



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 22-4464      **Version:** 2

**Type:** Resolution      **Status:** Passed

**File created:** 9/2/2022      **In control:** Planning

**On agenda:** 11/21/2022      **Final action:** 11/21/2022

**Title:** Vote on a legislative rezoning request by Jody Leidolf for Edward Holmes, Jr., to approve on Parcels 5151, 5811, 68060, and 5258, totaling 18.2 acres, from R-1 Residential and CD-CB to general use NB Neighborhood Business, located at 1213 Pea Ridge Rd and 0 Pea Ridge Road, Cape Fear Township.

**Sponsors:**

**Indexes:** Comp Plan Goal 4: Diversify the tax base and generate more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting.

**Code sections:**

**Attachments:** 1. More information from the Planning department website

Date	Ver.	Action By	Action	Result
11/21/2022	2	Board of Commissioners	adopted	Pass
11/21/2022	2	Board of Commissioners	adopted	Pass
9/19/2022	1	Board of Commissioners	referred	

Vote on a legislative rezoning request by Jody Leidolf for Edward Holmes, Jr., to approve on Parcels 5151, 5811, 68060, and 5258, totaling 18.2 acres, from R-1 Residential and CD-CB to general use NB Neighborhood Business, located at 1213 Pea Ridge Rd and 0 Pea Ridge Road, Cape Fear Township.

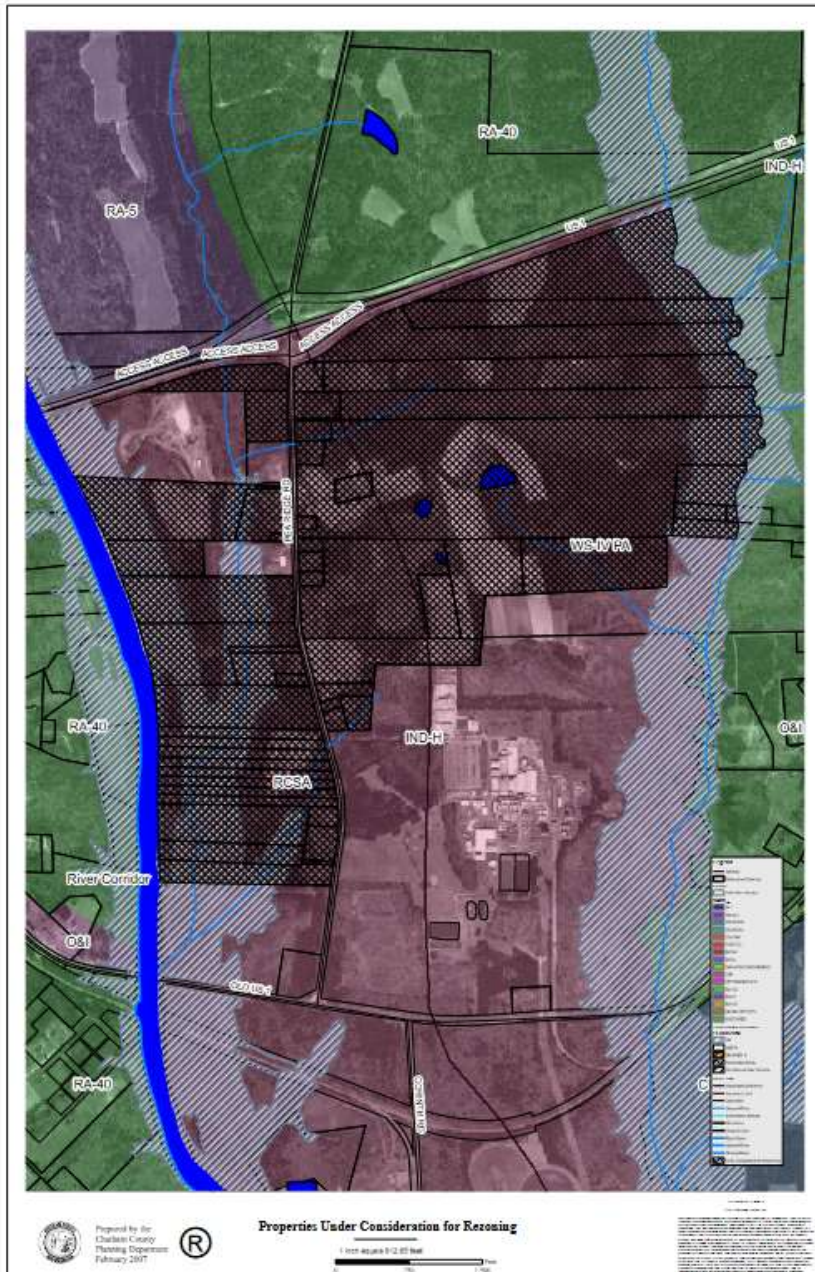
**Action Requested:**

Vote on a legislative rezoning request by Jody Leidolf for Edward Holmes, Jr., to approve on Parcels 5151, 5811, 68060, and 5258, totaling 18.2 acres, from R-1 Residential and CD-CB to general use NB Neighborhood Business, located at 1213 Pea Ridge Rd and 0 Pea Ridge Road, Cape Fear Township.

**Introduction & Background:**

A legislative public hearing was held September 19, 2022. Planning staff and Mr. Holmes presented the request. No others spoke on the matter.

In 2007, Chatham County Commissioners initiated a rezoning of multiple parcels totaling 533 acres along this portion of Pea Ridge Road from Industrial Heavy to Residential. The area was zoned Industrial Heavy in 1990 and in the ensuing years there were requests to construct a church, campground, and single-family dwellings all of which were denied because they weren't allowed in an industrial zoning district. This rezoning included four of the applicant's parcels which were previously owned by his father and an additional property that was rezoned for a gold cart sales and service facility. A map of the parcels that were rezoned from Industrial Heavy to Residential 1 follows.



Since that time, the county has approved rezoning property for the Moncure Mega site and been seeking industries to locate there. Currently, a FedEx Distribution warehouse and VinFast car manufacturer are approved to develop.

**The Planning Board met October 4, 2022. The only concern raised by some board members was their desire for the small area plan to be completed and that they think the recent rezoning requests in the Moncure area may be a pre-mature. Other members stated that as landowners, the applicant's want to make their properties more valuable in the event development takes off quickly in response to the mega site.**

**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

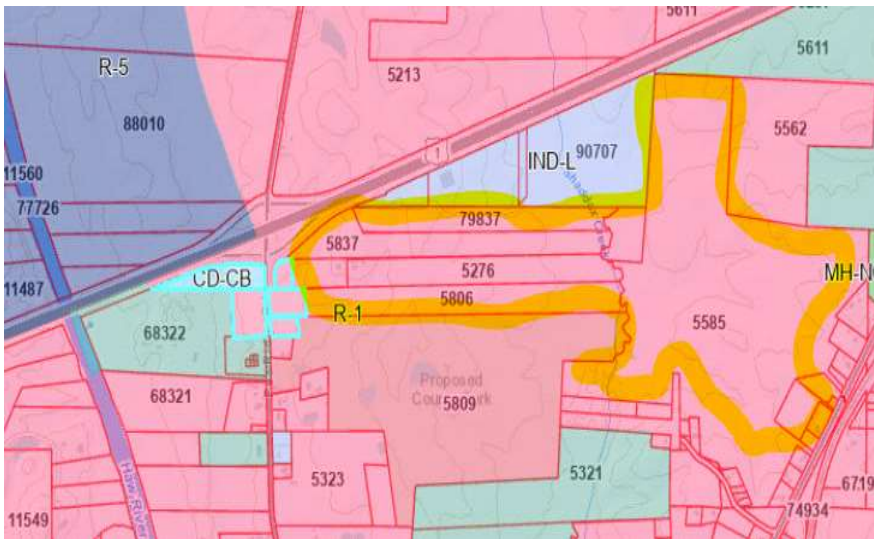
possible limiting situations such as wastewater capacity, access to public utilities, impervious surface limits, etc., not all uses are feasible. The decision to approve a general use rezoning shall be determined by the following criteria.

1. **Any alleged error in the Ordinance, if any, which would be remedied by the proposed amendment.** The applicant is not claiming any error in the ordinance.
2. **The changed or changing conditions, if any, which make the proposed rezoning reasonably necessary.** Changing conditions in the Moncure area over the last couple of years has sparked multiple interest in rezonings. Projects approved within the last 4-5 years:

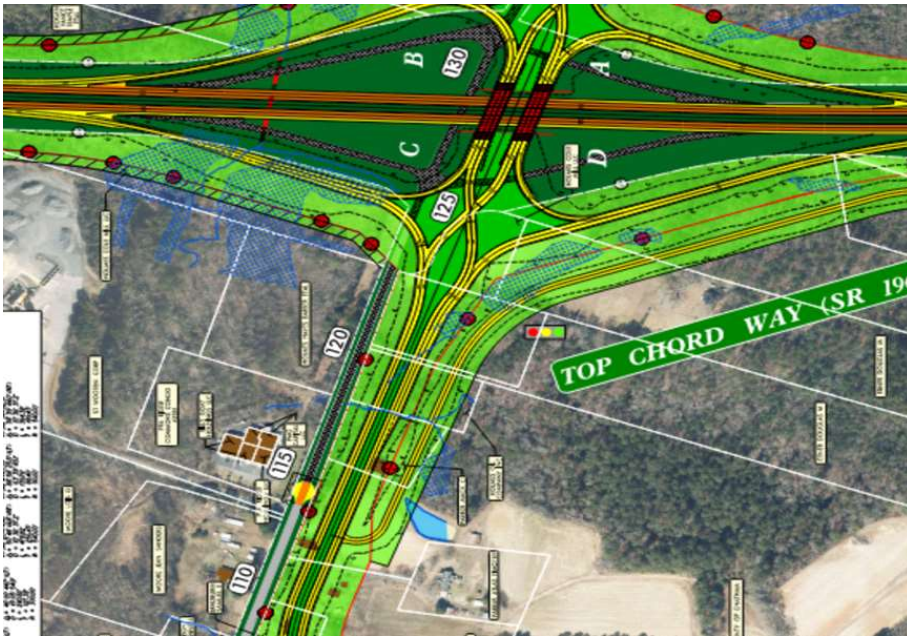
Carolina Murugan Temple off First Rd  
The Conservancy at Jordan Lake off Old US 1  
FedEx Distribution Terminal off Pea Ridge Rd  
Parcel for Duke Energy for the TIP East area  
VinFast Auto Manufacturer off the Moncure Loop Rd and Old US 1

However, this request is for Neighborhood Business in hope of offering opportunities for goods and services to be available near the industrial zoning. Currently, there is one convenience store with fuel and a community market near this area.

*Below is the zoning map of the area. The light blue outline are the parcels associated with this request. The parcels outlined in yellow are also going through the rezoning process for Industrial Light*



*The below map shows proposed new road configurations from NCDOT, Phase 2, that will affect Pea Ridge Road, Old US 1 and US 1. More information about the proposed road improvements is available on the following website: <https://publicinput.com/Chatham-TIP-road-Improvements> .*



Also noted in the below map, there are stream and wetland features that have been identified by an independent consultant at the request of the applicant. Current FEMA flood maps do not extend the survey area to these parcels but it appears these could be an extension of the special flood hazard area. These areas cannot be developed and shall require buffers



**3. The manner in which the proposed rezoning will carry out the intent and purpose of the adopted Land Use Plan or part thereof. You must note specifics from the plan/s giving reference to page number and section.**

Per the application materials, Chapter 2 of Plan Chatham includes the following:

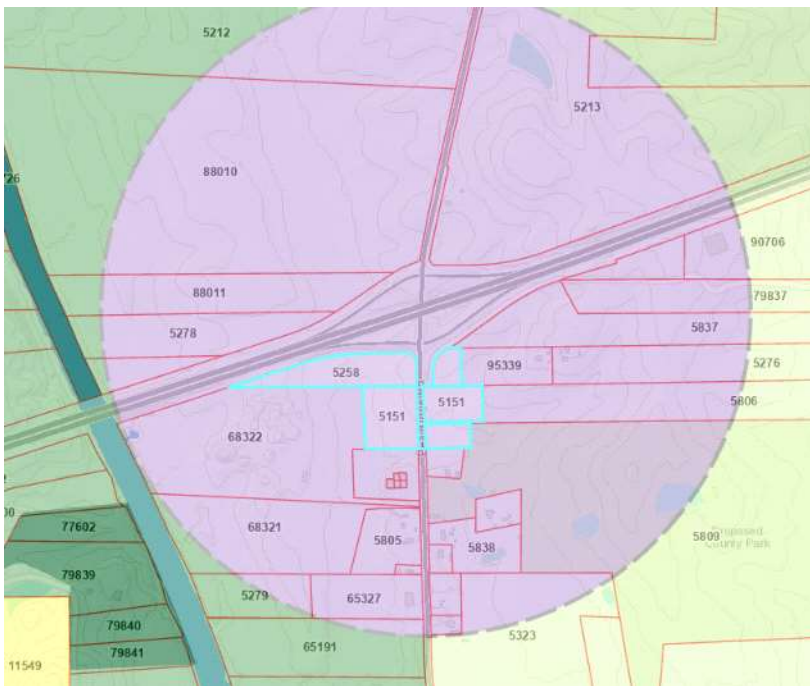
- Located within an Employment node of the Plan
- Employment opportunities

- *Increase in tax value and raises the tax base*
- *Pedestrian connectivity to the proposed County park*

*Per the application, Chapter 3 of Plan Chatham includes the following:*

- *Water will be served by the County water system*
- *Proposing to enter into an agreement with the public sewer from Sanford that will serve the VinFast site*
- *Stormwater to meet current County requirements*

*The map below notes the Economic Center node located at the intersection US 1 and Pea Ridge Road*



**4. List all other circumstances, factors, and reason which the applicant offers in support of the proposed amendment.**

*The application includes the following information in support of the request:*

- *May serve as a gateway to the TIP Innovation sites*
- *Located on a major corridor away from residential use*

- *Will provide pedestrian connectivity to the proposed county park*
- *Proposes transit stops for the Chatham Transit system*
- *All matters of development will be complied with once a concept plan is formulated*

**5. All other information required on this application or as offered by the applicant in support of the request.** *Top Chord Way will continue to serve as a service road to the parcels it currently serves and any subsequent development from this rezoning request.*

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

The property is located within an Employment node where employment opportunities can be created, tax base increase in property value, and utilizing public utilities.

**Recommendation:**

The Planning Board voted 8-1 to adopt a resolution approving the following the Consistency Statement.

Per Chapter Two of the Plan, these properties are located within an Economic Center node where growth in commercial, office, and industrial use are encouraged and therefore supports the rezoning.

The Planning Board voted 7-2 on the rezoning request to recommend approval of the rezoning and adoption of an ordinance approving a legislative rezoning request by Jody Leidolf for Edward Holmes, Jr., to approve on Parcels 5151, 5811, 68060, and 5258, totaling 18.2 acres, from R-1 Residential and CD-CB to general use NB Neighborhood Business, located at 1213 Pea Ridge Rd and 0 Pea Ridge Road, Cape Fear Township.