

..TITLE

Vote on a legislative request by Russ Anderson to approve for a rezoning from R-1 Residential to General Use Light Industrial (IL) on Parcel 5518 being 15 acres, located at 5749 Old US 1, Cape Fear Township.

..ABSTRACT

Action Requested:

Vote on a legislative request by Russ Anderson to approve for a rezoning from R-1 Residential to General Use Light Industrial (IL) on Parcel 5518 being 15 acres, located at 5749 Old US 1, Cape Fear Township.

Introduction & Background:

A legislative public hearing was held November 21, 2022. Planning staff presented the request. The owner, Russ Anderson, also addressed the Board stating this parcel is not suited for residential development, is located within an opportunity zone based on the current non-residential rezonings and the industrial development already approved, and land locked and adjoins his current boat and rv storage facility. He also stated a portion of his storage lot may be taken by NCDOT for the road improvements to New Elam Church Road to provide additional access to the VinFast site. Comments also included he would like this property rezoned so that he can have options going forward for redevelopment of his current site or adding additional supportive uses for the area.

Below is the map provided by NCDOT, Phase 1 showing the area stated by the applicant



Discussion & Analysis:

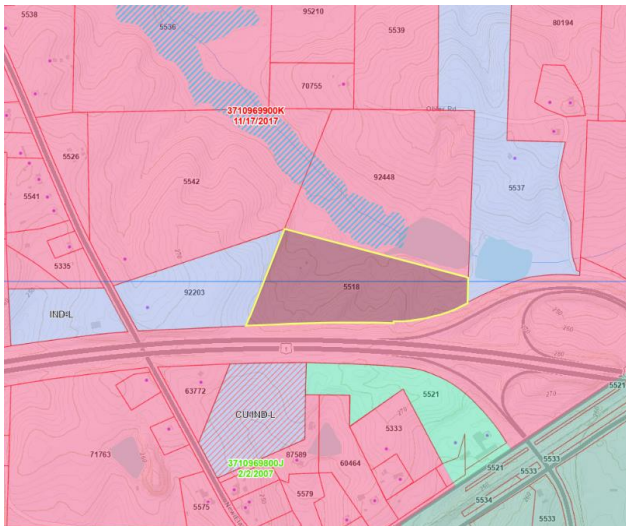
When considering a general use rezoning, all uses listed in Section 10.13 of the Chatham County Zoning Ordinance listed under the proposed zoning classification are

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, would be remedied by the proposed amendment.** No errors are being claimed.
2. **The changed or changing conditions, if any, make the proposed rezoning reasonably necessary.** Due to the fast-changing industrial makeup of the Moncure area with the construction of a new FedEx distribution warehouse, the announcement of the auto manufacturer, VinFast, and the other multiple rezonings, the applicant seeks to rezone the parcel adjoining his other property where the boat and rv storage facility is. This would allow for more employment opportunities and increase in tax value.

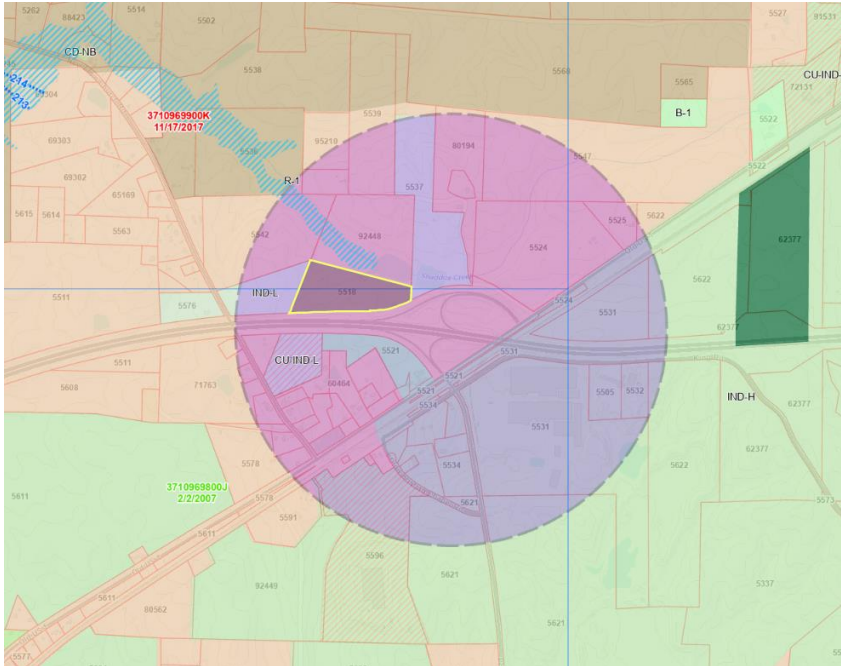
The property is currently land locked and located on a major highway therefore making less desirable for residential development. Access to the property would be through the existing boat and RV storage facility, Parcel 92203. Should NCDOT remove access to New Elam Church Road, he will seek an alternate access via Obler Road where the Land Hunter Storage facility has been constructed which is zoned Industrial Light.

Below is the zoning map of the area



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.**

Below is the Comprehensive Land Use map showing the property within the Employment Center node



Chapter 2, page 14, Economics and Growth recognize the county is growing at a fast pace and encourages businesses and industry to locate here to balance residential growth. This property is not suited for residential development and therefore supports this objective.

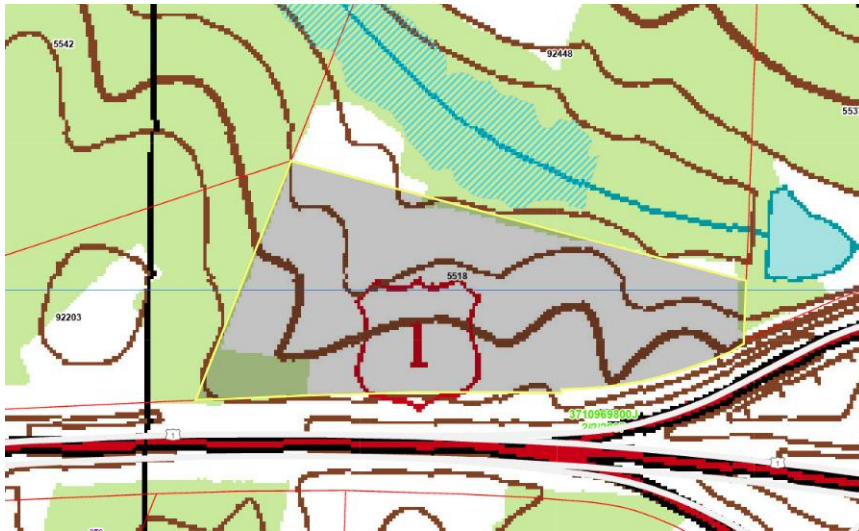
Chapter 3, page 41, Objective 4, this goal can be achieved by the rezoning which will allow for diversity in the tax base, provide job opportunities, and strengthen the support for existing businesses

Chapter 4, page 55, Recommendation 02, this rezoning located within an Employment Center node fosters the possibilities of increase employment opportunities.

4. **Other factors/reasons for rezoning request.** The current access to the parcel is through the applicant's adjoining property that front on New Elam Church Rd. Future access may be needed depending on the proposed NCDOT reconfiguration of New Elam Church Road. Regulations on lighting, setbacks, landscaping, signage, and parking will be complied with once an end user has been identified and site plans submitted for review.

5. **All other information required on this application or as offered by the applicant in support of the request.** The site will utilize the county water system and private septic. Stormwater controls will follow the Chatham County Storm Water Ordinance regulations.

Below is the USGS map showing no water features exist on the parcel



The Planning Board reviewed the request on December 6, 2022 and discussion included that the property is located within an Employment Center node, not an appropriate location for residential development, and soils do not support septic systems. There were also questions about access and the applicant noted that he owns the adjoining property to the west which access New Elam Church Road. He also commented that he has a good working relationship to the property owner to the north and could investigate additional access if needed.

How does this relate to the Comprehensive Plan: Chapter 4, page 55, Recommendation 02, this rezoning located within an Employment Center node fosters the possibilities of increase employment opportunities.

Recommendation:

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

The rezoning of the property is consistent with the Comprehensive Land Use Plan by supporting economic growth, providing diversity to the tax base, and fostering employment opportunities within an Employment Center node.

The Planning Board voted unanimously (9-0) to recommend adoption of an ordinance amending the zoning ordinance approving a request by Russ Anderson to approve for a rezoning from R-1 Residential to General Use Light Industrial (IL) on Parcel 5518 being 15 acres, located at 5749 Old US 1, Cape Fear Township.