



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
10-15-07

PART A

Subject:

Request by Nicolas P. Robinson, on behalf of **General Shale Brick, Inc.** to rezone approximately 192.5 total acres (3 tracts) located on Moncure Flatwood Road (SR 1924), Cape Fear Township, from RA-40 Residential Agricultural to Conditional Use Heavy Industrial (H-Ind.).

Action Requested:

See Recommendations.

Attachments:

The following was submitted at the September 4, 2007 Planning Board meeting:

- 1. Application packet

The following may be viewed on the Planning Department website at www.chathamnc.org under Rezoning & Subdivision Cases, 2007:

- 2. Arcview zoning map
- 3. Letter dated September 14, 2007 by and emailed by Jacquelyn Wallace, Urban Wildlife Biologist with the NC Wildlife Resource Commission

Submitted By:

Keith Megginson, Planning Director

Date

County Manager Review:

Charlie Horne, County Manager

Date

This abstract requires review by:

County Attorney

Date Reviewed

Finance Officer

Date Reviewed

Budget Officer

Date Reviewed

PART B

Re: General Shale Brick, Inc. – rezone request

Introduction / Background / Previous Board Actions:

A legislative public hearing was held on September 17, 2007. No one spoke against the proposed rezoning. One person spoke with concerns relating to the permit portion of this request. *The Planning Board met on October 2, 2007 and voted 10-0 for approval of the request.*

The Board of Commissioners is asked to consider a decision on the requested change of the zoning district from RA-40 (Residential/Agricultural) to CU-H Ind. (Conditional Use Heavy Industrial District). Such a decision is partially based on adopted land use plans and policies as well as changing conditions as noted in the Chatham County Zoning Ordinance under Section 17. The applicant has addressed this issue in their application.

Issues for Further Discussion and Analysis:

The Chatham County Land Conservation and Development Plan, referred to the “Plan” here after, is a general policy plan. A specific plan map has not been adopted. You are encouraged to read the entire Land Conservation and Development Plan of 68 pages, which is on the Planning page of the County web site.

A “draft” Plan map was prepared. The area where this property is located falls within a proposed Economic Development Center designation. On page 2 of the Plan, the definition of an Economic Development Center is an area designated for industrial development and other economic activity. An industrial mining operation has been on a portion of these lands since 1985.

Page 27 of the Plan outlines what an Economic Centers should focus on. One of those aspects is to continue development within others areas currently zoned commercial or industrial. Though the applicant is requesting to include three (3) adjoining parcels that do not have the heavy industrial zoning, the current parcel is adjacent to a large parcel previously zoned Conditional Use Heavy Industrial. Page 34 of the Plan lists the Moncure-Haywood area as an area that is encouraged to take advantage of industrial potential. This is due in part to the existing industrial uses that have been in this area for many years. Within an approximate eight square miles there exist about eight other heavy industrial operations. This also falls in line with the Plan as can be seen on page 2.

Page 29 of the Plan shows manufacturing as a dominant part of the county’s economy. Page 27 shows that Economic Centers should assist in the overall increase in job opportunities and increasing the tax base. General Shale employs approximately 200 people and with this expansion request more jobs could be opened up. Currently the payroll paid out by General Shale is approximately \$8,000,000 annually. This operation is directly tied to the manufacturing of brick as found with another large industry in this county; Triangle Brick is located about 3-4 miles from the mining site. With the approved growth already facing Chatham County, production needs may be on the rise as the demand increases for this product.

**Re: General Shale Brick, Inc. – rezone request
Issues for Further Discussion and Analysis:**

Page 31 of the Plan does discourage industrial development in environmentally sensitive areas. A report from the NC Wildlife Resources Commission (NCWRC) dated September 14, 2007, revealed possible habitat concerns. One of those concerns was also given by the NC Natural Heritage Program. There is possible habitat for the Bachman’s Sparrow, the Loggerhead Shrike, and a vascular plant called the Eastern Isopyrum in the area. However, the last account of the Bachman Sparrow was in 1993 per the NC Wildlife Resources Commission. Habitat could still exist. Two of the parcels provided for consideration of the rezoning request were previously managed as Game Land under an agreement with NCWRC. There still remains a parcel of land on the southeast corner of the proposed parcel for conditional use heavy industrial district that is designated game lands owned by Carolina Power & Light. Protection measures will be discussed in the application for a conditional use heavy industrial permit. According the Office of State Archaeology, there may also be the need for an archaeological survey based on old operations and undisturbed portion of the lands.

The Chatham County Zoning Ordinance states in Section 17 in order for a request to be considered there must be changed or changing conditions present to seek an amendment to the zoning map. The changing condition for this request is the closing of Site #2 located off Corinth Road. This mine will be closing and they request to move the production of the clay material to the proposed location in this application. Before, the product from the site on Corinth Road had to be mined first then the product from this site was mined to mix with the product from the Corinth Road site. The new proposed site will have both types of clay available therefore replenishing the need for production.

For clarification purposes, the existing lands will remain as a “non-conforming use”. Neither the applicant nor the landowner is seeking any change in that designation. The upper section of that same parcel that was previously included in the conditional use heavy industrial zoning district called “The Federal Site” is requesting a conditional use permit only for the area owned by the current landowner. This will be discussed further in the request for the conditional use permit.

Recommendation: The planning staff and Planning Board (by a unanimous vote) recommend that the rezoning request be approved.