



**REQUEST FOR BOARD ACTION**

**ITEM NO. 25.**

**DATE OF REQUEST:** May 18, 2009

**REQUESTED BY:** Ashley Frank, Planner II, Planning and Community Development

**SHORT TITLE:** Resolution approving a Special Use Permit approval for the expansion of an existing mining operation.

**BACKGROUND:** The applicant, Martin Marietta Materials, Inc, is requesting approval of a Special Use Permit for the expansion of an existing mining operation. The project will consist of expanding the existing mining operation to an additional 774 acres. The property is identified by record number 3243-56-6900-0000 and is zoned I-2, Industrial District (Heavy). The site is located east of Interstate 40 and Rebecca Kennedy Road, south to the Northeast Cape Fear River in Rocky Point, NC.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider the approval of a Special Use Permit for the expansion of an existing mining operation.

**PLANNING STAFF REPORT**  
**Special Use Permit**

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**SUMMARY:**

**Hearing Date:** May 18, 2009  
**Case Number:** SUP 09-05-18-11 Marietta  
**Applicant:** Martin Marietta Materials, Inc.  
**Property Owner:** Plum Creek Timberlands, LP

**Land Use Proposed:** The applicant is requesting approval of a Special Use Permit for the expansion of an existing mining operation.

**Property Record Number and Location:** The property is identified by record number 3243-56-6900-0000 and is located east of Interstate 40 and Rebecca Kennedy Road, south to the NE Cape Fear River in Rocky Point, NC. (See vicinity map)

**Zoning District of Property:** The property is zoned I-2, Industrial District (Heavy).

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**PROJECT DESCRIPTION:**

The applicant is requesting approval of a Special Use Permit for the expansion of existing mining operations. Martin Marietta initiated mining activities on this site prior to 1984 and has continued to mine since that time. The active mining area has expanded several times, the most recent being on April 17, 2006 Permit # 06-04-17-04, which extended the hours of operation and eliminated the timelines to file for future Special Use Permits (SUP). On November 17, 2008, 379 acres were rezoned from RA, Rural Agricultural to I-2, Industrial District (Heavy), to allow for the mining operation to expand. (Please see submittal supplemental information)

The project will consist of expanding the existing mining operation to an additional 774 acres. Approximately 628 acres of the site will actually be mined. The Special Use Permit is only being sought for the Tract 4 (1046 Acres) and Tract 5 (312 Acres) less the buffer area (584 Acres) shown in yellow (Exhibit A and B) for a total acreage of 774 acres. The SUP will only be for the 774 acres. This new expansion area is referred to as New pit Area #1, New Pit Area #2 and the "Expansion Area" on the Exhibit B Map. Other than the relocation of the processing plant, potential locations shown on Exhibit B Map, no other structures are proposed at this time.

All activities on the site will be the same as previously permitted on the quarry site. Overburden will be removed or relocated, vertical blast holes will be drilled into the limestone, the rock will be fragmented by blasting, the material will be loaded onto haul trucks and transported to another part of the property for processing and sale. Operating hours are 6 AM to 11 PM; Monday through Saturday with the operation of the dragline hours extended from 11 PM to 2 AM; there is no change is proposed to the operational hours at this time. Currently there are between 25-28 workers employed at the quarry.

The property does contain FEMA Special Flood Hazard Areas as shown on the effective Flood Insurance Rate Map (FIRM) dated February 16, 2007. Portions of the proposed expansion are located in the SFHA "A Zone" where the Base Flood Elevation (BFE) has not been previously determined; and the SFHA "AE Zone" where the BFE has been determined. Any development within the SFHA's must comply with FEMA regulations.

**EVALUATION:**

- A) Public Notifications:** Advertisements for the proposal have been placed in the Topsail Voice and Pender Post. Adjacent property owners were notified by first class mail.
- B) Basis for Granting SUP:** See Attachment A for approval procedures (15.3 of Zoning Ordinance) and revocation procedures (15.4b of Zoning Ordinance).

- C) Zoning Ordinance Compliance:** The property is zoned I-2, Industrial District (Heavy). Mining by means of explosives, dewatering or excavation below sea level is permit via Special Use Permit. (See attached zoning map).
- D) 2005 Land Use Plan Compliance:** The current CAMA Land Use Plan classifies this property as Rural Areas with limited Conservation I & II areas. Any development of this property will take these designated conservation areas in to consideration. This rezoning request is consistent with the 2005 Land Use Plan (See attached CAMA Land Use map).
- E) Existing Land Use in Area:** Currently there is a mining operation in effect on the remainder of the 2,529.87 acres on the north and west of the property. The NE Cape Fear River is about 2,000 feet east and southeast of the proposed rezoning.
- F) Site Access Conditions:** Site Access will from the existing quarry located to the north. The mine entrance is located off SR 1636. SR 1636 provides the site with access to NC 210 at the I-40 interchange. The access used by the mining operation is not through a residential area.
- G) Conditions Governing Special Use Permit Approval:**
1. Unless approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void, if a final zoning permit has not been issued for the project within 12 months.
  2. All conditions of final zoning set forth by the Pender County Zoning Ordinance must be met prior to issuance of final zoning permit.
  3. A separate Zoning Permit must be obtained for any proposed signs. Signs shall be in accord with Section 16 of the Pender County Zoning Ordinance.
  4. All applicable federal, state and local permits must be provided prior to obtaining Final Zoning Approval.
  5. The project shall comply with all requirements of the Commercial Development Standards and Site Plan Review, Section 9.14 of the Pender County Ordinance. This will include parking and landscaping requirements that will be in compliance with Sections 13 and 14 of the Pender County Zoning Ordinance.
  6. The hours of operation for this project, including processing plant, stripping, drilling, loading, blasting or excavation, shall be limited to 6 a.m. to 11 p.m. Monday thru Saturday, unless exceptions are approved by the Pender County Manager for emergency conditions.
  7. The hours for dragline operations only in the active mining area shall be limited to 6 a.m. to 2 a.m., Monday thru Saturday.
  8. Traffic other than automobiles and light trucks (pickups) will not be permitted to enter or leave the site other than during the hours of operation.
  9. Process plant, site and equipment maintenance, reclamation and dewatering activities may take place at other hours.
  10. The applicant will be able to apply for future Special Use Permits without adherence to a scheduled timeline and based upon economic demand and market conditions.
  11. All conditions, with the exceptions of conditions 14 and 18 as set forth in Special Use Permit #04-02-16-08, shall still be in full force and effect.
  12. The obligations and conditions imposed by this permit will be the responsibility of the applicant and its successors in interest and property owner(s) and shall continue in effect until all conditions of this permit and other permits have been complied with and the Pender County Planning Department has made a final inspection of the site and provided a written certification that the site is in compliance. The applicant shall have the responsibility of maintaining the mining site in a state of compliance for a period of two years from the date the written certification of compliance is issued or until the applicant has terminated its mining operations and relinquished control to the owners of that portion of the site that has been determined in compliance.

ITEM NO: \_\_\_\_\_

**RESOLUTION:** NOW, THEREFORE, BE IT RESOLVED, that on May 18, 2009 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for Mining by means of explosives, dewatering or excavation below sea level, as described herein, and Jimmy T. Tate, Chairman to the Board, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECONDED \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS \_\_\_\_\_

YEA VOTES: Tate \_\_\_\_ Brown \_\_\_\_ Blanchard \_\_\_\_ Rivenbark \_\_\_\_ Williams \_\_\_\_

\_\_\_\_\_  
**Jimmy T. Tate,  
Chairman**

5/18/2009  
**Date**

\_\_\_\_\_  
**ATTEST**

5/18/2009  
**Date**