species listed for Chatham and Orange counties require surveys during a different time of year, or using a specific methodology
- “Each community type has a unique set of environmental conditions that support certain species that have adapted to those conditions.....The habitat type that occurs throughout the property is Mixed hardwood / pine forests which have been timbered extensively.” (T&E Report, pages 4 and 5)
 - One plant Community discussed
 - Aerial photography indicates several community types
 - Dominant species within the community not described, except “pine”
 - Not able to accurately evaluate potential protected species habitat
 - Stream type, substrate, and conditions not described (habitat)
 - Wetland type and conditions not described (habitat)
 - Power line right-of-way shown as forested on map, obviously cleared/maintained in photo (potential rare species habitat)
- Inconsistencies in/between Reports
 - Red-cockaded woodpecker population discussed in the report?
 - “Historic” record from both Chatham and Orange (not an active element occurrence within 3 miles)
 - Sweet pinesap reported in T&E, but not in NHP
 - “the Carolina Ladle Crayfish.....is documented from a single individual captured about 2 miles east of the property boundary in a tributary on Roberson Creek at US 64, Pittsboro” Obviously not the current project

My name is David W Keesee, I reside at 360 Luna Lane off Old Lystra Road in Chatham County. . I live adjacent to the subject property

I have reviewed the Application for Conditional Use Permit and the related documentation by Lee Moore Oil Company. I find the application has a number of flaws that must be addressed by the applicant before consideration by the Board of Commissioners. While there are so many flaws that I could speak for evening, I have narrowed my comments to findings 2, 3 and 4.

I find little in this application that will improve convenience. Rather the increased traffic on Old Lystra Rd, 15 501 and Smith Level Road will lead to inconvenience in my daily routine. There are sufficient existing retail outlets to more than satisfy my family's needs. This application should be rejected in favor of more appropriate commercial and residential uses for this property, which will reduce the inconvenience imposed on local residents. This application does not support finding number 2.

Finding number 3. - The requested permit impairs the integrity or character of the surrounding or adjoining districts, and will be detrimental to the health, safety or welfare of our community.

The welfare of adjoining property owners will be adversely affected by this proposed development. Abutting properties are two large lot residential subdivisions and several residences on large lots. This proposed big box retail development is inconsistent with the existing residential development which surrounds it.

The noise generated by refuse removal trucks, delivery trucks, loudspeakers, utilities and the immense volume of traffic will impair the integrity and character of the homes that surround this parcel. This is an area where much like the rest of the county there is quiet in the evenings and weekends. This is an area that residents – our family especially - enjoy time on their porches, listening to owls, other birds and the trickle of water in Wilson creek. We can hear the bell tower at UNC. This will be replaced by loudspeakers, idling trucks and loud traffic.

This proposed development drown this out and will bring the noise of round-the-clock retail and fast food literally into our living rooms since this proposal pushes the commercial development far into the interior of the property. The current zoning would have this development along 15 501. This proposal will not only impair but will destroy the character of the surrounding neighborhoods taking away the primary attraction of living where we live. This proposal should be rejected because it does not meet finding number 3

This proposal is also inherently flawed and must be rejected because it uses

the RA 40 zoned area in calculating the overall density of the proposed development. When my wife and I purchased this property we had confirmed the area that was zoned B-1 and was due to be developed was along 15 501 away from our property. This proposal not only requests zoning changes to push the commercial development far into the property where it is surrounded by large lot residences, but it steals density from the RA 40 district to allow far more dense development in the B-1 district than meets the watershed protection ordinance.

This uses the land in the RA40 district to calculate the impervious surface area so that the B-1 district is virtually all impervious surface. This is not in compliance with the watershed ordinance. The density in the B-1 district must be limited as the current Watershed Ordinance requires to not more than 36% of the B-1 area.

This plan also uses this transfer to increase the density far beyond what would be allowed if the property were developed as it is currently zoned. As you know in our county the lack of suitable soils often results in lot sizes larger than the current zoning of RA 40. By the Transfer of Density from the RA 40 District to the B-1 District, all of the suitable soils (if in fact they are suitable – this application lacks necessary information for the Board of Commissioners to make this assessment) are used for a drip field septic system. The resulting density in our watershed area adds to the stress on the likely water source for our community – and endangering all of our welfare. This application must be rejected because finding 3 cannot be met.

Finding 4. The requested permit will *Not* be consistent with the objectives of the Land Development Plan.

Despite the applicants claim to the contrary this application, does not meet finding 4. The Land Development Plan discourages strip commercial development - which this development is - and encourages development that incorporates a mix of uses rather than a separation of uses; it encourage new development to incorporate other new urbanism features such as pedestrian connections.

This plan incorporates none of these factors. Access to its target customer is exclusively by car. This plan has no residential development, no office space and is a typical big box shopping center with an anchor and smaller shops. In proposing a typical shopping center development at the Gateway to Chatham county – this development will give the perception to everyone entering Chatham county that strip development is the same here as 15 501 in Durham, Capital Boulevard in Raleigh and Crossroads in Cary. This is just another commercial strip development with no regard for the development plan.

We already have retail developments at 15 501 and Manns Chapel Rd with Cole Park Plaza and Chatham Crossing and at 15 501 and Lystra Rd. We already have a Lowes Home improvement Center a short drive away in Pittsboro. (a 12 minute drive from my house tonight). The other elements of the Economic Development Center are not currently present in this area and would make for better uses of the property in accordance with the Land Development Plan

This plan should not be approved in its current form as it does not address a mix of uses and does not support finding number 4.

In conclusion, this plan has numerous fatal flaws of which I have touched on just a few.

This application should be rejected as it fails to meet key findings of the conditional use permit requirements.

Thank for your attention.

David W Keesee

360 Luna Lane

Chatham County

Comments to Chatham County Planning Board, September 18, 2006

Re: Request for Conditional Use Permit for County Line Plaza

My name is Jim Foster, and I live at 500 Meadow Run Drive, off Old Lystra Road in northern Chatham County. My home and land are adjacent to the property proposed for rezoning.

I oppose the granting of this Conditional Use Permit. My opposition is based largely on its failure to meet Finding # 3 of the Findings Required by Zoning Ordinance, with one item based on failure to meet Finding # 4, and one on failure to meet Finding # 5.

Failures to meet Finding # 3.

1. The proposed conditional use permit does drastically "impair the integrity or character of the surrounding or adjoining districts."

What we love most about our home is the extraordinary natural environment., unique and one of a kind so close to a relatively urban setting. The surroundings of our home and the homes of our neighbors are exceptionally peaceful and inspiring. To say that it has rolling fields, gentle streams and naturally forested areas doesn't convey its uniqueness – lots of places have those. But it's just amazingly beautiful! You just have to see it. So I really invite all of you to come and see for yourself –it really is a one of a kind place.

This would all be damaged severely by the proposed conditional use permit. The southeastern corner of the conditional use area is about 200 feet from our property. The corner of the proposed paved delivery area is about 250 feet away, and the proposed home improvement center is only about 375 feet away. The lights from the building and parking lot, and the noise from the loading docks, trucks beeping as they back up, dumpsters, loudspeakers, roof air conditioning, etc., would be a dramatic and incessant intrusion into our life, and into the lives of all our neighbors who surround this proposed project. It is rare, at least in this area of North Carolina, for a "big box" store to abut a low density, relatively rural residential area such as this. Thus, the lights, noise and visual intrusion of this project would be jarringly destructive of the "integrity and character" of this beautiful and peaceful area.

2. The proposed conditional use permit may well be "detrimental to the health, safety, or welfare of the community," at least the portion of the community that I know, our land and neighborhood.
 - a. The proposed detention pond is only 100 feet from our property line. Much of the time, between rainstorms in the summer, this pond is likely to be a stagnant breeding pool for mosquitoes, and possibly therefore for West Nile encephalitis, a growing and usually fatal threat. The detention pond is only a few feet farther from our grandchildren's swings, which hang from large trees near the line, and from our back yard, where our grandchildren play.

- b. Our well will be only 100 feet from the proposed drip field and only 275 feet from the proposed paved delivery area. The well of our neighbors, Chuck and Twing Pittman, is even closer. The application provides no solid data to assure that our well would be safe from pollution by sewage and potential carcinogens.
- c. As stated above, the proposed home improvement center is only 200 – 300 feet from our home. The parking lots and roads around this center will be accessible day and night to anyone. From there it will be a just short walk to the back of our house. As a cardiologist, I often get home very late at night, and my wife is therefore home alone a lot. The application for the conditional use permit makes no mention of security risk, and does not address protection for any of the surrounding neighbors.

Failure to meet Finding # 4.

With regard to the impervious surface allowed, the application for the conditional use permit is flagrantly deceptive. The conditional use permit application claims that only 33.75% of the project will be impervious surface, less than the 36% allowed. However, this figure of 33.75% is not based on the 29.4 acres of the conditional use area. Instead, the applicants have used the entire area, 29.4 acres of the conditional use permit plus the 33.9 acres of the adjoining RA 40 land, to calculate this "33.75%." When only the conditional use area is used to calculate the impervious surface, the figure becomes approximately 73%, a clear violation.

Failure to meet Finding # 5.

The applicants fail to demonstrate that plans for drainage of water from parking lots provide adequate capacity to handle large rain events. The detention ponds appear to be too small, raising the specter of downstream flooding during very heavy rain such as occurs during the increasingly frequent tropical storms that cross central North Carolina.

Further, the applicants fail to address the need to remove toxic materials from the run-off from the parking lots. Many toxic chemicals will accumulate on these paved surfaces from the 900 or so cars in the parking lot and the many delivery trucks. Unless these toxins are removed, they will flow into the creeks and then into Jordan Lake, a major water supply for Chatham County. (This failure could also have been listed under a failure to meet finding # 3, since it clearly is hazardous to the health of the community).

Further, the applicants propose to use RA 40 land as an accessory for the commercial land in the conditional use area, in the form of a septic drip field. This actually constitutes a commercial use of land zoned for residential and agricultural use, and is therefore inappropriate and possibly a violation. Waste water and sewage must be managed without using the RA 40 land. Thus, the applicants fail to provide "adequate... sanitation... facilities" as required by Finding # 5.

If, in spite of the failures specified above, the application is approved, I want and request the following safeguards written into the conditional use permit:

1. Shielding of all lights to prevent glare and upward radiation of light
2. Prohibition of deliveries, emptying of dumpsters or other use of heavy or noisy equipment between the hours of 9 PM and 8 AM.
3. A locked gate preventing vehicular access to the rear of the store between 9 PM and 8 AM.
4. Prohibition of outside loudspeakers and employee use of loud radios or any other sound reproduction system.
5. Adequate baffling or muffling of noise of roof top equipment such as air conditioners.
6. A high security fence around the perimeter of the property, such as an 8 or 10 foot chain link fence with barbed or razor wire on top.
7. The proposed berm must be high enough, with adequate planting that is well maintained, to provide visual screening of the commercial area from surrounding residential areas.
8. The drainage must be adequately studied to assure that the detention pond system is sufficient to prevent flooding.
9. An effective system must be in place to remove toxins from parking lot runoff.

Public Hearing September 18, 2006

Bob Murdock
Luna Lane in Chatham County

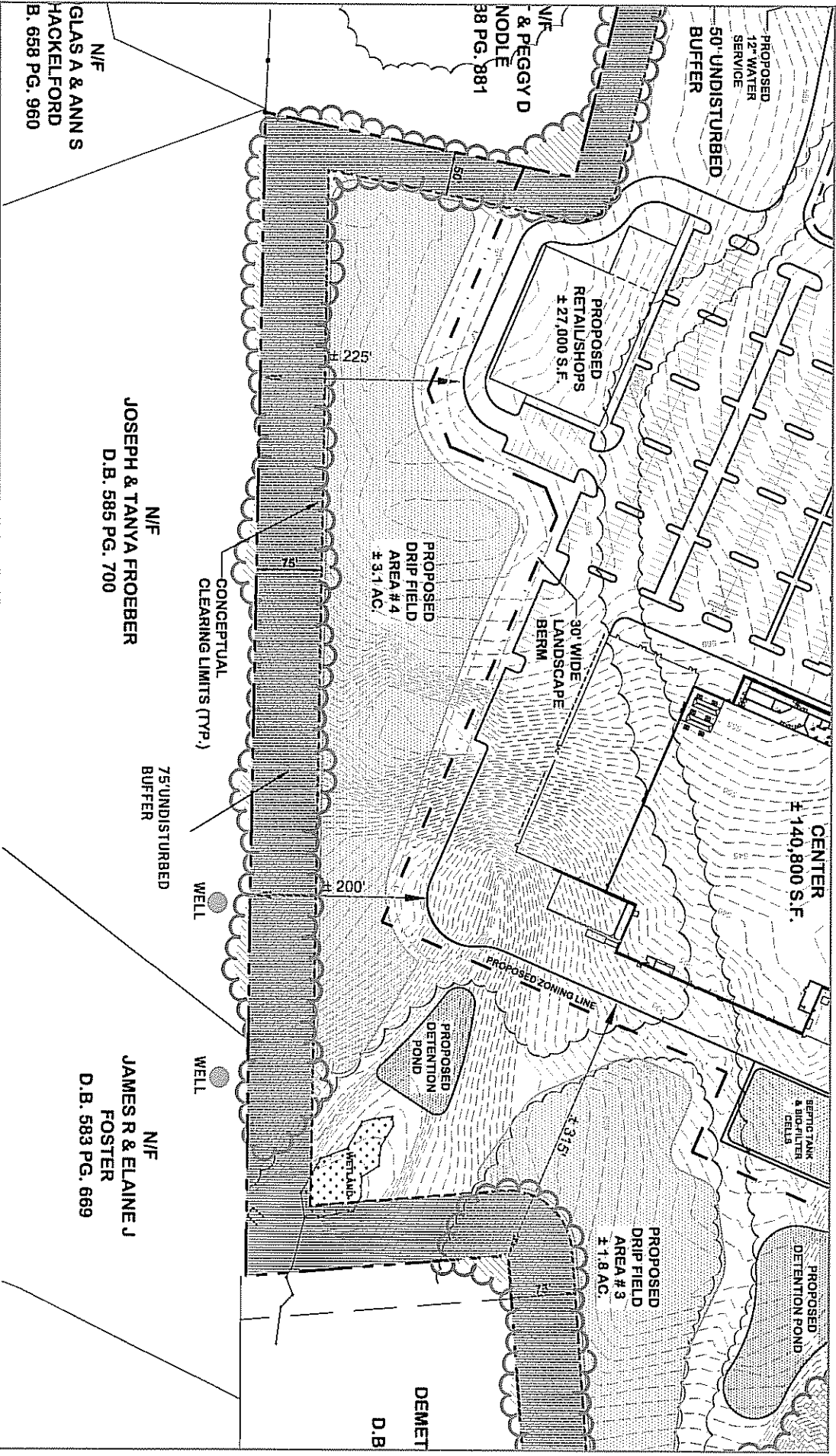
My name is Bob Murdock and I live on Luna Lane in Chatham County and adjacent to the Lee Moore Oil property.

Our wastewater and stormwater expert has reviewed the application. According to his review, there are several questions that need to be answered. They are as follows:

- The drip field system proposed for the septic system will require on the order of 280,000 emitters. The system is high maintenance. What are the plans for maintaining a functioning system?
- The northeast drip field is higher than the pond shared with us and other adjacent land owners. What steps will be taken to insure that the pond is not contaminated, especially in wet weather when the fields are saturated and the septic wastewater runs off the property toward the pond?
- There is nothing in the application to indicate the existence of a wastewater detention pond in the event of a heavy rain event. Are there such plans, and what will be the size and location of such?
- There is nothing in the application to indicate a 5-day upset pond for the wastewater system in the event of an equipment malfunction. Where will the upset pond be located, and what is its size?
- There is no plan within the application that addresses erosion and sediment control. The possibility of excessive stormwater runoff is very likely given that the 2 year 24 hour storm data used for this plan are insufficient for proper planning. Will the proposal be rewritten to address this issue using more appropriate data?

I wish to remind the Board that this is a major increase in size of the commercial property and a major intrusion into the surrounding neighborhoods – much greater than we had anticipated when we bought our properties. The plan needs to address our concerns about light trespass, noise, security, contamination of our wells, erosion of our properties and the significant threat to the enjoyment of our properties. You have heard from a number of people regarding these issues and I ask you to think about how your decision will affect the lives of so many who have entrusted in you their well-being.

Thank you.



PROPOSED
12" WATER
SERVICE
50' UNDISTURBED
BUFFER

N/F
& PEGGY D
NODLE
88 PG. 981

N/F
GLAS A & ANN S
HACKELFORD
B. 658 PG. 960

PROPOSED
RETAILSHOPS
± 27,000 S.F.

CENTER
± 140,800 S.F.

PROPOSED
DRIP FIELD
AREA # 4
± 3.1 AC.

30' WIDE
LANDSCAPE
BERM

N/F
JOSEPH & TANYA FROEBER
D.B. 585 PG. 700

CONCEPTUAL
CLEARING LIMITS (TYP.)

75' UNDISTURBED
BUFFER

PROPOSED
DETENTION
POND

N/F
JAMES R & ELAINE J
FOSTER
D.B. 583 PG. 669

PROPOSED
DRIP FIELD
AREA # 3
± 1.8 AC.

PROPOSED
DETENTION POND

BERM TANK
& BIO-FILTER
& CELLS

WETLAND

DEMET
D.B.

WELL

WELL

± 225'

± 200'

PROPOSED ZONING LINE

± 335'