

APPLICATION FOR
ZONING DISTRICTS
CONDITIONAL USE DISTRICT

Chatham County Planning Department
P.O. Box 54
Pittsboro, NC 27312

Tel: 919-542-8204
Fax: 919-542-0527

- (1) Applicant Information:
Name General Shale Brick Inc.
Address 1600 Colon Road
Sanford, NC 27330
Phone No.(W) (919) 774-5306

E-Mail _____
- (2) Landowner Information:
Name Same as Applicant
Address _____

Phone No. (H) _____
(W) _____

E-Mail _____
- (3) Property Identification:
911 Address: _____

S.R. Name: Moncure-Flatwood Rd.
S.R. Number: 1924
Township: Cape Fear Township
Acreage: See Property Description
- P.I.N.# See Property description
Parcel # See property description
Deed Book _____ Page _____
Plat Book _____ Page _____
Zoning District: See Statement of Purpose
- (4) Requested Zoning District, Conditional Use District and/or Conditional Use
Permit: See Statement of Purpose in appended document. Applicant seeks a conditional use DISTRICT for certain portions of the property as indicated on the attached maps and property descriptions.
- (5) Directions to Property: South on US 15-501 from Pittsboro. Left on Pittsboro-Moncure Road. Left on Old US 1. Right on Corinth Rd. Left on Moncure-Flatwood Rd. Property on left.
- (6) Attach the following, if requesting a zoning map amendment: Conditional Use Permit and associated map amendment applied for simultaneously by separate application.
- List of names and addresses or current adjoining property owners (see Adjacent Landowners form)
- Written legal description
- Map of the property at a scale of not less than 1 inch equals 200 feet
- Explanation of request addressing applicable portions of Section 17.3B of the Chatham County Zoning Ordinance
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- (7) Attach-Submission Materials Checklist information. (see attached)

I hereby certify that I am the owner or authorized agent of said property and that the information provided is complete and the statements given are true to the best of my knowledge.

Warren Pashel

8/17/07

Signature

General Shale Brick, Inc.

Owner/Authorized Agent

The owner must sign the following if person other than the owner is making this application.

I hereby certify that _____ is an authorized agent for said property and is permitted by me to file this application.

Owners Signature

Date

ADJOINING PROPERTY OWNERS

1. Moncure Holdings, LLC
c/o David F. Kaplan
6288 Porterdale Drive
Malibu, CA 90265
Parcel 5842
2. Chatham Ridge, LLC
3301 Benson Drive, Suite 601
Raleigh, NC 27609
Parcel 5842
3. Ola B. Taylor
1781 Moncure Flatwood Road
Moncure, NC 27559
Parcel 67946
4. Colon Russell Taylor, Jr.
Ola Taylor
1781 Moncure Flatwood Road
Moncure, NC 27559
Parcel 5363
5. John C. Smith
Rosie B. Smith
1751 Moncure Flatwood Road
Moncure, NC 27559
Parcel 5365
6. Donald Brown
1715 Moncure Flatwood Road
Moncure, NC 27559
Parcel 68034
7. George W. Brown
2666 Corinth Road
Moncure, NC 27559
Parcel 68036
8. Carolina Power & Light Company
Real Estate Management
P. O. Box 1551-PEB3A
Raleigh, NC 27602-1551
Parcel 65272

9. Ellis M. Mansfield
1149 Moncure Flatwood Road
Moncure, NC 27559
Parcel 5359
10. General Shale Brick Inc.
P. O. Box 3547
Johnson City, TN 37602
Parcel 61577
11. Douglas E. Utley
1704 Falls River Avenue
Raleigh, NC 27619
Parcel 5179
12. Frank Kent Dickens
Kim Cross Dickens
2503 Corinth Road
Moncure, NC 27559
Parcels 5749 and 69452

REQUEST FOR ZONING ORDINANCE/MAP AMENDMENT AND CONDITIONAL
USE DISTRICT
PURSUANT TO CHATHAM COUNTY ZONING ORDINANCE
SECTION 17

Applicant's request for a Conditional Use District is a request for an amendment to the Chatham County Zoning Ordinance and map (legislative process). Filed simultaneously with this application for a conditional use district is an application for a conditional use permit. Applicant incorporates by reference herein all of the contents of its Conditional Use Permit application as if fully set out herein.

Pursuant to Section 17 of the Chatham County Zoning Ordinance, the following additional information is necessary for an application for a conditional use district:

1. If the proposed amendment would require a change in the zoning map, a map at a scale of not less than 400 feet to the inch nor more than 20 feet to the inch showing the land which would be covered by the proposed amendment. *See maps attached as EXHIBITS A and B hereto.*
2. A legal description of such land. *See legal description attached as EXHIBIT C.*
3. The alleged error in this 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. *The Ordinance currently does not allow the uses simultaneously requested herewith within the properties that are presently zoned RA-40. Establishment of a Conditional Use District for said properties as requested will allow for the conditional uses requested simultaneously herewith. While RA-40 zone in this location is inconsistent with the provisions of the Land Use Plan, the requested Heavy Industrial Conditional Use District in this location is consistent with the Land Use Plan.*
4. The changed or changing conditions, if any, in 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. *This land, and much land nearby, is presently dedicated to industrial uses, including but not limited to the Dynea plant, the Moncure Plywood plant, the Progress Energy facility, Performance Fibers, McGill Environmental, Triangle Brick and others. This land is specifically described and designated under the Land Use Plan for industrial uses among other uses allowed in Economic Development Centers. This district is reasonably necessary to the promotion of the public, health, safety and general welfare because it concentrates an existing industrial use in its current*

location, creates and sustains jobs, generates tax revenue and does so in a geographical area where such industrial uses are encouraged.

5. The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Development Plan or part thereof. *Applicant incorporates the information regarding the manner in which this request carries out the intent and purpose of the Land Use Plan from its simultaneously filed Application for Conditional Use Permit. This rezoning will make the zoning for this land consistent with the objectives of the Land Use Plan for this area. The purpose for this expansion is to facilitate the expanded operation of the exact type of use contemplated by the Land Use Plan, which use is not consistent with current zoning (RA-40).*
6. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. *The amendment is necessary in order to allow for approval of the requested Conditional Use Permit. Applicant incorporates all of the reasoning contained in that application.*
7. Information required on the application form received from the Planning Department. *See attached application form.*

CONCLUSION

Applicant respectfully requests that the requested Conditional Use District be approved on the basis of the information provided herein and all information submitted or to be submitted as part of the legislative process.

BRADSHAW & ROBINSON, LLP

BY:



Nicolas P. Robinson
Attorney for Applicant
Post Office Box 607
Pittsboro, NC 27312
(919) 542-2400

EXHIBIT C

Conditional Use District Property:

1. Chatham County PIN 9697-62-5389.000; Chatham County AKPAR # 85332.

109.17 acres as more particularly described on that certain plat prepared by Thomas J. Matthews, Professional Land Surveyor, entitled "Subdivision Survey for General Shale," dated 12-28-2006, recorded in plat book 2007-141, Chatham County Registry.

2. Chatham County PIN 9697-30-6864.000; Chatham County AKPAR #5361:

51 acres. Being Tract No. 94 – The Thomas Tract, containing 51.00 acres, more or less, described in Deed of Bargain and Sale from Albemarle Paper Company to Halifax Timber company, dated October 31, 1968, and recorded in Book 339, Page 135, Chatham County Registry. Also being more particularly described in deed from E. D. Smith, at al., to Halifax Paper Company, Incorporated, dated October 25, 1950, recorded in Book K-N, Page 333, Chatham Public Registry.

Also being "Parcel Two" of the "Utley/Thomas Tract (#5)" conveyed to ITAC 27, LLC by International Paper Company by deed recorded at Book 908, Page 583, Chatham County Registry. 141, Chatham County Registry.

3. Chatham County PIN 9697-21-8247.000; Chatham County AKPAR #5362:

32.38 acres. Being Tract No. 68-H-Utley-32.38 acres, more or less, described in Deed of Bargain and Sale from Albemarle Paper Company to Halifax Timber Company, dated October 31, 1968, and recorded in Book 339, Page 135, Chatham County Registry. Also being more particularly described in deed from T. H. Harrington, et al., to Halifax Paper Company, Incorporated, dated January 22, 1948, recorded in Book J-V at Page 160, Chatham Public Registry.

Also being "Parcel One" of the "Utley/Thomas Tract (#5)" conveyed to ITAC 27, LLC by International Paper Company by deed recorded at Book 908, Page 583, Chatham County Registry.