

..Title

Vote to approve a general use legislative public hearing rezoning requested by Renago Inc to rezone Parcel 5626, located on Christian Chapel Church Rd., from R-1 Residential to Ind-H Heavy Industrial, being 37 acres, Cape Fear Township.

..Abstract

Introduction & Background:

A legislative public hearing was held May 20, 2024 and the Planning Department staff presented the request. The applicant's representative, Matthew Carpenter with Parker Poe Attorneys provided a presentation and the owner of Bluesky Solutions LLC also spoke. No one signed up to provide additional comments during the hearing.

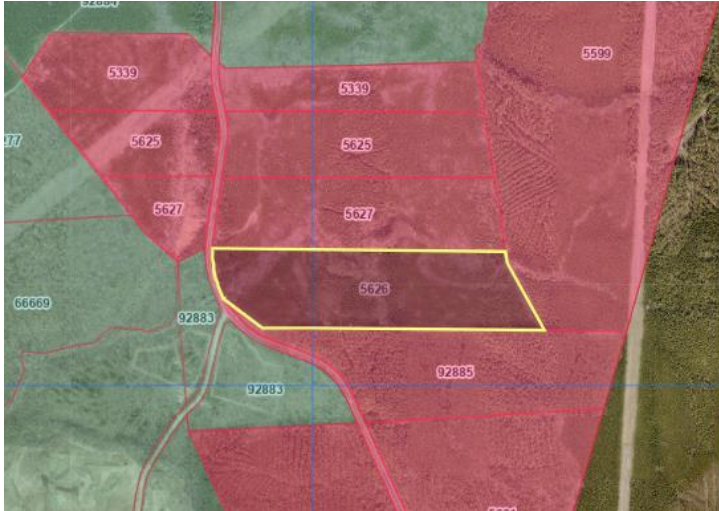
During his presentation, Mr. Carpenter stated that even though this is a general use rezoning and there isn't a site plan or specifics to be reviewed at this time, they are aware of a proposed end-user for the site. Bluesky Solutions LLC is a battery recycling industry, specifically lithium-ion batteries found in cell phones, electronics, etc. Commissioners asked about EV batteries and the owner stated they would take those as well.

Commissioners then discussed what that process looks like, where does the waste go for products that cannot be utilized, etc. Mr. Carpenter stated that he has been having conversations with Planning staff to determine if this use would be allowed by right, require a Special Use Permit, or go through the Hazardous Waste Ordinance regulations. That has not yet been determined as staff is consulting with the county attorney. The owner did state that material like nickel and cobalt are shipped out, copper processing is done in Canada where it is burned so there's no waste landfilled on-site.

This area of the county is zoned Heavy Industrial to the west, R-1 Residential to the north, south, and east. All of the property to the east and into the adjacent county is owned by Duke Energy to the Sharon Harris Nuclear plant.

During the discussion it was noted that this is a general use rezoning and the board must consider all of the uses that are allowed by right in a heavy industrial zoning district and not focus on a single use.

Below is the zoning map of the area (green is heavy industrial and red is residential R1



Discussion & Analysis:

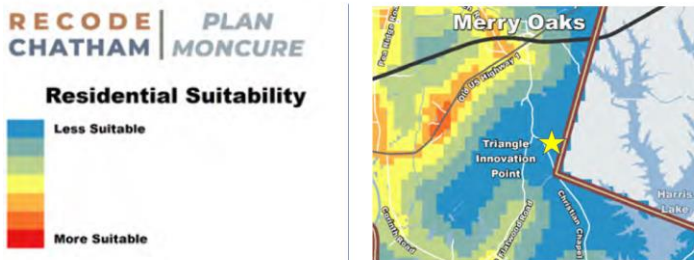
When considering a general use rezoning, all uses listed in Section 10.13 of the Chatham County Zoning Ordinance listed under the proposed zoning classification are permitted by right or require a special use permit. Uses listed as SUP³ are permitted uses by right if connected to public water and sanitary sewer. However, due to possible limitations such as wastewater capacity, access to public utilities, built upon area 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 errors in the Ordinance are being claimed.
- 2. The changed or changing conditions, if any, make the proposed rezoning reasonably necessary.** This parcel is located opposite the VinFast auto manufacturing site on Christian Chapel Church Road and larger Triangle Innovation Point megasite.

In 2023, the county adopted the small area plan for Moncure. The previously approved manufacturing facilities and the anticipated growth will generate the need for supporting industrial space. Plan Moncure specifically states the demand for these types of services in Appendix B, pages 4-5.

This site sits between the VinFast auto manufacturing site and a Shearon Harris nuclear power plant. Plan Moncure designates this area as an Employment Center which calls for industrial and non-residential uses and states it is less suitable for residential development due to its location to these other heavy industrial uses.

Yellow star marks the area under consideration and within the “less suitable” area for residential. Map is from Plan Moncure



3.The manner in which the proposed rezoning will carry out the intent and purpose of the adopted Land Use Plan or part thereof.

- Chapter 2: Issues & Opportunities – The proposed rezoning will help to facilitate the development of industrial uses which require fewer services from the county and help rebalance the tax base.
- Chapter 3: Goals & Objectives – Goal 4 diversity of the tax base can be accomplished. It is located in a Rural designation in the land use map but within the Employment Center of Plan Moncure to aid in establishing a community-based vision to guide the further of southeastern Chatham County.
- Chapter 4: Page 117 – part of fostering a healthy community is to provide opportunities for recreation. Although this parcel will not directly provide an opportunity as a recreational site, it can provide additional revenues to the County which can be used to fund parks and other County amenities. It's revenue without creating additional residential units which strain County services.

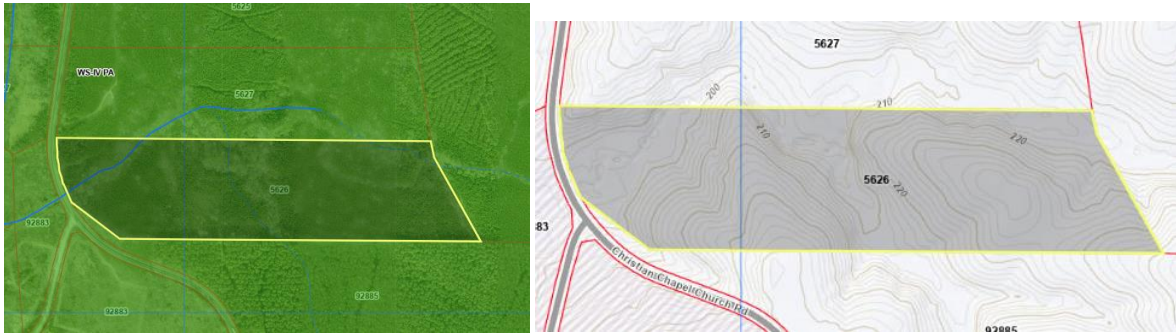
Employment Center node of Plan Moncure



4. **Other factors/reasons for supporting the rezoning request.** Christian Chapel Church Rd is an approved NCDOT state-maintained road and designated as a “secondary route”. The majority of parcels along the road frontage are undeveloped. Once an end-user is identified, NCDOT will evaluate any proposed impacts and traffic assessments. Other reviews and permitting such as site plan, access, stormwater, etc. will all be required to be reviewed by the County before any construction may begin.
5. **All other information required on this application or as offered by the applicant in support of the request.** The property does not have access to public water or sewer so it is anticipated that well and septic will be utilized in the future development of the site.

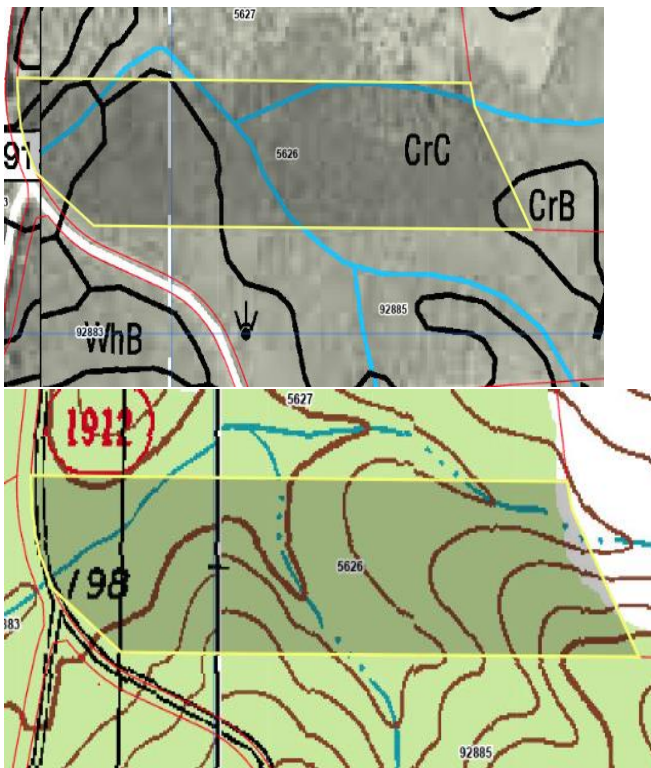
The property is located within the WSIV-Protected Area watershed, not within the Jordan Lake rules. Up to 36% of the site can be developed in impervious surface (BUA).

Watershed Designation map and FEMA map 3720060800L, dated 7/19/2022



Per the NRCS and USGS maps, there are several water features that will be required to be evaluated and potential buffers may apply.

NRCS and USGS maps



How does this relate to the Comprehensive Plan:

- Chapter 3: Goals & Objectives – Goal 4 diversity of the tax base can be accomplished. It is located in a Rural designation in the land use map but within the Employment Center of Plan Moncure to aid in establishing a

community-based vision to guide the further of southeastern Chatham County.

Planning Board review:

The Planning Board reviewed the request during their June 4, 2024 meeting. Several members noted this parcel is a good location for industrial zoning since is near the VinFast site and adjacent to parcels owned by Duke Energy which abut the Sharon Harris Nuclear Plant. The Zoning Administrator advised the Planning Board that they should not discuss any specific uses for the property and must consider all of the allowable uses in the heavy industrial zoning district.

A board member asked if there was any air quality monitoring in the Moncure area in general. Staff responded that the county had paid for a consultant to monitor air quality in the area as part of the coal ash project and that was being handled by the Manager's Office. Staff also commented that if air quality permits were required for a use, then NCDEQ would be involved.

The board voted unanimously (9-0) to recommend approval of a consistency statement in support of the rezoning and the rezoning application.

Budgetary Impact: N/A

Recommendation/Motion:

The Planning Board voted unanimously (9-0) to recommend approval of an ordinance to approve a general use legislative public hearing rezoning requested by Renago Inc to rezone Parcel 5626, located on Christian Chapel Church Rd., from R-1 Residential to Ind-H Heavy Industrial, being 37 acres, Cape Fear Township.

The Planning Board voted unanimously (9-0) to recommend adoption of a resolution approving the following Consistency statement in support of the rezoning application:

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