



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 22-4497 **Version:** 2

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

**File created:** 9/28/2022 **In control:** Planning

**On agenda:** 12/19/2022 **Final action:** 12/19/2022

**Title:** Vote on a legislative request by Edward Holmes, Jr. to approve a General Use rezoning on Parcels 5837, 79837 and portions of 5276 and 5806 totaling approximately 84.842 acres currently zoned R-1 Residential to Industrial Light, 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., Comp Plan Goal 7: Provide infrastructure to support desired development and support economic and environmental objectives.

### Code sections:

**Attachments:** 1. More information from the Planning department website, 2. Oct 17 2022 PH Holmes and Thurber

| Date       | Ver. | Action By              | Action | Result |
|------------|------|------------------------|--------|--------|
| 12/19/2022 | 2    | Board of Commissioners |        |        |
| 12/19/2022 | 2    | Board of Commissioners |        |        |
| 10/17/2022 | 1    | Board of Commissioners |        |        |

Vote on a legislative request by Edward Holmes, Jr. to approve a General Use rezoning on Parcels 5837, 79837 and portions of 5276 and 5806 totaling approximately 84.842 acres currently zoned R-1 Residential to Industrial Light, Cape Fear Township.

### Action Requested:

Vote on a legislative request by Edward Holmes, Jr. to approve a General Use rezoning on Parcels 5837, 79837 and portions of 5276 and 5806 totaling approximately 84.842 acres currently zoned R-1 Residential to Industrial Light, Cape Fear Township.

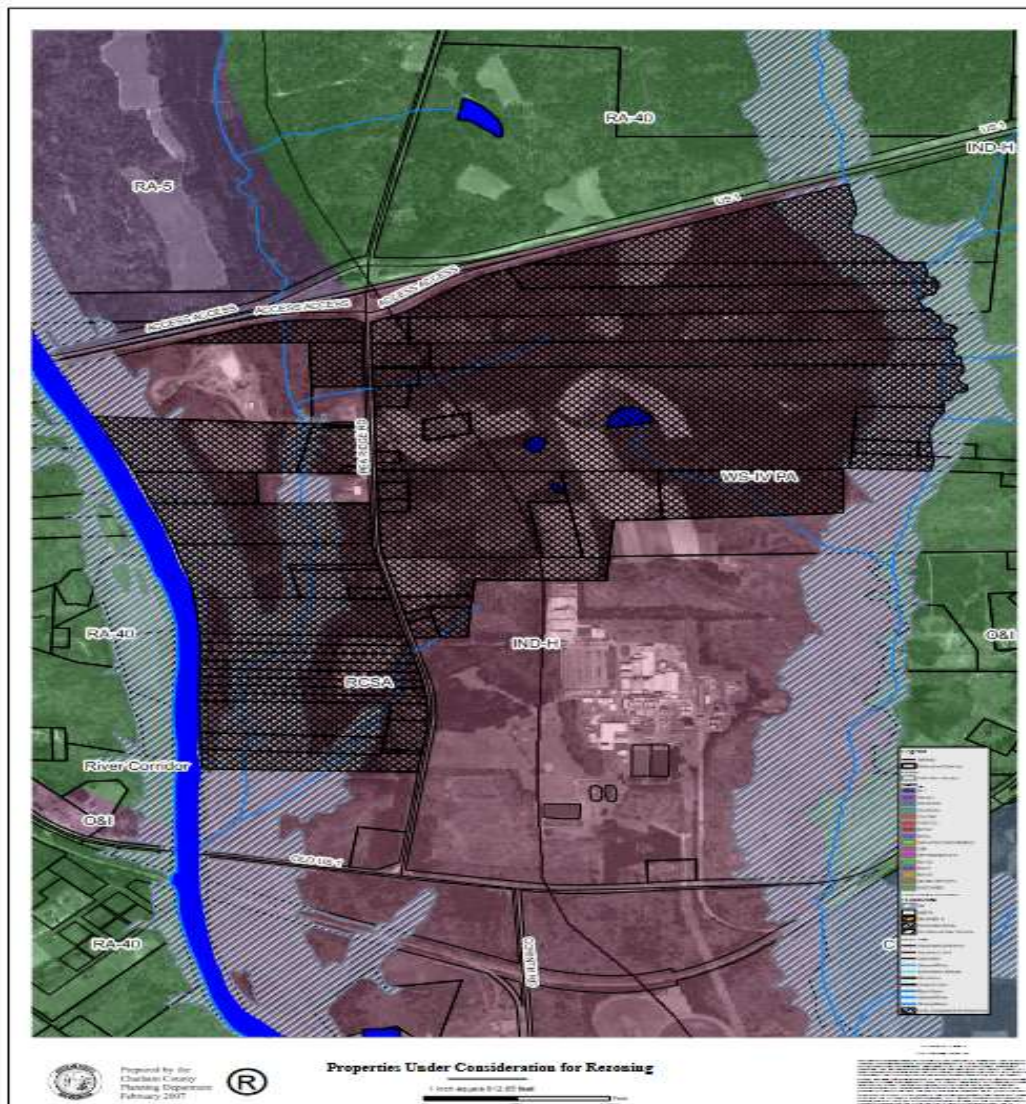
### Introduction & Background:

A legislative public hearing was held on October 17, 2022. Planning staff presented the request and Jody Leidolf, representative for the landowner, also spoke. No one from the general public 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. Property owners who were currently using their land for residential or agricultural purposes requested the rezoning be approved so they could take advantage of lower tax bills based on the actual use of the land. This rezoning included several of the applicant's parcels

which were previously owned by his father. A map of the parcels that were rezoned from Industrial Heavy to Residential 1 follows.

Parcels 5276 and 5806 will be subdivided and the remaining acreage is to remain with the current landowners and as R-1 Residential.



*Map of properties rezoned from HI to R1 in 2007*

Over the last several years, the Commissioners have positioned the Moncure Mega Site/Triangle Innovation Point to attract major industrial projects and rezoned other parcels to be used for commercial or industrial use in an effort to increase the industrial footprint in the Moncure area. To date, a FedEx distribution terminal (under construction) and an auto manufacturer have or plan to locate in this area.

**The Planning Board met November 1, 2022. Some concerns were raised:**

- Environmental protections for creek/stream buffers
- Potential crossing of Shaddox Creek to connect to adjacent, recently zoned property

**The applicant stated they would be following county and/or state regulations regarding buffers from streams and any floodable areas. They also stated they didn't need to cross Shaddox Creek to develop their property and a connection to the adjacent property was not required just offered to that property owner. They will be maintaining Top Chord Way which will be used to access all of their property.**

**They also stated that the Sanford utility line may come up Shaddox Creek at some point.**

**The Planning Board voted 6-1 to approve the consistency statement and rezoning of the properties.**

**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.** Conditions in the Moncure area over the last few years have sparked multiple rezoning, subdivision, and site plan application submittals. 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

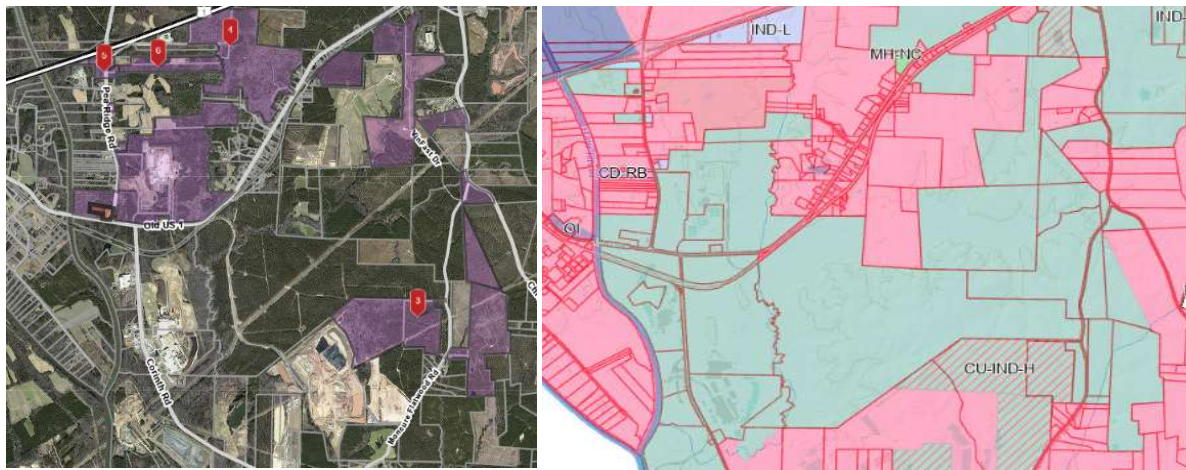
The county has reviewed other general use rezonings in this same area over the past few months. They are:

Gateway Park - 18.2 acres - proposed Neighborhood Business  
Midpoint Logistics - 199.92 acres - proposed Light Industrial  
Chatham Co Board of Commissioners - 313.5 acres - Heavy Industrial

(These follow the rezoning approvals for Moncure Holdings at the end of 2021 for approximately 158 acres to bring the align the zoning for properties that comprise the auto manufacturing site). The applicant proposes a complementary zoning to the VinFast site that would allow for other services that may be needed to serve the auto manufacturer as well supporting pedestrian and transportation

connectivity

*Below is snapshot from the GIS Interactive map showing properties currently in the rezoning application process and the GIS zoning map of current zoning designations in the surrounding area*

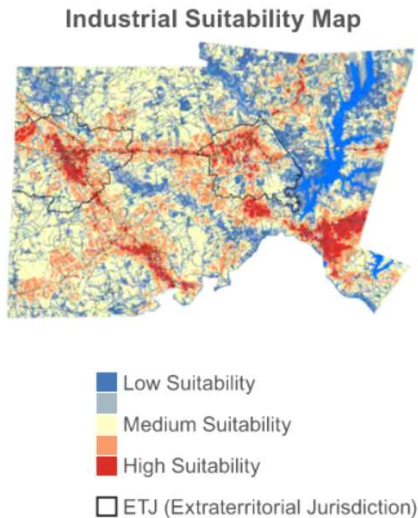


*The following map shows proposed a new road configuration for Pea Ridge Road, Old US 1 and US 1 as part of Phase 2 improvements to access the Vinfast site. More information about the proposed road improvements is available on the following website:*  
<https://publicinput.com/Chatham-TIP-road-Improvements> .



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.

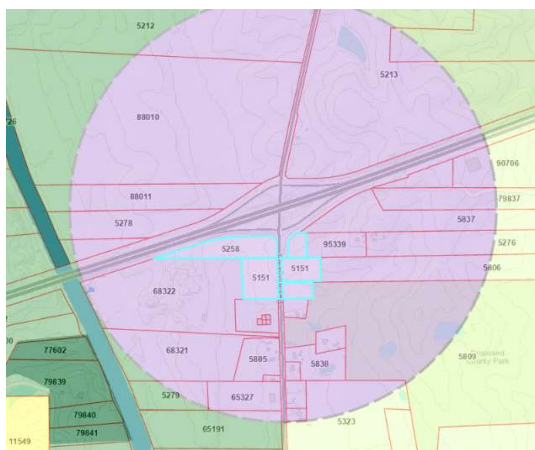
Page 21, Land Use Suitability, indicates this area under the Industrial Suitability Map



Page 41 Objectives- generate more in-county jobs, create economic opportunities, and reduce out commuting. Applicant contends this area could specifically provide unique space for entrepreneurs for small businesses to locate as various needs arise.

Page 47 Employment Center - the Moncure Mega site is specifically listed as a place for a mix of industrial, office, and supporting retail and services. Portions of these parcels are located within the Employment Center node and adjacent to existing industrial zoned property.

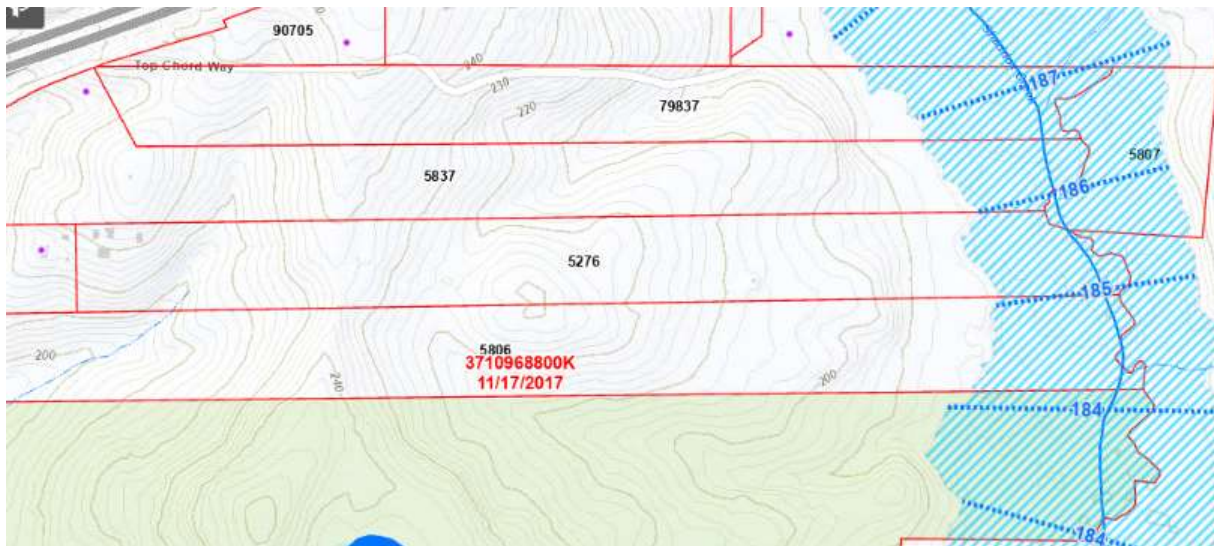
*The map below notes the Economic Center node located at the intersection US 1 and Pea Ridge Road*



#### 4. FINDING NO 4 - Other factors/reasons for rezoning request

- May serve as supporting lands for services to the TIP Innovation sites.
- Will assist with increased tax value for non-residential use.
- May provide pedestrian connectivity and use of an existing service road.
- 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. Portions of all four parcels have special flood hazard area which cannot be developed or disturbed without proper permitting.



The properties are located within the WSIV-Protected Area watershed not within Jordan Lake buffer rule area and will be limited to 36% impervious (BUA) surface area under current regulations. Other factors are:

1. 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
2. County water will serve the area
3. Wastewater is anticipated to utilize the infrastructure improvements for the Mega site and adjacent lands
4. Stormwater runoff will follow Chatham County guidelines best management practices

The Planning Board reviewed the request during their regular meeting on November 1, 2022. Discussion included whether the pre- or post-2008 riparian buffer rules will apply to future development of the property and concern about potential wetland impacts. Staff commented that it will depend on whether the property is subdivided, which is the trigger for the post-2008 riparian buffer rules. The developer also commented that they have spoken with Town of Sanford Utilities staff

and the site could potentially be served by their wastewater system with an extension along Shaddox Creek. They also commented that they intend to use Top Chord Way for access and have discussed extending the across Shaddox Creek to serve the Midpoint Logistics property.

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

To generate more in-county jobs, create economic opportunities, and reduce out commuting. Applicant contends this area could specifically provide unique space for entrepreneurships for small businesses to locate as various needs arise.

Employment Center - the Moncure Mega site is specifically listed as a place for a mix of industrial, office, and supporting retail and services. Portions of these parcels are located within the Employment Center node and adjacent to existing industrial zoned property.

**Recommendation:**

The Planning Board, by vote of 6-1, recommends adoption of a resolution approving the following consistency statement:

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

The Planning Board, by a vote of 6-1, recommends adoption of an ordinance amending the zoning ordinance approving a request by Edward Holmes, Jr. to approve a General Use rezoning on Parcels 5837, 79837 and portions of 5276 and 5806 totaling approximately 84.842 acres currently zoned R-1 Residential to Industrial Light.