

Explanation of Request
for WESLEY LLOYD: Submitted on February 21, 2005

This conditional use request is for a Heavy Industrial Conditional Use District with a Conditional Use Permit for (1) a recycling industry (that does not store or process hazardous waste) and (2) a Conditional Use Permit for a mulching operation (grinding, screening, sifting and separating of particles, mixing, blending, processing, but not to include dying of mulch). This site would handle the processing and recycling of land clearing and construction material on 9.75 acres of land situated off Jones Ferry Road, in Baldwin Township, Chatham County, North Carolina.

Mr. Lloyd's family has owned this site since the late 1700's. The site is a 90 acre tract on the Orange County/Chatham County Boundary, with 70 acres in Chatham County and 20 acres in Orange County. The site for this project is 9.75 acres located in the center of this 90 acres, well screened and buffered from adjoining properties.

Mr. Lloyd and his family has been involved in the construction and grading industry for over 30 years. In the course of their work, they have been frustrated by the lack of facilities for the handling and recycling of construction and land clearing materials.

The rezoning of this tract will allow for the proper disposal of those construction and land clearing materials in the Northern Chatham County area. It is without question that this area of the County is undergoing the most new construction, and this facility is needed for the recycling and proper disposal of the materials and products coming from these construction sites.

This application is requested with a sunset for the conditional use permit. This sunset provision will allow for the property to be used for this project for 15 years, after which the family anticipates that the tract will return to residential use. The tract will be suitable for conversion to this use, since no product will be land filled or buried on this tract. All product will be stored above ground for short time periods after which it will be sold as mulch or removed to a landfill site off from this property.

The site is located adjacent to several other non-residential uses, either through outright industrial zoning or

through conditional use permitting: WUNC towers, Storyboook Farm's Metal Fabrication Shop and Greenhouses, and a major gas transmission line in Orange County.

SUPPLEMENT TO APPLICATION FOR
CONDITIONAL USE PERMIT
Of WESLEY LLOYD
February 21, 2005

The Applicant, Wesley Lloyd, supports his application by submitting the following material regarding its application and the required five findings:

First, addressing the Amendment to the Zoning Map, the applicant shows as follows:

The application is requesting an Amendment to the Zoning Map from RA-40 to a Conditional Use District for Heavy Industrial uses itemized below.

There are changed conditions in this area which necessitate amending the Zoning Map. First, is the vast amount of new residential housing and commercial growth taking place in the Northern Chatham area. That growth, coupled with the fact that there are no facilities in the area which can receive and recycle building materials and land clearing materials from those sites, constitute a compelling need for changing the Zoning Map to accommodate these materials, insuring that these materials will be properly recycled and disposed of. This project will prevent illegal dumps of construction and land clearing materials, and will accommodate our growth with appropriate recycling facilities.

FINDING #1: The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.

The use requested is for a Conditional Use Permit within a Heavy Industrial District for:

- (1) a recycling industry (that does not store or process hazardous waste) (Section 10.7 (A))
and
- (2) a mulching operation (grinding, screening, sifting and separating of particles, mixing, blending, processing and dyeing

of mulch) (Section 10.7 (A),

which are permitted uses within a Heavy Industrial Conditional Use District.

This facility will receive, separate and redistribute construction and debris materials; and further, it will receive and grind land clearing debris for wholesale and retail sales. These uses are eligible uses within a Heavy Industrial District. In connection with the mulching operation, the applicant requests that the permit include retail and wholesale sales of the mulching product on and offsite.

FINDING #2: The requested conditional use permit is either essential or desirable for the public convenience or welfare.

This proposal is needed and desirable in the area. There are no other facilities open to the public which provide for services of this kind in the northern Chatham area. Attached is a listing of facilities for Chatham, which listing shows that nothing exists for this service in the northern area.

As is stated above, this proposal is requested for a limit of 15 years, after which this permit would "sunset" and the tract would return to residential usage.

As the Northern and Eastern portions of Chatham County have experienced increased growth, the building trades have had difficulty in properly disposing of two elements from their building sites: (a) land clearing debris and (b) construction materials.

(a) Land clearing debris includes stumps, rocks and dirt removed from building sites in the process of site preparation for residential and commercial buildings. Much of this product can be recycled by grinding these materials into garden mulch. The sale of mulched materials puts the product back into the productive market stream rather than land filling.

(b) Likewise, construction materials, including concrete, brick, sheetrock, wood, pallets, and other building materials, can be recycled. This material will be treated in one of two ways: those construction materials which can be ground-up and made into mulch for recycling and resale. The balance of the materials will be received, sorted, piled and then transported off-site for recycling in the Raleigh area. Product will remain on site for minimal time periods, long enough to be trucked to

another recycling station or sold as mulch.

It is crucial to note that absolutely nothing from this project will be land-filled or buried or used as fill.

Certainly the local communities, contractors and watersheds will benefit from the re-use rather than land-filling of construction and land clearing materials.

This project is also desirable for the generation of revenue which it will produce for the County. The site is currently valued at \$132,000 and yields less than \$1,000 in property taxes. The tract is currently under land-use agricultural taxation for the full tract of 72 acres in Chatham County. First, if re-zoned, the tract will be revalued to FMV rather than land-use. Next, the applicant will bring \$500,000.00 worth of equipment and improvements to the property, which will generate approximately \$3500 annually. In addition, the valuation of the property will increase and result in additional revenue, the exact amount of which is uncertain. A small amount of sales tax will be generated due to mulch sales.

FINDING #3: The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.

As to safety, Emergency Services will be provided to this site by the County's EMS provider. The Chatham County Fire Marshall has examined the site plan and has approved the placement and location of the gas tank and stockpiled product.

Traffic. Truck traffic has been generated by the construction projects in the area and much of this existing traffic will be utilized for this project. There are numerous new and existing developments in this area, such as Stowd Mountain, Frosty Meadows, Jones Ferry Landing, Hamlet Grove, Indian Landing, The Settlement and the newly approved Briar Chapel. It is anticipated that approximately 25-75 trucks per day have been passing through the Northern Chatham area associated with the construction trades, either bound for construction sites and/or taking construction and land clearing debris from off the sites. With this facility in place, these trucks will be able to take materials to a local site for recycling, rather than travel across the County, into other counties, to dispose of these materials. The applicant has

checked with the Department of Transportation and Jones Ferry Road does not have a weight limit.

One employee will be on-site at all times, supervising the entry gate and several different employees will be involved in the unloading, sorting and reloading of these materials for transport off site. Entry to the facility will be off Jones Ferry Road, just inside Chatham County. A new driveway will be constructed from Jones Ferry Road and will be approximately 475 feet long. The first 50 feet will be paved with asphalt, and the balance will be 6-8 inches of crush and run gravel making a travel path of 20 feet in width. The residence on this tract has been rented, but is currently empty. That residence will be renovated and restored for future residential use. There are no residences adjacent to the North of this tract in Orange County, but there are several subdivisions nearby. There are residences to the South of the tract, but with this project being well buffered and located in the middle of the tract, there will be no impact on these residences.

Visual impact and screening. The facility itself will be sited on 5.38 acres, with an 80 foot wide buffer surrounding the triangular site, for a total acreage of 9.75 acres. This site is in the midst of a 90 acre tract, shielded from both the road and adjoining property owners by the 80 foot opaque buffer as well as hundreds of feet of existing forestland. There will be no visual impact to neighbors. The facility is located in the midst a 90 acre agricultural tract, with a good mix of hardwoods and pines which will buffer the site.

Lighting. There will be three (3) security area lights provided by the local power company to provide zone lighting to the facilities. The lighting will comply with the Lighting Ordinance and will be shielded on top and sides so as to not overflow onto adjacent property owners or impact the community. The lighting will be connected to a motion sensor for security purposes.

Noise. The design and location of the project will allow operations without appreciable noise. At all times, the noise levels will meet the County's noise ordinance.

The only outdoor activities are: (a) the unloading and sorting of product from trucks and (b) the grinding of stumps, other land clearing materials and some construction materials.

(a) The natural buffer and location of site will allow the

trucks to enter and operate within the project without appreciable noise. For products not ground up onsite, trucks will enter the facility, unload, product will be stored onsite and trucks will transport these products to another location for recycling.

(b) The stumps, other land clearing materials and some construction materials will be ground into compost and mulch. This product will be stored on the property short-term and sold to the public. The grinder will be a rented, portable unit which will operate at two locations on the site: (1) at the point marked "Area to Grind Stumps and Brush: and (2) at the point marked "Area to Crush Concrete and Brick." At these two locations, the portable grinder will be used only once a week, or four days per month. It is anticipated that the grinding of these materials will be accomplished in one eight-hour day. The resulting product will then be piled and stored as shown on the site plan, at a height not to exceed that approved by the Fire Marshall, until it is retailed/wholesaled.

Noise from both the trucks and grinder will fall within guidelines as our ordinance requires, less than 60 decibels at the property boundaries. Because of the design of the circular driveway, there will be a minimum of back-up warning noises from trucks.

This project will require normal operating work hours (7:30 am - 5:30 pm) for the weekdays and occasional weekend work as product demands. Mulch sales would be conducted on the weekends for neighborhood consumers traveling to and from the site by small pickup trucks. Bulk contracted sales would be made on Saturdays with trucks as small as pickups and as large as dump trucks. There will be a loader on site to load the consumers' trucks. There will be no evening work hours, i.e. nothing after 5:30 pm. The grinder will operate only on week-days during regular working hours stated above.

Chemicals/Hazards. There will be no chemicals or hazards stored on site other than the gasoline discussed below. There will be no hazards within the incoming materials themselves. In order to operate the machinery at the project, there will be gasoline stored on site in a 500 gallon above ground off road fuel tank.

Dust. There will be significant measures taken so that dust does not flow from this project to adjacent sites. First,

the roadway will be paved for the first 50' of entry, so that dust will not occur in the initial entry into the facility. Second, the roadway will be sprinkled with small amounts of water in order to subdue dust from trucks. And, third, the expansive buffering will protect adjoining properties from any dust created in the grinding of the products on site. In many cases, there is a 1500 foot buffer between the area where any product will be ground to the nearest residence. The numerous and thick pine trees on the 90 acre tract will keep any dust created in the grinding process from reaching adjoiners.

Odor. This project will create no odor except for the pleasant smell of ground wood product into the mulch.

Sign. A small identifying sign containing the address and business name will be necessary, and will conform with the sign ordinance and 911 requirements. This sign will be approximately 3' x 6' on wooden posts at ground level and will be located at the driveway entrance for the purpose of directing traffic into the facility.

Parking. A stone parking area adjacent to the pre-fabricated metal office building will accommodate employees. One parking area will be for handicapped individuals. The driveway will circle around the concrete pad onto which product is delivered. With the circular driveway design, the trucks will have a minimum of backing-up and this configuration serves as a turn around area for incoming and departing trucks. See the site plan for detail of the driveway.

FINDING #4: The requested permit will be consistent with the objectives of the Land Development Plan.

This proposal is located adjacent to other non-residential projects either by outright zoning and conditional uses. Adjacent to the site are lands owned by: WUNC for their towers, Storybook Farms (Metal Fabricating Shop and Greenhouses) and nearby gas line.

The Land Use Plan itemizes its development goals and policies as:

"Preparing ahead for development issues instead of reacting to specific development proposal." (page 1) Clearly, this project looks to the current state of development and looks ahead in setting aside a place for the recycling of materials from the construction trades in our County.

"Preserve both the form and function of rural character - the landscape, agriculture and home based businesses." (page 1) This will be a home-based business, operated by a family with roots reaching back to the 1700's, and a business which will preserve the form and function of our rural character, by utilizing a large agricultural tract for an agriculturally oriented recycling business, to the benefit of the entire Chatham community.

As a major recommendation, the Land Use Plan calls for the development of a "program to promote water conservation and reuse measures." (page 4). This project has the potential of producing a profound re-use of construction and land clearing materials which are currently land-filled or buried.

The Land Development Plan states as a goal to "provide infrastructure in ways that support the land use, economic development and environmental objectives, water supply, wastewater and transportation." This project can be viewed as a crucial part of the infrastructure which should accompany the growth of residential development, enriching environmental objectives as it recycles materials from construction sites which would ordinarily be thrown into landfills.

On page 28, the Land Development Plan states that consideration should be given to "economic development centers to give a wide range of industrial and commercial activities; a portion of the county's economic development efforts will explore the feasibility of pursuing environmentally and community compatible business enterprises." The applicant, as a long-term member of the construction trades community, feels that a managed recycling center would be such an environmentally and community compatible business enterprise.

This proposal will sunset in 15 years, allowing this property to remain rural, undeveloped and serve the public in its recycling capacity for 15 years and then be returned to residential use later. Since none of these activities will result in any damage or harm to the property, this tract will make an excellent residential community in the future, especially as it is located near the Orange County commuting corridor. It should be noted that the family does not contemplate a major development of this

property, but instead wishes to return it to residential use for their own family members. This project can be a promise to the surrounding communities that it can provide an environmentally important center now, and remain unspoiled for future residential use.

FINDING #5: Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

1. Water Requirements. The site has been approved by the Chatham County Health Department for an office bathroom facility. This bathroom facility is the sole water use on the site, as the project itself does not create any water usage. The project will utilize one well for office water use.

2. Wastewater Management. The proposal will require a single office bathroom. The septic field as shown on the site plan has been approved by the Chatham County Health Department, and the bathroom will be constructed in accordance with handicap accessible building standards.

3. Access Roads. The site currently utilizes a residential driveway off Jones Ferry Road. This driveway has been reviewed by the Department of Transportation for a commercial driveway permit, and appears to be in an appropriate location. This driveway will be the sole access serving this project, for security purposes. See driveway details above, for specifics on the roadway length, paved/gravel portions and circular configuration for safety.

4. Storm Water Runoff. The plan has a storm water runoff pond and will comply with all state stormwater runoff requirements, retaining the first one-half inch on site with catch basins or other devices as prescribed by State Soil & Erosion Control. See the site plan for the storm water retention pond.