

<b>REQUEST</b>	Current Zoning: R-3, single family residential, R-3(CD), single family residential, conditional, and O-1, office Proposed Zoning: I-2(CD), general industrial, conditional
<b>LOCATION</b>	Approximately 106.90 acres located north of Albemarle Road, east of Brooks Mill Road, and near the Cabarrus County line.
<b>SUMMARY OF PETITION</b>	The petition proposes to rezone land owned by Vulcan Construction in order to extend the life of their existing quarry. The use is restricted to a quarry with related complementary and accessory uses.
<b>PROPERTY OWNER</b>	Vulcan Construction Materials, LP
<b>PETITIONER</b>	Vulcan Construction Materials, LP
<b>AGENT/REPRESENTATIVE</b>	Denise Hallett, Vulcan Construction Materials, LP
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be inconsistent with the <i>East District Plan</i> and the <i>Eastside Strategy Plan</i> but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Phipps).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Indicated a minimum 70-foot right-of-way (35 feet from the centerline) will be reserved for the proposed minor thoroughfare, as identified on the Metropolitan Planning Organization Thoroughfare Plan.</li> <li>2. Clarified on sheet 2 under "Permitted Uses" that no asphalt plants or redi-mix concrete plants are proposed for this subject site.</li> <li>3. Modified the "Site Area" under the "Development Data Table" to reflect 106.90 acres.</li> <li>4. Indicated that a portion of tax parcel 111-242-12 is included in the proposed rezoning under the "Development Data Table".</li> <li>5. Modified the site plan to include the existing R-3(CD) zoned property within the boundary of the proposed rezoning.</li> </ol>
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<b>VOTE</b>	<p>Motion/Second: Firestone/Lipton</p> <p>Yeas: Dodson, Fallon, Firestone, Lipton, Phipps, Rosenburgh, and Walker</p> <p>Nays: None</p> <p>Absent: None</p> <p>Recused: None</p>
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<b>ZONING COMMITTEE DISCUSSION</b>	<p>Staff presented the petition to the Zoning Committee and indicated all outstanding issues have been resolved.</p> <p>One Commissioner questioned how many years the quarry would be in operation. Staff stated that the petitioner indicated the quarry could operate for up to 100 years.</p> <p>Another Commissioner expressed their concern with the expansion of the quarry. However, they also stated the quarry serves a purpose and would be difficult to relocate.</p>
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Some Commissioners had concerns regarding the proximity of the quarry to residential properties. Staff explained the various buffers required by the Zoning Ordinance for quarries and indicated those buffers on the site plan so to lessen the impact of the quarry use on abutting properties.

It was noted that a protest petition had been filed by an abutting commercial property owner. However, the petition was insufficient due to it not meeting the minimum state requirements regarding the size of the area included in the protest petition.

A Commissioner stated the background on the rezoning petition indicates the quarry has had two rezonings approved in the past which reaffirms the quarry use in the area. There was no further discussion.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

- **Background**

- The existing 364-acre Vulcan quarry received state mining permits in 1992 and began operations in 1993.
- In 1994, a 38.5 acre portion of the quarry was rezoned to I-2(CD) and R-3(CD). This rezoning (petition 1994-025c) allowed for two asphalt plants in association with the existing quarry. The R-3(CD) portion served as a 130-foot buffer adjacent to the residentially zoned property along the eastern property line and is currently part of the subject rezoning.
- In 1999, a site plan amendment was approved for the I-2(CD) portion of the 1994 rezoning along with additional R-3 property rezoned to I-2(CD) (petition 1999-014c) for a total area of 51.7 acres located south and west of the subject rezoning. This rezoning allowed for an additional two asphalt plants or one asphalt plant and one redi-mix concrete plant for a total of four plants and a provision for the removal of interior buffers.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- A quarry facility and related complementary and accessory uses (i.e. stockpiles of asphalt paving materials and concrete products, construction and related machinery, cut stone and stone products, petroleum storage less than 200,000 gallons, offices, maintenance facilities, crushing and sorting operations, etc.).
- Various buffer zones as required by Section 12.505(3) of the Zoning Ordinance.
- Delineation of proposed minor thoroughfare as adopted on the Metropolitan Planning Organization Thoroughfare Plan.
- Any above ground tanks placed on the site for the purposes of storing liquid asphalt cement to be double walled and placed on a concrete pad with a containment wall.
- Paved access roads and other dust suppression methods to mitigate the effects of fugitive dust.
- Access provided via an existing connection on Brooks Mill Road.

- **Public Plans and Policies**

- The southern portion of the site, closer to Albemarle Road, is within the *Eastside Strategy Plan* (2001) which recommends a light industrial business park. The remainder of the subject rezoning is addressed by the *East District Plan* (1990) which recommends residential uses.
- The petition is inconsistent with both the *East District Plan* and the *Eastside Strategy Plan*.

- **Staff Recommendation (Updated)**

- Staff agrees with the recommendation of the Zoning Committee.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Charlotte Department of Transportation:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** No issues.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No comments received.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
    - This site meets minimum ordinance standards.
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**OUTSTANDING ISSUES**

- No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

**Planner:** Shad Spencer (704) 353-1132