

..TITLE

Vote on a legislative request to approve by Hardip Dhillon on Parcels 5336, 5584, 84340, and 5577 to rezone from R-1 Residential and MH-NC to General Use Neighborhood Business (NB) totaling approximately 15.25 acres, located on Old US 1, Cape Fear Township.

..ABSTRACT

Action Requested:

Vote on a legislative request to approve by Hardip Dhillon on Parcels 5336, 5584, 84340, and 5577 to rezone from R-1 Residential and MH-NC to General Use Neighborhood Business (NB) totaling approximately 15.25 acres, located on Old US 1, Cape Fear Township.

Introduction & Background:

A legislative public hearing was held January 17, 2023. Planning staff presented as well as Tracy Rainer, attorney for the applicant. No comments from the public.

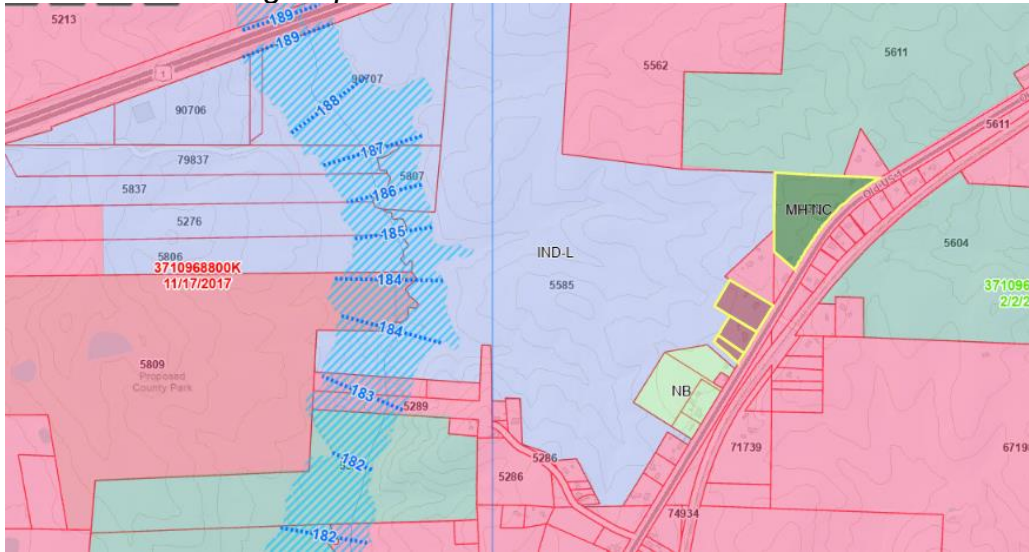
With the announcement of an auto manufacturer coming to this area of the county and being adjacent to other properties that have recently received approvals for rezoning to light industrial, the applicant seeks opportunity to utilize property he has owned for many years for a designation that could compliment and support the community as well as bridging a gap between industrial and residential properties in the area.

Discussion & Analysis:

When considering a general use rezoning, all uses listed in Section 10.13 of the Chatham County Zoning Ordinance listed under the proposed zoning classification are permitted. However, due to possible limiting situations such as wastewater capacity, access to public utilities, impervious surface limits, etc., not all uses are feasible. The decision to approve a general use rezoning shall be determined by the following criteria.

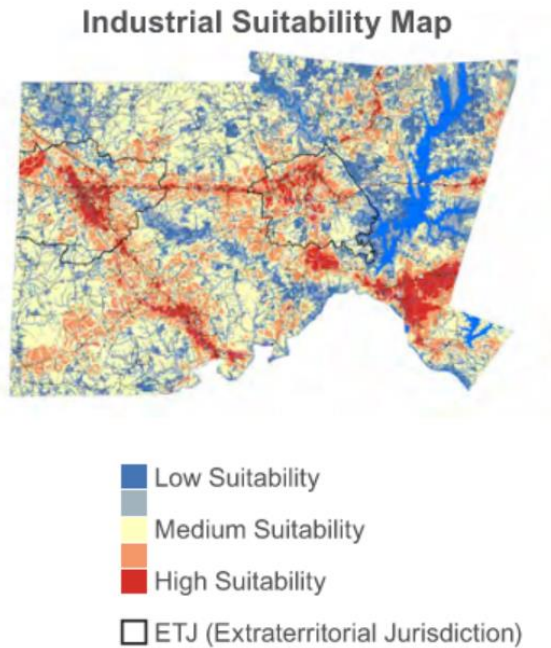
1. **Any alleged error in the Ordinance, if any, which would be remedied by the proposed amendment.** No errors in the Ordinance are being claimed. Removing a non-conforming situation from the Zoning map would be achieved.
2. **The changed or changing conditions, if any, which make the proposed rezoning reasonably necessary.** With the recent industrial rezonings of the Moncure Mega site, TIP West and East, the Midpoint Logistics, and approvals of FedEx and VinFast, the applicant wishes to provide property for complementing small scale business, retail, or office. Rezoning to NB could bridge a gap between residential and industrial uses to help the commercial center to expand in the Moncure area. There are no public improvements required at this time, employment opportunities would increase, and the tax revenue will help diversify the dependence on residential taxes.

Below is the zoning map of the area



3. **The manner in which the proposed rezoning will carry out the intent and purpose of the adopted Land Use Plan or part thereof.**
 - a. Chapter 2 – Issues and Opportunities - Even though the parcels are located within the Rural designation area of the Comp Plan, the surrounding area has and is being marketed as industrial and business development. These rezoning would lend to a different demographic of employment needed in order to support the other much larger development projects already approved or that will be locating here. This type of rezoning will help retail leakage going outside of the county.
 - b. Chapter 3 – Goals and Objectives – Pg 41-42 encourage diversifying the tax bases and providing employment opportunities especially based on the location, demands, and needs of the county residents. These parcel site between two Economic Center nodes of the Comp Plan, are located on a highway road, and wedged between industrially zoned properties.

The Industrial Suitability map below found on page 21, shows this area as “high” for industrial/commercial uses.



- c. Chapter 4 – Economic Development-ED recommendation 02 aims to increase employment opportunities (p55). ED Policy 2 encourages growth in designated Employment Centers, towns, and other appropriate locations.

Below is the Comprehensive Land Use map with the proposed rezoning areas highlighted:

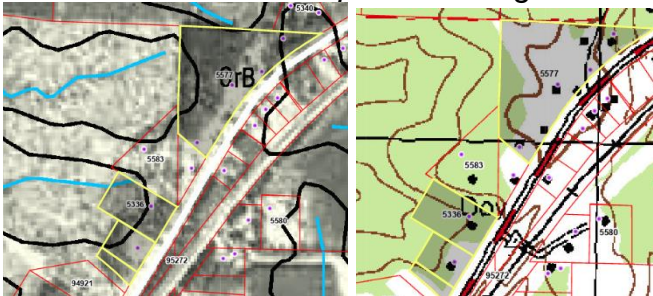


4. Other factors/reasons for rezoning request.

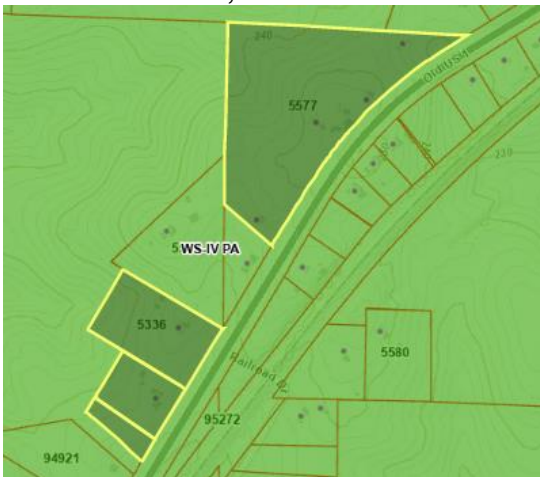
- Traffic: no significant traffic impact anticipated by the proposed rezonings.
- Visual Impact & Screening: once an end user is identified, they will be required to develop a site plan that will be reviewed for consistency with the Zoning Ordinance and a review by other various departments.

- Lighting, noise, emergency services, and signage will all go through reviews and permitting once a site plan has been developed.
- 5. All other information required on this application or as offered by the applicant in support of the request.**
- This site will be served by county water.
 - Sanitary sewer will be designed and permitted by county and/or state agencies.
 - Access will be directly from Old US 1
 - Stormwater is planned to be managed on-site as required by the Chatham County Stormwater Ordinance and the NC Department of Environmental Quality (NCDEQ)

Below are the NRCS and USGS maps that do show one area in the corner of Parcel 5336 that will require buffering



Below is the Watershed map showing the properties within the WSIV-Protected Area watershed, NOT within the Jordan Buffer Rule area



The Planning Board met February 7, 2023, and reviewed the request. Questions were asked about potential businesses and the applicant responded none have been identified. There was also concern over the existing mobile home park in which the applicant stated they will be required to move and the homes removed from the property. There was general agreement this area for business rezoning makes sense and the applicant is a long-standing business owner in the community.

How does this relate to the Comprehensive Plan: Encourages diversifying the tax bases and providing employment opportunities especially based on the location, demands, and needs of the county residents. These parcel site between two Economic Center nodes of the Comp Plan, are located on a highway road, and wedged between industrially zoned properties.

Recommendation:

The Planning Board recommends, by unanimous vote (9-0), adoption of a Resolution Approving the following consistency statement to the Board of Commissioners:

- The rezoning of these parcels is consistent with the Comprehensive Plan by providing supportive rezonings to an industrial area, providing employment opportunities, and allowing a range of complimentary uses in proximity to the mega site per ED Strategy 3.4, p56.

The Planning Board recommends, by unanimous vote (9-0), adoption of an Ordinance Amending the Zoning of Ordinance of Chatham County to approve a request by Hardip Dhillon to rezone Parcels 5336, 5584, 84340, and 5577 from R-1 Residential and MH-NC to General Use Neighborhood Business (NB) totaling approximately 15.25 acres, located on Old US 1, Cape Fear Township to the Board of Commissioners.