

Rowan County Planning and Development Department

402 North Main Street ▪ Room 204 ▪ Salisbury, N.C. 28144-4341

Phone: 704-216-8588 ▪ Fax: 704-638-3130

Map Amendment Request Z 01-15 and Conditional Use Permit Request CUP 01-15

MEMORANDUM

TO: Chairman Kersey and Planning Board Members
FROM: Ed Muire, Planning Director
RE: Carolina Quarries for IND designation on Tax Parcel 427-044
DATE: January 12, 2015

REQUESTS

- **Map Amendment Z 01-15:** Carolina Quarries, Inc. request the district designation of 42.05 acres located at 280 Comolli Road, Rockwell, NC be changed from Rural Agricultural [RA] to Industrial [IND]; application attached.
- **Conditional Use Permit CUP 01-15:** Given that mining operations [SIC 1411] are a conditional use in the Industrial district, Carolina Quarries must obtain a CUP to expand operations at the site; application attached.

BACKGROUND

General Information: Carolina Quarries, Inc. has operated a dimensional stone quarry at the 280 Comolli Road site since 1995. Current operations consist of removal and “trimming” of white granite blocks stored on site pending client selection, trucked to Savannah and then shipped to China for processing. An ideal monthly extraction of usable product is forty (40), twenty-ton blocks; stone deemed unsatisfactory for use is stored on site as waste material. Typical hours of operation for the eleven (11) on-site employees are Monday thru Thursday 7am – 4 pm and Friday 7am – 1pm.

Zoning Related: Countywide zoning enacted in 1998 designated the property Rural Agricultural [RA] and operations are allowed to continue as a ‘legal non-conforming use’ provided activities are within the permitted boundary and scope of its mining permit issued by the North Carolina Department of Environment and Natural Resources [NCDENR]. A 2014 request to NCDENR for permit modifications, i.e. expansion of the waste area, prompted the rezoning and associated conditional use permit requests. Essentially, the combination of these requests will allow for the expansion of the waste area by 6.32 acres in the southeastern corner of the property.

NCDENR: While zoning enforcement for this site resides with Rowan County, it is important to note that NCDENR’s regional office in Mooresville also has jurisdiction of the mining aspects for this quarry. Attachment 3 from NCDENR includes the active mining permit for this site and is included as reference since it provides a detailed overview of the history and operating conditions for the site.

ZONING CRITERIA [ref. Section 21-362(i)]

I. Relationship and Conformity with an Plans or Policies

The site is located in Area 3 as depicted in the East Rowan Land Use Plan, which generally includes all land areas south of East NC 152 Highway. Future Land Use Recommendation D for the planning area may be of some general guidance as it states, “*Proposals for expansion of existing businesses that minimize conflict with surrounding residential uses ... through design standards or mitigation techniques are encouraged ...*”

The site is not impacted by either water supply watershed impervious restrictions or floodplain regulations.

II. Consistency with this Article and Requested Zoning District’s Purpose and Intent

Purpose: The IND district is intended for manufacturing, extracting and processing industries that tend to generate adverse effects such as noise, odor and dust. These districts are generally located in areas with maximum accessibility to transportation systems, but may also exist or be created in other areas if the existing or proposed development is compatible with the surrounding area and the overall public good is served. In this case, the daily operations produce both noise and dust, but due to tract size, setbacks from property lines and treatment of internal roads, attempts to minimize impacts to adjacent residential properties have been considered.

Intent: The Z 01-15 and CUP 01-15 application seek to establish the existing operation as a conforming use and ultimately allow for expansion of waste area based on the site plan; reference Attachment 2.

III. Compatibility of all uses within the Proposed Zoning District Classification with other Property and Conditions in the Vicinity

Proposed IND District: Although mining and quarrying operations are not typically compatible with Rural Agricultural [RA] zoned areas, the IND district in this instance may be appropriate given the longevity of the mining operation, proximity to another mining site and residential properties only to the north of the site.

Vicinity Conditions: Northwest of the site along Earnhardt and Deer Track Roads are residentially developed tracts; east of the site is Rockwell Farms (a commercial agriculture / greenhouse operation) and other large undeveloped tracts; and, the adjacent parcel to the south is another quarry owned by Carolina Quarries. West of the site is a sixty-three (63) acre project developed by O2 Energies Inc. that obtained CUP approval [CUP 03-13] for a 3.5 megawatt ground mounted photovoltaic solar energy system.

It is worth noting the quarry sites to the south were subject to a similar rezoning / CUP process in July 2004 when it was owned and operated by Rockwell Granite. Consequently, those parcels [TP: 427-006 and 427-007] are zoned IND. Although the Rockwell Granite site was apparently acquired by Carolina Quarries in April 2005, the sites were governed under a separate NCDENR issued mining permit until May 2006. When combined, the total permitted acreage for Carolina Quarries recognized by NCDENR at this site is 134.93 acres with approval to disturb 78.89 acres. Based on Staff conversations with Carolina Quarries representatives, the site to the south is not actively being mined, rather it is used for loading trucks, trim sawing, mechanic / maintenance shop, display of inventory and the quarry pits are used as holding ponds for dewatering of the active mine.

IV. Potential Impacts on Facilities such as Roads, Utilities, Schools

Roads: 2012 NCDOT traffic count data collected on East NC 152 Hwy near Castor Rd [west] and near Faith Rd [east] indicates 6400 and 5600 vehicles per day along this road segment. Comprehensive Transportation Plan [CTP] data for this road segment suggests the existing capacity as 15,100 vehicles per day. Current employee trips and shipping of inventory @ average of ten (10) trucks per week does not have an apparent negative impact on the capacity of East NC 152 Hwy.

Utilities: Not Applicable.

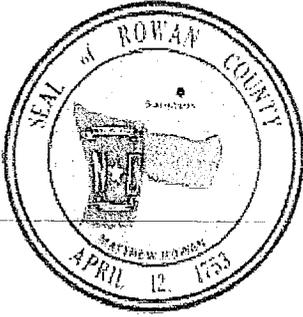
Schools: Not applicable.

GENERAL CONDITIONAL USE CRITERIA* [ref. Section 21-59]

- a. ***Adequate transportation to the site exists.*** The site gains direct access from a private road, Comolli Rd, which is maintained by Carolina Quarries. Eventual access to East NC 152 Hwy [major collector] is via Earnhardt Rd [SR #2623].
- b. ***The use will not significantly detract from the character of the surrounding area.*** Based on NCDENR mining reports, mining activity at the site has occurred since 1995 [pre-zoning]. To a large degree, the character of the area was established prior to countywide zoning with a mix of residential, industrial and commercial uses. In addition to the quarry, the immediate area has two [2] operating businesses, Greg's Family Restaurant [former Anchor House] and Rockwell Farms greenhouses, among the residential properties along Earnhardt Rd.
- c. ***Hazardous safety conditions will not result.*** The nature of this business presents numerous opportunities for injuries related to blasting, heavy equipment, stone moving, etc. In June 2014 a worker was injured during a fall resulting in modified safety procedures mandated by Mine Safety Health Administration [MSHA]. Aside from employee safety, preventing inadvertent access to the mine by the public is an operating condition of the mining permit issued by NCDENR.
- d. ***The use will not generate significant noise, odor, glare or dust.***
Noise: The facility is subject to the decibel standards contained in Section 21-241 of the Zoning Ordinance which has limits of 70 decibels from 7 am – 11 pm and 65 decibels from 11 pm to 7 am. Due to measurement method, noise generated by compressors, saws and drills would be subject to the noise standards as opposed to blasting. Revised County standards for quarries only allow blasting during daylight hours; NCDENR also requires an extensive self-monitoring record of all blasting activities to be maintained as an operating condition. NCDENR issued a Notice of Violation to the quarry on 4-25-11 related to monitoring blasts and associated record keeping.
Dust: Staff review of NCDENR mine inspection reports for the past decade contained complaints in 2006 and 2007 related to dust generated by truck traffic along Comolli Rd to Earnhardt Rd. Corrective actions at that time were to use a water truck to wet road and calcium chloride flakes are now being used to control dust. Other noted violations during this same 10 year period were erosion control related.
- e. ***Excessive traffic or parking problems will not result.*** Staff evaluation of these items is contained in item IV under Zoning Criteria and item a. under General Evaluation Criteria.
- f. ***The use will not create significant visual impacts for adjoining properties or passersby.*** Aside from its entrance by Comolli Road, the site has excellent visual separation from residential properties on Earnhardt Road and tracts that border the site on all sides.

*** The applicant's required responses to these criteria are contained as Attachment 1.**

**Rezoning and Conditional Use Permit Applications
and Consistency Worksheet
for Z 01-15 and CUP 01-15**



Rowan County Department
of Planning & Development
402 N. Main Street Ste 204
Salisbury, NC 28144
Phone (704) 216-8588
Fax (704) 638-3130
www.rowancountync.gov

Case # Z-01-15
Date Filed 1.02.15
Received By MEM
Amount Paid \$200.00

Office Use Only

per cost
77920

REZONING APPLICATION

OWNERSHIP INFORMATION:

Name: Caroline Quarries Inc
Signature: Paul A. Hatcher VP
Phone: 802 476 2244 Email: phatcher@rockofages.com
Address: PO Box 482, Berre VT 05641-0482

APPLICANT / AGENT INFORMATION (Complete affidavit on back if other than owner):

Name: Robert Alan Hatcher
Signature: [Signature]
Phone: 704 636 6750 Email: rhatcher@rockofages.com
Address: 805 Harris Granite Rd
Salisbury NC 28138

PROPERTY DETAILS:

Tax Parcel(s): 427 044 Size (sq.ft. or acres): 42.05
Property Location: 280 Cornelli Road
Current Land Use: Dimensional Stone Quarry
Date Acquired: 11-3-1998 Deed Reference: Book 836 Page 418

Surrounding Land Use: North Residential, Vacant
South Dimensional Stone Quarry
East Commercial Green house
West solar Farm

Existing Zoning RA Requested Zoning Industrial, IND

COUNTY OF ROWAN

AFFIDAVIT OF OWNER

To be completed if a second party will represent case

STATE OF NORTH CAROLINA

I (We), Caroline Quarries Inc, owner(s) of the within described property do hereby request the proposed rezoning and hereby authorize the person listed below to act as my (our) duly authorized agent in this matter.

Signature(s): ~~Paul Hutchins~~ VP for Caroline Quarries Inc

Date: Dec 10, 2014

Name of Applicant / Agent: Robert Alan Holbooser

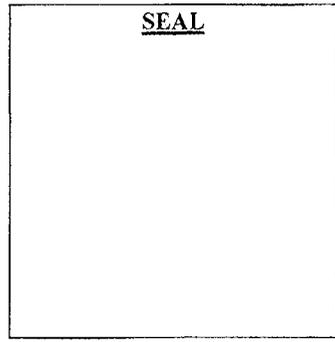
Address: 805 Morris Green Rd, Salisbury NC 28146

Phone Number: 704 636 6787

IT IS UNDERSTOOD BY ALL PARTIES HERETO INCLUDING OWNER(S) & APPLICANT(S) / AGENT(S) THAT WHILE THIS APPLICATION WILL BE CAREFULLY CONSIDERED AND REVIEWED, THE BURDEN OF PROVIDING ITS NEED RESTS WITH THE ABOVE NAMED APPLICANT WHETHER OWNER, NON-OWNERS, OR OWNER'S AGENT.

I, Suzanne Hutchins, a Notary Public for said County and State, do hereby certify that Paul Hutchins personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

My commission expires 2/10, 2015.



OFFICIAL USE ONLY

- 1. Signature of Rezoning Coordinator: M. E. ...
- 2. Planning Board Courtesy Hearing: 1/26/15
- 3. Notifications Mailed: 1/16/15
- 4. Property Posted: 1/16/15
- 5. Planning Board Action: Approved Denied
- 6. Board of Commissioners Public Hearing: 1/1/15
- 7. Notifications Mailed: 1/1/15
- 8. Property Posted: 1/1/15
- 9. Dates Advertised: 1st 1/1/15 2nd 1/1/15
- 10. BOC Action: Approved Denied
- 11. Date Applicant Notified: 1/1/15

Carolina Quarries ,Inc.

805 Harris Granite Road. Salisbury NC 28146
(704) 636-6780 Toll Free 1-800-982-9918 FAX (704) 637-7382

Rowan County Department of
Planning & Development
402 N Main Street, Ste 204
Salisbury NC 28144

Attn: Ed Muire

I am writing to submit two applications for Parcel #427 044, which are Rezoning and Conditional Use Permit.

Please find enclosed the following

- 1) Rezoning Application, Affidavit of Owner
- 2) Conditional Use Permit Application

We have sent a modification request to the state asking for additional 6 acres to be added to our existing acreage south of our permit boundary. They have approved the request and we are now in process to update our land use from residential to Industrial as well as apply for a conditional use permit. This request is made due to our needs to expand our quarry operation for storage of defected dimensional stone and overburden (waste pile.)

The area we would like to expand does not detract from the character of the surrounding areas as the adjoining land is wooded and vacant. There are no hazardous materials disposed of on our site. The area will not generate significant noise, odor, glare or dust. And the area will not create significant visual impacts for adjoining properties.

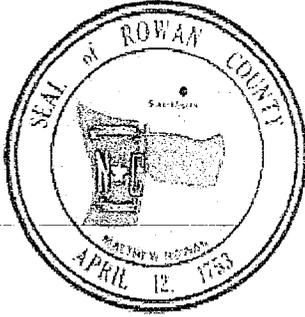
Enclosed also is a map of our parcel 427 006 and adjoining properties, which I have noted owner and use. I have also enclosed a visual map of our site and parcel where you can see the area outlined in red as to where we are proposing to expand our waste pile.

I have included a \$200.00 check for processing.

If anything else is need to complete this process, please let me know and thank you for all your help.

Sincerely

Helen Trexler



Rowan County Department of
Planning & Development
402 N. Main Street Ste 204
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Case # CUP-01-15
Date Filed 1-02-15
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Office Use Only 906 00#
717920

CONDITIONAL USE PERMIT APPLICATION

OWNERSHIP INFORMATION:

Name: Carolina Quarries Inc.
Signature: T. A. Hutchins VP
Phone: 802 475 2214 Email: phutchins@rockofages.com
Address: PO Box 482, Barre VT 05641

APPLICANT / AGENT INFORMATION:

Name: Robert Alan Holsouser
Signature: R. A. Holsouser
Phone: 704 6366780 Email: r.holsouser@rockofages.com
Address: 805 Harris Granite Road
Salisbury NC 28146

PROPERTY DETAILS:

Tax Parcel: 427044 Zoning District: _____
Date Acquired: 11-3-1998 Deed Reference: Book 836 Page 418
Property Location: 280 Camelli Road Rockwell NC 28188
Size (sq. ft. or acres): 42.05 Street Frontage: NO
Current Land Use: Dimensional Stone Quarry
Surrounding Land Use: North Residential, vacant
South Dimensional Stone Quarry
East Commercial Green House
West Solar Farm

PURPOSE & SECTION:

State purpose of conditional use permit:

To expand Quarry operation - storage of defected
dimensional stone & overburden

Cite section(s) of Zoning Ordinance which permit is being requested:

conforming use in industrial district

ATTACHED DOCUMENTS:

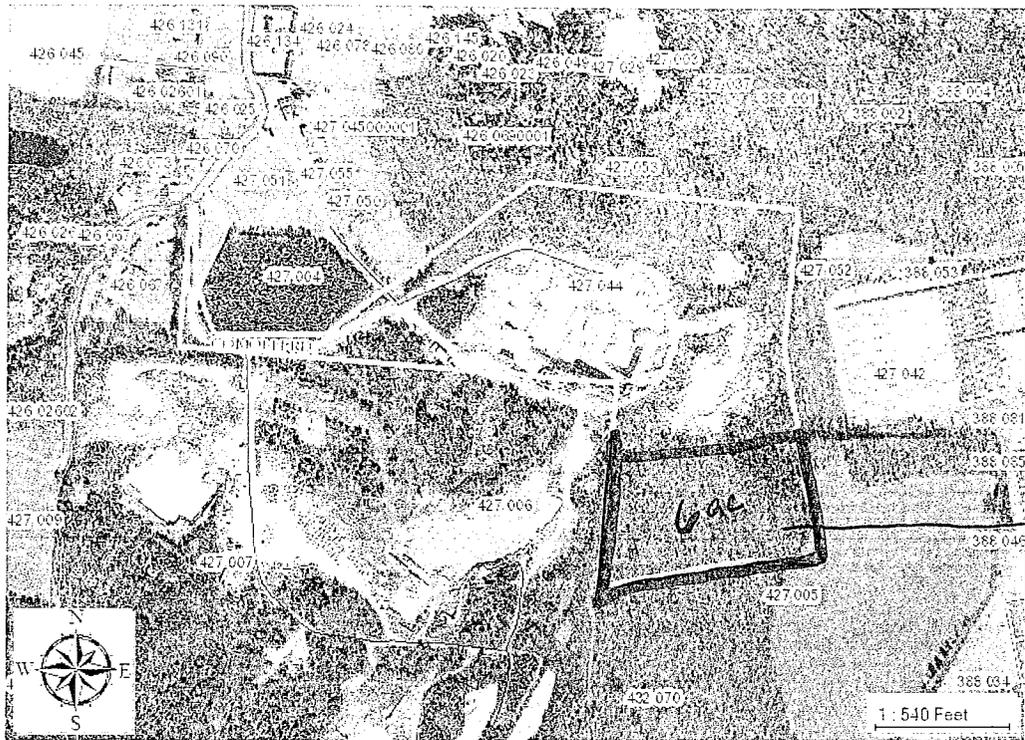
Applicant must attach a response to the evaluation criteria from Section 21-59 and an accompanying site plan based on information required in Section 21-52 and 21-60.

Attached: Yes No

Applicant shall, at the time the application is made, present all the necessary evidence (maps, drawings, statements, certifications, etc.) showing how the requirements of the applicable sections of the Zoning Ordinance will be met.

OFFICIAL USE ONLY

1. Signature of Coordinator: M. Edwards 2. Board of Commissioners
Public Hearing: / / 3. Notifications Mailed: / / 4. Property Posted:
 / / 5. BOC Action: Approved Denied 6. Date Applicant Notified:
 / /



*Area
to Add*

**ROWAN COUNTY PLANNING BOARD
CONSISTENCY WORKSHEET**

CONSISTENCY QUESTION: *"Is the proposed amendment consistent with any adopted plan..."*

**REFERENCE
SOURCES**

** NOTE: Consistency statements are applicable to both map and text amendments.*

YES	NO		Is the request consistent with Land Use Plan?
<input type="checkbox"/>	<input type="checkbox"/>	<i>Example:</i>	_____
<input type="checkbox"/>	<input type="checkbox"/>	<i>Example:</i>	_____

Item #1 of the Staff Report

YES	NO	N/A	Is the request consistent with any other adopted plans?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

If applicable, refer to Item #4

YES	NO	Is the request consistent with the requested zoning district?
<input type="checkbox"/>	<input type="checkbox"/>	_____

Item #2 of the Staff Report

Suggested Statement

In accordance with Section 21-361(b) of the Rowan County Zoning Ordinance, the Planning Board advises the _____ request [is] or [is not consistent] with _____ the [Eastern] or [Western] Rowan Land Use Plan based on the following:

- 1 _____

- 2 _____

- 3 _____

COASTAL CURATORS INC
 805 HAINSBOROUGH RD
 SANDWICH MI 48116

Evaluation criteria (Per Section 21-59)

In addition to meeting special standards for a particular use, the applicant must illustrate that he/she can comply with the following criteria when any conditional use is proposed.

- (1) Adequate transportation access to the site exists;
 two way traffic entrance to property
- (2) The use will not significantly detract from the character of the surrounding area;
 cannot see site from main Road Hwy 152.
 site surrounded by wooded area
- (3) Hazardous safety conditions will not result;
 no hazardous safety conditions exist
- (4) The use will not generate significant noise, odor, glare, or dust;
 Roads are treated w/ Chloride treatment flakes
 to maintain dust - all operation uses roller mow of air compressor
 out down on noise
- (5) Excessive traffic or parking problems will not result; and
 parking on site off of Earnhardt Rd.
- (6) Use will not create significant visual impacts for adjoining properties or passersby.
 not able to see operation from Road.

Added to

perm # 80-26

loading area 427-044 - 280 Cornwell Rd.

Doc 236 Page 118