



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: Delois J. Samuels  
 ADDRESS: Box 145  
Moncure, NC 27559  
 CONTACT PH: (919)542-3253 (Robert L. Gunn, Atty)  
 EMAIL: \_\_\_\_\_

**PROPERTY IDENTIFICATION**

Physical (911) Address: None assigned. Moncure Pittsboro Road, near U.S. Hwy 1. PARCEL (AKPAR) No.: 11417  
 Township: Haw River Total Acreage: 0.957 Acreage to be Rezoned: 0.957

**CURRENT ZONING DISTRICT/CLASSIFICATION:** R-5 and R-1

**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 REQUIRMENTS**

*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

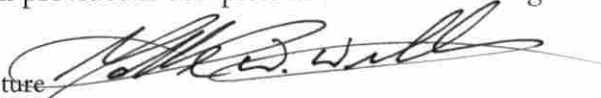
**Please provide 16 sets of this application submittal with all supporting documentation, maps, summaries, etc.**

**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)**

**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  Date 11/22/16  
Print Name Matthew W. Williams, General Manager, Chatham County Alcoholic Beverage Control Board

**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.

Signature  Date 11/21/16  
Print Name Delois J. Samuels

**(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

Application No.: PL20

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

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

Check No. \_\_\_\_\_

Cash

Credit Card

Money Order

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

Map of Property on Following Page

I, CHARLES O. ELIASON, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM INFORMATION PROVIDED TO ME BY THE CHATHAM COUNTY REGISTER OF DEEDS. THAT THE BOUNDARIES NOT SURVEYED FROM INFORMATION PROVIDED TO ME WERE CALCULATED BY THE METHOD OF ADJACENT DEEDS. THIS METHOD IS APPROVED BY THE NC DEEDS COMMISSION. THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH THE ORIGINAL SIGNATURE REGISTRATION NUMBER, PLANS AND DEEDS OF DECEMBER 14, 2016.

Charles Eliason  
PRESIDENT  
Dec 20, 2016 1:32 PM

Barry C. RAINES  
Trustee of Sandra L. Phillips  
Deed Book 865 Page 869  
Plot Book 18 Page 42

**SYMBOL LEGEND**

- IRON PIPE SET
- 3/4" IRON PIPE FOUND
- IRON PIPE FOUND
- RAILROAD CROSSING
- EXISTING CONCRETE MONUMENT
- FENCED POINT
- OVERHEAD UTILITY LINES
- NEGOT EASEMENT LINES
- WATER SUPPLY WELLS
- PERM SITE

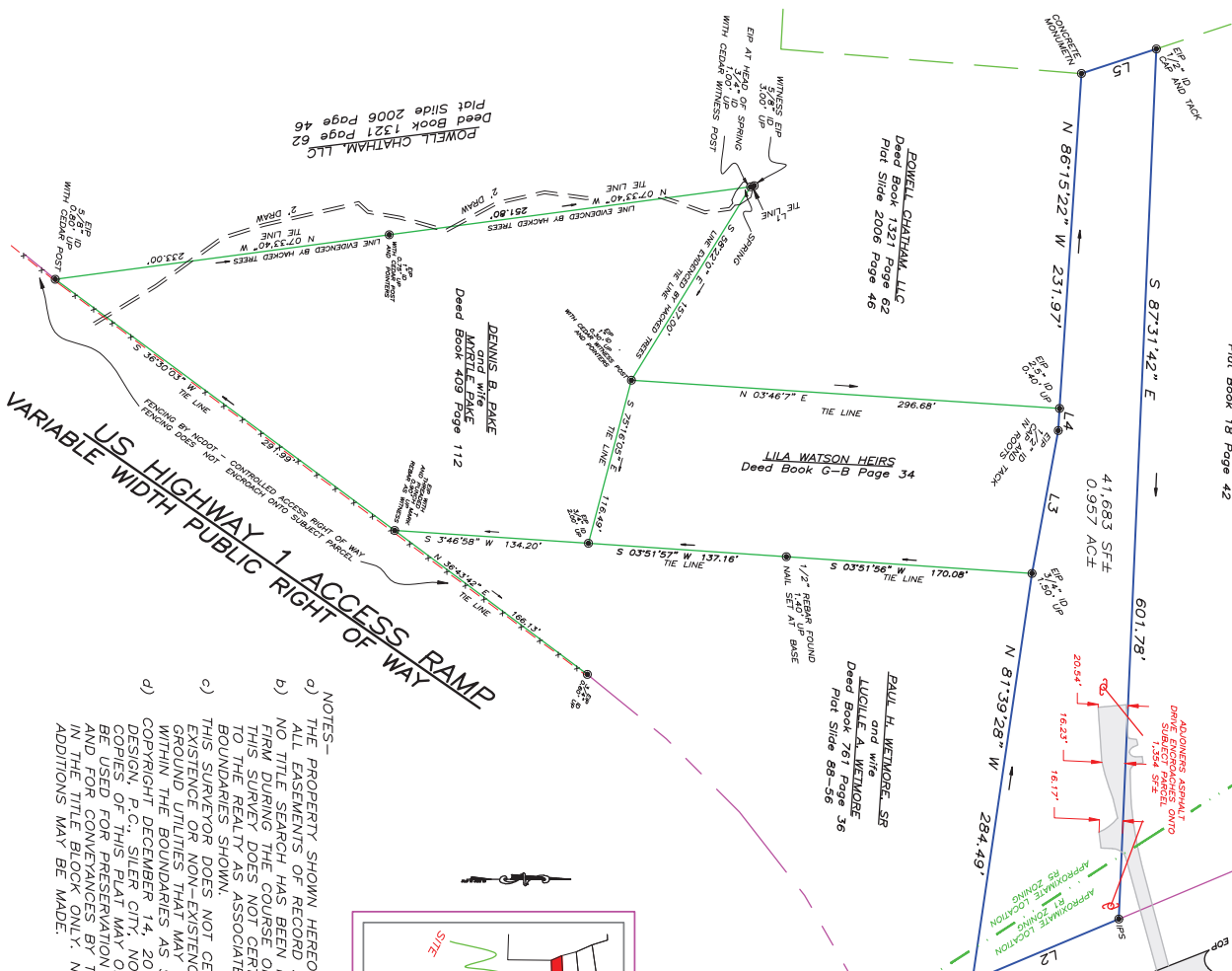
LINE	BEARING	DISTANCE
L1	N 87°31'42" E	601.78'
L2	S 87°31'42" E	601.78'
L3	N 81°39'28" W	284.49'
L4	N 87°15'22" W	231.97'
L5	N 22°13'31" W	71.97'
L6	N 03°46'7" E	296.68'

NORRIS THOMAS and wife AMANDA THOMAS  
Deed Book 766 Page 1055

DOWELL CHATHAM, LLC  
Deed Book 1321 Page 62  
Plot Slide 2006 Page 46

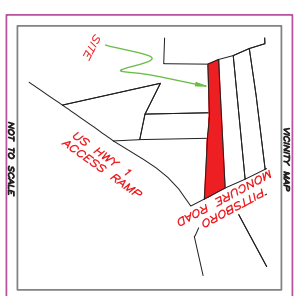
LILA WATSON HEIRS  
Deed Book G-B Page 34

PAUL H. WETMORE, SR  
LUCILLE W. WETMORE  
Deed Book 751 Page 36  
Plot Slide 88-98



MONCURE PITTSBORO RD  
SR 1012  
(100' Public R/W)

- NOTES—**
- a) THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SAME. NO TITLE SEARCH HAS BEEN PERFORMED BY THIS FIRM DURING THE COURSE OF THIS SURVEY. THIS SURVEY DOES NOT CERTIFY LEGAL TITLE TO THE REALTY AS ASSOCIATED OR TO THE BOUNDARIES SHOWN.
  - b) THIS SURVEYOR DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF ANY UNDERGROUND UTILITIES THAT MAY OR MAY NOT EXIST WITHIN THE BOUNDARIES AS SHOWN HEREON.
  - c) CORRECTED DECEMBER 14, 2016, BY ANIMATE LAND SURVEYS, INC., CHARLOTTE, NORTH CAROLINA. COPIES OF THIS PLAT MAY ONLY BE USED FOR PRESENTATION OF SURVEY EVIDENCE AND FOR CONVEYANCES BY THE PARTIES AS NAMED IN THE TITLE BLOCK ONLY. NO ALTERATIONS OR ADDITIONS MAY BE MADE.



STATE OF NORTH CAROLINA  
COUNTY OF CHATHAM

REVIEW OFFICER OF CHATHAM COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

I, Charles O. Eliason, Professional Land Surveyor No. L-3599, certify to one or more of the following as indicated thus, \_\_\_\_\_

- (c) Any one of the following:
- 1- That the survey is of an existing parcel or parcels of land and does not create a new street or change an existing street.
  - 2- That the survey is of an existing building or other structure, or natural feature, such as a watercourse;
  - 3- That the survey is a control survey.

Register of Deeds  
CHARLES O. ELIASON PLS 3599  
Charles Eliason  
PRESIDENT  
Dec 20, 2016 1:33 PM



PREPARED BY  
**INFINITE LAND DESIGN, P.C.**  
LAND SURVEYING, LAND PLANNING, MAPPING  
1175 HAW RIVER ROAD, SUITE 200  
GREENSBORO, NC 27407  
Phone: (319) 885-4700  
Fax: (319) 885-2746  
WWW.WEARELAND.COM  
C - 2471

FINAL SURVEY  
PREPARED FOR  
**LANDS OF CHARLES SAMUELS AND DELOIS SAMUELS**  
REFERENCE DEED BOOK 391 PAGE 274 - AKPAP 11417  
HAW RIVER TOWNSHIP - CHATHAM COUNTY - NORTH CAROLINA



Charles Eliason  
PRESIDENT  
Dec 20, 2016 1:34 PM

## Written Legal Description of Property

Beginning at an existing iron pipe in the western right of way of NCDOT State Road 1012, also known as the Moncure Pittsboro Road, said point of beginning being North 22 degrees 13 minutes 31 seconds West and a distance of 71.97 feet from an existing iron pipe at the intersection of said Moncure Pittsboro Road and the northern right of way of the US Highway 1 Access ramp, said monument being  $\frac{3}{4}$  inches in diameter and projecting 0.30 feet above the ground. Thence from said point of beginning the following courses and distances:

Thence with the northern line of that tract of land described in Deed Book 761, Page 36, Chatham County Registry, lands of Paul H. Wetmore, Sr. and wife Lucille A. Wetmore, and further shown on Plat Slide 88-56, Chatham County Registry, North 81 degrees 39 minutes 28 seconds West a distance of 284.49 feet to an existing iron pipe found, said boundary corner being  $\frac{3}{4}$  inches in diameter and projecting 1.50 feet above the ground; thence the following two calls with the northern line of that tract of land described in Deed Book G-B, Page 34, Chatham County Registry, the lands of the Lila Watson heirs: (1) North 79 degrees 35 minutes 39 seconds West a distance of 100.31 feet to an existing iron pipe found, said boundary corner being  $\frac{1}{2}$  inches in diameter with cap and tack in a tree root; thence (2) North 86 degrees 15 minutes 22 seconds West a distance of 15.24 feet to an existing iron pipe found, said boundary corner being 2.5 inches in diameter and projecting 0.4 feet above the ground; thence with the northern line of that tract of land described in Deed Book 1321, Page 62, Chatham County Registry, lands of Powell Chatham, LLC, and further shown on Plat Slide 2006-46, Chatham County Registry, North 86 degrees 15 minutes 22 seconds West a distance of 231.97 feet to a concrete monument in the line of that tract of land described in Deed Book 766, Page 1055, Chatham County Registry, lands of Norris Thomas and wife Amanda Thomas; thence with the eastern line of said Norris Thomas and wife Amanda Thomas North 18 degrees 15 minutes 15 seconds West a distance of 54.39 feet to an existing iron pipe found, said boundary corner being  $\frac{1}{2}$  inches in diameter with cap and tack; thence leaving said lands of Norris Thomas and wife Amanda Thomas and with the southern line of that tract of land described in Deed Book 865, Page 869, Chatham County Registry, lands of Sandra L. Phillips, Barry C. Raines trustee, and further shown on that plat as recorded in the Chatham County Registry in Plat Book 18, Page 42, Lot 2, South 87 degrees 31 minutes 42 seconds East a distance of 601.78 feet to an iron pipe set, said boundary corner being an iron pipe  $\frac{3}{4}$  inches set flush to the ground; thence along said Moncure Pittsboro Road South 22 degrees 50 minutes 33 seconds East 109.86 feet to an iron pipe found, said boundary corner being 1.5 inches in diameter and projecting 1.70' above the ground, the point and place of beginning, said parcel being in the name of Charles Samuels and Delois Samuels and being 0.957 acres, more or less, in area as per a plat of survey prepared by Infinite Land Design, PC titled "Lands of Charles Samuels and Delois Samuels," dated December 14, 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 near 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 portion of the property being 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. Parcel 11503, to the south of and adjacent to the subject property, and Parcel 11505, which is adjacent to 11503, were zoned to NB Neighborhood Business in October 2016. 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 near 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) Paul H. Wetmore Heirs  
c/o Paul H. Wetmore, Jr.  
116 Catnip Point Rd.  
Bath, NC 27808  
Parcel #11503
  
- (2) Chatham County Alcoholic Beverage Control Board  
11312 US Hwy 15-501, Suite 302  
Chapel Hill, NC 27517  
Parcel #11503
  
- (3) Lila Watson Heirs  
5770 Urban Drive  
La Mesa, CA 91942  
Parcel #83475
  
- (4) Powell Chatham LLC  
P. O. Box 260  
Moncure, NC 27559  
Parcel #11253
  
- (5) Barry C. Raines, Trustee  
7830 Moncure Pittsboro Rd.  
Moncure, NC 27559  
Parcel #11419
  
- (6) Michael S. Foley  
Brian S. Foley  
P. O. Box 777  
Kure Beach, NC 28449  
Parcel #60167
  
- (7) Norris R. Thomas  
Amanda T. Thomas  
7812 Moncure Pittsboro Rd.  
Moncure, NC 27559  
Parcel #11428
  
- (8) Ram L. Farmah  
Sheela D. Farmah  
106 Beckford Rd.  
Cary, NC 27518  
Parcel #78290