

..TITLE

Vote on a legislative request by Drafting and Design Services, Inc. on behalf of Because of His Grace, LLC to approve for a rezoning from R-1 Residential to GU-NB General Use Neighborhood Business on Parcels 77640, 80540, 94921, and 5588 being a total of 9.71 acres, located at 4295 Old US 1, Cape Fear Township.

..ABSTRACT

Action Requested:

Vote on a legislative request by Drafting and Design Services, Inc. on behalf of Because of His Grace, LLC to approve for a rezoning from R-1 Residential to GU-NB General Use Neighborhood Business on Parcels 77640, 80540, 94921, and 5588 being a total of 9.71 acres, located at 4295 Old US 1, Cape Fear Township.

Introduction & Background:

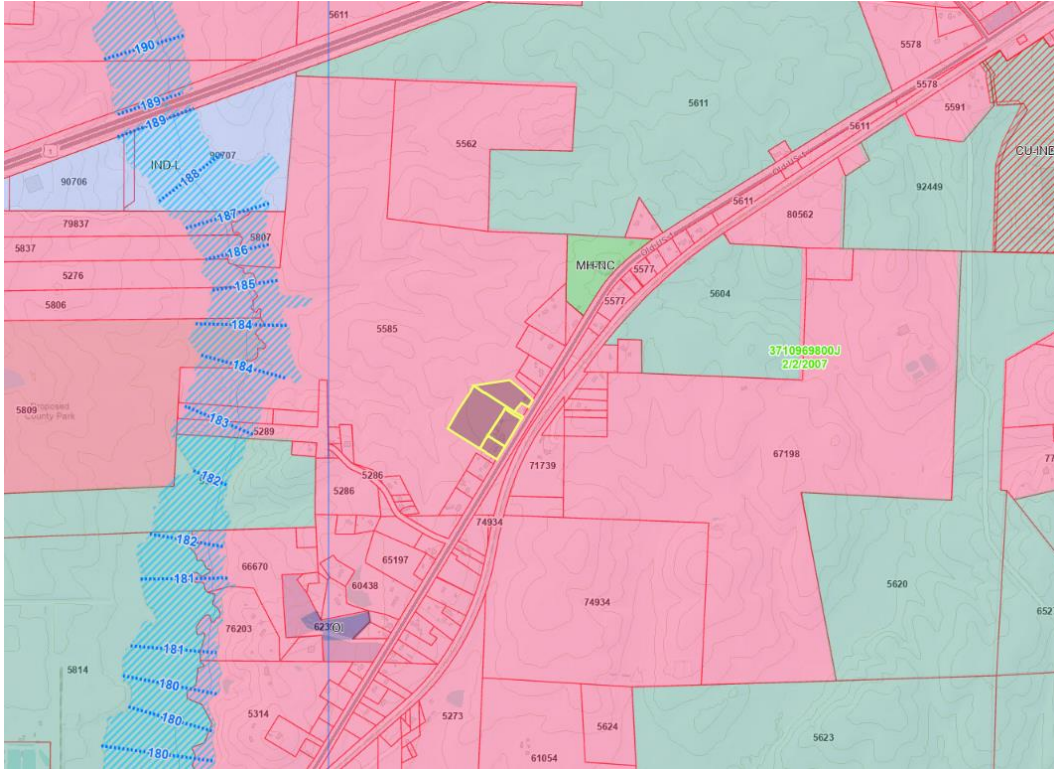
A legislative public hearing was held November 21, 2022. Planning staff presented the request. Also speaking was Michael Blakley, representative for the applicant, and the property owner. Parcel 80540 is a vacant parcel, but the other parcels have historically been used for residential purposes. The parcel behind these group of properties, Parcel 5585, being approximately 193 acres, has recently been approved for light industrial zoning by the Board of Commissioners.

Discussion & Analysis:

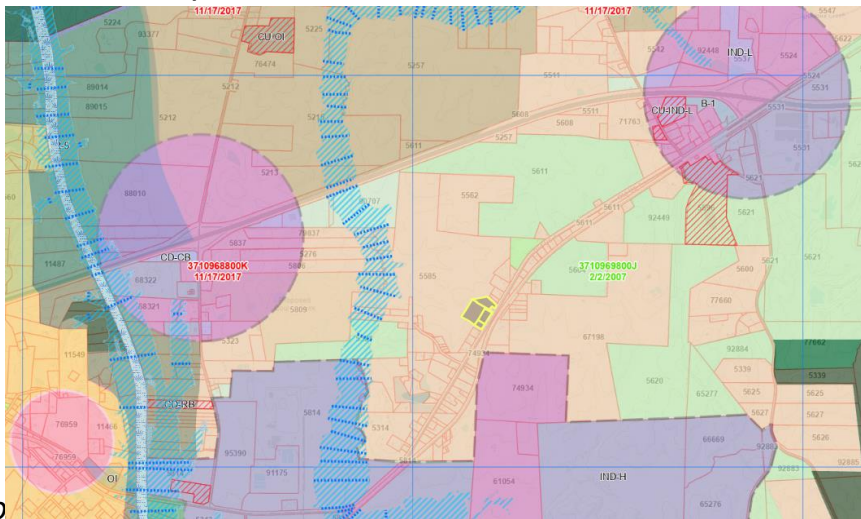
When considering a general use rezoning, all uses listed in Section 10.13 of the Chatham County Zoning Ordinance under the proposed zoning classification are permitted. However, due to site specific limitations such as wastewater capacity, access to public utilities, impervious surface limits, etc., 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.** No error in the Ordinance is being claimed.
2. **The changed or changing conditions, if any, which make the proposed rezoning reasonably necessary.** Due to growth projections in the Moncure area and with the onset of several rezonings to industrial zoning designation in the surrounding area, these properties can be utilized to support the future employment centers and major manufacturing jobs already approved. This rezoning could provide a small-scale commercial retail in support of the area.

Below is the Zoning map of the area with the parcels for consideration outlined in yellow



Below is the Comprehensive Land Use



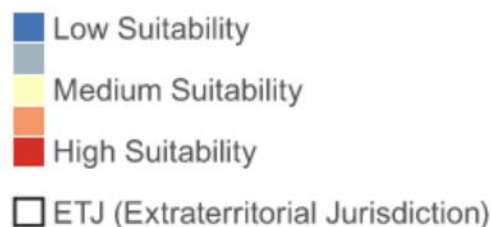
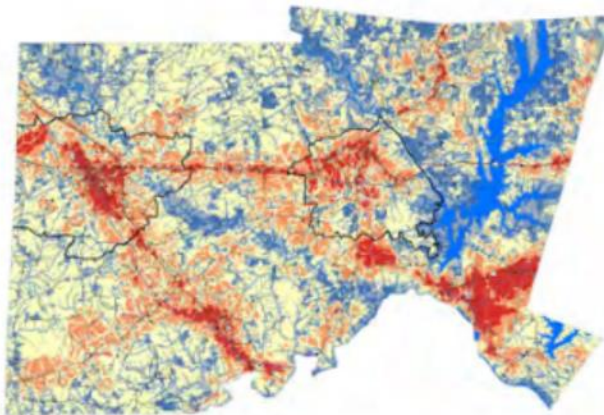
map

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. Although these parcels are not located within a node area, because there are properties adjacent, a precedent for non-residential use has been established. The following has been provided in support of the Plan:

- Page 14 Economics & Growth- these properties will have the ability to provide for general retail and commercial uses to support the growing industrial opportunities that have been or will be approved in this immediate area.
- Page 24 Housing and Demographic Trends- a large subdivision in the Moncure area has already been approved. There has been interest in multi-family housing possibilities due to the industrial employment jobs being proposed in this immediate area. Residential areas can benefit from local commercial and retail services and will be needed if housing increases as projected.
- Page 62 Land Use Policy 2- these properties will have access to the county water system but will utilize on-site septic for wastewater.
- Page 103 Natural Resources – the project is allowed up to 36% built upon area keeping the remaining 74% undeveloped which protects the natural resources.

Below is the Industrial Suitability Map of the Plan for this area

Industrial Suitability Map



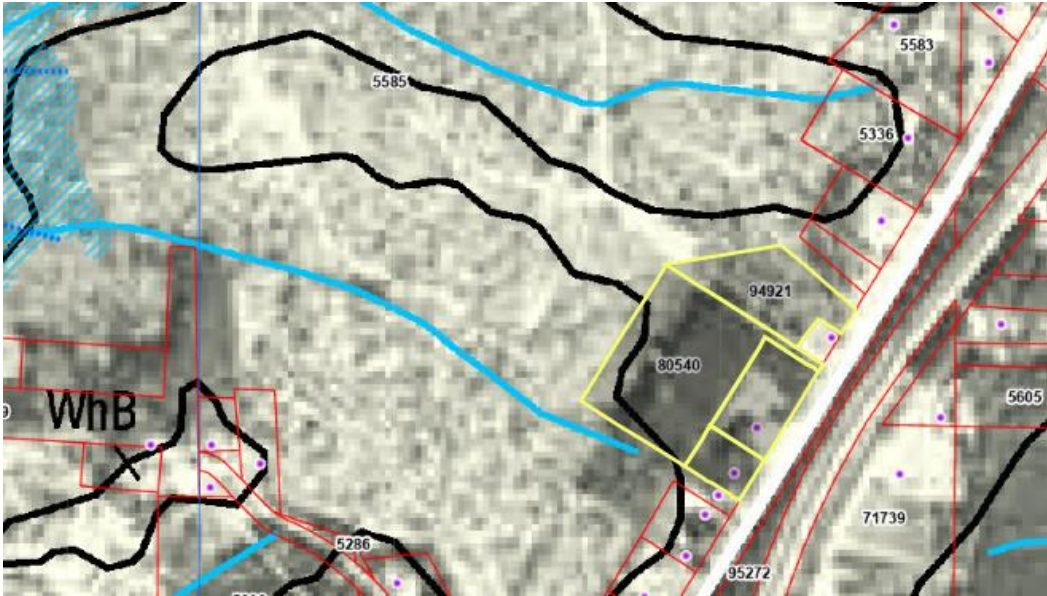
4. **Other factors/reasons for rezoning request.** A general commercial/retail business will generate traffic. Per 2020 vehicle counts, approximately 3700 ADT are on Old US 1. A proposed use for these properties could generate an additional 170-200 ADT and the road can currently support up to 14,000 ADT.

Specific site plan requirements will be reviewed by the appropriate county departments when an end user is identified. This will include a review by the Chatham County Appearance Commission for landscaping, lighting, signage, parking, etc. and shown to comply with all county regulations.

Additional road improvements are proposed by NCDOT in the vicinity of these parcels in response to the Vinfast announcement and are part of Phase 2.



5. **All other information required on this application or as offered by the applicant in support of the request.** There are blue line streams noted on the adjacent property per the below NRCS maps. No other water features noted on these parcels.



The property fronts on Old US 1, has access to county water, and will utilize a private septic system until which time public sewer may be available.

The owner of the property stated the rezoning of these parcels would open up opportunities for a new small business that could in turn help to support his missions from his church in Lee County. He stated they want an end user that will complement the surrounding industry.

1. **How does this relate to the Comprehensive Plan:** Although these parcels are not located within a node area, because there are properties adjacent, a precedent for non-residential use has been established. The following has been provided in support of the Plan:
 - Page 14 Economics & Growth- these properties will have the ability to provide for general retail and commercial uses to support the growing industrial opportunities that have been or will be approved in this immediate area.

The Planning Board reviewed the request during their regular meeting on December 6, 2022 and the discussion included the following:

- **Interconnectivity to the Midpoint Logistics property that was recently rezoned to Light Industrial. The applicant's representative stated it was not needed as they have direct access to Old US 1.**
- **Be mindful of the blue line stream on the adjacent property so that it doesn't cause any issues with the development of these parcels and that a buffer could apply onto this parcel.**

- **Agreed that the property is a good location for a complimentary, supporting business to all the industrial being proposed in the Moncure area.**

Recommendation:

The Planning Board by vote of 9-0 recommends adoption of a resolution approving the following consistency statement:

The rezoning of these parcels supports the Comprehensive Land Use Plan by providing supportive services in an industrially zoned area and will offer job opportunities.

The Planning Board voted unanimously (9-0) to recommend adoption of an ordinance amending the zoning ordinance approving a request by Drafting and Design Services, Inc. on behalf of Because of His Grace, LLC to approve for a rezoning from R-1 Residential to GU-NB General Use Neighborhood Business on Parcels 77640, 80540, 94921, and 5588 being a total of 9.71 acres, located at 4295 Old US 1, Cape Fear Township.