



Chatham County Planning Board Minutes March 5, 2024

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

Present

Mary Roodkowsky, Vice-Chair	Clyde Frazier
Norma Hernandez	Eric Andrews
Tony Mayer	Elizabeth Haddix
Amanda Roberson	Nelson Smith

Absent

Jon Spoon, Chair
Shelley Colbert

Planning Department

Jason Sullivan, Director, and Dan Garrett, Clerk to the Planning Board.

I. CALL TO ORDER:

Vice-Chair Roodkowsky called the meeting to order at 6:30 p.m.

II. DETERMINATION OF QUORUM:

Vice-Chair Roodkowsky stated there was a quorum, 8 members were present. Chair Spoon and Ms. Colbert were absent.

III. APPROVAL OF AGENDA:

Approval of the Agenda – Vice-Chair Roodkowsky asked if everyone agreed with the agenda and the consent item. Motion made by Mr. Frazier, seconded by Ms. Robertson. The agenda and consent item was approved, 8-0, unanimously.

- Vice-Chair Roodkowsky asked everyone to stand for a moment of silence for Mr. George Lucier in remembrance of him and his role with the Planning Board and Chatham County as a whole.
- Vice-Chair Roodkowsky asked Mr. Smith to give a brief introduction as a new member of the Planning Board. Mr. Smith said the reason he joined the Planning Board is because his whole life has been about serving the community. I served as a fire fighter, truck driver, and worked for the Fayetteville Regional Airport and RDU Airport's emergency services. I am also a member of the Lion's Club, everything I have done is always about serving the community and I look forward to serving on this board.

IV. APPROVAL OF THE MINUTES:

Consideration of the February 6, 2024 meeting minutes. No corrections were noted. Motion by Mr. Frazier to approve the February 6, 2024 minutes and seconded by Mr. Mayer, the minutes were approved 7-0, Ms. Haddix did not vote because she was absent during that meeting. Consideration of the February 20, 2024 special meeting minutes. There was some corrections and a question about what the county attorney stated about the Planning Board Code of Ethics. It was determined the Clerk would review the recording and the minutes will be reviewed during the April meeting.

V. PUBLIC INPUT SESSION:

No public speaker was signed up to speak.

VI. CONSENT ITEM:

1. Request by Fitch Creation, Inc. for subdivision **Final Plat** review of **Ferrington Public Right-of-Way Dedication Section X "Millcroft,"** 1,425 feet in length, located off Weatherfield (SR-1819), parcel 18998 in Williams Township.

This consent item was approved when the agenda was approved with a vote of 8-0.

VII. ZONING ITEMS:

1. A legislative request by Edward Holmes Jr. for a general use rezoning on Parcels 95339 and 5276, located at 190 Top Chord Way, being 22.945 acres, from R-1 Residential to Light Industrial, Cape Fear Township.

Mr. Sullivan stated a legislative public hearing was held February 19, 2024. The applicant's representative gave the presentation, no one from the public provided comment, and no questions were raised by the Board of Commissioners.

1. **Any alleged error in the Ordinance, if any, which would be remedied by the proposed amendment.** No errors in the Ordinance are being claimed.
2. **The changed or changing conditions, if any, make the proposed rezoning reasonably necessary.** With the approval of the new FedEx distribution center, an auto manufacturer, and several rezonings in this immediate area, these parcels are now adjacent to light industrial and neighborhood business on three sides. The applicant received a general use rezoning to Neighborhood Business on the properties to the west and light industrial zoning was approved in 2022. This proposed zoning will be consistent with rezoning activity in this area. The property to the south is owned by the county and will be developed for a new park.
3. **The manner in which the proposed rezoning will carry out the intent and purpose of the adopted Land Use Plan or part thereof.** The Land Use Map shows this area as an Employment Center. Page 47 states these centers are targeted for future job-generating uses. This mix includes industrial, office, and supporting retail. The Moncure mega site is specifically noted.

The newly adopted Plan Moncure shows this area within an Employment Center as well and within the Pea Ridge Road Interchange Area Concepts, page 48. This area encourages a mix of uses and also a conservation area along Pea Ridge Road. Page 33 states that the actual width of the conservation space has not been determined but will be in the proposed new UDO.

4. **Other factors/reasons for rezoning request.** These parcels tie into the surrounding properties that have received rezonings to help support Triangle Innovation Point. This rezoning will be part of a transition of zoning districts from Neighborhood Business, to Light Industrial, followed by Heavy Industrial. With the new road network proposed by NCDOT, Top Chord Way will be incorporated into those changes that support commercial and industrial uses. It is projected to be realigned to extend further south of the interchange and a. Once an end user is identified, a proposed site plan will be reviewed by all required departments and agencies to ensure the requirements of the ordinances and regulations are met.

5. **All other information required on this application or as offered by the applicant in support of the request.** The property will be served by County water and wastewater is anticipated to be provided by the City of Sanford. Capacity needs will be determined once an end user is identified.

Stormwater will follow Chatham County regulations.

Mr. Sullivan said 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:

- This rezoning is consistent with the Comprehensive Plan by being located within an Employment Center node that encourages a mix of uses being office, industrial and supporting retail.

- Mr. Jody Leidolf, the representative for the applicant Edward Holmes, pulled up a presentation on the screen for the Planning Board members. Mr. Leidolf stated in 2022 the 18 acres on both sides of Pea Ridge Road was rezoned to Neighborhood Business from R1 so they would be able to provide services to the employment node in Moncure. Also, in December of 2022 we were able to rezone an additional 84 acres from R1 to Light Industrial. The two parcels we are asking for a rezoning for today we are currently under contract to purchase and were not available when we brought the other parcels in for rezoning. Mr. Leidolf stated Shaddix Creek is near these parcels, but it will have a significant buffer around the creek to protect it. Mr. Leidolf showed the members how the Plan Moncure consultants envisioned Top Chord Way with the new traffic pattern if NCDOT makes the proposed road improvements and how it will intersect through one of the parcels for rezoning. The interchange is driven by the employment number for VinFast, they have to have 3500 employees before this improvement will be funded. Mr. Leidolf said he is happy to answer any questions and stated this is the last two parcels for rezoning and will finish this portion of the node.

- Mr. Mayer asked if the long parcels above the proposed parcels are also owned by Mr. Holmes and if so, do you envision developing all of these parcels as one large project or separating it out? Mr. Leidolf showed the members all of the parcels owned by Mr. Holmes and said the project will be developed in phases due to market conditions. Having one owner does make it easier for a thought out and well-planned development. Mr. Leidolf stated what will really drive this is when people realize they can leave the Raleigh Durham area on Hwy 501 to US 1 and be here within 20 minutes. As an industrial use with someone delivering goods, this site will play out very well for them. Mr. Mayer asked what are the type of businesses you would like to attract on this site? Mr. Leidolf said when we rezoned the previous three parcels for Neighborhood Business it is for a convenience store use, a quick service restaurant, and retail services to support the workers at VinFast. For these other parcels we anticipate larger buildings for industrial distribution, we may provide some flex offices and flex warehouse options as well. There are some small tributaries we want to protect so that will dictate the size of the buildings.

- Ms. Robertson said one of the things she was concerned about is the smaller parcel, it is located in what will be the conservation area and you can see that with the Plan Moncure overlay. It makes a lot of sense that these parcels would be folded into the others in the way that Plan Moncure has been designed and implemented, but that one parcel does look like it will fall into the conservation area. Even though the UDO is not completed yet to designate that area, I do have concerns on how that will be handled until the UDO is adopted. Mr. Leidolf pulled up the Plan Moncure overlay and stated what the NCDOT will do with the divergent diamond interchange is they will take Pea Ridge Road and shift the centerline over and what they are showing is more for future road improvements rather than a conservation area buffer. Mr. Leidolf showed the members how the future Right-of-Way and land that will all be taken over by NCDOT, including three of Mr. Holmes parcels. Ms. Robertson said when we had our conversation with the consultants there were a lot of people that lived off of Pea Ridge Road that were concerned about all of the coming development. One of the big items they recommended was to include a green space that would add some visual protection from a good amount of the development that will happen. My question still stands, how will we manage this in the interim when the UDO is not yet adopted?
- Mr. Sullivan stated if these parcels are rezoned, they are subject to our current regulations, which these two are General Use rezoning, and that would mean only 36% built-upon area. They have county water, but they do not have sewer, so at this time they would have to have a septic system, I cannot speak for the developer, but the likelihood they would develop under our current regulations is unlikely because a lot of this rezoning is being done in anticipation of the adoption of the UDO. In this area, the way it is currently looking, more intensive development will be allowed than there is now. Mr. Sullivan said we cannot control it, but the market may dictate that, and we are looking at the UDO to be adopted at the end of this year, 2024 with full implementation by the beginning of 2025. Plus, sewer access in this area will not happen within the next year. Mr. Leidolf said there was sewer brought to the new FedEx warehouse on Pea Ridge Road and there is an anticipated route to bring sewer across the county park and serve our site as well. Mr. Smith said there is sewer as far up as the recycle center as of right now.
- Ms. Haddix said she wants to make sure she understands what is being said about the conservation area and the proposed Right-of-Way. What it sounds like is there is not a conservation area in this location because the proposed Right-of-Way will run through it and appreciated Mr. Sullivan's explanation of the current regulations, but to clarify, the NCDOT Right-of-Way does not guarantee a buffer because they can clear all of it as needed. Mr. Leidolf said that is correct if the VinFast employment numbers happen, then that would trigger the NCDOT road improvements. There are a lot of variables in play, but we have been working with staff and there has been a lot of consideration on making our development the best it can be for everyone and how to serve without impacting. Mr. Sullivan shared a conservation footnote in Plan Moncure on page 33. "The Conservation place type has been applied along roadways to indicate an area where open space is to be maintained. It is a graphic representation of a proposed policy. The actual width of such areas should be specified in the Unified Development Ordinance (UDO). Related UDO provisions should also address vegetation (preserved and planted) as well as disturbances (i.e., driveway crossings, utility easements or rights-of-way, sign, or lighting installations, etc.)."

Board Discussion:

Motion made by Ms. Robertson to approve this rezoning request, seconded by Mr. Frazier.

- Ms. Robertson said our previous conversation was helpful because she was concerned about conservation area as defined by the consultants and will be integrated into the UDO which is forthcoming. Also, based on the current conditions and regulations the applicant will not be able to do what they intend until the UDO is adopted. Once the UDO is adopted that will put those conditions in

place and make sure the conservation areas are included which is very important for the vision of this area. Ms. Robertson said this rezoning request is acceptable to me now with a clearer understanding, plus this fits the Plan Moncure designated use for that area. Mr. Mayer said it also makes sense to him and is in favor of the rezoning request.

There was a vote for the rezoning request and the rezoning was approved 8-0, unanimously.

Motion made by Ms. Haddix to approve the consistency statement, "This rezoning is consistent with the Comprehensive Plan by being located within an Employment Center node that encourages a mix of uses being office, industrial and supporting retail." The consistency statement was seconded by Ms. Robertson. There was a vote, and the consistency statement was approved 8-0, unanimously.

VIII. NEW BUSINESS:

IX. BOARD MEMBERS ITEMS:

1. Update from the Planning Board liaisons.

- Ms. Robertson said it was this time last year we chose liaisons for Pittsboro and Siler City and maybe we can revisit that because it is important to know what those jurisdictions are doing. Ms. Robertson said she originally was the liaison for Pittsboro, but now has a conflict with that meeting schedule. Vice-Chair Roodkowsky asked if anyone was interested in taking over the Pittsboro liaison duties. There was no interest, but Vice-Chair Roodkowsky asked if the meetings were recorded. Mr. Sullivan said he would ask the Pittsboro Planning Director. Mr. Sullivan did hear from the director and the Pittsboro Planning department has a YouTube channel and the meetings are posted there for viewing.
- Ms. Hernandez said that Ms. Colbert was going to read the Siler City meeting minutes and report what is happening in Siler City. Ms. Hernandez said she has asked for the meeting minutes from Siler City, but she has not heard back from them.

2. Discuss and decide the March Planning Board meeting location.

The Board discussed and agreed the April meeting will be held in person at the Agriculture and Conference Center. Vice-Chair Roodkowsky said that the normal meeting space is unavailable for our May meeting, and it will be held at the Old Agriculture building. Mr. Garrett said he will include that reminder on our April meeting agenda as well.

X. PLANNING DIRECTOR'S REPORTS:

Mr. Sullivan reported on the following:

1. Minor Subdivisions / Exempt Maps - See Attachments.

2. Unified Development Ordinance Update.

Module 2 is anticipated to be presented in May to the Commissioners and the Planning Board, with the public review draft to be released in April. Mr. Mullis and Chair Spoon will be having a meeting soon to discuss the UDO subcommittee next meeting and the drafts they will be reviewing from Module 3.

3. Agriculture Advisory Board Liaison.

Mr. Andrew Waters who works with Cooperative Extension reached out about having an Agriculture

Advisory Board liaison from the Planning Board. Mr. Sullivan said they have a meeting scheduled and will discuss those ideas with the Planning Board after the meeting.

4. Town of Goldston Annexation.

Mr. Sullivan said there are two large satellite annexation requests currently happening in Goldston. There is a rezoning request and annexation for a little over 800 acres called the Tumbleweed Holdings, and the request is R15 which allows up to 15,000 sqft lots, but because of the watershed regulations it will be 2 dwelling units per acre. Also, there is another satellite annexation and rezoning for 630 acres from Sun Rock for a mining and quarry operation. The community meeting for that project is happening tonight.

- Mr. Mayer asked if there will be an EIA completed for that project. Mr. Sullivan said no, the Town of Goldston UDO does not require an EIA to be completed, but it will be a conditional rezoning.
- Ms. Robertson said we just recently discussed this about a state law allowing satellite annexation. Mr. Sullivan said satellite annexation by state law is capped at 10% of primary corporate limits, but the Town of Goldston went to the legislature and asked to be exempt from those restrictions. The legislature added the Town of Goldston to the list of municipalities that are exempt from the 10% threshold. Ms. Robertson asked what role the county will have in this annexation, if at all. Mr. Sullivan stated the county does not have any role in this at all, it is at the discretion of the Town of Goldston. Mr. Smith asked if the residential development annexation has a racial divide associated with it. Mr. Sullivan said he had not heard that and does not know because he has not seen the statistics or numbers regarding that request.
- Ms. Haddix asked for more clarification on the Sun Rock operation. Mr. Sullivan said it is a mining operation but I do not know what they are mining for. Ms. Haddix said Sun Rock did a quarry operation in another predominantly African American neighborhood in a different county near Chatham, I am not saying that is what is happening here, but I would like to have more information on this request. Ms. Haddix asked if we, the Planning Board, will have any role in recommending approval or denial of this annexation. Mr. Sullivan said no, this board will not. Vice-Chair Roodkowsky said what is to stop jurisdictions like Goldston to keep annexing valuable tax revenue parcels into their jurisdictions? Mr. Sullivan said there is some state laws in place that do not allow annexation, like the Town of Sanford is not allowed to annex into Chatham County due to state law, but normally municipalities are allowed unless there is a special legislation prohibiting it from happening. Ms. Robertson asked what are the restrictions for Goldston regarding annexations. Mr. Sullivan said the only restriction they have is any satellite annexation cannot be any further than three miles away from the principle corporate limits.
- Vice-Chair Roodkowsky said she wanted to bring up a point about the UDO and being part of the UDO subcommittee, we are working chapter by chapter, but there are broader issues like conservation or how we do or do not regulate accessory dwelling units. The way we are reviewing the documents are so specific and I do not want those other concerns to be lost. Maybe there can be a checklist for more overarching issues, so they do not get lost as we conduct the item-by-item review. How can we handle that concern? Mr. Sullivan said issues like short term rentals that was addressed by this board, we as staff immediately brought that up to the consultants and they have set that concern to the side, but it will be addressed. The consultants are not trying to focus simultaneously on some of the issues raised as they are working on the modules, they will be revisiting those items and previous chapters. The consultants are doing a great job of tracking those concerns as they are brought up.

XI. ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:27 p.m.

Signed: _____ / _____
Jon Spoon, Chair Date

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