

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: angela.birchett@ncmail.net

**(1) Applicant Information:**

Name: Belmeade Farms, LLC  
Address: 6208 Fayetteville Rd.  
Du rham, NC 27713  
Phone No: (h) \_\_\_\_\_  
(w) 919-806-3262 \_\_\_\_\_  
(m) \_\_\_\_\_  
Email: bluskies@intrex.net \_\_\_\_\_

**(2) Landowner Information (as shown on deed)**

Name: SAME AS APPLICANT  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone No: (h) \_\_\_\_\_  
(w) \_\_\_\_\_  
(m) \_\_\_\_\_  
Email: \_\_\_\_\_

**(3) Property Identification:**

911 Address: \_\_\_\_\_  
\_\_\_\_\_  
S.R. Name: Highway 64 West \_\_\_\_\_  
S.R. Number: \_\_\_\_\_  
Township: Center Township  
Acreage: 194.38 acres  
Flood map #: 3710972200J and 3710972100J  
(7-13-2005)  
Flood Zone: AE and X

PARCEL#: See Attached

P.I.N #: See Attached

Deed Book: 1254 Page: 791 Yr: 2006

Plat Book: 95 Page: 165

Current Zoning District: RA-40

Watershed District: Local Watershed

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

Applicant requests a Conditional Use District change from RA-40 to CU-O/I

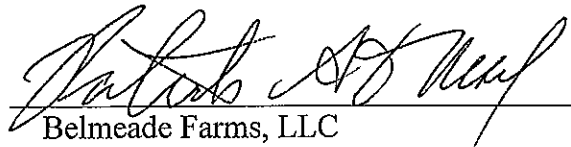
**(5) Directions to property:** Travel on U.S. Highway 64 W from Pittsboro toward Siler City. The Property is located on the south side of U.S. 64 just past Adolph Taylor Rd.

- X Written legal description
  - X Map of the property at a scale of not less than 1 inch equals 200 feet
  - X Explanation of request addressing applicable portions of Section 17.3B of the Chatham County Zoning Ordinance
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**(7) Attach Submission Materials Checklist Information (see Submission Materials Checklist form)**

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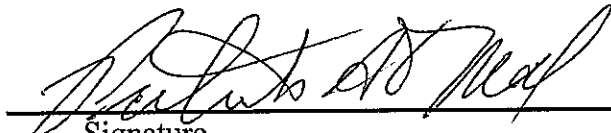
I hereby certify that I am the owner or authorized agent of said property and that the information provided is complete and the statements given are true to the best of my knowledge.

  
Belmeade Farms, LLC  
Signature

10/19/08  
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

10/15/08  
Date

## ADJOINING LANDOWNERS

1. B. F. McLeod, Jr., et al  
c/o William Ransdell  
809 Yarmouth Road  
Raleigh, NC 27607  
Parcel #73451 and 12481
2. John F. Graybeal, Trustee, et al.  
3396 Alston Chapel Rd.  
Pittsboro, NC 27312  
Parcel #63865
3. Robert J. Corley  
202 Lakewood Drive  
Spartanburg, SC 29302-4029  
Parcel #5875
4. Judith Lessler Thomasson  
97 Plantation Drive  
Pittsboro, NC 27312  
Parcel 5868
5. State of North Carolina Forest  
Forestry Resources Division  
US Hwy. 64  
Pittsboro, NC 27312  
Parcel #68614
6. Jimmie B. Vaughn  
Catherine Vaughn  
325 Plantation Drive  
Pittsboro, NC 27312  
Parcel #5876
7. Ralph N. French  
Loretta D. French  
c/o Lorenzo Cozart, Jr.  
128 West Orange Street  
Hillsborough, NC 27278  
Parcel #77596

8. Solid Rock Baptist Church Trustees  
3903 US Hwy. 64 West  
Pittsboro, NC 27312  
Parcel #68615
  
9. Henry Wade Emerson  
Marion N. Emerson  
P. O. Box 626  
Pittsboro, NC 27312  
Parcel #6054
  
10. Luby Scurlock Eaves Estate  
c/o Paul Eaves, Executor  
260 Russells Chapel Road  
Pittsboro, NC 27312  
Parcel #6038 and #73312

## PROPERTY DESCRIPTION

BEGINNING in the southwest corner of the State of North Carolina; thence South 80 degrees 11 minutes 34 seconds East 249.65 feet; thence North 02 degrees 16 minutes 44 seconds East 405.94 feet; thence South 76 degrees 18 minutes 41 seconds East 234.71 feet; thence South 80 degrees 03 minutes 40 seconds East 364.99 feet; thence South 80 degrees 03 minutes 20 seconds East 991.08 feet to a point in the western corner of Manco Dairy Road, S.R. 1514; thence South 03 degrees 57 minutes 59 seconds West 80.50 feet; thence South 86 degrees 01 minute 50 seconds East 90.24 feet; thence North 04 degrees 05 minutes 36 seconds East 85.66 feet; thence South 80 degrees 05 minutes 23 seconds East 131.14 feet to a point in the northwestern corner of Solid Rock Baptist Church; thence South 09 degrees 51 minutes 54 seconds West 246.84 feet; thence South 80 degrees 08 minutes 45 seconds East 435.44 feet; thence South 80 degrees 08 minutes 45 seconds East 165.00 feet; thence North 09 degrees 51 minutes 54 seconds 234.34 feet to the northeastern corner of Solid Rock Baptist Church; South 75 degrees 52 minutes 21 seconds East 37.96 feet; thence South 84 degrees 30 minutes 45 seconds East 200.81 feet; thence South 79 degrees 59 minutes 49 seconds East 105.02 feet; thence South 74 degrees 00 minutes 15 seconds East 196.12 feet; thence South 80 degrees 04 minutes 08 seconds East 448.56 feet; thence South 76 degrees 45 minutes 13 seconds East 325.61 feet; thence South 77 degrees 37 minutes 40 seconds East 201.38 feet; thence South 79 degrees 44 minutes 33 seconds East 221.31 feet; thence South 81 degrees 59 minutes 43 seconds East 172.92 feet; thence South 82 degrees 50 minutes 04 seconds East 107.33 feet; thence South 80 degrees 34 minutes 09 seconds East 181.07 feet; thence South 83 degrees 11 minutes 02 seconds East 143.60 feet; thence South 84 degrees 48 minutes 47 seconds East 355.34 feet; thence South 89 degrees 29 minutes 07 seconds East 120.42 feet to a point in the northwestern corner of Henry W. Emerson; ;thence South 00 degrees 47 minutes 13 seconds West 1,555.65 feet to a corner; thence North 80 degrees 03 minutes 40 seconds West 5,836.74 feet to a corner in the line of B.F. McLeod, et al; thence North 01 degree 20 minutes 50 seconds East 1,125.05 feet to the point and place of Beginning, containing 194.38 acres, more or less.

REQUEST FOR ZONING ORDINANCE/MAP AMENDMENT AND CONDITIONAL  
USE DISTRICT  
PURSUANT TO CHATHAM COUNTY ZONING ORDINANCE  
SECTION 17

Applicant's request for a Conditional Use District is a request for an amendment to the Chatham County Zoning Ordinance and map (legislative process). Filed simultaneously with this application for a conditional use district is an application for a conditional use permit. Applicant incorporates by reference herein all of the contents of its Conditional Use Permit application as if fully set out herein.

Pursuant to Section 17 of the Chatham County Zoning Ordinance, the following additional information is necessary for an application for a conditional use district:

1. If the proposed amendment would require a change in the zoning map, a map at a scale of not less than 400 feet to the inch nor more than 20 feet to the inch showing the land which would be covered by the proposed amendment. *See map attached as EXHIBIT A hereto.*
2. A legal description of such land. *See legal description attached as EXHIBIT B.*
3. The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same. *The Ordinance currently does not allow O/I uses simultaneously requested herewith within the property because it is presently zoned RA-40. Establishment of a Conditional Use District for said property as requested will allow for the conditional uses requested simultaneously herewith. The requested Office/Institutional Conditional Use District in this location is consistent with the Land Use Plan. See attached EXHIBIT C.*
4. The changed or changing conditions, if any, in the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare. *Construction of the U.S. 64 Bypass such that it merges back with U.S. 64 just in front of the Property herein described makes it ideal for an O/I use. The Land Use Plan repeatedly calls for such uses to be located in or near the County's towns. This land meets the qualifications for an Economic Development Center. This district is reasonably necessary to the promotion of the public, health, safety and general welfare because it locates a needed use near the Town but yet far enough away to create a respectful distance. Approval in this location will create jobs, generate*

*tax revenue and do so in a geographical area where such uses are encouraged.*

5. The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Development Plan or part thereof. *Applicant incorporates the information regarding the manner in which this request carries out the intent and purpose of the Land Use Plan from its simultaneously filed Application for Conditional Use Permit. This rezoning will make the zoning for this land consistent with the objectives of the Land Use Plan for this area.*
6. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. *The amendment is necessary in order to allow for approval of the requested Conditional Use Permit. Applicant incorporates all of the reasoning contained in that application.*
7. Information required on the application form received from the Planning Department. *See attached application form.*

#### CONCLUSION

Applicant respectfully requests that the requested Conditional Use District be approved on the basis of the information provided herein and all information submitted or to be submitted as part of the legislative process.

BRADSHAW & ROBINSON, LLP

BY:



Nicolas P. Robinson  
Attorney for Applicant  
Post Office Box 607  
Pittsboro, NC 27312  
(919) 542-2400



***Rezoning Carries out Intent and Purpose of Land Conservation and Development Plan:***

This proposed district fits well within the concepts and policies set forth in the Chatham County Land Conservation and Development Plan (the "Land Use Plan").

The Land Use Plan begins by setting out two "fundamental policies." The first of these fundamental policies is for land development to "reflect balanced growth." *Land Use Plan, p. 1.* Balance growth is said to be achieved when growth "consists of a mix of different kinds of development" and is "guided to suitable locations and is designed appropriately." *Land Use Plan, p. 1* Thus the Land Use Plan directive is to mix uses where appropriate. The location of the requested O/I district is ideal in that it is close to the Town but not in it, thereby serving both the town of Pittsboro and the surrounding rural areas as well as the other local municipalities. The design has been carefully planned so as to make only positive impacts on the Chatham viewscape while preserving nearby natural assets.

The Land Use Plan makes references (without an adopted map) to seven different types of places or "land conservation and development areas." *Land Use Plan, p.2.* Office and Institutional uses are allowed in six of the seven areas. The Property comprising this project fits into more than one of those categories or areas including ETJ areas, Economic Development Centers and Agricultural and Rural Development Areas. The plan promotes O/I uses in the Towns, "including ETJs."

The Land Use Plan emphasizes the desirability of guiding development in or near existing towns and ETJs. In fact, this concept of locating development in or near towns is mentioned approximately 30 times in the Land Use Plan. This project is located just on the edge of the Town of Pittsboro ETJ. In fact, the Property was within the Town ETJ until that was changed to facilitate the oversight by one jurisdiction of the split zoning of the parent parcel. The Land Use Plan emphasizes the value in guiding development to the Towns. This project is perfectly located at the juncture of the Pittsboro bypass so that it is on the Town edge but still conveniently accessible to those who would benefit from the O/I district from other spots within the County and beyond. Its location is within the contemplated ETJ of Pittsboro and, as such, is an appropriate location for an O/I use.

The concept of protecting "rural character" is well-defined and prominent in the Land Use Plan. The Plan mentions "rural character" at least 36 times. In fact, "rural character" is defined in the plan to include a backdrop of ". . . barns, churches and silos . . ." *Land Use Plan, p. 16.* Subject to an appropriate conditional use permit and site plan with appropriate design values, an O/I district can both retain rural character and promote commercial benefits for the County.

In referring to “Economic Development Centers,” the Plan requires that the County’s economic development efforts will “explore the feasibility of pursuing environmentally and community compatible business enterprises.” *Land Use Plan, p. 31*. The Plan refers to 8 square miles of economic development centers but never included a map indicating the locations of the same. Thus, our guidance for where economic development centers should be located is supplied by the multiple references to the appropriateness of economic activity in or near the towns. This Property is ideal for a cross-roads commercial endeavor, being located as it is at the fulcrum of the western Pittsboro bypass for highway 64.

Further, the Land Use Plan provides that “economic activity can occur almost anywhere in the County, with the exception of conservation areas, but different activities (or uses) would be appropriate in different locations and might be subject to different performance and design standards.” *Land Use Plan, p. 27*. This economic activity (O/I) is perfectly matched to the location and in complete alignment with the goals and policies of the Land Use Plan.

- It encourages community compatible businesses. *Land Use Plan, p. 27*.
- A broad range of economic activities should be permitted. *Land Use Plan, p. 31*.

The Land Use Plan also sets out benchmarks for establishing appropriate economic development centers such as (1) areas especially suited for particular businesses (this location is ideal from a transportation standpoint and from a conservation standpoint; (2) areas tied to transportation infrastructure (this site is located at the western bypass interchange); (3) areas minimizing impact of businesses on areas of the county (access to this location as a crossroads commercial location is extensive from all directions but will not burden the major thoroughfares nearby); (4) commercial development that pays for itself (O/I uses will not impose any financial burden on the County but will create jobs and will increase local spending). *Land Use Plan, p. 10*.

There can be no doubt that this proposal fulfills the specific language of the Land Use Plan and is consistent with and promotes the purposes and intent of the Land Use Plan.