



## **Chatham County Planning Board Agenda Notes**

**Date:** August 2, 2011

**Agenda Item:**      **Attachment #:**

☐ **Subdivision**

☐ **Conditional Use Permit**

☒ **Rezoning Request**

☐ **Other:**

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<b>Subject:</b>	Request by Mark Moldenhauer for a Conditional Use District [CUD] Rezoning from R-1 Residential to CU Light Industrial on Parcel No. 67592, located at 1971 Lystra Rd, on approximately 1 acre of a 5.032 acre tract.
<b>Action Requested:</b>	See Recommendations
<b>Attachments:</b>	1. Application packet – provided at the May 3, 2011 meeting

### **Introduction & Background**

A legislative public hearing was held on this request on May 16, 2011. One person spoke on the rezoning as presented by the Planning Director. Tim Post with Phillip Post & Associates and Mark Moldenhauer were present. Rita Spina, CCEC, spoke in support of the rezoning. She stated that Mr. Moldenhauer has been in business for some time in the county and has not caused any problems or issues and supports a “green” business with the recycling of debris for another use.

**Due to issues that arose out of the conditional use permit application, this matter was postponed by staff for the June Planning Board meeting and by the applicant for the July Planning Board meeting.**

Mr. Moldenhauer has had a land clearing, landscaping, and grading business in Chatham County for 20 years. He was approved by the state for a small scale land clearing landfill January 23, 1993 which has since been covered and reclaimed. In 2008 the Planning Department, NC Division of Solid Waste, Chatham County Waste Management, Erosion and Sedimentation Control, and the State Erosion Control Office were notified of a possible mining and land clearing contractor’s storage yard on the property. Upon investigation, it was discovered he currently had a “notification permit” from NCDENR, Solid Waste Division, for a land clearing landfill, which he had for many years. He had received permission from the state to re-open the landfill and to start a grinding operation without the knowledge of the county. However, the state had not approved a mining operation nor had the county and notices of violation on the property were sent from both agencies.

It was decided by Mr. Moldenhauer to begin reclamation of the mining pit, install erosion and sedimentation control measures, and apply for a mulching operation permit to dispose of land clearing debris he collects from the business services he provides. The proposed use requires a conditional use light industrial zoning classification be approved.

### **Discussion & Analysis**

In order to operate a mulching operation on this property, Mr. Moldenhauer has applied for a Conditional Use Light Industrial zoning classification. The Land Conservation and Development Plan of Chatham County, hereafter referred to as "the Plan", provides a general outline of the types of developments encouraged in different parts of the county. One of the Plan's objectives is for balanced growth with different types of development guided to suitable locations while maintaining the rural character and quality of life of the county. This property is well screened from the state maintained road as well as occupied residential dwellings. Other than one proposed sign, the operation is buffered from adjoining properties and the Lystra Road. The property has vegetative, natural buffers on three of the four sides to adjacent property and the state roadway. Mr. Moldenhauer has proposed minimal days and hours of operation in consideration of traffic and noise that may be generated from the site to continue to preserve rural character.

Although this area is not specifically listed as an area for industrial growth, the Plan does encourage the continuance of existing businesses whenever possible.

The property is located within the WSIV-PA for Jordan Lake and allows up to 36% impervious surface. Fred Royal, former Environmental Resources Director, made a site inspection and determined an intermittent stream is located on the adjacent property, which also touches this property in one area. Per the report, the mulching operation will be outside any protected areas and there is no delineated floodplain noted.

### **Recommendation**

Planning staff recommends approval of this rezoning request. The Planning Board has up to three meetings in which to give a recommendation to the Board of Commissioners.