

MOLDENHAUER MULCH GRINDING FACILITY
Conditional Use Permit

General Project Information

1. Location:

a. Public Roads:

The location of the site is in Chatham County and is located on the north side of Lystra Road. Lystra Road is a paved 2-lane secondary NCDOT maintained road.

b. Private Roads:

The site is serviced by a 12 ft. wide private gravel access road that leads into the property from Lystra Road. The private gravel drive is within a 60 ft. wide private access easement.

c. Zoning:

The current zoning of the property is R-1.

d. Watershed Information:

The site is classified to be within the WS-IV PA watershed area and the allowable impervious surface area is 36%. An intermittent stream is located just off the north edge of the property. This intermittent stream is subject to the Jordan Lake Buffer Rules and has a 50 ft. buffer on either side of the top-of-bank of the stream. The 50 ft. buffer on the south side of this stream offsets onto a portion of the property, but is outside of the proposed disturbed area.

e. Wildlife Inventory:

The site IS NOT located within, nor does it border any of the "Major Wildlife Areas" identified in the "Inventory of the Natural Areas and Wildlife Habitats of Chatham County, North Carolina", 1992.

f. Site Area:

The site is Lot 6 of the "Estate of Ethel Council" and contains 5.032 acres. The lot is designated as (NOT A BUILDING LOT) per Plat Book 91, Page 266.

g. Utilities and Easements:

There are no utility or other easements on or across the property, with the exception of an overhead electric service line that serves the existing lot to the south. The site has access to the existing water main in Lystra Road, but currently has no water, sewer, or electric services on the property.

h. Current Use:

The site is currently utilized as a Land Clearing and Inert Debris (LCID) landfill as approved by NCDENR and Chatham County. The property is being filled and reclaimed with land clearing and inert debris.

i. Contents of the Site:

As described above, the site contains land clearing and inert debris landfill material and the top layers will be covered with topsoil and seeded with fescue grass. Since the site is designated as (NOT A BUILDING LOT) it does not contain any buildings or structures.

j. Other Permits:

The site does not have any other Conditional Use Permits that have been granted. The current NCDENR LCID Landfill Notification Form was filed for recordation at the Chatham County Register of Deeds on January 10, 1995. The site was also recently granted a Land Clearing Debris Treatment and Processing Notification Permit from NCDENR Division of Waste Management. (T&PN-19-009) This permit is required from NCDENR to allow processing of mulch material.

2. Description of Use:

- A 0.864 acre portion of the site is proposed to be used by Moldenhauer Landscaping Inc. for the grinding of inert land clearing debris into mulch material. The mulched material will be used by Moldenhauer Landscaping and there will be no sales at the site. The proposed mulching operation would be a full time use on the site and is proposed to operate weekdays Monday-Friday. The material would be stockpiled on site and once enough was acquired it would be mulched with a tub grinder machine. It is anticipated that grinding of the stockpiled material would only take place once or twice per month. According to the NCDENR Treatment and Processing Permit, the maximum allowable amount of stored material to be processed at any one time is 6,000 cubic yards.

3. Description of Site Plans:

The accompanying site plans and drawings have been prepared from a recent field survey of the property and include the location of all of the following:

- Topography with 1 ft. contours shown
- Stream locations
- Existing wooded areas to remain preserved
- Drives and access to the property
- Vicinity/Location map of the property location

The Site Plan drawings also include the proposed conditions for the Conditional Use including the following:

- Proposed grading
- Proposed drainage and diversion ditches
- Proposed Erosion Control devices
- Required Screening/Buffering and Plantings
- Proposed Water Quality Pond BMP
- Proposed Drainage Structures

Specific Application Requirements and Findings

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.

- 1) In accordance with the Zoning Ordinance the requested use of “Mulch – grinding, screening, (sifting and separating of particles), mixing, blending, processing and dyeing of mulch” is an eligible use for the requested site.
- 2) The proposal for a mulching operation at this site works to preserve the rural character of this area. Because the property is designated as “Not a Buildable Lot” it will not be developed with any residential or commercial construction. The current use of a portion of the property as an LCID Landfill will not be expanded in the future, and the existing wooded and natural areas outside of the landfill area will remain preserved. The landfill area itself will eventually reach capacity and will be capped with topsoil, seeded and left as a natural grassed area. The proposed use is basically a “zero” density development option and is compatible with the surrounding area and uses.

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

1. Need and desirability: The proposed use for this CUP is for the grinding and processing of land clearing debris material into a mulch product. There are currently no other sites in this local area that offer this service to the community. The next closest similar facility is McGill Environmental located in Moncure, 15-20 miles away off US Hwy 1. There is a particular need for building contractors, landscape contractors and various other businesses to have a source of disposal for land clearing debris. This is especially true at the north end of the county and on the south side of Chapel Hill near this site. The proposed use would not be a dump for this type of material, but would be a recycling process for the material to be re-used for landscaping. This would be a benefit to the community by providing a proper location for these contractors to deliver this material locally and have it recycled and re-used in a productive manner. It fills a need that currently exists in the development of property by using “green” building methods.
2. Survey of Similar Uses: As described in Finding #2(1) there is only one other known use of this type in Chatham County, and only four other instances listed in the surrounding counties of Wake, Randolph and Alamance. (according to the Waste Management Department website) The closest of these sites is in Apex and is not convenient to the local community. The proposed use for this property would be essential in providing this service to the north end of Chatham County.
3. Public Provided Improvements: No additional public improvements are needed for this site.

4. Tax Considerations: <Optional> – No comment.
5. Employment: The proposed use would create 2 (two) jobs as a result of operating and managing the facility.

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.

1. Emergency Services: Fire, Police and Rescue services will be provided.
2. Traffic: The projected traffic generated by this use would be minimal. There will only be sporadic trips (estimated 5-10/day) to and from the facility. This would be to either haul in or out processed/un-processed material. These trips would be truck vehicles entering or leaving the site. There will be no need for any changes to either the public road (Lystra Rd.) or the service road into the site. The existing speed limits would be maintained. NCDOT has been contacted regarding this project and has requested that a new driveway permit application be submitted for approval. An application has been submitted for NCDOT approval.
3. Impact to surrounding Land Values: <Optional> - No comment.
4. Visual Impact & Screening: The completed project will include the addition of planted buffers along the southern and eastern sides of the property. The northern and western sides of the property have existing wooded buffers that will be preserved. While the mulching operation use would virtually have no visual impact on the adjoining properties, the proposed planted buffers would ensure an integrated connection to the surrounding area. Photos of the existing conditions are included with our application, and the proposed buffers and plantings are reflected on the Site Plans.
5. Lighting: The proposed facility would be for day use only and there will be no lights associated with the project.
6. Noise: There will be a limited amount of noise generated by the proposed use for the site. The source of the noise will be from the green waste grinding machine to be used on site. The estimated average noise levels from the machine will be 92 Db when not grinding and 95 Db when grinding. These estimated noise levels are at a location directly beside the machine location. At the east, west and south property lines it is estimated that the noise levels will be ± 51 Db or lower. A data sheet for the proposed machine is included with our application.
7. Chemicals, Biological and Radioactive Agents: There will be no chemicals, biological or radioactive agents utilized or created as part of this use. The use is simply the grinding of natural land clearing materials (ie. trees, brush, limbs, etc.) into mulch. This would all be used for landscape material. The only possible discharge for runoff of liquids that would pollute the surface or groundwater would be from the grinding

machine on the site. This potential will be managed with a catchment system at the machine location. The only potential for emissions into the air would again be from the grinding machine. The proposed machine to be used will be a new production machine that meets all regulatory emissions requirements.

8. Signs: There is currently a sign in place for the current use of the property. It is a wood sign 6ft. wide by 4 ft. high and is installed on 4x4 posts approximately 4 ft. off the ground. (see the attached photos for reference) It is the intent of the applicant to keep this sign in use as constructed.

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

1. Land Development Plan: By working with the existing conditions of the property, the proposed use for this site would help preserve the form and function of the rural character. There is currently considerable growth in this area of the county including Governor's Club just to the north of this site. Because this site is designated as "Not a Buildable Lot" it does not hold the potential for residential or commercial development. Therefore, the property has been utilized for other uses that are compatible with the surrounding area. The current LCID Landfill Operation will produce a future end condition of the property as natural grass covered open space surrounded by tree preservation areas. Because the current use and the proposed use of this application are no-build conditions there will be no added burden on the water and sewer utility services in this area. It is compatible with the Land Development Plan of Chatham County.
2. Watershed and Flood Considerations: The subject property is located in the WS-IV PA watershed for Jordan Lake and the proposed use will meet the development requirements of Section 302(E) of the ordinance. The proposed use will include only a very limited amount of additional impervious surface in the form of gravel on the existing drive into the property. Fred Royal, Director of Environmental Resources has made a site inspection and determined that there is an intermittent stream located on the adjoining property to the north. The Jordan Lake Buffer Rules are applicable to this stream and the associated buffer falls onto the subject parcel. This buffer is shown on the Site Plan drawings. The proposed permitted mulch processing area would be outside the limits of the Jordan Buffer. There are no delineated floodplains on or adjacent to the property. The existing intermittent stream continues to the north on the adjoining property, and is buffered on our parcel with existing wooded areas. There are no proposed changes to any of the natural drainage patterns.

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

1. Water Source and Requirements: The property currently has access to the 12" water main in Lystra Road. We have met with Building Inspections and Environmental Health regarding this proposed use and it was determined that a handicap accessible bathroom facility would be required for the operation of the proposed use. A 2" private water service is proposed to be constructed into the site to supply the bathroom facility.
2. Wastewater Management: We have met with Environmental Health regarding this proposed use and applied for a septic permit for the bathroom facility. Following the site inspection and soil borings, the Environmental Health Department determined that the site was unsuitable for a conventional septic system and a letter of denial was issued. We have met with the NCDENR Division of Water Quality and obtained preliminary approval to have a re-circulating Sand Filter Wastewater Treatment System installed on site to serve the proposed bathroom facility. An application has been submitted for approval.
3. Water/Sewer Impact: The water impact would be very minimal with the installation of only one (1) residential meter to serve the bathroom facility. There will be no sewer impact from the proposed facility.
4. Access Roads: The site currently has access to the public road (Lystra Road) by means of an existing 12-18 ft. wide private gravel drive. No improvements will be needed for the proposed use.
5. Storm Water Runoff: The existing drainage patterns will be maintained on the site. For the proposed use a Water Quality BMP Wet Pond will be installed as directed in our pre-review with Fred Royal with Chatham County Environmental Resources. This BMP device will capture the runoff from the proposed permit area for treatment prior to release into the Jordan Buffer. Erosion control associated with stormwater runoff has been controlled and maintained by Moldenhauer Landscaping as required for operation of the LCID Landfill. The Chatham County Erosion control inspector has made site visits to the site to ensure compliance with the requirements. The existing measures will be enhanced and continued with the operation of the mulch processing. Silt fence, diversion ditches and other control measures are proposed for the site. This will control sediment from leaving the site and protect surface water runoff in the watershed area.

Name of Applicant: Mark Moldenhauer

Date: 7/18/11

Signature: _____

