



Chatham County Planning Department  
PO Box 54/80-A East Street  
Pittsboro, NC 27312  
Ph: (919) 542-8204  
Fax: (919) 542-2698

CHATHAM COUNTY APPLICATION  
FOR CHANGE IN **GENERAL USE**  
**ZONING DISTRICTS**

Applicant Information:

NAME: Chatham County Alcoholic Beverage Control Board

ADDRESS: 11312 US Hwy 15-501, Suite 302

Chapel Hill, NC 27517

CONTACT PH: (919) 942-142

EMAIL: chatabc1@att.net

Landowner Information:

NAME: See attached.

ADDRESS: \_\_\_\_\_

CONTACT PH: ( )

EMAIL: \_\_\_\_\_

PROPERTY IDENTIFICATION

Physical (911) Address: None assigned. Moncure Pittsboro Road and U.S. Hwy 1. PARCEL (AKPAR) No.: See attached.

Township: Haw River

Total Acreage: See attached.

Acreage to be Rezoned: See attached.

**CURRENT ZONING DISTRICT/CLASSIFICATION:** R-5 and a small portion of R-1 on Tract One.

**PROPOSED ZONING DISTRICT/CLASSIFICATION:**

- ☐ R-1 Residential    ☐ R-2 Residential    ☐ R-5 Residential    ☐ O & I Office & Institutional  
☒ NB Neighborhood Business    ☐ CB Community Business    ☐ Regional Business    ☐ IL Light Industrial  
☐ IH Heavy Industrial

**FEMA Flood Map Information:**

Flood Map No. : 3710967800J

Map Date: 02/02/2007

Flood Zone: X

**WATERSHED Information:**

Current Watershed Classification: RCSA

Within Jordan Lake Buffer Area: ☐ Yes ☒ No ☐ Unknown

APPLICATION SUBMITTAL REQUIREMENTS

*Attach the following as required in Section 19.4.C of the zoning ordinance:*

- ☒ Map of the property showing the parcel or portions thereof that are affected by this rezoning request.
- ☒ Written legal description of such land
- ☒ Any alleged error in the Ordinance, if any, which would be remedied by the proposed amendment
- ☒ The changed or changing conditions, if any, which make the proposed rezoning reasonably necessary
- ☒ The manner in which the proposed rezoning will carry out the intent and purpose of the adopted Land Use Plan or part thereof
- ☒ List all other circumstances, factors, and reason which the applicant offers in support of the proposed amendment
- ☒ All other information required on this application or as offered by the applicant in support of the request

**Please provide 16 sets of this application submittal with all supporting documentation, maps, summaries, etc.**

No application packets will be taken after 4pm. All fees must be paid at the time of application submittal. For the purposes of calculating this application fee, use the following:

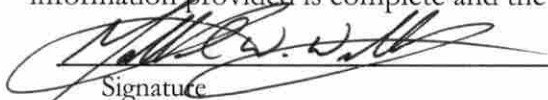
Application Fee:        **\$500.00 plus \$25/per acre** (ex: \$25 x 1.42ac = \$35.50 plus \$500 = \$535.50 total fee)



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**PLEASE SIGN THE MOST ACCURATE SIGNATURE OPTION BELOW (1, 2, OR 3)**

(1) 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.

  
Signature

6/29/2016  
Date

Matthew W. Williams, General Manager, Chatham County Alcoholic Beverage Control Board  
Print Name

**The owner must sign the following if someone other than the owner is making the application.**

(2) I hereby certify that (please print) \_\_\_\_\_ is an authorized agent for said property and is permitted by me to file this application.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

(3) I acknowledge that **I am not the landowner OR authorized agent** of the property for which this application is being made, but I do live within the zoned area of the county.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

**FOR OFFICE USE ONLY**

Application No.: PL20

Date Received: \_\_\_\_\_ 20\_\_

Payment Received: \$ \_\_\_\_\_

☐ Check No. \_\_\_\_\_

☐ Cash

☐ Credit Card

☐ Money Order

\_\_\_\_\_  
Planning Department

Tract One Owner Authorizations on Following Pages



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Signature

Date

Print Name

**The owner must sign the following if someone other than the owner is making the application.**

**(2)** I hereby certify that (please print) Chatham County Alcoholic Beverage Control Board is an authorized agent for said property and is permitted by me to file this application.

DocuSigned by:

Paul H. Wetmore, Jr.  
 Signature

6/29/2016

Date

Paul H. Wetmore, Jr.

Print Name

**(3)** I acknowledge that **I am not the landowner OR authorized agent** of the property for which this application is being made, but I do live within the zoned area of the county.

Signature

Date

Print Name

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Revised Feb. 4, 2014 apb



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Signature

Date

Print Name

**The owner must sign the following if someone other than the owner is making the application.**

**(2)** I hereby certify that (please print) Chatham County Alcoholic Beverage Control Board is an authorized agent for said property and is permitted by me to file this application.

DocuSigned by:

*John A. Wetmore*

6/28/2016

Signature

Date

John A. Wetmore

Print Name

**(3)** I acknowledge that **I am not the landowner OR authorized agent** of the property for which this application is being made, but I do live within the zoned area of the county.

Signature

Date

Print Name

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\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Print Name

**The owner must sign the following if someone other than the owner is making the application.**

**(2)** I hereby certify that (please print) Chatham County Alcoholic Beverage Control Board is an authorized agent for said property and is permitted by me to file this application.

DocuSigned by:  
Kay W. Stallings  
 Signature ID: 12CCCE3D412...

6/29/2016

\_\_\_\_\_  
 Date

Kay W. Stallings  
 Print Name

**(3)** I acknowledge that **I am not the landowner OR authorized agent** of the property for which this application is being made, but I do live within the zoned area of the county.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Print Name

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Tract Two Owner Authorizations on Following Pages





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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

**The owner must sign the following if someone other than the owner is making the application.**

**(2)** I hereby certify that (please print) Chatham County Alcoholic Beverage Control Board is an authorized agent for said property and is permitted by me to file this application.

Dennis B. Pake  
\_\_\_\_\_  
Signature

6-30-16  
\_\_\_\_\_  
Date

Dennis B. Pake  
\_\_\_\_\_  
Print Name

**(3)** I acknowledge that **I am not the landowner OR authorized agent** of the property for which this application is being made, but I do live within the zoned area of the county.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

**The owner must sign the following if someone other than the owner is making the application.**

(2) I hereby certify that (please print) Chatham County Alcoholic Beverage Control Board is an authorized agent for said property and is permitted by me to file this application.

Myrtle P. Pake  
Signature

6-30-16  
Date

Myrtle P. Pake  
Print Name

(3) I acknowledge that **I am not the landowner OR authorized agent** of the property for which this application is being made, but I do live within the zoned area of the county.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

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\_\_\_\_\_  
Planning Department

Revised Feb. 4, 2014 apb

## LANDOWNER INFORMATION

### Tract One

NAME: Paul H. Wetmore, Jr., John A. Wetmore and Kay W. Stallings

ADDRESS: 116 Catnip Point Road, Bath, NC 27808

CONTACT PH: (919) 545-4118 (Andy McPherson, Agent)

EMAIL: [andymcpherson@mindspring.com](mailto:andymcpherson@mindspring.com) (Andy McPherson, Agent)

### Tract Two

NAME: Dennis B. Pake and Myrtle P. Pake

ADDRESS: P.O. Box 27, Moncure, NC 27559

CONTACT PH: (919) 545-4118 (Andy McPherson, Agent)

EMAIL: [andymcpherson@mindspring.com](mailto:andymcpherson@mindspring.com) (Andy McPherson, Agent)

## PROPERTY IDENTIFICATION

### Tract One

PARCEL (AKPAR) No.: 11503

Total Acreage: 1.57 Acreage to be Rezoned: 1.57

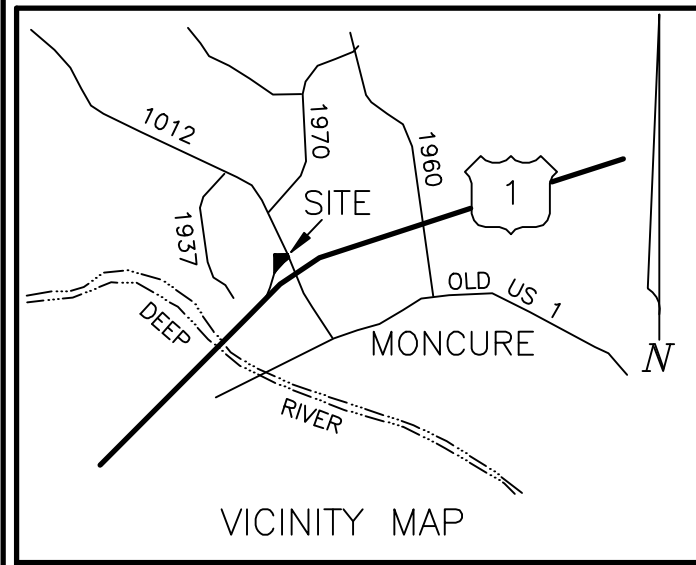
### Tract Two

PARCEL (AKPAR) No.: 11505

Total Acreage: 1.46 Acreage to be Rezoned: 1.46

Combined Acreage to be Rezoned: 3.03

Map of Tract One on Following Page



N 89°40'34" W  
15.28'(tie)  
2" EIP  
(8" above ground)  
1/2" EIP  
(2" above ground)  
N 82°26'46" W  
100.27'(tie)  
1" EIP  
(17" above ground)

LILA WATSON HEIRS  
(see P.S. 2006-46 for  
information regarding this tract)

#### NOTES

1. No Title Search was made by this Surveyor during the course of this Survey.
2. This Surveyor does not certify to the existence or location of any underground features (tanks, utilities, etc.).
3. This property is subject to all easements of record affecting subject property.
4. All distances shown are horizontal ground distances unless otherwise noted.
5. Combined Grid Factor is 0.99988563

DENNIS B. PAKE  
(see P.S. 2006-46 for  
information regarding this tract)

I, Van R. Finch, Professional Land Surveyor No. L-2507, certify to one of the following as indicated thus, ☒

- (a) That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
- (b) That the survey is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
- ☒ (c) That the survey is of an existing parcel or parcels of land and does not create a new street or change an existing street.
- (d) That the survey is of another category, such as the recombination of existing parcels, a court ordered survey, or other exception to the definition of subdivision.

I, VAN R. FINCH, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 761, Page 36, ) (Other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book as shown. Page ; that the ratio of precision as calculated is 1:10,000+; that this plat was prepared in accordance with G.S.47-30 as amended. Witness my original signature, license number, and seal this the 30th day of September, A.D. 2015.

SURVEYOR

LICENSE NUMBER L-2507

DELOIS SAMUELS  
D.B. 391 PG. 274  
P.B. 18 PG. 42

See boundary line agreement as recorded in Deed Book 524, Page 264.

1.574 Ac.

U.S. HWY 1 ACCESS RAMP  
Variable Width R/W

NCGS Monument "PITT"  
NAD 83 Coordinates  
N = 207982.494 meters  
E = 601619.312 meters

#### MAP LEGEND

● EIP	EXISTING IRON PIPE
● EIS	EXISTING IRON STAKE
○ IPS	IRON PIPE SET
○ ISS	IRON STAKE SET
■ ECM	EXISTING CONCRETE MONUMENT
▲ RRS	RAILROAD SPIKE
△ CNS	CONCRETE NAIL SET
△ EXN	EXISTING NAIL
⊙ PP	POWER POLE
○ CMP	COMPUTED POINT
(C/A)	CONTROLLED ACCESS

AREA COMPUTED BY COORDINATE METHOD

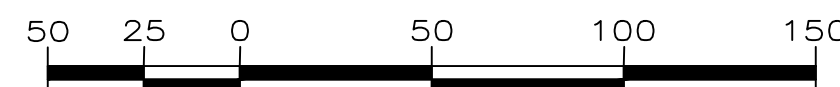
REFERENCE: DEED BOOK 761 PAGE 36  
PLAT SLIDE 88-56  
PARCEL #11503  
P.I.N. 9678-32-4459

SURVEY FOR

Moncure ABC Store #2 Relocation

OWNER: PAUL H. WETMORE HEIRS  
DATE: SEPTEMBER 30, 2015

SCALE: 1" = 50'



HAW RIVER TOWNSHIP

CHATHAM COUNTY, N.C.

VAN R. FINCH — LAND SURVEYS, P.A.  
109 Hillsboro St. Pittsboro, N.C. 27312  
FIRM LICENSE #C-513

Map of Tract Two on Following Page





## Written Legal Description of Tract One

BEGINNING at a point on the western margin of S.R. 1012, North  $36^{\circ} 37' 57''$  West 265.14 feet from NCGS Monument "PITT" NAD 83 Coordinates, N= 207982.494 meters and E-601619.312 meters and running thence South  $57^{\circ} 20' 54''$  West 99.16 feet to an iron pipe set; thence South  $49^{\circ} 08' 53''$  West 73.20 feet to an iron pipe set; thence South  $42^{\circ} 10' 44''$  West 71.46 feet to an iron pipe set; thence South  $36^{\circ} 25' 57''$  West 70.43 feet to an iron pipe set; thence South  $33^{\circ} 53' 31''$  West 166.11 feet to an existing iron pipe; thence North  $00^{\circ} 59' 55''$  East 441.45 feet to an existing iron pipe; thence South  $84^{\circ} 29' 45''$  East 284.47 feet to an existing iron pipe; thence South  $25^{\circ} 01' 23''$  East 71.96 feet to the point and place of BEGINNING, containing 1.574 acres, more or less.

## Written Legal Description of Tract Two

BEGINNING at an iron pipe found in the northern right of way for US Highway 1, said point of beginning described as an iron pipe with a threaded 'T' and punch mark 0.90 feet tall and being South 36 degrees 43 minutes 42 seconds West a distance of 166.13 feet from a  $\frac{3}{4}$ " iron pipe 0.60 feet tall found in the right of way for US Highway 1 and being in the line of the Paul H. Wetmore, Sr. tract as described in Deed Book 761 Page 36, Chatham County Registry.

Thence from said point of beginning following the right of way for US Highway 1, South 36 degrees 30 minutes 03 seconds West for a distance of 291.99 feet to a  $\frac{5}{8}$  inch iron pipe 0.80 feet tall with a cedar witness post. Thence leaving the US Highway 1 right of way and with an eastern boundary line of the Powell Chatham LLC tract as described in Deed Book 1321 Page 62 and shown on Plat Slide 2006-46, Chatham County Registry, North 07 degrees 33 minutes 40 seconds West for a distance of 233.00 feet to a one inch iron pipe 0.75 feet tall with a cedar witness post and pointers. Thence continuing with the Powell Chatham, LLC tract North 07 degrees 33 minutes 40 seconds West for a distance of 251.80 feet to a  $\frac{3}{4}$  inch iron pipe 1 foot tall with cedar witness post at the head of a spring, said boundary corner being South 17 degrees 21 minutes 07 seconds East a distance of 2.81 feet from a  $\frac{5}{8}$  inch three foot tall witness post. Thence continuing with the Powell Chatham, LLC tract South 58 degrees 22 minutes 00 seconds East for a distance of 157.00 feet to a 1 inch iron pipe 0.3 feet tall with a cedar witness post and pointers, said boundary corner being the south western boundary corner for the Lila Watson Heirs tract as described in deed book G-B Page 34, Chatham County Registry. Thence with the Lila Watson Heirs tract South 75 degrees 16 minutes 05 seconds East for a distance of 116.49 feet to a  $\frac{3}{4}$  inch iron pipe 2 feet tall at the south eastern corner of the Lila Watson Heirs tract and in the line of the Paul H. Wetmore, Sr. tract as described in deed book 761 Page 36, Chatham County Registry. Thence South 03 degrees 46 minutes 58 seconds West for a distance of 134.20 feet and with the Paul H. Wetmore, Sr. tract to the point and place of BEGINNING.

Parcel as described is 1.46 Acres +/- in size as per a plat of survey by Infinite Land Design, PC titled "A Portion of the Pake Lands" dated June 03, 2016.

## Alleged Error in the Ordinance Which Would be Remedied by the Proposed Amendment

The introduction to the Chatham County Zoning Ordinance sets out a number of purposes for the adoption of the Zoning Ordinance and specifically states that those purposes are to be pursued, “all in accordance with the adopted Land Use Plan.” The adopted Chatham County Land Conservation and Development Plan calls for the designation of Economic Development Centers where a broad range of economic activities should be permitted and, on page 34, identifies the Moncure-Haywood area as one of eight areas that should be designated as Economic Development Centers.

The property that is the subject of this application, located at the intersection of Moncure Pittsboro Road and U.S. Highway 1, has excellent access to existing transportation infrastructure and County water. Use of the property for neighborhood-scale business would be compatible with the area’s environment, because there are several other properties zoned for business use in close proximity. The property is located in the River Corridor Special Area (“RCSA”) watershed area under the Chatham County Watershed Protection Ordinance. The RCSA is less restrictive than the River Corridor watershed area because of access to existing infrastructure, which makes the property appropriate for business use under the Watershed Protection Ordinance. Proximity to appropriate existing infrastructure, including major highways, compatibility with the area’s environment and consistency with water supply watershed regulations are all positive criteria for designation of Economic Development Centers under the Land Use Plan.

The Official Zoning Map that is adopted pursuant to Section 6.1 of the Zoning Ordinance shows the subject property as being primarily in the R5 Residential zoning district, with a small portion of Tract One in the R1 Residential district. The residential zoning districts do not allow many of the business uses that would be necessary and appropriate to the development of a Moncure-Haywood Economic Development Center that includes this property, which is ideally situated to be part of an Economic Development Center. The existing Zoning Map is in conflict with the stated purposes of the Zoning Ordinance, which are to be pursued in accordance with the Land Use Plan, and is, therefore, in error. Rezoning the subject property to the NB Neighborhood Business zoning district would make the Zoning Map consistent with the Land Use Plan and the purposes of the Zoning Ordinance and would remedy the error.

## Changed or Changing Conditions Which Make the Proposed Rezoning Reasonably Necessary

Parcel 61969, located to the south across U.S. 1 from the subject property, has been zoned B-1 General Business and actively used for business purposes for many years. Parcel 78285, north of the subject property across Moncure Pittsboro Road, was zoned B-1 General Business in 2009. Parcel 78290, adjacent to 78285 and closer to the subject property, was zoned

to NB Neighborhood Business in December 2015. Because the area in which the property is located has been viewed as having high potential for business use for many years, as is reflected in the Land Use Plan, zoning in the area has been changing to allow property owners to fulfill that potential. Rezoning the subject property to NB Neighborhood Business is necessary to make the uses on this property consistent with the changing zoning and uses on other nearby properties and to fulfill the goals of the Land Use Plan.

### Manner in Which the Proposed Rezoning Will Carry Out the Intent and Purpose of the Adopted Land Use Plan

The adopted Chatham County Land Conservation and Development Plan calls for the designation of Economic Development Centers where a broad range of economic activities should be permitted and, on page 34, identifies the Moncure-Haywood area as one of eight areas that should be designated as Economic Development Centers. The subject property, located at the intersection of Moncure Pittsboro Road and U.S. Highway 1, has excellent access to existing transportation infrastructure and County water. Use of the property for neighborhood-scale business would be compatible with the area's environment, because there are several other properties zoned for business use in close proximity. The property is located in the RCSA watershed area under the Chatham County Watershed Protection Ordinance. The RCSA is less restrictive than the River Corridor watershed area because of access to existing infrastructure, which makes the property appropriate for business use under the Watershed Protection Ordinance, but water resources will still be protected because development in the RCSA is limited to 36% built-upon area. Proximity to appropriate existing infrastructure, including major highways, compatibility with the area's environment and consistency with water supply watershed regulations are all positive criteria for designation of Economic Development Centers under the Land Use Plan. Rezoning the subject property to NB Neighborhood Business will carry out the intent and purpose of the Land Use Plan by promoting the development of an Economic Development Center in the Moncure-Haywood area, while also protecting environmental and water resources.

### Other Circumstances, Factors and Reasons Which the Applicant Offers in Support of the Proposed Amendment

The subject property is located in the RCSA watershed area under the Chatham County Watershed Protection Ordinance. The RCSA is less restrictive than the River Corridor watershed area because of access to existing infrastructure. As discussed above, the subject property will have access to existing transportation infrastructure and County water. That makes the property appropriate for business use under the Watershed Protection Ordinance, but the environment and water resources will still be protected because development in the RCSA is limited to 36% built-upon area. Further, NB Neighborhood Business is the least intensive business district established in the Zoning Ordinance, in terms of building size limitations and

uses allowed, so rezoning the property will promote the purposes of the Land Use Plan and the Zoning Ordinance while limiting the impact on nearby residential uses.



**Adjacent/Adjoining Landowners:** These are those properties that share a common property line as well as those that are directly across a public or private road, easement, or waterway.

Legal notices are mailed to these owners so please type or write neatly

- |  |   |
|--|---|
| (1) <u>Paul H. Wetmore Heirs</u><br><u>c/o Paul H. Wetmore, Jr.</u><br><u>116 Catnip Point Rd.</u><br><u>Bath, NC 27808</u><br><u>Parcel #11503</u>  | (8) <u>Delois J. Samuels</u><br><u>Box 145</u><br><u>Moncure, NC 27559</u><br><u>Parcel #11417</u>          |
| (2) <u>Dennis Pake</u><br><u>P. O. Box 27</u><br><u>Moncure, NC 27559</u><br><u>Parcels #11505 and #11338</u>  | (9) <u>Lila Watson Heirs</u><br><u>5770 Urban Drive</u><br><u>La Mesa, CA 91942</u><br><u>Parcel #83475</u> |
| (3) <u>Powell Chatham LLC</u><br><u>P. O. Box 260</u><br><u>Moncure, NC 27559</u><br><u>Parcel #11253</u>  |   |
| (4) <u>Melany A. Goodwin</u><br><u>3946 Old US 1</u><br><u>New Hill, NC 27562</u><br><u>Parcel #62867</u>  |   |
| (5) <u>Rode Enterprises Inc.</u><br><u>4730 St. Andrews Church Rd.</u><br><u>Sanford, NC 27330-7157</u><br><u>Parcel #61969</u>  |   |
| (6) <u>Mary M. Gardner</u><br><u>Allen Gardner</u><br><u>Doris Hancock et al.</u><br><u>c/o Starr Basmajian</u><br><u>5310 Foxlair Rd.</u><br><u>Chapel Hill, NC 27516</u><br><u>Parcel #11482</u> |   |
| (7) <u>Michael S. Foley</u><br><u>Brian S. Foley</u><br><u>P. O. Box 777</u><br><u>Kure Beach, NC 28449</u><br><u>Parcel #60167</u>  |   |