



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
12-18-06

PART A

Subject:

A request by **Hardip S. Dhillon** to rezone approximately 4 acres off Old US 1 and New US 1, New Hill, Cape Fear Township from RA-40 to B-1 to be combined with his current B-1 property.

Action Requested:

See Recommendations.

Attachments:

The following was distributed prior to the November 20, 2006 Public Hearing

1. Application packet

The following can be viewed on the Planning Department's webpage at www.co.chatham.nc.us under Planning, Rezoning & Subdivision Cases, 2006:

2. Arcview map
3. Minutes from the November 20, 2006 public hearing
4. Signatures of support for the rezoning of the property by neighbors

Submitted By:

Keith Megginson, Planning Director

Date

County Manager Review:

Charlie Horne, County Manager

Date

This abstract requires review by:

County Attorney

Date Reviewed

Finance Officer

Date Reviewed

Budget Officer

Date Reviewed

PART B

Re: Hardip S. Dhillon

Introduction / Background / Previous Board Actions:

A public hearing was held on this request November 20, 2006. The attorney for the applicant was the only one who spoke on the issue. Minutes can be viewed on the Chatham County website. The Planning Board met on December 5, 2006 and made a recommendation to approve the requested change of the zoning district from RA-40 to a B-1 Business District to be combined with the applicant's existing B-1 Business adjoining this property. The vote was unanimous with nine (9) board members present. Such a recommendation is partially based on adopted land use plans and policies as well as changing conditions as noted in the Chatham County Zoning Ordinance under Section 17. The applicant has addressed this issue in his application.

Issues for Further Discussion and Analysis:

The Chatham County Land Conservation and Development Plan is a general policy plan. A specific plan map was not adopted but a draft map was prepared. The subjective nature of a general policy plan may be seen by review of the chart of uses on page 6 of the Plan. Non-residential development is addressed under the heading of Economic Center beginning on page 27 of the Plan. Under the heading of Overview, the text explains the six types of economic development. Item No. 6 expressly lists for continued development within other areas currently zoned commercial or industrial. The text reads as follows: "To focus economic development in these six settings, the County will discourage industrial and commercial development in other places, especially as strip development along the major highways, in environmentally sensitive areas, and in agricultural areas. Continuation of current activities will be supported in existing industrial and commercial areas." You are encouraged to read the entire Land Conservation and Development Plan of 68 pages, which is on the Planning page of the County web site.

This store was built in 1987 and the applicant purchased the property in 1992. This area of the county was not zoned until 1990. Page 12 of the Plan encourages siting commercial uses along major highways in clusters at specific, designated locations designing these commercial sites to retain a rural crossroads or village character; and integrate these uses with other nearby development. This property is located beside a major interchange of US 1 and Old US 1 and lies between the applicants current B-1 Business zoned property and a property that has a conditional use light industrial zoning for a cell tower. Triangle Brick is located across the road which has a heavy industrial zoning. From the north side of Christian Chapel Church Rd, heavy industrial zoning extends to the Wake County line. Access to this property will be via the applicant's existing drive locations at the Maxi Mart off Old US 1.

Chatham County currently provides county water to this area. If approved, the new business would be required to tap onto the county water lines as described beginning on page 61 of the Plan.

Page 48 of the Plan encourages protection of wildlife habitats and natural areas within the County. A survey by the NC Natural Heritage Program listed the red-cockaded woodpecker but it has not been observed in the area since around 1978. This bird is now found in and around the Southern Pines area of longleaf pines.

Re: Hardip S. Dhillon

Recommendation: The Planning Department staff and Planning Board recommend approval of the rezoning request.