



COUNTY COMMISSIONERS

Karen Howard, Chair
Mike Dasher, Vice Chair
Franklin Gomez Flores
David Delaney
Katie Kenlan

COUNTY MANAGER: Dan LaMontagne

Ordinance of the Chatham County Board of Commissioners

**AN ORDINANCE AMENDING THE ZONING MAP
OF CHATHAM COUNTY**

S T Wooten

WHEREAS, the Chatham County Board of Commissioners has considered the request to rezone approximately 21.26 acres, being all or a portion of Parcel No/s 68321, located at/off Pea Ridge Road, Cape Fear Township, from R-1 Residential to Conditional District Heavy Industrial (CD-IH) to develop the site for a concrete batch mixing plant and wireless telecommunications tower, and finds that the amendment is consistent with the comprehensive plan of Chatham County as described in the Consistency Statement Resolution; and

WHEREAS, the Board finds that the rezoning request set forth in the Application and incorporated herein by reference, if approved as pursuant to the provisions of the zoning ordinance, would be suitable for the property proposed for rezoning; and

WHEREAS, the Board finds the five (5) standards, as described below, from the Zoning Ordinance have been met as stated:

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

No. 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.; and

No. 3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts 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. ; and

No. 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.; and

No. 5: All other circumstances, factors and reasons 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.; and

BE IT ORDAINED, by the Board of Commissioners of Chatham County as follows:

1. The Application to rezone all of the property described as Parcel No/s. 68321 and being approximately 21.26 acres as depicted on Attachment "A", located at/off Pea Ridge Road, from R-1 Residential to Conditional District Heavy Industrial, Cape Fear Township is approved and the zoning map is amended accordingly.
2. As part of this approval, the following conditions are also approved and shall be followed at all times:

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.



COUNTY COMMISSIONERS

Karen Howard, Chair
Mike Dasher, Vice Chair
Franklin Gomez Flores
David Delaney
Katie Kenlan

COUNTY MANAGER: Dan LaMontagne

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.

3. This ordinance shall become effective upon its adoption.

June Cowles

Applicant/Responsible Agent Signature *JUNE Cowles*

"By signing, all conditions noted are acceptable and therefore approved as part of the rezoning"

Adopted this 17 day of January, 2023

Karen A Howard

Karen Howard, Chair
Chatham County Board of Commissioners

ATTEST:

Lindsay K. Ray

Lindsay K. Ray, NCCCC, Clerk to the Board
Chatham County Board of Commissioners



ATTACHMENT A

