

## **..TITLE**

Vote on a legislative request by the Chatham County Board of Commissioners to approve a legislative General Use rezoning on Parcel 5368 being 66.5 acres located off the Moncure Flatwoods Rd and a portion of Parcel 85332 being approximately 200 acres located at 1315 Moncure Pittsboro Rd, totaling approximately 266.5 acres, from R-1 Residential and Conditional Use Heavy Industrial to Industrial Heavy, Cape Fear Township.

## **..ABSTRACT**

### **Action Requested:**

Vote on a legislative request by the Chatham County Board of Commissioners to approve a legislative General Use rezoning on Parcel 5368 being 66.5 acres located off the Moncure Flatwoods Rd and a portion of Parcel 85332 being approximately 200 acres located at 1315 Moncure Pittsboro Rd, totaling approximately 266.5 acres, from R-1 Residential and Conditional Use Heavy Industrial to Industrial Heavy, Cape Fear Township.

### **Introduction & Background:**

A legislative public hearing was held June 21, 2022. Planning staff presented the request. Two citizens made comments to the Board: Mr. Don Brown and Ms. Casey Mann. Mr. Brown's concerns were about his five parcels he owns that are currently under forestry management, that he hasn't seen any plans or discussions about buffers, and what the impact to families in this area is going to be. Ms. Mann stated she supports Mr. Brown's farm and is concerned about the ecosystem care when development starts. She stated they want to see large buffers, trees, etc as incentives to develop the area that will preserve natural areas. No one else spoke on the matter.

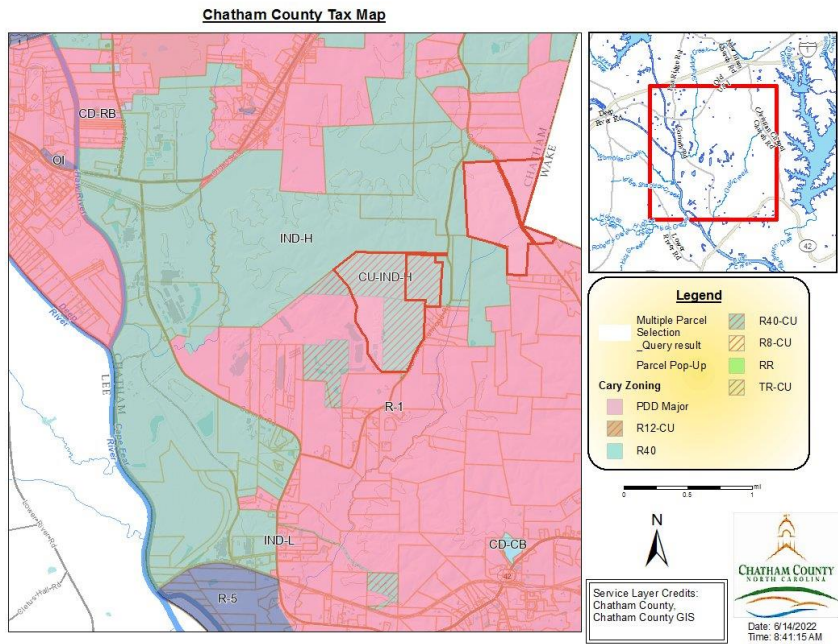
### **Discussion & Analysis:**

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 application summary was prepared by Kent Jones, attorney/partner with the Bradley Law Firm. 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. **It is planning staff opinion this finding has been satisfied.**
2. **The changed or changing conditions, if any, which make the proposed rezoning reasonably necessary.** In the continuation of creating a major employment opportunity for the county, these parcels are needed to facilitate the development of future industrial uses. Due to wetlands and other buffer requirements around many areas of the Mega site, these additional lands are

needed to provide the necessary construction of a proposed automobile manufacturing facility and related uses. The development of the Mega site and subsequent heavy industrial areas adjacent to or adjoining the Mega site, will promote the local economy by providing jobs, sales tax revenue, infrastructure, and increased property values for the tax base.

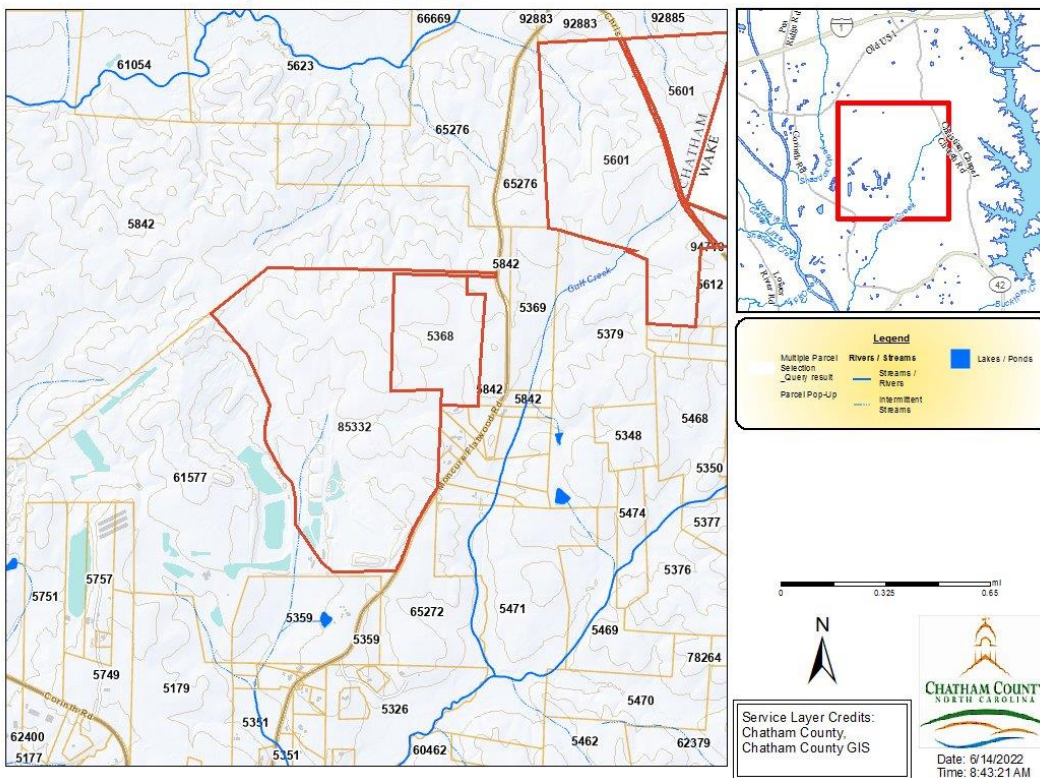
*The below map shows the mega site location (in green Heavy Industrial) with the proposed parcels for rezoning outlined in red.*



There are no required services or public improvements needed by the county. NCDOT along with RK & K, are developing some roadway improvements to modify several areas in and around the Mega site to create better truck and general traffic flow and access points. This is also noted in the Comp Plan, Pg 67, Strategy 6.4, to work with NCDOT to manage accesses along these major corridors to provide the necessary and best access points for incoming business and industry.

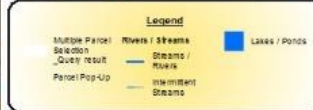
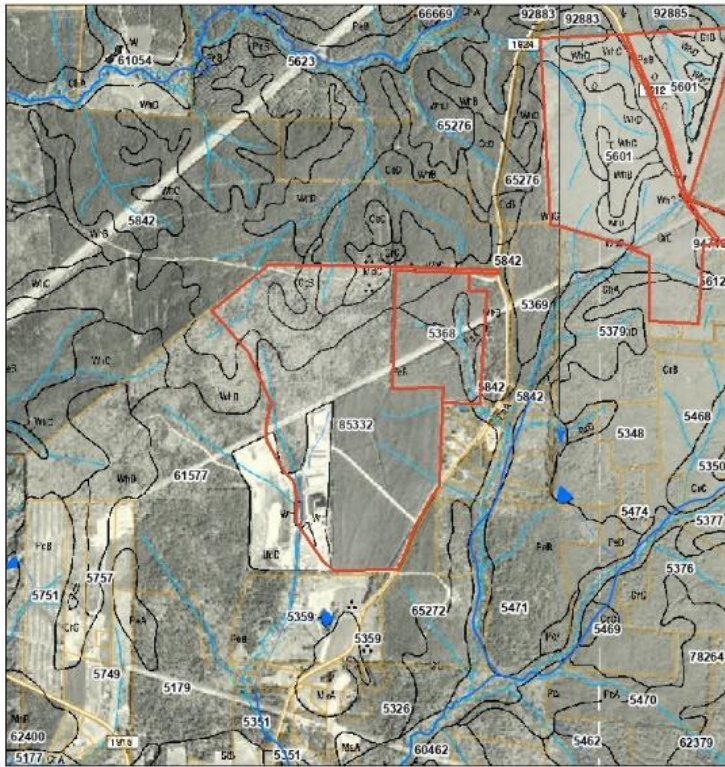
*The below map shows the many water feature areas that will require either buffering or no disturbance areas.*

**Chatham County Tax Map**



*The below maps are from the NRCS and USGS map data*

**Chatham County Tax Map**



Service Layer Credits:  
Chatham County  
Chatham County GIS  
NRCS, Chatham County.



**Chatham County Tax Map**



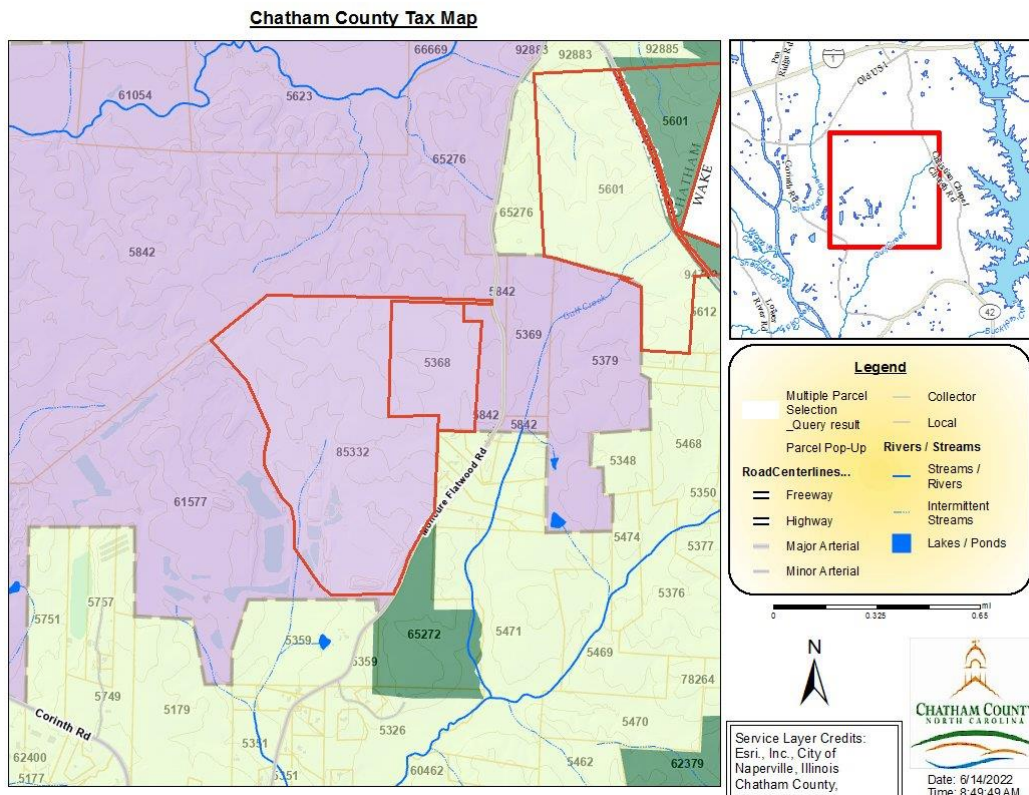
Service Layer Credits:  
USGS, Chatham County  
Chatham County GIS  
Chatham County



The county has been promoting the Mega site and attempting to land some industry for several years and now that a couple of opportunities have been put into action, such as the under-construction FedEx distribution terminal, this will increase those opportunities to entice more industry. **It is planning staff opinion this finding has been satisfied.**

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.** Two of the parcels, 85332 and 5368, are both located within the Employment Center node of the Comp Plan which is part of the Mega site boundary guide area. Parcel 5601 is located within the Rural node but adjacent to the Mega site Employment Center node. Since the node area is not hard fast boundary line the Comp Plan map would continue to be valid as is.

*The below map is from the Comprehensive Land Use Plan. The “purple” area is within an Employment Center node and the “light green” area is within the Rural node adjacent to the EC node.*



Page 41, Ch 3, Goals and Objectives No.4 calls for diversifying the tax base and to generate more high quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity, and reduce out-commuting. A proposed project for this area plans to bring approximately 7,500 jobs. A new subdivision has been approved

in the Moncure area off Old US 1 that will provide 1500 new single-family dwellings. Existing businesses in the Moncure area will benefit from more dollars being spent in those establishments and promote more retail and personal services that could potentially locate there.

Page 47, Ch 3, Land Use Descriptions, expressly calls out the Moncure Mega site under the Employment Center node areas.

Page 53, Ch 4, Economic Development, states that the county's history has been built on agricultural and manufacturing uses. Manufacturing employment has dropped from just over 5,000 jobs in 2002 down to just over 2,000 in 2014. Several goals are supported under Economic Development with the expected development of the Mega site and surrounding area.

Page 104, Ch 4, Recommendations and Strategies for Natural Resources. Under Recommendation No 1, the site will incorporate landscape designs and storm water controls that ensure the long-term quality of water resources as stated in Policy 1. Required review and permitting will be controlled by either the county Watershed Protection Department or the state NCDEQ offices. Stream buffers will follow the pre 2008 watershed guidelines. **It is planning staff opinion this finding has been satisfied.**

- 4. List all other circumstances, factors, and reason which the applicant offers in support of the proposed amendment.** As stated earlier, plans are already being created and reviewed by NCDOT and the county to develop modified road accesses and mitigate traffic flows that will be created with the development of the Mega site.

Landscaping, lighting, parking, and signage will all be compliant with the requirements of the Chatham County Zoning Ordinance and as reviewed and approved by the various county departments.

With industrial uses, noise will be generated from the sites but will also comply with the Chatham County Noise Ordinance. Should any noise exceed the maximum allowances per the Ordinance, a review and request for modification shall be sought before conducting those operations. The noise ordinance is administered and enforced by the Chatham County Sheriff's Office.

With most industrial uses, there will be chemicals and materials associated with the production of products. Proper posting, MSDS sheets and permitting requirements will be followed. Emergency services will be available to service the site. **It is planning staff opinion this finding has been satisfied.**

5. **All other information required on this application or as offered by the applicant in support of the request.** The project site will connect the county water system. There are current lines along Old US 1, Moncure Flatwoods Rd., Corinth Rd, and Pea Ridge Rd.

The wastewater system will be via connection to the Regional Airport Sewer Extension project from the City of Sanford sewer network. This project is currently under construction.

Currently, there is a permit in place allowing the discharge of up to 244,000 gallons of treated water into the Haw River with a wastewater treatment facility located on the northeastern portion of the site. Impact statements will be obtained for water and sewer prior to operations.

Stormwater management will be controlled in accordance with the pre 2008 County's Watershed Protection Ordinance. Projects will minimize built-upon surface area, direct stormwater away from surface waters, establish a minimum one hundred (100) foot vegetated setback on both sides of perennial streams as measured from the top of the stream bank [FH1] and incorporate Best Management Practices to minimize water quality impact. **It is planning staff opinion this finding has been satisfied.**

Commissioner Hales wanted to know if a conditional district rezoning was an option. Planning staff stated it's always an option but not for the proposed project at hand due to the time frame the Board is working with in consideration of the coming VinFast project.

Based on all five standards being supported, it is planning staff opinion the request should be approved. The Planning Board voted to approve the request by vote of 8-3.

The Planning Board met on July 7, 2022. Planning staff presented the agenda notes from the public hearing. Ms. Casey Mann, resident, spoke on behalf of Mr. Brown, another resident with property adjacent to these tracts noting the same concerns mentioned at the public hearing. Mr. Kent Jones was also present to answer questions.

Planning Board members noted the following concerns:

- Gulf Creek is already an impaired water source
- Need for stricter buffer rules along streams and wetlands
- Project is not required to meet the county's current riparian buffer rules
- Don't understand how adding land that has several creeks, streams, and wetlands will help the development of a proposed building site
- Why conditional district rezoning wasn't applied for instead of general use

Note: Prior to the August 24, 2022 Commissioners meeting, the owners of General Shale requested that the rezoning of their property be placed on hold until they could finalize negotiations with Vinfast. The rezoning of Duke Energy's property was finalized

during the August meeting and this item is now being added to the Commissioners agenda for final action on the General Shale property.

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

Several recommendations and strategies are marked as encouraging future development in and around the Moncure Mega site to promote a more diverse tax base and bring employment opportunities to the county. This area was expressly noted in Plan Chatham.

**Recommendation:**

The Planning Board by a vote of 8-3 recommend adoption of a resolution approving the following consistency statement:

*In an effort to facilitate the Moncure Mega site and in pursuit of evolving economic development in a way that will diversify the tax base for Chatham County and provide for the future services required in this community, the proposed rezoning is consistent with the Comprehensive Plan of Chatham County.*

The Planning Board by a vote of 8-3 recommend adoption of an ordinance amending the approving a legislative request by the Chatham County Board of Commissioners to approve a legislative General Use rezoning on Parcel 5368 being 66.5 acres located off the Moncure Flatwoods Rd and a portion of Parcel 85332 being approximately 200 acres located at 1315 Moncure Pittsboro Rd, totaling approximately 266.5 acres, from R1 Residential and Conditional Use Heavy Industrial to Industrial Heavy