

## **..TITLE**

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.

## **..ABSTRACT**

### **Action Requested:**

Vote on 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.

**Planning Board discussion is noted below.**

### **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 an amendment to Section 10.13 Table of Permitted Uses of the Chatham County Zoning Ordinance. In that amendment several industrial properties were changed from being permitted by right to a conditional use permit (CUP). The CUPs are 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.**

#### **Planning Board:**

The Planning Board discussed this item during their regularly scheduled meeting on May 1, 2018. Planning staff provided an overview of the request and the applicant’s attorney, Beth Trahos, and realtor Steven Stroud, were also present to answer questions. Discussion included the following:

Is general use rezoning needed in order to move forward with the certification of the site as indicated in discussions with the Economic Development Corporation and the Board of Commissioners? Ms. Trahos stated yes and staff concurred.

There was a concern about the proposed rail service that could potentially serve the site and how it would affect the neighboring tree farm. The adjacent landowner Don Brown was also present to discuss that matter. He also had concerns over noise, the lack of

specific information currently being offered about the types of industries, stormwater runoff and adequacy of riparian buffers. The applicant noted that they were marketing the property, but a tenant had not been identified. There was also discussion that there had been detailed surveys of the property to identify areas that would have to be avoided or protected, but there was a limit to the amount of information that could be prepared until a tenant was identified.

There was a discussion about the wetlands and streams located on the parcels. The applicant noted that they would have to follow county regulations. Mr. Stroud also noted the wetlands have already been delineated and the development would still be required to follow all local and state regulations regarding these matters. It was also noted that sewer service would be provided to the site thus eliminating the need for on-site wastewater treatment. It was also discussed that existing industries would also have sewer service available in the area and could possibly connect.

#### **How does this relate to the Comprehensive Plan?**

Page 45 of Plan Chatham includes the future land use map which highlights this area 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.

#### **Recommendation:**

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

**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.**

The planning board by a vote of 8-1 recommends adoption of an Ordinance amending the Zoning Ordinance approving a 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.