



Chatham County Planning Board Minutes November 1, 2022

The Chatham County Planning Board met in regular session on the above date and the meeting were as follows:

Present

George Lucier, Chair
Caroline Siverson
Clyde Frazier
Alex West

Jon Spoon, Vice Chair
Eric Andrews
Allison Weakley

Absent

Jamie Hager
Bill Arthur
James Fogleman

Planning Department

Jason Sullivan, Director, Angela Plummer, Zoning Administrator, Dan Garrett, Clerk to the Planning Board, and Alice DelVecchio, Intern.

I. CALL TO ORDER:

Chair Lucier called the meeting to order at 6:30 p.m.

II. DETERMINATION OF QUORUM:

Chair Lucier stated there was a quorum, 7 members present, Mr. Fogleman, Mr. Arthur, and Ms. Hager were absent.

III. APPROVAL OF AGENDA:

Approval of the Agenda – Chair Lucier asked the board members if there were any issues with the agenda and mentioned with the approval of the agenda, we will approve the consent item. Motion to approve by Mr. West, second by Vice-Chair Spoon. The agenda was approved, 7-0, unanimously.

IV. APPROVAL OF THE MINUTES:

Consideration of the October 4, 2022, meeting minutes. Motion by Vice-Chair Spoon and second by Ms. Siverson. The October 4, 2022, minutes were approved 6-0, Ms. Weakley did not vote because she was absent from the October meeting.

V. PUBLIC INPUT SESSION:

There were no residents signed up to speak.

VI. CONSENT ITEMS:

1. A quasi-judicial evidentiary hearing requested by Lori Lay Thurber for Special Use Permit on Parcel 68864 for an in-home daycare center for up to 15 children at 3721 Old Graham Rd., Center Township. – Approved 7-0, unanimously.

VII. ZONING ITEM:

1. A legislative public hearing requested by Edward Holmes, Jr. for 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.

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.

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, 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, 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.

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 41 Objectives- generate more in-county jobs, create economic opportunities, and reduce out commuting. The 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.

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 a 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 has up to three meetings in which to make a recommendation to approve or deny the request to the Board of Commissioners.

If approval is recommended, the following Consistency statement has been provided for consideration

“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.”

- Ms. Weakley had a question about finding 5 where it states the stormwater runoff will follow Chatham County guidelines best management practices, but will they not also follow the regulations? Mr. Sullivan said yes, they will be required to follow all regulations. There was some discussion about the stream buffers and if the regulations would be pre-2008 or post-2008 regulation. Mr. Sullivan stated if the amount of land that will be residential is greater than 10 acres then it will have post-2008 regulations. Ms. Weakley stated her concern major

concern is adding more parcels to the megasite because they are not under our current watershed protection rules. These streams and wetlands need to have buffers and that continues to be a concern of mine.

- Mr. Jody Leidolf stated they are requesting a rezoning from R1 to Light Industrial and feel it is compatible with the operations to the north at the TIP site and the parcels to the east which we brought to this Board last month and was recommended for approval. These parcels we bring before you are surrounded by other light and heavy industrial zoned parcels. Mr. Leidolf stated the road Top Cord Way is a public road maintained by NCDOT until it curves and then it is a private road which there is a shared responsibility for maintaining with a neighboring business. Top Cord Way will always be the designated entrance for these parcels. There was some discussion with Midpoint Logistics, and they were interested in crossing Shaddox Creek for more access. We have also met with the city of Sanford Utilities Director about the possibility of bringing water and sewer to these parcels. We have also been collaborating with Sage to do an environmental survey just to get some early ideas and plans. Mr. Leidolf also stated Mr. Ebner is a partner in this as well because he is providing portions of his property and we have been working with Ms. Paula Phillips and Drew Blake on that project. This site, due to its access to other businesses, feels appropriate for this light industrial rezoning.
- Chair Lucier asked if Shaddox Creek would have a 50-foot or a 100-foot buffer on it? Mr. Leidolf stated it has an extensive floodplain that makes up about 6.24 acres which is way more than 100 feet from the creek on each side. We are just coming before you for the light industrial rezoning uses so then we can produce a suitable site plan for the parcels. Chair Lucier confirmed that Mr. Ebner does want to keep part of his property R1? Mr. Leidolf stated yes, Mr. Ebner understands the growth of the TIP site and the UPS site, and we are all collaborating closely with staff to produce a minor subdivision.
- Vice-Chair Spoon asked if Top Cord Way or the stream crossing would be the most desired access to the project for traffic. Mr. Leidolf stated Top Cord Way will be the desired access and really Midpoint Logistics came to us and asked about the stream crossing because that would be easier access for their project, but we do not need the stream crossing access at all for this project. We have met with NCDOT, and we have discussed different options for our project and the major road project they are working on. Vice-Chair Spoon asked if you wanted to go south on Pea Ridge Road, how would that work. Mr. Leidolf pulled up an image for the Board to see the projected NCDOT road pattern and there was some discussion as to how traffic would flow and gain access to different directions.
- Mr. Frazier asked if we could approve this plan without a map showing the designated light industrial areas and R1 areas. Ms. Plummer pulled up the image that was provided to the Board members in the rezoning packet that identified the different zoning designations.
- Chair Lucier stated he is still genuinely concerned about the possibility of the Shaddox Creek stream crossing and floodplain. Mr. Leidolf stated they do not need this stream crossing but was asked by Midpoint Logistics for better access and would be looked at much closer by the Small Area Plan. This crossing would be of no benefit to us at all. Plus, it would be expensive,

so it would not be economical for us either. Chair Lucier asked what the process would be if the stream crossing was an option. Ms. Plummer stated that they would need to apply for a flood development permit, it would require a flood study, there are State requirements and US Army Corps requirements before this crossing could ever even happen. Then the roadway would be subject to the county stormwater ordinance. There was some discussion about all the different requirements and obstacles that would take place if this stream crossing were ever considered moving forward.

- Ms. Weakley stated her concerns are for the streams and wetlands and what rules apply. Mr. Leidolf stated they have not had Mr. Blake delineate the property yet or US Army Corps, but Sage has provided a preliminary survey, so we have an idea of the stream and wetlands before we start to plan a site plan. Ms. Weakley stated the with a US Army Corps permit, you can fill in the wetlands, but with the post 2008 Watershed Protection regulations wetlands would require a 50' buffer. There is still a question mark for the rules and that is why it is still concerning for me. Mr. Leidolf stated the county staff have been good to work with and they have had a lot of nice discussions to make this the best site possible.

Motion made by Vice-Chair Spoon to approve the 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 motion was second by Mr. West. The consistency statement was approved by a vote of 6-1, Ms. Weakley opposed.

- Ms. Weakley stated she is bothered that the residential portions of the parcel will be in the node and the those that are being rezoned are outside of the node. There was some discussion about the parcels and the location of the node. Chair Lucier stated these parcels are surrounded by light and heavy industrial zoned parcels, so this is appropriate for this area.

Motion made by Mr. Frazier to approve this item, second by Ms. Siverson. The rezoning item was approved by a vote of 6-1, Ms. Weakley opposed.

VIII. NEW BUSINESS:

No new business

IX. BOARD MEMBERS ITEMS:

1. Update from the Planning Board liaisons.

- Chair Lucier stated the Pittsboro Planning Board meeting will be held next Monday. Mr. Andrews stated he is helping with the Pittsboro Land Use Plan, and they have a survey for stakeholders to take with their input.
- Ms. Siverson stated the Siler City Planning Board agenda had discussed two rezoning items. One will be from Light to heavy industrial for a concrete plant and then a rezoning for light to general commercial. They also made an amendment to their tree protection ordinance just for the gold course to remove some trees that are interfering with grass growth and gold cart paths. The Agriculture Advisory Board had an update for the farmland prevention, and a preview presentation about

requesting a trust fund that would be called Chatham County Agricultural Preservation and Development Trust Fund to have funds for easements and help farmland preservation. Chair Lucier stated they have been working with the Tree Protection Group and will be bringing a recommendation to the BOC in December.

- Ms. Weakly stated the October 20th Chatham Conservation Partnership meeting was a success and if you are interested in viewing any of the meetings they are linked on the website. The steering committee will be meeting to discuss next year's topics. If you have suggestions, please let us know.
- Vice-Chair Spoon gave an update on the Planning Board UDO subcommittee. We had reviewed the last section of chapter 2 and drafts for chapter 4. Our next meeting will be either December 1st or the 15th depending on what is available for review/.

2. Discuss and decide the December Planning Board meeting location. The Board discussed and it was agreed to meet in person at the New Agriculture building for the December meeting

X. PLANNING DIRECTOR'S REPORTS:

Mr. Sullivan reported on the following:

1. Minor Subdivision spreadsheet
2. Unified Development Ordinance Update
 - The December 19th BOC meeting will have a Small Area Plan and UDO presentation from the consultants.
3. Moncure Site Area Update
 - There is a lot of work going on with the Small Area Plan with a lot of consultants for input.

XI. ADJOURNMENT:

There being no further business, the meeting adjourned at 7:45 p.m.

Signed: _____ / _____
George Lucier, Chair Date

Attest: _____ / _____
Dan Garrett, Clerk to the Board Date