



**CHATHAM COUNTY  
BOARD OF COMMISSIONERS  
AGENDA ABSTRACT**

**ITEM NUMBER:**  
**MEETING DATE:**  
6-18-07

**PART A**

**Subject:**

A request by **Hardip Dhillon** to rezone two adjacent properties, Parcel No. 5522 consisting of 9.1 acres and Parcel No. 5566 consisting of 4.46 acres from RA-40 (residential/agricultural) to B-1 (business) located off Old US 1, Cape Fear Township.

**Action Requested:**

See Recommendations.

**Attachments:**

*The following was submitted at the May 21, 2007 Public Hearing::*

1. Application packet

*The following can be viewed on the Planning Department's webpage at [www.co.chatham.nc.us](http://www.co.chatham.nc.us) under Planning, Rezoning & Subdivision Cases, 2007:*

2. Arcview map
3. Zoning designation map for this area
4. Letter from Loyce Hurley dated 5/21/2007

**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 legislative public hearing was held on May 21, 2007. The Planning Board met on June 5, 2007 and voted 6 to 5 not to approve staff recommendation for denial of the request. The Planning Board then voted 6 to 5 to recommend approval to rezone the properties to straight B-1 Business use.

The Planning staff and Planning Board were required to make a recommendation on the requested change of the zoning district from RA-40 to a B-1 Business District. 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 area of the Cape Fear Township, on the northern side of US 1, was zoned Residential Agricultural in 1983. However, in 1990, the southern side of Old US 1 was zoned Heavy Industrial and the northern portion remained Residential Agricultural (See zoning designation map on line for clarification). Currently on the property are two single-family residential structures; a mobile home and a site built home. The lands across Old US 1 from this property remain Heavy Industrial. Since then, there have been several properties adjoining or adjacent to this property that have received conditional use rezoning and permitting. They are:

- 1994 – Deep River Minerals was approved for CU-Ind H for a rock crusher
- 1996 – Frank Bolton was approved for CU-Ind H for a truck terminal (this is also the adjoining property to this request)
- 2001 – Frank Bolton was approved for CU-Ind H for mulch production & storage
- 2002 – Tommy Massey was approved for CU-B1 for a landscape & nursery distribution center

Triangle Brick and Carolina Power & Light own the properties across the road from this request. There is a small strip of land, which creates a "split" parcel, located across the road in the Heavy Industrial zoning district. This area is approximately .6 of an acre. Because of its long, narrow

*Re: Hardip S. Dhillon*

## **Issues for Further Discussion and Analysis**

shape, it could not be used for any type of structure development. Properties to the west are zoned residential agricultural. The applicant states in the application the area is growing and this location could be an appropriate setting for the expansion of a B1 zoning area. However, with the exception of the Heavy Industrial zoning across the road, all other industry and/or business operate under the conditional use zoning district with a conditional use permit. The Plan does not mention this area as part of an economic development center but does encourage this kind of development in order to promote a diversified, sustainable business community.

Part of designating these economic areas as stated on Page 12 of the Plan include sighting such development that can be tied to transportation and utility infrastructure. County water is available for use on this property. There is a major, four-lane highway (US 1) within 1 mile of this property. The Plan invites businesses to locate in preferred commercial and industrial sites. This property is surrounded on three sides by non-residential uses. The existing non-residential uses outside of the Heavy Industrial zoning were permitted under conditional use rezoning and permitting.

The Natural Heritage Program and the Office of State Archaeology were consulted and no issues of concern were identified.

Based on the information above, it is the opinion of the Planning Department this request is not in keeping with the policy objectives of the Plan on Page 10. The Plan states balanced growth means that new development is welcomed and accommodated, but in ways that ensure the benefits and burdens of growth are shared, growth consists of a mix of different types of development, and development is guided to appropriate locations and is designed appropriately for its setting. It is our opinion protection for the adjacent residential properties would be better served through the conditional use process. The Planning Department advised the Planning Board that the approval runs with the land and is not restricted to the present property owner and his plans for the property. Once rezoned the present owner or another owner could use the property for any of the permitted uses within the table of use in the Zoning Ordinance. Planning Board members who recommended approval of the rezoning request stated they felt a B-1 Business use would be less intrusive than the existing Heavy Industrial or Conditional Use Heavy Industrial zoning on parcels across the road or to the east of this property and would not adversely affect the residential properties to the west of this parcel.

**Recommendation:** It is the recommendation of the Planning Staff that approval of the request be denied. The Planning Board recommends approval of the rezoning request.