

**..TITLE**

Vote on a legislative request to approve by Hardip Dhillon on Parcels 5333, 5517, 5521, and 5520 to rezone from R-1 Residential and B-1 Business to General Use Neighborhood Business (NB) totaling approximately 16 acres, located on Old US 1, Cape Fear Township.

**..ABSTRACT****Action Requested:**

Vote on a legislative request to approve by Hardip Dhillon on Parcels 5333, 5517, 5521, and 5520 to rezone from R-1 Residential and B-1 Business to General Use Neighborhood Business (NB) totaling approximately 16 acres, located on Old US 1, Cape Fear Township.

**Introduction & Background:**

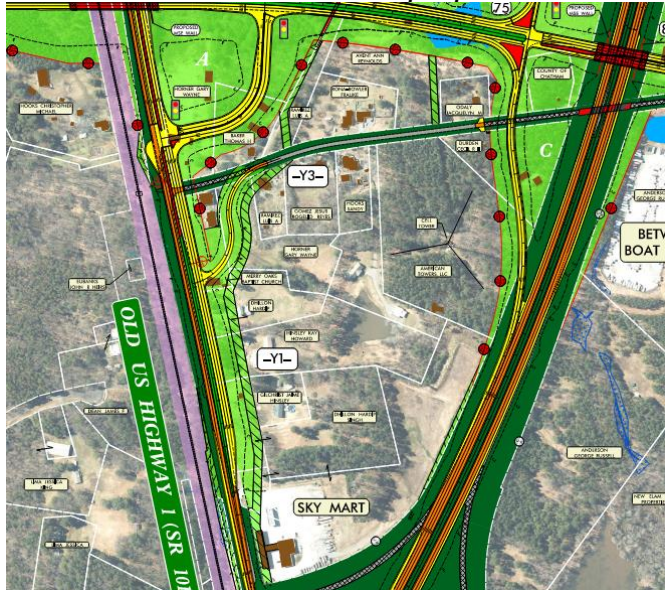
A legislative public hearing was held January 17, 2023. Planning staff and Tracy Rainer, attorney for the applicant, presented the request. No one from the public commented.

With the announcement of a car manufacturer coming to this area, NCDOT begin the process of preparing plans for redesigning several highways and roadways surrounding the TIP sites and Mega Sites. Per their proposal, it was discovered these parcels were going to be directly affected by the removal of the interchange from US 1 onto Old US 1 where the applicant's current business is located. The fuel pumps and some of the frontage on the other parcels will be removed.

This convenience store has been located on the property since at least 1988 and the applicant has owned it since 1996. It is one the larger retail establishments in the Moncure area and is adjacent to the highway and industrial uses. The applicant has hopes of expanding and offering more commercial uses as would be allowed by the Zoning Ordinance.

Below is a portion of the map from NCDOT for proposed roadway changes

- Gray – removal of interchange
- Green- proposed easement
- Yellow- proposed new roadway



### Discussion & Analysis:

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

**Any alleged error in the Ordinance, if any, which would be remedied by the proposed amendment.** No errors are being claimed with respect to this request. The B-1 Business zoning district is a historical zoning that was replaced with Neighborhood Business (NB), Community Business (CB), and Regional Business (RB) in 2008. This proposal will bring the properties into conformity with the existing zoning districts.

Below is the zoning map of the area

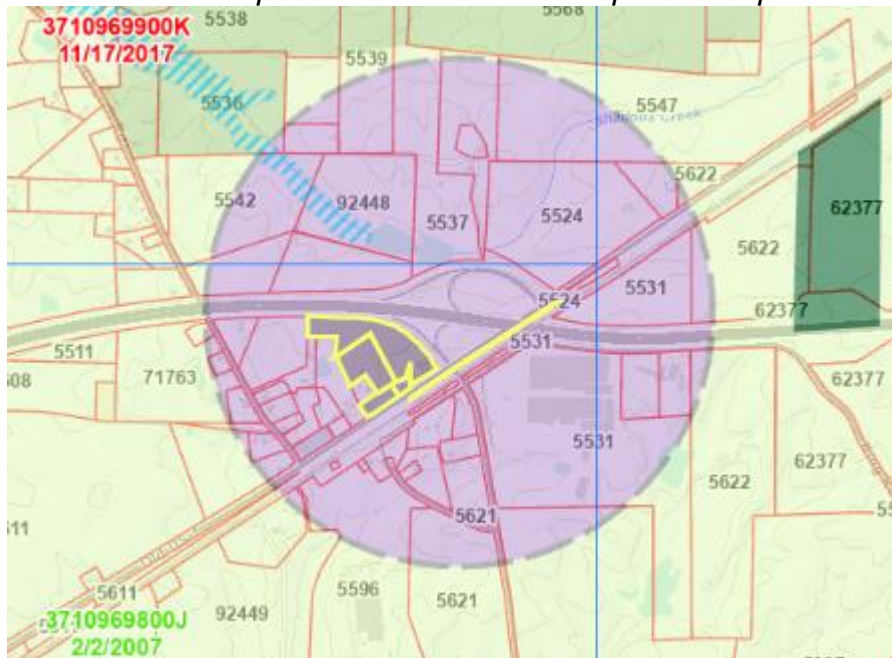


**The changed or changing conditions, if any, which make the proposed rezoning reasonably necessary.** The applicant needs these parcels zoned for neighborhood business in order to reconfigure and reconstruct his business property, located on Parcels 5521 and 5520, to accommodate the potential right-of-way acquisition by NCDOT. This is existing sales revenue the county is already receiving, and the applicant would like to continue providing these services to the area. Employment opportunities will continue.

**The manner in which the proposed rezoning will carry out the intent and purpose of the adopted Land Use Plan or part thereof.** The parcels are located within an Employment Center node of the Plan.

- Chapter 2, pg 16, encourages keeping retail leakage from going outside the county. This is an existing business that wishes to stay operating in the county.
- Chapter 3, pg 40, encourages generating non-residential tax base and employment opportunities which the applicant's business is doing and wishes to continue doing.
- Pg 47 shows the area within the Employment Center node to include a mix of uses including retail, services, restaurants, etc.
- Chapter 4, pg 54, is supported in the Economic Development recommendations to generate in-county jobs and reduce the dependence on residential tax base. ED strategies also support development of small-scale retail, services, and restaurants per Ed Policy 2, pg 55.

*Below is the Comprehensive Land Use map with the parcels highlighted*



**Other factors/reasons for rezoning request.**

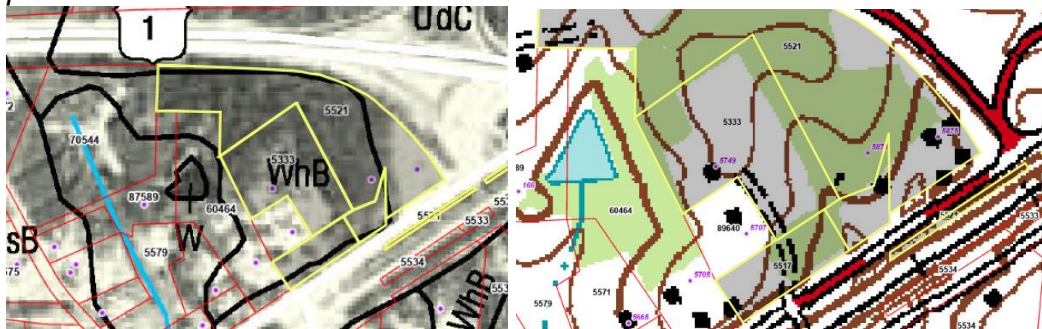
- No significant traffic impacts from this business are anticipated with the exception for anticipated NCDOT roadway reconfigurations.

- Development of a new site plan will require meeting all the zoning regulations regarding landscaping, signage, lighting, and parking that were not available when the original store was constructed. This should lend to a more appealing site.
- The properties are adjacent to a major four-lane highway.

**All other information required on this application or as offered by the applicant in support of the request.**

- County water will serve the property.
- Sanitary sewer will be designed and permitted by county or state regulatory departments.
- Storm water will comply with County and NCDEQ regulations.
- The site will continue to be accessed via Old US 1
- The property is located within the WSIV-Protected Area watershed where up to 36% of BUA is allowed. Any existing impervious surface that was present prior to 1994 when the regulation was adopted can also continue to be used in addition to the 36% allocation.

*Below are the NRCS and USGS maps that show no water features present on the parcels*



The Planning Board met February 7, 2023, to review the request. Questions included the proposed NCDOT road improvements projected for this specific area and what type of access the store would have once implemented. The applicant stated the gas canopy would be required to be removed but the tanks underground would be outside the new road configuration and therefore could stay. It is unclear exactly how much of the applicant's property NCDOT will be taking but the hope is to not have to rebuild the store. There were no additional questions from the board.

**How does this relate to the Comprehensive Plan:**

Chapter 2, pg 16, encourages keeping retail leakage from going outside the county. This is an existing business that wishes to stay operating in the county.

**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 supports the Comprehensive Land Use Plan by providing supportive services in an industrially zoned area and will offer job opportunities.

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 5333, 5517, 5521, and 5520 from R-1 Residential and B-1 Business to General Use Neighborhood Business (NB) totaling approximately 16 acres, located on Old US 1, Cape Fear Township. to the Board of Commissioners