



Chatham County Planning Board Agenda Notes

Date: May 1, 2018

Agenda Item: VIII-2 Attachment #: 0

- Subdivision**
 Conditional Use Permit
 Rezoning Request
 Other:

Subject:	A Legislative Public Hearing request by Moncure Holdings, LLC to rezone Parcels 65277, 66669, 5369 and 5623 and portions of Parcels 5620 and 65276 from R-1 Residential and Conditional Use Heavy Industrial to IH Heavy Industrial General Use being a total of 686.45 acres, located off the Moncure Flatwoods Road and Christian Chapel Church Road, Cape Fear Township.
Action Requested:	See Recommendation
Attachments:	Application packet provided prior to the public hearing

Introduction & Background:
 A legislative public hearing was held on April 16, 2018. Planning staff and Beth Trahos, attorney for the applicant, presented the request. Also speaking was Kyle Touchstone, Economic Development Center of Chatham County.

An adjacent landowner, Don Brown, expressed concern about the types of industry may be located on the property and how landowners would be notified. He currently has a tree farm on his property and is concerned about the future land uses and location of a proposed rail line indicated on promotional materials.

In 2017 the Board of Commissioners approved a revision to Section 10.13 Table of Permitted Uses of the Chatham County Zoning Ordinance. In that revision, several industrial properties were changed from being permitted by right to requiring a conditional use permit (CUP). The CUPs would be required to go through a quasi-judicial process in order to be approved as an allowable use for the properties. Adjacent and adjoining landowners are notified in these specific cases and would have an opportunity to review the application submittal and provide comments to the Board of Commissioners.

Discussion & Analysis:
 The parcels are currently zoned R1, Residential and CU-IND-H, Conditional Use Heavy Industrial, and the applicant is requesting to rezone both tracts to IH, Heavy Industrial. The properties are located adjacent to Moncure Flatwoods Road and are approximately 2

miles of a US 1 interchange. The adjoining properties are zoned R1, Residential and CU-IND-H, Conditional Use Heavy Industrial and are primarily wooded or pasture. The surrounding uses include mining, coal ash storage, and limited residential development.

The parcel is located within a WS-IV Protected Area watershed district within the Cape Fear drainage. In 2016, the Watershed Protection Ordinance was amended to provide a 10/70 special non-residential intensity allocation within the employment center identified on the as referenced in the Conceptual Plan Rural Preservation and Targeted Employment, adopted July 15, 2013. There are several water features shown on the USGS topographic map and NRCS soil survey maps. Additionally, there is special flood hazard areas identified on the property along Shaddox Creek.

When considering a general use rezoning request, Section 19 of the Chatham County Zoning Ordinance states the four standards listed under Section 19.4.C must be addressed and supported in order to be considered for said zoning designation change. The standards are:

Standard No 1 – The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment is: The application notes that the zoning ordinance does not correspond to the recommended future land use identified on the Future Land Use Map in Plan Chatham. This property is located within the Moncure Megasite Employment Center area.

It is planning staff opinion this standard is met.

Standard No 2 – The changed or changing conditions, if any, in the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare are: These properties are surrounded by other heavy industrial uses such as a brick plant, coal ash storage facility and the nearby Shearon Harris nuclear plant. It is in close proximity to a controlled four lane highway and rail system. As part of the on-going process to establish a certified megasite there are two adjacent properties the Board of Commissioners have initiated rezoning to heavy industrial that are adjacent to properties under consideration with rezoning in this application.

It is planning staff opinion this standard is met.

Standard No 3 – The manner in which the proposed amendment will carry out the intent and purpose of the adopted land use plan, respectively Plan Chatham, or part thereof is: Objective 3, page 41 of Plan Chatham encourage providing a place for more high quality, in-county jobs and an opportunity to reduce out-commuting of Chatham residents for work.

Page 45 of Plan Chatham includes the future land use map which highlights this areas as appropriate for industrial use.

Page 47 Employment Center specifically notes the Moncure Megasite area in support of rezoning to get the site certified as required.

Page 55, ED Policy 3 states to continue to develop and promote this megasite area to ensure future job creation in the County.

It is planning staff opinion this standard is met.

Standard No. 4 – All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment are: The application notes that on Page 20 of Plan Chatham, Chatham County currently has about 8% of the tax base being supported by commercial and industrial uses. This places more of the tax burden on residential property owners to pay for infrastructure and other services. Adjacent counties such as Wake, Lee and Durham have approximately 20% to 40% of their tax base being supported by commercial and industrial uses.

These properties are not within the Jordan Lake Buffer Rule areas and are located in the WSIV-PA watershed district. Some uses that could potentially be located within this site are listed in Table of Permitted Uses as allowed by right or “P” Permitted in the Chatham County Zoning Ordinance. There are also some uses that would require additional review and are listed as conditional use permits that have to be approved by the Board of Commissioners. This allows the County some flexibility over what types of industry it believes would benefit our citizens more appropriately.

It is planning staff opinion this standard is met.

Recommendation:

The planning staff recommends approval of the general use rezoning request for properties as identified in the application. The Planning Board has up to three meetings in which to make a recommendation for approval or denial to the Board of Commissioners.

Should the recommendation be for approval, a proposed consistency statement has been provided in support of the rezoning. It is:

The request to rezone all or portions of Parcels 5620, 65277, 66669, 65276, 5369, 5623 from R-1 Residential and Conditional Use Heavy Industrial to IH Heavy Industrial General Use being a total of 686.45 acres is in support of Plan Chatham’s comprehensive future land use plan by identifying this area as suitable for industrial use and being located within the Moncure Megasite Employment Center. Additional support is provided in Economic Development Policy 3 within the Economic Development plan element.