

..TITLE

Vote on a legislative request by Withers Ravenel on behalf of Joette and Manley Midgett for ST Wooten to approve a rezoning from R-1 Residential to CD-IH Conditional District Heavy Industrial for a concrete batch mixing plant and other proposed uses as indicated on Parcel 68321 being 21.26 acres, located off Pea Ridge Rd., Cape Fear Township.

..ABSTRACT

Action Requested:

Vote on a legislative request by Withers Ravenel on behalf of Joette and Manley Midgett for ST Wooten to approve a rezoning from R-1 Residential to CD-IH Conditional District Heavy Industrial for a concrete batch mixing plant and other proposed uses as indicated on Parcel 68321 being 21.26 acres, located off Pea Ridge Rd., Cape Fear Township.

Introduction & Background:

A legislative public hearing was held on November 21, 2022. Planning staff presented the request. June Cowles, consultant for the applicant, and the vice president of ST Wooten spoke on the request and answered a questions from the Board which were:

- How is the access going to change with the proposed NCDOT road reconfigurations? ST Wooten will have a controlled access via a service road.
- Will the Duke Energy coal ash site be utilized for the mixing of the concrete? Yes

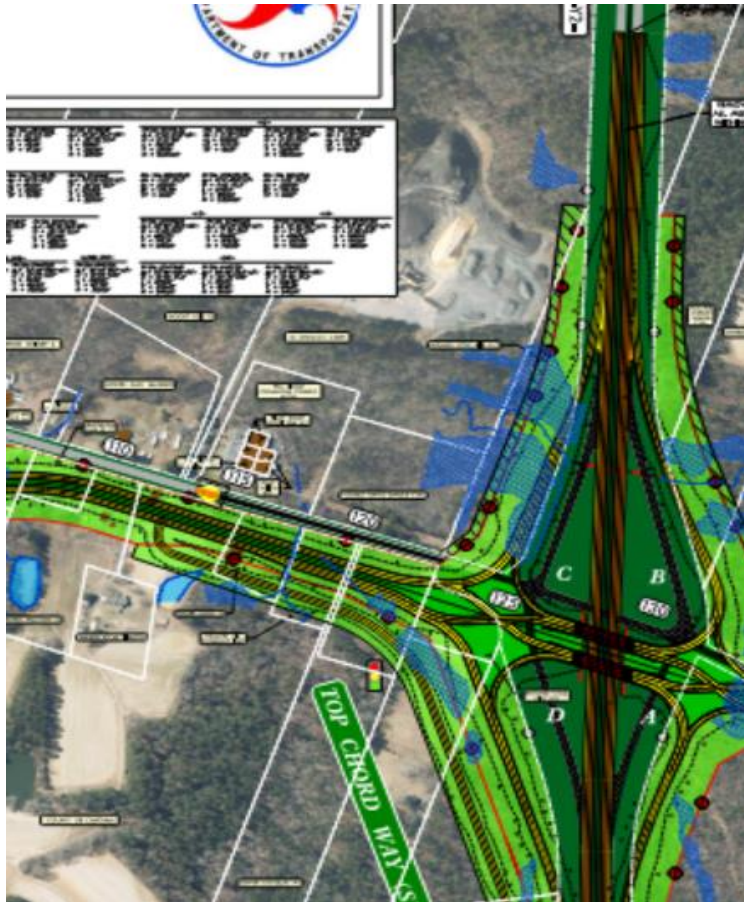
No one else spoke on the matter.

The Chatham County Appearance Commission reviewed the proposed site plan August 24, 2022. They recommended unanimously to accept the landscaping and site plan as submitted.

Although, the proposed use is for a concrete batch mixing plant, the applicant did provide a list of additional permitted uses for this rezoning. They are:

- Wireless telecommunications facilities and wireless support structures
- Asphalt manufacture or refining
- Landscaping and grading business
- Public utility transmission lines
- Grain elevators
- Fire stations, emergency medical service facilities, police stations and law enforcement offices

Below is the NCDOT proposed Phase 2 reconfiguration for this area



A community meeting was held on September 7, 2022. General questions were asked of the participating members such as hours of operation, shields for lighting, dust control, and number of trucks per day on average. The projected trip generation is approximately 72 per day between 6-8 trucks. Based on the traffic study provided with the application materials, NCDOT did not consider this amount of truck traffic to warrant a full traffic impact analysis which uses 3,000 trips per day the starting point.

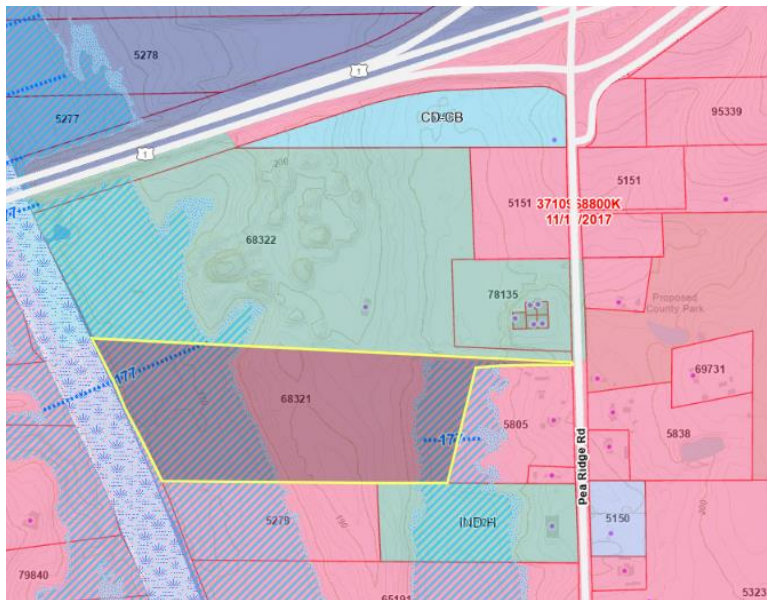
Discussion & Analysis:

When determining whether a rezoning request should be approved under Section 5 Conditional Zoning Districts, the following findings must be supported.

- 1. The alleged error in the Ordinance, if any, which would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same. No error is being claimed in the Ordinance.**

- 2. The changed or changing conditions, if any, of 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.** The batch plant will be owned and operated by the ST Wooten Corporation which also owns the adjoining asphalt plant. It is anticipated this facility will serve the current and proposed developments either under way or preparing to develop such as the FedEx distribution warehouse, the VinFast auto manufacturer, and subdivisions. By having a facility in closer proximity to all the Moncure development, traffic will be more centralized keeping distances these trucks must travel to a much smaller area therefore off many other roadways.

Below is the Zoning map of the area

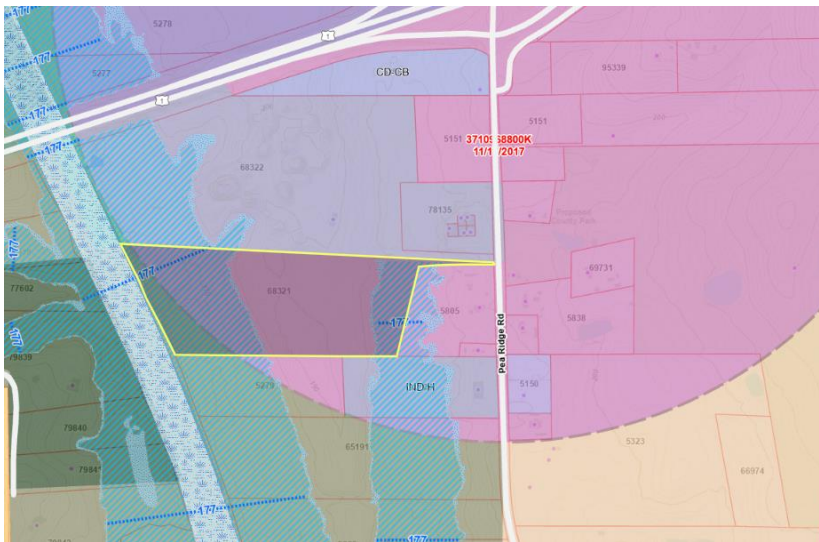


- 3. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.** The parcel is located within the Employment Center node of the Comp Plan. The proposed use anticipates 12 new employment positions. Other support is as follows:
 - Chapter 2, page 21, Land Use Suitability, this area falls within the high suitability for industrial uses as well as within the Employment Center node for industrial and commercial potential.
 - Chapter 3, page 41, Objective 4, a rezoning from residential aids in the diversifying the tax base to generate jobs and reduce dependence on residential property taxes.
 - Chapter 3, page 42, Objective 5, this project will be conserving approximately 74% of the parcel due to floodable areas and streams. There is an existing

cleared area in the middle of the property at the highest point where the plant and all activity will take place. They are also providing an 80 ft vegetative buffer along the eastern and southern property lines where vegetation does not exist adequately.

- Chapter 4, Plan Elements, Recommendation 2, this project will provide employment opportunities within a designated Employment Center.
- Chapter 4, page 56, Strategy 3.4, encourages complimentary uses in proximity to the mega site to be located.

Below is the map from the Comprehensive Land Use Plan showing within the Employment Center node



4. **The requested amendment is either essential or desirable for the public convenience or welfare.** A study by Ramey Kemp and Associates was conducted and the proposed use will yield about 6 truck deliveries per hour between 6am and 6pm. This level of activity did not warrant a full TIA per NCDOT.

Visually, the facility will not be seen from Pea Ridge Road. Existing tree-scape and additional vegetative buffering will surround the site on three sides. Due to the floodable areas on the property, those areas will remain undisturbed leaving 74% of the property undeveloped.

Below is the FEMA flood data map for the property



5. **All other circumstances, factors, and reason which the applicant offers in support of the proposed amendment.** The property is located within the RCSA which limits BUA to 36% maximum with an allowance of up to 50% with an approved SNIA. They are not seeking any additional allocation due to the floodable area on the property.

A truck washing area will be available on the site in order to keep product, gravel, and debris off the main roadways. This will be handled using recycled water from the site system.

The site will utilize the county water system at about 60,000 gpd. The storm water control measures will be consistent with the County storm water ordinance and NCDWQ to capture and treat runoff volume.

The proposed use for “Asphalt manufacture or refining” shall be removed from the list of permitted uses because it requires a special study per Section 17.9 of the Zoning Ordinance, and one has not been provided. It is a required prerequisite for submitting a Conditional District Rezoning or Special Use Permit.

The Planning Board reviewed the request on December 6, 2022. Issues discussed included:

- **Members were not comfortable with all the additional uses requested. They agreed that only one additional use, Wireless Telecommunications Tower, was acceptable for this application and the applicant agreed with the reduction in uses.**
- **One member asked if coal ash from the beneficiation site in Moncure would be used as an additive to the concrete. The applicant stated that they would be using the local stockpile of coal ash.**

- **NCDOT reconfiguration plans. Applicant states access to the site will be via a service road proposed. There will not be a cross-over access to the proposed county park site once future road improvements are constructed.**
- **Hours of operation generally 6am to 6pm but will have occasion to operate during the nighttime hours based on need.**
- **A stormwater feature is shown in the floodable area per the site plan and the stream buffers need to be made clearer on the plan and show no disturbances. Applicant agreed to modify the final site plan to remove the stormwater outlet and update the stream buffer areas.**

How does this relate to the Comprehensive Plan: Chapter 2, page 21, Land Use Suitability, this area falls within the high suitability for industrial uses as well as within the Employment Center node for industrial and commercial potential.

Recommendation:

The Planning Board voted unanimously 9-0 to recommend adoption of a resolution approving the following consistency statement:

- The rezoning is consistent with the Comprehensive Land Use by being located within an Employment Center node, will be a complimentary use to the mega site developments, and adding an increase property tax value.

The Planning Board voted unanimously (9-0) to recommend adoption of an ordinance amending the zoning ordinance approving a request by Withers Ravenel on behalf of Joette and Manley Midgett for ST Wooten to approve a rezoning from R-1 Residential to CD-IH Conditional District Heavy Industrial for a concrete batch mixing plant and other proposed uses as indicated on Parcel 68321 being 21.26 acres, located off Pea Ridge Rd., Cape Fear Township with the following conditions:

Site Specific Conditions

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and as shown on the site plan. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
2. Prior to any change in use from the concrete batch plant to the one additional use, Wireless Telecommunications Tower, a revision to the site plan shall be provided through the Conditional District Rezoning process and must receive approval from the Board of Commissioners before any such change may take place.
3. The site plan shall be updated to show removal of any stormwater devices from the floodable areas and any required stream buffers shall be clearly noted and labeled no disturbances allowed.

4. A building permit shall be obtained and remain valid at all times within two years of the date of this approval or the site plan becomes null and void.

Standard Site Conditions

5. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes to or variations from any requirements of this permit must be approved through the Planning Department or other approving board before any such changes can take place.
6. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, and Environmental Health Division, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process.

Standard Administrative Conditions:

7. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
8. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
9. Non-Severability – If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
10. Non-Waiver – Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.