AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

February 11, 2011

I. **ATTENDANCE** - The Chair will call the meeting to order at 1:00 p.m. in the Council Chambers, 200 East Main Street, on February 11, 2011.

II. **APPROVAL OF MINUTES** - The Chair will announce that there are no minutes of previous meetings to be considered at this time.

III. **PUBLIC HEARING ON ZONING APPEALS**

A. **Transcript or Witnesses** - The Chair will announce that any applicants or objectors to any appeal before the Board is entitled to have a transcript of the meeting prepared at their expense and to have witnesses sworn.

B. **Continuation of Conditional Use Appeal**

1. **C-2010-110: VULCAN CONSTRUCTION MATERIALS, LP** - appeals for a conditional use permit to conduct underground mining of limestone in the Agricultural Rural (A-R) and Neighborhood Business (B-1) zones, on properties located at 7200, 7210 and 7230 Turner Station Road (Council District 12).

The Staff Recommended: Approval of a conditional use for the southerly half of the proposed mining area, for the following reasons:

a. An underground mining operation confined to this area should not adversely affect the subject or surrounding properties. The area to be mined is immediately adjacent to an existing underground mining and quarrying operation that has been in place for over fifty years. Property to the west and southwest of this area, consisting of several hundred acres of land, is owned and managed by the same landowner that is leasing the land to be mined to Vulcan. All aspects of the mining operation have been located and designed to satisfy concerns of Floracliff Nature Sanctuary, which is located immediately to the south of Vulcan's existing mine and over ½ mile away from the new mining area. Existing residences on the adjoining properties to the east and north will be at least 800' away, which should help to minimize the potential for disturbances from blasting.
b. Excessive noise or dust is not anticipated, as the mining activity will be entirely underground, and reclamation of the site and drainage control will be easily accomplished since only very minor alterations will be needed on the surface of the subject property.
c. The appellant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local mining laws, regulations or conditions.
d. All necessary public facilities and services are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

1. Construction and operation of the mine shall be done in accordance with the submitted application, and a revised site plan indicating: (a) an area to be mined equivalent to roughly half of the 107 acres that was originally proposed, with the northerly limit defined by a line extending from the centerline of Grimes Mill Road (as it intersects with Old Richmond Road) in a westerly direction to a point approximately 400' south of the north end of the impoundment of Elk Lick Creek; and (b) a setback of at least 200' to be provided from the impoundment and all portions of Elk Lick Creek.
2. All necessary permits shall be obtained from the Division of Building Inspection prior to construction.
3. Surface alterations shall be limited to the construction of air ventilators needed to comply with regulatory requirements, and reasonable access to those sites for construction and maintenance.
4. A storm water management plan shall be implemented in accordance with the requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.
5. The facility shall at all times comply with the provisions of the Mining/Quarrying Ordinance (Code of Ordinances #252-91), as well as all Federal and State regulations pertaining to mining activities, air pollution and waste management, and surface and ground water protection.
6. Blasting shall take place, on the average, no more than once per day, and shall be designed and implemented in strict compliance with all applicable regulatory standards relating to a "scale-distance formula".
7. Upon initiation of underground mining to the north of Vulcan's property, Vulcan shall not concurrently conduct any mining on their property (7430 Elk Lick Falls Road) at a depth greater

than level 2 (approximately 300'), or otherwise conduct mining at both locations to the extent that historical levels of production are exceeded.

8. All underground mining on the approved portion of the subject property shall take place at a level 2 depth of approximately 300'.

IV. **BOARD ITEMS** - The Chair will announce that any item a Board member wishes to present will be heard at this time.

A. **Election of Officers** – According to its By-Laws, the Board shall elect a Chairperson, a Vice-Chairperson, a Secretary and any other officers it deems necessary at the conclusion of the January meeting each year. With the continuation of that meeting to February 11, this item was also continued to today's meeting.

Nominations shall be made from the floor, and the candidate receiving the majority vote of the membership in attendance shall be declared elected and shall take office at the close of the meeting. The present officers are: Acting Chair - Louis Stout; Acting Vice-Chair - Kathryn Moore; Secretary - Jim Griggs. The Chair will request that the Board take action on this item.

B. **Delegation of Secretarial Duties** – In the past, the duties of the Secretary have been delegated to the Planning Manager or to a staff member appointed by him. The Chair will request action on this item.

C. **Possible By-Law Revision** – The issue of possibly establishing guidelines/requirements related to streamlining cases (e.g., speaker time limits) has arisen, which may require a revision to the Board's adopted By-Laws, and which can be considered as a Board item at the conclusion of today's meeting, or in the future.

V. **STAFF ITEMS** - The Chair will announce that any items a Staff member wishes to present will be heard at this time.

VI. **NEXT MEETING DATE** - The Chair will announce that the Board's next meeting date will be February 25, 2011.

VII. **ADJOURNMENT** - If there is no further business, the Chair will declare the meeting adjourned.