



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: Holmes Oil Co. (Edward Holmes)
 ADDRESS: 100 Europa Drive, Suite 550
Chapel Hill, NC 27517
 CONTACT PH: (919) 929-9979
 EMAIL: Eholmes@HolmesOil.com

Landowner Information:

NAME: Liberty Enterprise Inc.
 ADDRESS: 2208 Oak Stream Ln
Apex, NC 27523
 CONTACT PH: ()
 EMAIL: _____

PROPERTY IDENTIFICATION

Physical (911) Address: US 64 E PARCEL (AKPAR) No.: 70153
 Township: New Hope Total Acreage: 5.783 AC Acreage to be Rezoned: 5.783 AC
 (Do not round acreage. Use exact acreage from tax record or survey)

CURRENT ZONING DISTRICT/CLASSIFICATION: 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. : 3710978200K Map Date: 11/17/2017 Flood Zone: X

WATERSHED Information:

Current Watershed Classification: WS-IV CA 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.

Ed Holmes
Signature

10-5-18
Date

Edward Holmes, Holmes Oil Company
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) Edward Holmes, Holmes Oil Company is an authorized agent for said property and is permitted by me to file this application.

Signature

[Signature]
HIMMEL - F. HUSMAN
Print Name

10-05-18
Date

(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

1238
0838

FILED
CHATHAM COUNTY
REBA G. THOMAS
REGISTER OF DEEDS

FILED Feb 10, 2006
AT 03:02:22 pm
BOOK 01238
START PAGE 0838
END PAGE 0840
INSTRUMENT # 01872

Chatham County 02-10-2006
NORTH CAROLINA
Real Estate
Excise Tax \$2,400.00

BOOK 1238 PAGE 838

Parcel Identifier No. 9792-00-93-1392 & 9792-00-93-6127

Revenue: \$2400.00

Mail after recording to Grantees

This instrument was prepared by Becker Law Offices, PLLC (without title exam)

5.78 acres [REDACTED]

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made February 10, 2006 , by and between

GRANTOR	GRANTEE
Luter & Boon, Inc.	LIBERTY ENTERPRISE, INC. 10525 US Highway 64 East Apex, NC 27502

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the County of Chatham, North Carolina and more particularly described as follows:

See attached Exhibit "A" incorporated herein by reference.

The property hereinabove described was acquired by Grantor by instrument recorded in 642, Page 49 and Book 491, Page 374.

A map showing the above described property is recorded in Map Book 1994, page 128 and Book 37, Page 13.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Ad valorem taxes for 2006 and subsequent years.

Declarations, covenants, restrictions, easements and rights-of-way, if any, of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Luter & Boon, Inc.

By: Marshall Boon (SEAL)
President



SEAL-STAMP

North Carolina, Wake County.
I, the undersigned, a Notary Public of the County and State aforesaid, certify that Marshall Boon, as President of Luter & Boon, Inc., a North Carolina corporation, personally appeared before me this day and acknowledged the execution of the foregoing instrument on behalf of Luter & Boon, Inc. Witness my hand and official stamp or seal, this 1st day of February, 2006.

My commission expires: 1-15-10 Diane R. Becker Notary Public

EXHIBIT "A"
DESCRIPTION

TRACT #1: A certain tract or parcel of land in New Hope Township, Chatham County, North Carolina and more particularly described as follows:

Being all that certain tract or parcel of land, containing 2.83 acres, more or less as shown by survey and plat thereof, recorded in Plat Book 37, page 13, Chatham County Registry, to which plat reference is hereby made for a more particular description thereof.

For further reference, see Book 491, page 374, Chatham County Registry.

There is expressly excepted from the above tract or parcel of land the follows:

1. Deeds dated August 30, 1993, and recorded November 10, 1993, from D. Bynum Clegg and Juanita W. Clegg to Department of Transportation, an agency of the State of North Carolina for the right-of-way of US. Highway #64 of record in Book 628, pages 1057, 1059 and 1063, Chatham County Registry. (8227T)

TRACT #2: A certain tract or parcel of land situate in New Hope Township, Chatham County, North Carolina, being more particularly described as follows:

Beginning at a concrete monument designated as "US Govt. Mon. #5447" upon a map hereinafter referred to and running thence from said Control Corner South 81 degrees 29 minutes 35 seconds East 1,271.97 feet to an existing iron pipe, northwest corner of Luter and Boon, Inc. as shown upon a plat recorded in Plat Book 37, page 13 of the Chatham County Registry and running thence South with its line South 08 degrees 35 minutes 54 seconds West 175.88 feet to a new iron pipe, thence South 08 degrees 35 minutes 54 seconds West 25 feet to the northern right-of-way line of U. S. Highway 64, thence along and with the northern right-of-way line of said road North 81 degrees 26 minutes 13 seconds West 1243.15 feet, thence North 0 degrees 23 minutes 0 seconds East 25.26 feet to a new iron pipe, thence North 0 degrees 23 minutes 0 seconds East 176.43 feet to a concrete monument, point or place of beginning, containing 5.78 acres, more or less, according to plat entitled "Property of D. Bynum Clegg and wife, Juanita W. Clegg" dated April 11, 1994, by William O. Yates, R.L.S. and recorded in the Office of the Register of Deeds as Plat Slide Number 94-128, reference to which map is hereby made for a more particular description.

For further reference, see Book 642, page 49, Chatham County Registry. (8228T)

GENERAL REZONING NARRATIVE

The Chatham County Comprehensive Plan was adopted in November of 2017. The plan identifies the area (including this site) as a "Crossroad Community". Crossroad Community anticipates residential, retail, and institutional uses. The location of this parcel (adjoining US 64) and lack of depth makes it unsuitable for residential use. The parcel is basically surrounded by ACOE land on two sides and B-1 zoning to the east and across US 64.

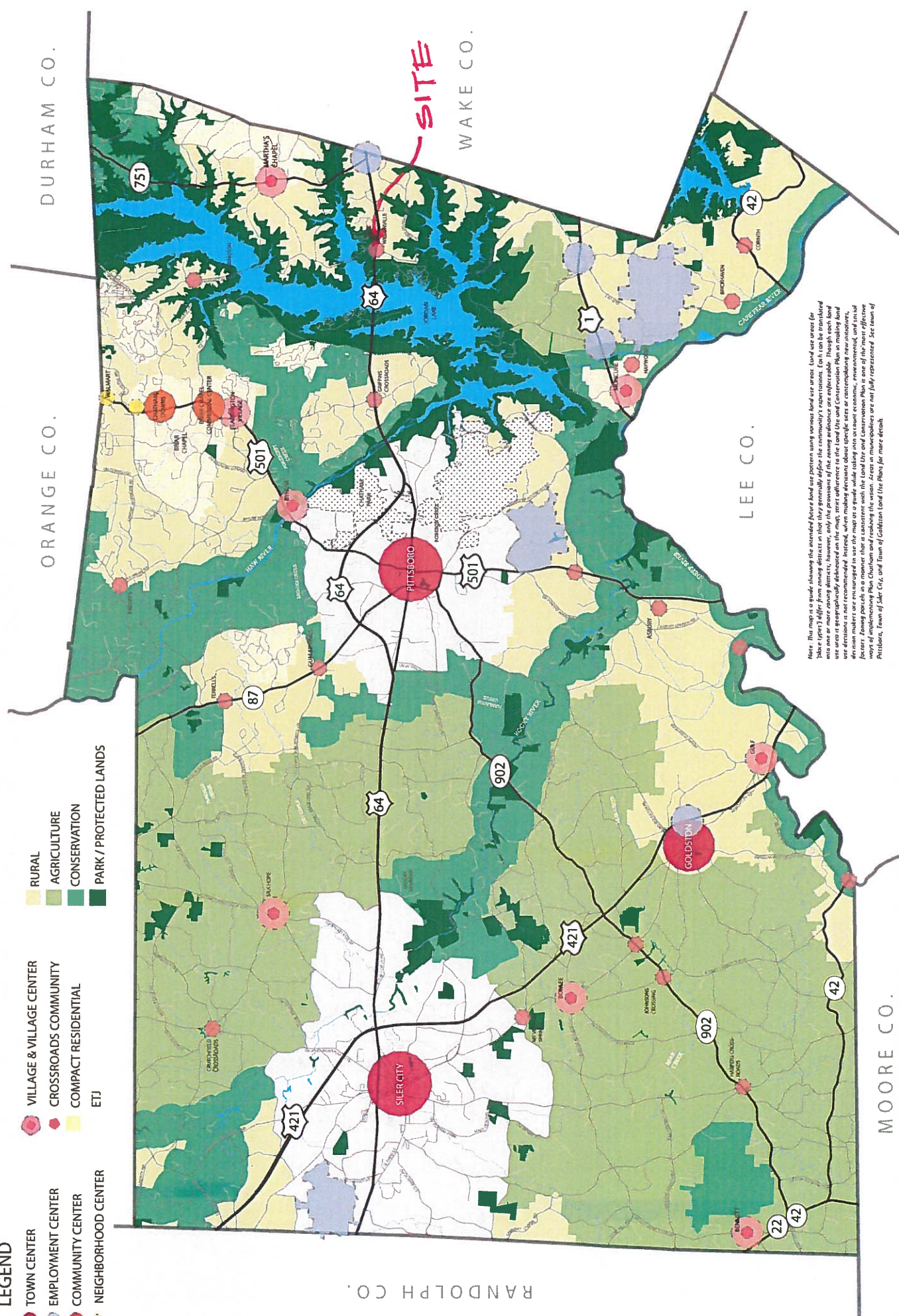
The adoption of the Comprehensive Plan creates a changed condition accommodating the rezoning of this property to "Neighborhood Business". NB zoning is consistent with the goals and objectives of the comprehensive plan.

A rezoning provides the opportunity to develop retail and institutional uses on this property and will fulfill the intent of the approved Comprehensive Plan.

The uses allowed for within the "Neighborhood Business" designation can easily be supported at this specific property location. Jordan Lake is a regional park that draws visitors year-round. US 64 has an ADT in excess of 15,000 VPD. The existing traffic volumes on US 64 and the lack of existing zoned retail and institutional uses around Jordan Lake make this property an ideal location for "Neighborhood Business" uses. **These circumstances and existing factors support the rezoning of this parcel to "Neighborhood Business"**

LEGEND

- TOWN CENTER
- EMPLOYMENT CENTER
- COMMUNITY CENTER
- NEIGHBORHOOD CENTER
- VILLAGE & VILLAGE CENTER
- CROSSROADS COMMUNITY
- COMPACT RESIDENTIAL
- ETJ
- RURAL
- AGRICULTURE
- CONSERVATION
- PARK / PROTECTED LANDS

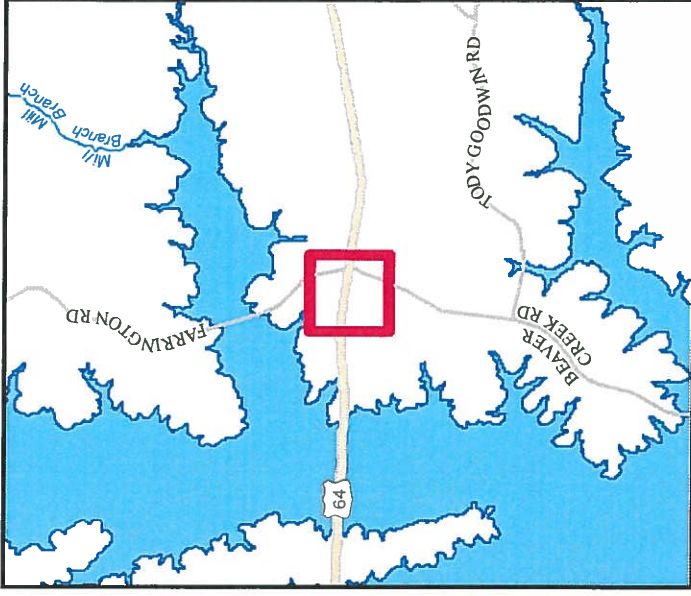


SITE

Note: This map is a guide showing the intended future land use pattern using various land use areas. Land use areas (for future types) differ from zoning districts in that they generally define the community's expectations. Each can be translated into one or more zoning districts; however, only the provisions of the zoning ordinance are enforceable. Though each land use area is intended to be a guide, it is not intended to be a guarantee of future land use. Land use decisions are not encouraged in use the map as a guide while taking into account economic, environmental, and social factors. Zoning districts are shown in a manner that is consistent with the Land Use and Conservation Plan as one of the most effective ways of implementing Plan Chatham and reaching the vision. Areas in municipalities are not fully represented. See town of Pittsboro, Town of Siler City, and Town of Goldston Land Use Plans for more details.

FUTURE LAND USE AND CONSERVATION PLAN

Watershed Map

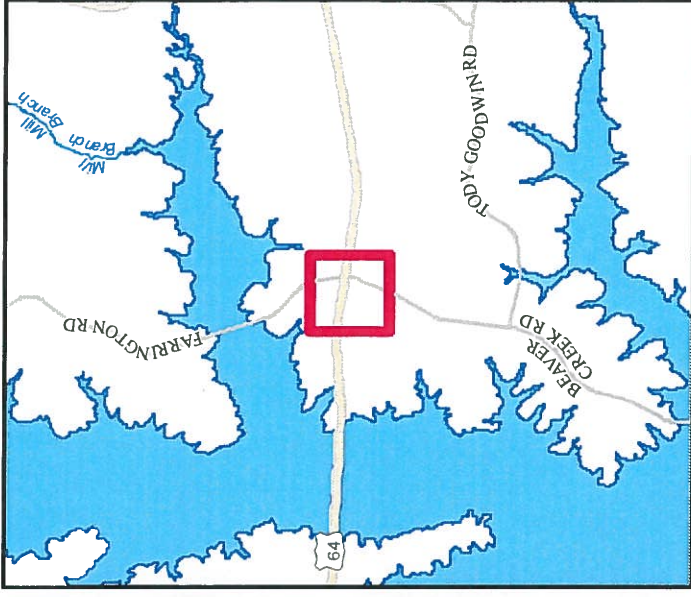


Service Layer Credits: Chatham County,
Chatham County GIS



Date: 10/5/2018
Time: 11:58:21 AM

Zoning Map



Service Layer Credits: Chatham County,
Chatham County GIS



Date: 10/5/2018
Time: 12:02:05 PM

United States Of America
C/O Army Corp of Engineers
PO Box144
Moncure NC 27559

Apex Nurseries, INC.
2925 NC Hwy 751
Apex NC 22750-25562

Joel LWilliams
1306 Walnut St.
Cary NC 27511-4733

North Chatham Vol. Fire Dept.
45 Morris Rd.
Pittsboro NC 27312

Liberty Enterprises, INC
2208 Oak Stream Lane
Apex, NC 27523

Chatham County
Water Treatment Plant
PO Box 608
Pittsboro, NC 27312