



The Columbia Board of Zoning Appeals will meet on Thursday, July 11, 2024 at 9:00 AM in Council Chambers on the basement level of City Hall, 700 N. Garden Street, to consider the following:

I. Roll Call

II. Approval of Minutes

III. Old Business

1. 22-0183 - Request from Jimmy Fleming Jr. on behalf of Vulcan Land Inc. for extension of a deadline for completion of improvements related to Conditional Use approval permitting the expansion of an existing extractive use (mining) at [Tax Map 66 Parcel 22.025 and 20.26](#).

Documents:

None

- Staff Analysis - July 2024

Documents:

None

- Extension Request - June 2024

Documents:

1. 22-0183_Request for Extension of Deadline_06-14-2024
2. 22-0183_Stansell Electric Letter of Signal Material Delays_06-14-2024
3. 22-0183_Second 60-day Extension_04-25-2024

4. 22-0183_First 60-day Extension_02-22-2024
5. 22-0183_Vulcan Materials Landscape Buffer Complete_6-11-2024
6. 22-0183_Update_Landscape Buffer Plan_09-27-2024
7. 22-0183_Vulcan Buffer Submittal_07-18-2023

- Initial Approval - January 2023

Documents:

1. 22-0183_Executed_Memo of Understanding_03-20-2023

IV. New Business

V. Other Business

VI. Adjourn

Anyone requesting accommodations due to disabilities should contact the City's ADA Coordinator at 931-560-1570 prior to the meeting.

The 2024 meeting schedule can be found on the City of Columbia Board of Zoning Appeals webpage.

For other questions, please contact the Department of Development Services at 931-560-1560.



CITY OF COLUMBIA TENNESSEE
BOARD OF ZONING APPEALS
STAFF REPORT

CONTACT INFORMATION

Kevin C. McCarthy, AICP, City Planner, kmccarthy@columbiatn.com 931-560-1531

CASE NUMBER

22-0183

APPLICANT/ PROPERTY OWNER

Jim Fleming Jr./ Vulcan Lands Inc. & CalMat Co.

HEARING DATE

July 11, 2024

PROPERTY ADDRESS/LOCATION

Tax Map 66 Parcels 20.25 & 20.26

REQUEST: Conditional Use (Extractive Use) Extension of Deadline to Satisfy Conditions of Approval

The applicant requests the Board's approval of a deadline extension related to a Conditional Use permit. In 2023, the Board approved expansion of an existing mining facility into a low-density residential zone. The subject property is located immediately adjacent to the existing mine and inside the City. The City Council had approved a comprehensive Plan Amendment and Rezoning of the subject property in 2022. The existing facility is located in Maury County outside the corporate limits of Columbia. In January of 2023, the Board approved the Conditional Use. The City and the applicant entered into an Memorandum of Understanding (MOU) memorializing the terms of approval.

Background

The Board imposed several conditions of approval, including a requirement to realign Columbia Rock Road and to install a traffic signal at the intersection of Nashville Highway before February 28, 2024. The Board authorized the City Engineer to grant sixty-day extensions of this deadline provided the applicant worked expeditiously. Cumulative extensions could not exceed 180 days without Board approval. The applicant has satisfied other conditions of approval and worked toward completion of the road realignment and installation of the traffic signal. However, due to supplier delays, a sign relocation, and coordination with utilities, Vulcan will not be able to complete the project prior to the final deadline extension of August 26, 2024.

Request

The applicant requests that the Board approve an extension of the deadline to complete the traffic improvements for eleven months to July 26, 2025. This timeline is based primarily on the expected lead time to acquire a traffic signal control cabinet (50 weeks). Other materials have an anticipated lead times of 20 weeks.

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING	SITE IMPROVEMENTS	SIZE OF PROPERTY
CD-2	Vacant	SD-LI/CD-4 (Vacant)/County	Expansion of Quarry	31 ± acres



ANALYSIS:

The conditional use was approved under the former zoning code, Ordinance 3638. Section 8.3.1.C. of the applicable zoning ordinance authorizes the Board to impose restrictions and conditions which ensure compatibility with surrounding properties and minimize any injurious effect on the public interest. The applicant agreed that the uncontrolled intersection at Nashville Highway and Columbia Rock Road created a hazardous condition both for trucks leaving the quarry and for the general public. At the time of approval, the board determined that approximately eighteen months was sufficient to complete the work. The applicant agreed to this timeline by executing the MOU.

Vulcan has worked diligently to fulfill its obligations under the MOU. The traffic improvement has been delayed due to circumstances beyond the applicant's control. Staff believes the situation warrants an extension of the deadline to provide Vulcan with sufficient time to perform. However, an extension of eleven months is too long to protect the public interest and ensure that the project continues to move forward as quickly as possible. Staff recommends an extension of approximately six months, to February 28, 2025, to complete the project. If necessary, the Board can reevaluate the status of the work in early 2025 and grant additional short extensions. In this way, the Board and the applicant can remain accountable to the public for the progress of the project and mitigation of the impact of the quarry expansion on the community.

RECOMMENDATION:

Approval of Conditional Use Request Subject to Conditions.

Recommended Motion:

Move to find that the proposed Conditional Use conforms to the requirements listed at Section 3.15.9 of Ordinance 3638 and modify revision of Conditional Use approval 22-0183 subject to the following conditions:

1. That the applicant executes a revised agreement to make all improvements necessary to realign Columbia Rock Road and install a signal at the intersection of Nashville Highway before February 28, 2025; any further extensions shall require Board approval;
2. That all other conditions of approval of Conditional Use 22-0183 shall remain in effect.

Alternative Motions:

Alternative Motion [Approve Subject to Conditions]:

Move to find that the request conforms to the requirements of the MOU, Ordinance 3638 and the public welfare, and approve the modification of Conditional Use 22-0183 subject to the following conditions: *[list conditions of approval]*.

Alternative Motion [Approve]:

Move to find that the request conforms to the requirements of the MOU, Ordinance 3638 and the public welfare, and approve the modification of Conditional Use 22-0183.

Alternative Motion [Deny]:

Move to deny the proposed modification of Conditional Use 22-0183 having found *[list reasons for denial]*.

Alternative Motion [Defer]:

Move to find that there is insufficient information to make a decision, defer action, and request that the [applicant/staff] provide: [list additional information] for review at a future meeting.

Austin Brunk
Project Manager
Stansell Electric
860 Visco Dr.
Nashville, TN, 37210
abrunk@stansellelectric.com
615-456-0389
6/20/2024

David Layhew
Project Engineer
Vulcan Construction Materials, LLC
3552 Hermitage Industrial Drive
Hermitage, TN, 37076

Dear Mr. Layhew,

Subject: Status Update on Requested Submittals and Cut Sheets

I hope this letter finds you well. I am writing to provide an update regarding the submittals and cut sheets that Stansell previously requested from the vendor's we plan to use on the Columbia Rock Rd. Project. We are currently awaiting these documents from our vendors.

Stansell is currently awaiting these documents and once we receive them, our team will promptly conduct an internal review. After this review, we will forward the documents to the city for their approval. It is important to note that our lead times will commence only after we receive approval from the City so we may release the materials for our vendors to begin fabrication.

We appreciate your attention to this matter and your patience during this process. If you have any questions or require further information, please do not hesitate to contact us.
Thank you for your cooperation.

Best regards,

Austin Brunk
Project Manager
Stansell Electric
615-456-0389
abrunk@stansellelectric.com



June 14, 2024

VIA MAIL - kmccarthy@columbiatn.com

Mr. Kevin McCarthy
City of Columbia
Columbia, TN

Re: Memorandum of Understanding for the Construction of Public Infrastructure at
Intersection of Columbia Rock Road and Nashville Highway

Mr. McCarthy,

We have been communicating with Mr. Glenn Harper about our progress with the road improvements at the intersection of Columbia Rock Road and Nashville Highway. The second extension that was granted under the Memorandum of Understanding (MOU) will expire on June 27, 2024. Under the MOU the City of Columbia is allowed to grant a third 60-day extension. We would like to go ahead and request your consideration for the third extension of the MOU which will take us through August 26, 2024.

While good progress has been made on the project, it is apparent that it will not be totally completed by the end of August which will require an amendment to the MOU by the Board of Zoning Appeals. In order to keep the project moving without delays, we would like to request that the amendments to the MOU be placed on the BZA agenda for the meeting scheduled on July 11, 2024.

Below is an update on the current status of the berm construction and landscaping as well as the road improvements:

- Buffer berm construction was completed in late 2023. Trees and shrubs were planted in May 2024 in accordance with the approved buffer landscaping design plan that was submitted to the City on July 20, 2023. Raking and hydroseeding of the berm was completed Friday, June 7, 2024, which completed the landscaping installation work. The City was notified. Watering will be done regularly until vegetation is well-established.

Given the progress made on the road improvements plus the credited assurance of completion, Vulcan would like to seek clarification of our ability to begin mining on the requested property.

- Both the City of Columbia and TDOT provided final permit approval on April 5th. A pre-construction conference on the project happened on April 4th. Our construction crew was mobilized on April 15th to begin.
- To date, Vulcan has completed the majority of Phase 1 work for New Columbia Rock Rd (NCRR). This work included clearing and grubbing, erosion control, subgrade stabilization, base and shoulder stone work, drainage work, and asphalt paving. Guardrail and minor slope work remain for this phase of work.
- Vulcan began Phase 2 work for the Baker Road widening. However, our work had to stop due to the need for the removal of the Pentecostal Church sign, including the electrical service line and electric meter, which conflicts with the road work. In speaking with CPWS, the only way for these appurtenances to be removed is to have a representative of the Church formally request CPWS to remove the line and meter. Vulcan will then remove the sign and store it at the City's designated location. Vulcan also started Phase 3 work and completed shoulder improvement construction on Nashville Hwy in preparation for the shifting of traffic to the outside for median turn lane work.
- Unfortunately, Vulcan is currently at a standstill on the project due to vertical clearance issues with existing aerial utility lines that cross NCRR. CPWS's aerial relocation work is near completion, but it has yet to be determined when the remaining aerial utility lines, specifically Spectrum (Charter) and AT&T, will be raised so Vulcan can begin the median work. The aerial utility relocation work is critical to keep the project moving. The reason is once the median work, including the new northbound turn lane, is constructed it will shut off left turn movements in and out of Existing CRR. The plan has always been to have traffic use NCRR to make these movements. Therefore, the aerial lines need to be raised prior to beginning the median work to avoid any uncertainty on when the lines will be out of conflict.
- Another factor with completing the **entire project** is signal equipment lead times. Currently, our subcontractor has estimated that it will take 20 weeks to deliver the 4 mast

arm signal poles and 50 weeks to deliver the traffic signal control cabinet. (See attached letter from Stansell Electric Company, Inc.)

Given the delays that occurred outside our control, including utility removals, approvals by TDOT and others, Vulcan would like to request an extension of 11 months ending on July 26th, 2025.

Thank you for your due consideration of this extension and request to be added to the BZA meeting agenda on July 11th.

With best regards,

A handwritten signature in black ink, appearing to read "Jimmy Fleming". The signature is written in a cursive, flowing style.

Jimmy Fleming
VP of Permitting & External Relations

CC: Mr. Glenn Harper, City of Columbia
Mr. Brent Goodsell, Vulcan
Madison Haynes, Bradley Firm

Austin Brunk
Project Manager
Stansell Electric
860 Visco Dr.
Nashville, TN, 37210
abrunk@stansellelectric.com
615-456-0389
6/12/2024

David Layhew
Project Engineer
Vulcan Construction Materials, LLC
3552 Hermitage Industrial Drive
Hermitage, TN, 37076

Dear Mr. Layhew,

Subject: Explanation of Material Delivery Delays

I am writing to inform you of the delays in the delivery of several critical materials required for our ongoing project. Unfortunately, due to circumstances beyond our control, we are experiencing significant delays from our suppliers, which are affecting our project timelines. Below are the details of the affected materials and their revised delivery schedules, starting from the time of release of the materials:

Traffic Cabinets: The delivery time for traffic cabinets has been extended to 50 weeks from the time of release.

Traffic Signals & Hardware: These components are now expected to arrive in 22 weeks from the time of release.

Mast Arms and Poles: The production and delivery of mast arms and poles have been pushed to 20 weeks from the time of release. We will receive the anchor bolts in 6-8 weeks from the time of release.

Vehicle Detection Systems: The delivery of vehicle detection systems is now anticipated to take 12 weeks from the time of release.

We understand the impact these delays can have on the overall project timeline and the potential inconvenience they may cause. Please be assured that we are actively working with our suppliers to expedite the deliveries and mitigate any further delays. We are also exploring alternative sources and solutions to minimize the impact on our project schedule.

We appreciate your understanding and patience in this matter. Our team is committed to maintaining open communication and will keep you updated on any further developments regarding the material deliveries. If you have any questions or require additional information, please do not hesitate to contact me directly.

Thank you for your continued cooperation and support.

Sincerely,

Austin Brunk
Project Manager
Stansell Electric

Kevin McCarthy

From: Glenn Harper
Sent: Thursday, April 25, 2024 7:40 AM
To: Fleming Jr, Jimmy
Cc: Brent Goodsell; David Layhew; Jill Downer; Carol Landrum; Kevin McCarthy
Subject: RE: [Caution External Email] - 2nd-60 Day Extension on MOU with Vulcan Materials and City of Columbia

Mr. Fleming, I concur with this second 60-day extension.

Glenn Harper, P.E.

City Engineer
700 North Garden St.
Columbia, TN 38401
(931)560-1560



From: Fleming Jr, Jimmy <flemingj@vmcmail.com>
Sent: Monday, April 22, 2024 12:54 PM
To: Glenn Harper <gharper@columbiatn.com>
Cc: Brent Goodsell <goodsellb@vmcmail.com>; David Layhew <layhewd@vmcmail.com>; Jill Downer <downerj@vmcmail.com>; Carol Landrum <landrumc@vmcmail.com>
Subject: [Caution External Email] - 2nd-60 Day Extension on MOU with Vulcan Materials and City of Columbia

Mr. Glenn Harper
City of Columbia

Mr. Harper,

According to my calculations, the First Extension of the "MOU for the Construction of Public Infrastructure at Intersection of Columbia Rock Road and Nashville Highway" will expire on April 28, 2024. The MOU contemplates that Vulcan may request up to three sixty-day extensions.

Vulcan requests approval of the second-60 day extension under the MOU. According to my calculations, the second-60 day extension will expire on June 27, 2024.

Both the City of Columbia and TDOT provided final permit approval on April 5th. A pre-construction conference on the project happened on April 4th. Our construction crew was mobilized on April 15th to begin.

Thank you for your due consideration of this extension. I would appreciate your response for the benefit of the file.

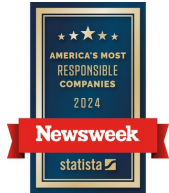
With best regards,

Jimmy Fleming

--

Jimmy Fleming
Vice President of Permitting & External Affairs
Vulcan Materials Company
800 Mt. Vernon Hwy NE, Suite 200
Atlanta, GA 30328

678-938-5227 mobile
flemingj@vmcmail.com



From: [Glenn Harper](#)
To: [Fleming Jr, Jimmy](#)
Cc: [Brent Goodsell](#); [David Layhew](#); [Kevin McCarthy](#)
Subject: RE: [Caution External Email] - 60 Day Extension
Date: Thursday, February 22, 2024 1:23:17 PM
Attachments: [image001.png](#)

Mr. Fleming, I concur with the request for the first 60 day extension.

Regards, Glenn

Glenn Harper, P.E.

City Engineer
700 North Garden St.
Columbia, TN 38401
(931)560-1560



From: Fleming Jr, Jimmy <flemingj@vmcmail.com>
Sent: Tuesday, February 20, 2024 12:50 PM
To: Glenn Harper <gharper@columbiatn.com>
Cc: Brent Goodsell <goodsellb@vmcmail.com>; David Layhew <layhewd@vmcmail.com>
Subject: [Caution External Email] - 60 Day Extension

Mr. Harper,

I know that the issue of a 60 day extension was discussed at our meeting on February 13th at the City of Columbia Offices. At that meeting you gave your oral consent to the 60 day extension. If you don't mind, I thought it would be best to have a written confirmation for the files.

With best regards,

Jimmy
678-938-5227 mobile

--

Jimmy Fleming
Vice President of Permitting & External Affairs
Vulcan Materials Company
800 Mt. Vernon Hwy NE, Suite 200
Atlanta, GA 30328

678-938-5227 mobile
flemingj@vmcmail.com



From: [Rollinger, Mike](#)
To: [Kevin McCarthy](#)
Cc: [Glenn Harper](#); [Paul Keltner](#); [Fleming Jr, Jimmy \(SED-HR\)](#); [Downer, Jill](#)
Subject: [Caution External Email] - Re: Vulcan Materials Landscape Buffer Plan
Date: Tuesday, June 11, 2024 11:39:24 AM

Mr. McCarthy,

I am writing today to inform you that as of last Friday, June 7th; Vulcan Materials "Columbia Quarry" has now fully completed the proposed landscaped buffer berms along the perimeter of the site in accordance with the drawings/plans previously submitted per our Conditional Use Permit request. Since we last spoke, we had finished off the grading work for the berms in early spring of 2024 and recently have had a local landscaping company out to install all the proposed landscaping trees, shrubs & seeding. Feel free to give me a call anytime if you have any additional questions or concerns.

Regards,

Mike Rollinger

On Wed, Sep 27, 2023 at 5:19 PM Rollinger, Mike <rollingerM@vmcmail.com> wrote:

Mr. McCarthy,

I am writing to inform you that today, Tuesday 9/27/23, Vulcan Materials has begun preparing the area for the proposed landscape buffer berms along the perimeter of the site according to the plans submitted. We are tentatively scheduled to start moving dirt to construct the berms next Wednesday, October 4th (weather dependent) and this will occur over the next several months with hopes to be done by year end 2023. Our longer term intent is to install all proposed trees & shrubs and then seed the berms in the early spring of 2024.

Let me know if you have any further questions or concerns?

Kind Regards,

Mike Rollinger | MINING ENGINEER
VULCAN MATERIALS COMPANY | Central Division
580 THETA PIKE, COLUMBIA, TN 38401



www.myvulcan.com

W: 931-840-5570 | C: 630-816-5062 | F: 931-388-7257 | E-mail: RollingerM@VMCMAIL.COM

On Mon, Sep 4, 2023 at 2:04 PM Kevin McCarthy <kmccarthy@columbiatn.com> wrote:

Thank you, Scotty. No hard copies are necessary. Vulcan should notify me, Glenn, and Paul by email when they are ready to install the landscape buffer. We will follow up to schedule an inspection of the completed work. Vulcan should also maintain regular contact with the City Engineer regarding the road improvements, which must be complete by January 26, 2024 (Glenn may grant limited extensions to this deadline).

Thanks!

Kevin C. McCarthy, AICP

City Planner & Zoning Administrator

700 N. Garden Street

Columbia, TN 38401

Office Phone: 931.560.1531

kmccarthy@columbiatn.com

City Logo-Email2



From: Scott Bernick <sbernick@ragansmith.com>

Sent: Thursday, July 20, 2023 8:34 AM

To: Kevin McCarthy <kmccarthy@columbiatn.com>

Cc: Heather H. Grimes <hgrimes@ragansmith.com>; Rollinger, Mike <rollinger@vmcmail.com>; Glenn Harper <gharper@columbiatn.com>; Melissa Sanders <msanders@columbiatn.com>; Scott Bernick <sbernick@ragansmith.com>

Subject: [External Email] - RE: Vulcan Materials Landscape Buffer Plan

Kevin –

Attached is the revised Buffer Plan that addresses your comment below. Please advise if you need hard copies or additional information to satisfy and complete the submittal.

Moving forward...what are the next steps for Vulcan? Are there specific procedural requirements prior to install or once install is complete?

Thanks,



Scotty M. Bernick, PLA

VICE PRESIDENT

office: [615.244.8591](tel:615.244.8591)

mobile: [615.887.9739](tel:615.887.9739)

ragansmith.com



From: Kevin McCarthy <kmccarthy@columbiatn.com>
Sent: Friday, July 14, 2023 6:26 PM
To: Scott Bernick <sbernick@ragansmith.com>
Cc: Heather H. Grimes <hgrimes@ragansmith.com>; Rollinger, Mike <rollinger@vmcmail.com>; gharper@columbiatn.com; Melissa Sanders <msanders@columbiatn.com>
Subject: Vulcan Materials Landscape Buffer Plan

Scotty,

I have reviewed the landscape plan required under the MOU between the City and Vulcan. It looks good overall. There is one 100' segment that doesn't meet the adjusted requirements of 11.2.8.B (see note on second page). Please revise and resubmit.

Thank you!

Kevin C. McCarthy, AICP
City Planner & Zoning Administrator
700 N. Garden Street

Columbia, TN 38401

Office Phone: 931.560.1531

kmccarthy@columbiatn.com

City Logo-Email2



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Mike Rollinger | MINING ENGINEER

VULCAN MATERIALS COMPANY | Central Division

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--

Mike Rollinger | MINING ENGINEER

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From: [Rollinger, Mike](#)
To: [Kevin McCarthy](#)
Cc: [Glenn Harper](#); [Paul Keltner](#); [Fleming Jr, Jimmy \(SED-HR\)](#); [Downer, Jill](#)
Subject: [Caution External Email] - Re: Vulcan Materials Landscape Buffer Plan
Date: Wednesday, September 27, 2023 5:20:12 PM

Mr. McCarthy,

I am writing to inform you that today, Tuesday 9/27/23, Vulcan Materials has begun preparing the area for the proposed landscape buffer berms along the perimeter of the site according to the plans submitted. We are tentatively scheduled to start moving dirt to construct the berms next Wednesday, October 4th (weather dependent) and this will occur over the next several months with hopes to be done by year end 2023. Our longer term intent is to install all proposed trees & shrubs and then seed the berms in the early spring of 2024.

Let me know if you have any further questions or concerns?

Kind Regards,

Mike Rollinger | MINING ENGINEER
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On Mon, Sep 4, 2023 at 2:04 PM Kevin McCarthy <kmccarthy@columbiatn.com> wrote:

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Kevin C. McCarthy, AICP
City Planner & Zoning Administrator
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Office Phone: 931.560.1531
kmccarthy@columbiatn.com

City Logo-Email2



From: Scott Bernick <sbernick@ragansmith.com>
Sent: Thursday, July 20, 2023 8:34 AM
To: Kevin McCarthy <kmccarthy@columbiatn.com>
Cc: Heather H. Grimes <hgrimes@ragansmith.com>; Rollinger, Mike <rollinger@vmcemail.com>; Glenn Harper <gharper@columbiatn.com>; Melissa Sanders <msanders@columbiatn.com>; Scott Bernick <sbernick@ragansmith.com>
Subject: [External Email] - RE: Vulcan Materials Landscape Buffer Plan

Kevin –

Attached is the revised Buffer Plan that addresses your comment below. Please advise if you need hard copies or additional information to satisfy and complete the submittal.

Moving forward...what are the next steps for Vulcan? Are there specific procedural requirements prior to install or once install is complete?

Thanks,



Scotty M. Bernick, PLA

VICE PRESIDENT

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mobile: [615.887.9739](tel:615.887.9739)

ragansmith.com



From: Kevin McCarthy <kmccarthy@columbiatn.com>

Sent: Friday, July 14, 2023 6:26 PM

To: Scott Bernick <sbernick@ragansmith.com>

Cc: Heather H. Grimes <hgrimes@ragansmith.com>; Rollinger, Mike
<rollinger@vmcmail.com>; gharper@columbiatn.com; Melissa Sanders
<msanders@columbiatn.com>

Subject: Vulcan Materials Landscape Buffer Plan

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Thank you!

Kevin C. McCarthy, AICP

City Planner & Zoning Administrator

700 N. Garden Street

Columbia, TN 38401

Office Phone: 931.560.1531

kmccarthy@columbiatn.com



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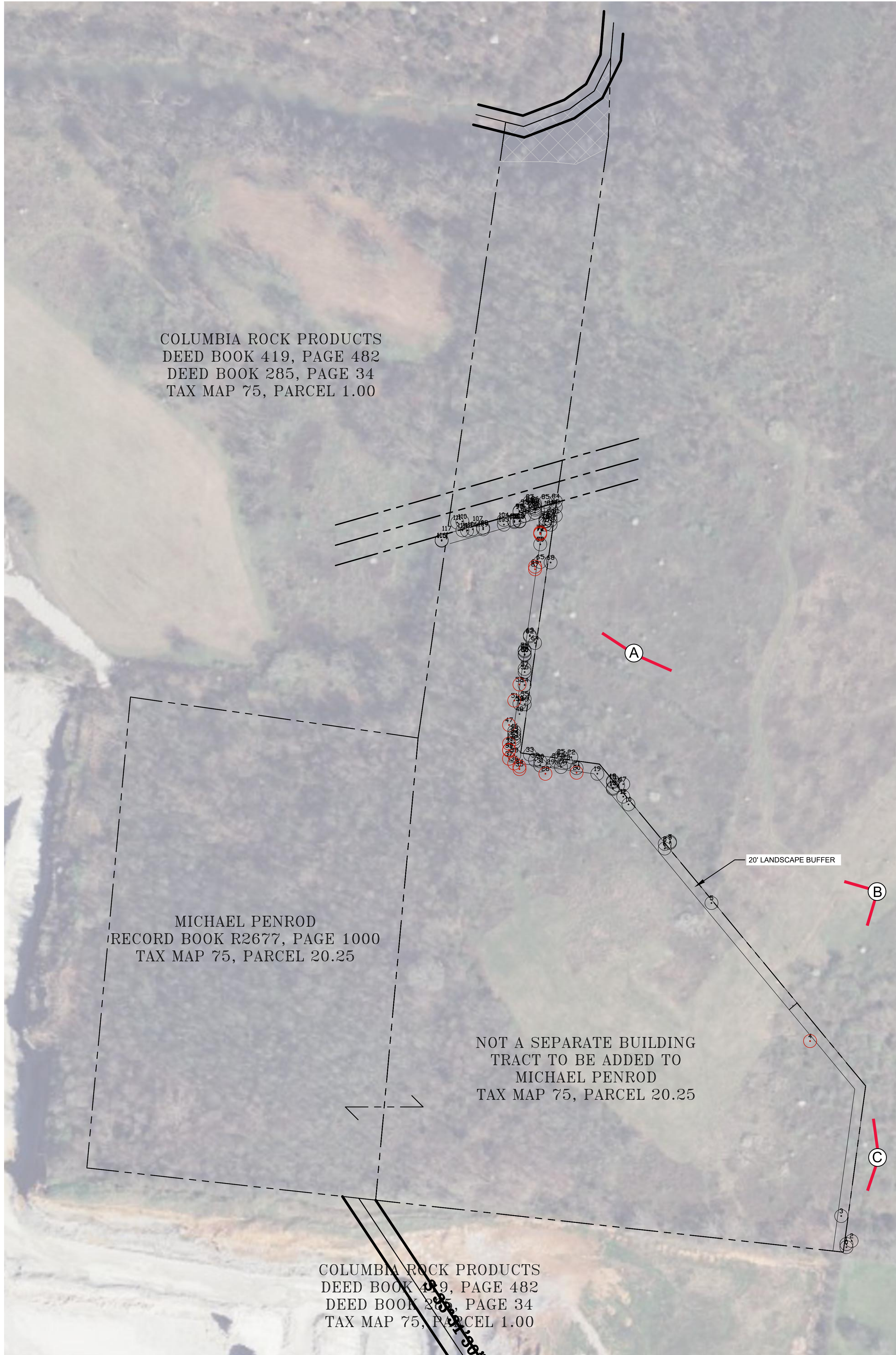
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Mike Rollinger | MINING ENGINEER
VULCAN MATERIALS COMPANY | Central Division
580 THETA PIKE, COLUMBIA, TN 38401

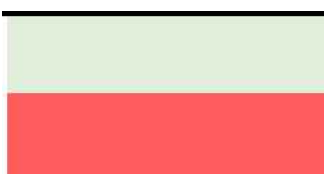


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DRONE IMAGES OF EXISTING VEGETATION



TREES TO REMAIN (WITHIN 20' BUFFER) : 64
TREES TO REMOVE: 17

LEGEND:
EXISTING TREES TO REMAIN
EXISTING TREES TO BE REMOVED

Tree #	Tree Type	Caliper
4	Cherry	6"
5	Elm	16"
6	Black Locust	10"
8	Black Locust	9"
10	Hackberry	14"
11	Ash	6"
12	Hackberry	7"
13	Osage Orange	6"
14	Osage Orange	11"
15	Hackberry	7"
19	Hackberry	8"
20	Hackberry	8"
21	Hackberry	8"
23	Black Locust	7"
24	Hackberry	9"
26	Hackberry	10"
27	Black Locust	8"
28	Hackberry	8"
29	Hackberry	9"
30	Black Locust	8"
31	Black Locust	6"
32	Black Locust	8"
33	Hackberry	9"
34	Hackberry	11"
35	Black Locust	6"
36	Hackberry	7"
37	Black Locust	8"
38	Boxelder	11"
39	Black Locust	7"
40	Boxelder	7"
42	Black Locust	8"
43	Black Locust	8"
44	Boxelder	6"
45	Boxelder	8"
46	Boxelder	8"
47	Black Locust	10"
48	Black Locust	6"
49	Black Locust	6"
51	Black Locust	7"
53	Cherry	10"

54	Hackberry	6"
56	Cherry	18"
58	Poplar	8"
59	Poplar	7"
60	Poplar	6"
62	Elm	6"
64	Elm	6"
65	Black Locust	7"
66	Black Locust	8"
67	Black Locust	7"
69	Black Locust	6"
70	Cherry	14"
71	Black Locust	8"
72	Cherry	7"
73	Black Locust	7"
74	Black Locust	7"
75	Black Locust	9"
76	Black Locust	6"
77	Black Locust	7"
78	Boxelder	6"
79	Black Locust	8"
80	Black Locust	7"
82	Hackberry	8"
83	Boxelder	7"
92	Black Locust	7"
93	Black Locust	9"
96	Black Locust	10"
99	Black Locust	10"
100	Black Locust	9"
101	Black Locust	8"
102	Black Locust	7"
103	Black Locust	7"
104	Silver Maple	24"
105	Elm	6"
106	Boxelder	6"
108	Boxelder	11"
109	Black Locust	7"
112	Cherry	8"
113	Black Locust	7"
114	Cherry	6"
115	Elm	8"
116	Hackberry	12"

NOTE:
FOR AS LONG AS VULCAN OWNS THE SUBJECT PROPERTY, VULCAN
HEREBY AGREES NOT TO PERFORM ANY MINING ACTIVITY, INCLUDING
THE REMOVAL OF ANY TREES OR BERMS IN THE AREA DESIGNATED ON
THE MAP ATTACHED HERETO AS EXHIBIT TREE SURVEY BUFFER PLAN;
PROVIDED HOWEVER, SHOULD VULCAN PURCHASE ADDITIONAL
PROPERTY IN OR AROUND SUCH AREA THE FOREGOING RESTRICTION
SHALL BECOME NULL AND VOID. FOR THE AVOIDANCE OF DOUBT, SUCH
RESTRICTION SHALL NOT RUN WITH THE LAND.



TREE SURVEY BUFFER PLAN
FOR
VULCAN MATERIALS COMPANY
COLUMBIA, TN

Scale: 1"=100'

Date: 07/18/23

Approved By: S. BERNICK

Revisions:

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#	#	#
#	#	#

Drawing Title:

TREE SURVEY

Drawing No.

L1.0

Project No.
23-0175



PLANTING NOTES

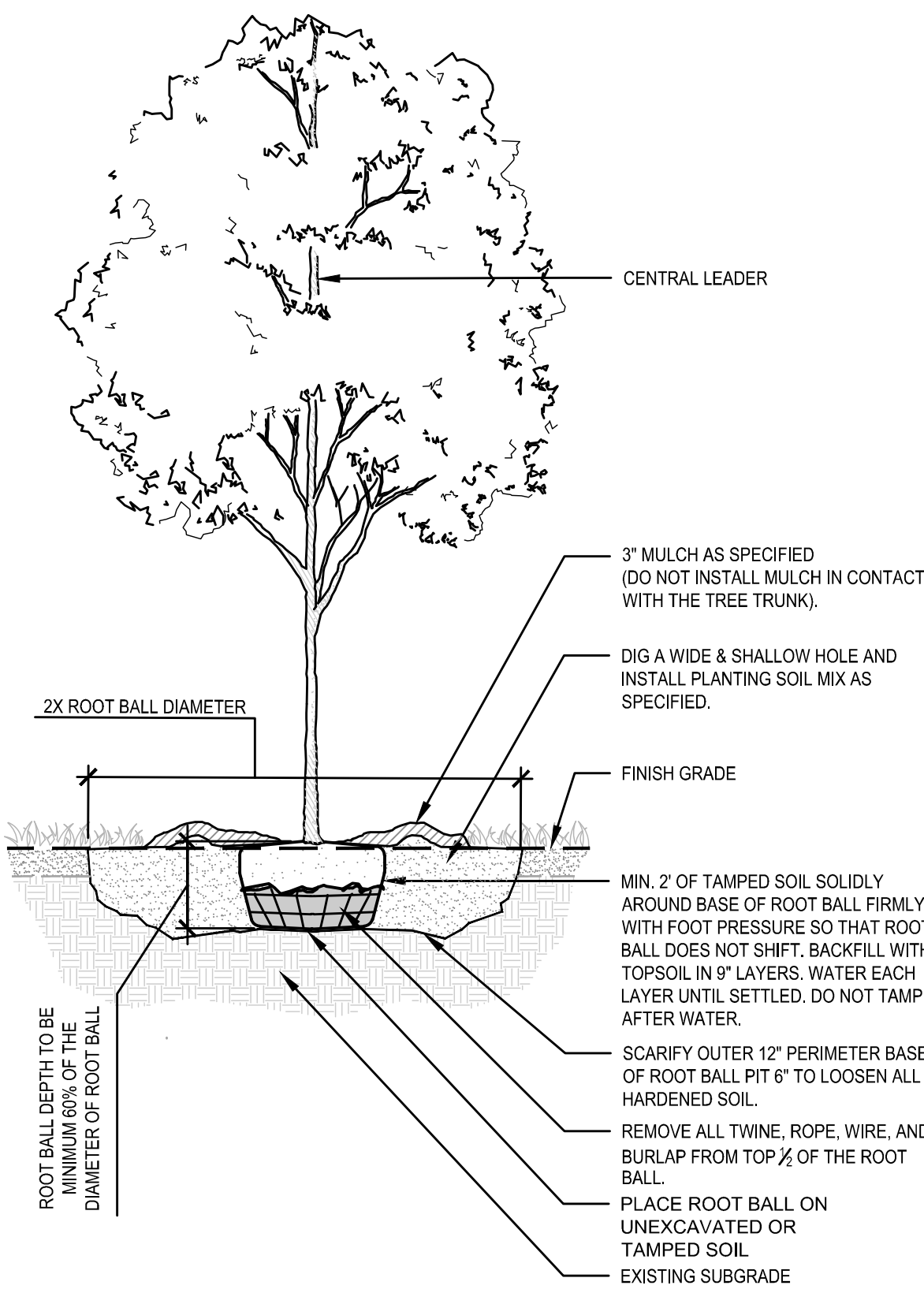
- ANY SERIES OF TREES TO BE PLACED IN A PARTICULAR ARRANGEMENT WILL BE FIELD CHECKED FOR ACCURACY. ANY PLANTS MISARRANGED WILL BE RELOCATED.
- SOIL USED IN BACKFILLING PLANTING PITS SHALL BE TOPSOIL AND MIXED WITH 25% PEAT BY VOLUME. EXCEPT FOR ERICACEOUS PLANTS, VERY ACID OR SOUR SOIL (SOIL HAVING A pH LESS THAN 6) SHALL BE MIXED WITH SUFFICIENT LIME TO PRODUCE A SLIGHTLY ACID REACTION (A pH OF 6.0 TO 6.5). ADD 10-10-10 COMMERCIAL FERTILIZER AT THE RATE OF 2 POUNDS PER CUBIC YARD. MIX BOTH FERTILIZER AND PEAT THOROUGHLY BY HAND OR ROTARY TILLER.
- AT THE RATE OF 2 POUNDS PER CUBIC YARD. MIX BOTH FERTILIZER AND PEAT THOROUGHLY BY HAND OR ROTARY TILLER. PER CUBIC YARD. MIX BOTH FERTILIZER AND PEAT THOROUGHLY BY HAND OR ROTARY TILLER.
- UPON SECURING PLANT MATERIAL AND BEFORE INSTALLATION, THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE FOR A PRE-INSTALLATION INSPECTION TO VERIFY ALL PLANT MATERIAL MEETS SPECIFICATION. MATCH TREES OF SAME SPECIES IN GROWTH CHARACTER AND UNIFORMITY.
- APPLY HERBICIDE (TREFLAN OR EQUIVALENT) TO ALL PLANT BEDS PRIOR TO PLANTING FOR NOXIOUS WEED CONTROL AT A RATE OF 2 POUNDS PER 1,000 SQUARE FEET.
- CONTRACTOR SHALL SUBMIT A 10 OUNCE SAMPLE OF THE TOPSOIL PROPOSED TO A TESTING LABORATORY FOR ANALYSIS. SUBMIT TEST RESULTS WITH RECOMMENDATIONS.
- PLANTS SHALL BE ORIENTED FOR BEST APPEARANCE AND VERTICAL ALL NON-BIODEGRADABLE ROOT CONTAINERS SHALL BE REMOVED.
- SELECTIVELY TRIM TREE BRANCHES BY 25%, MAINTAINING NATURAL SHAPE. PRUNE ALL DEAD AND BROKEN BRANCHES IN TREES AND SHRUBS. REMOVE TAGS, TWINE OR OTHER NON-BIODEGRADABLE MATERIAL.
- SCARIFY SUBSOIL IN PLANTING BEDS TO A DEPTH OF 3 INCHES. ALL PLANTING BEDS SHALL RECEIVE A MINIMUM OF 6 INCHES OF TOPSOIL.
- CONTRACTOR SHALL PROVIDE SMOOTH, NEATLY TRENCHED (3 INCH DEEP) BED EDGES.
- ALL PLANTING BEDS TO HAVE A MINIMUM 4 INCH DEEP PINE BARK MULCH, PINE STRAW MULCH OR OTHER MULCH AS SPECIFIED.
- DIMENSIONS FOR TRUNK CALIPER, HEIGHTS, AND SPREAD SPECIFIED ON THE MATERIAL SCHEDULE ARE A GENERAL GUIDE FOR THE MINIMUM REQUIRED SIZE OF EACH PLANT. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH A.N.S.I. Z60.1 "AMERICAN STANDARD FOR NURSERY STOCK" (CURRENT EDITION) AS PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, INC.
- TREES OF THE SAME SPECIES SHALL HAVE THE FOLLOWING CHARACTERISTICS: MATCHED BY BRANCHING HEIGHT, CALIPER, HEIGHT OF TREE, SPREAD OF BRANCHES AND BRANCHING STRUCTURE, AND OVERALL CANOPY SHAPE.
- THE QUANTITIES INDICATED ON THE MATERIAL SCHEDULE ARE PROVIDED FOR THE BENEFIT OF THE CONTRACTOR, BUT SHOULD NOT BE ASSUMED TO ALWAYS BE CORRECT. IN THE EVENT OF A DISCREPANCY, THE PLANTING PLAN (PLANT SYMBOLS) WILL TAKE PRECEDENCE OVER THE MATERIAL SCHEDULE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIGHER OWN QUANTITY CALCULATIONS AND THE LIABILITY PERTAINING TO THOSE QUANTITIES AND ANY RELATED CONTRACT DOCUMENTS AND/OR PRICE QUOTATIONS.
- CONTRACTOR TO WARRANTY ALL MATERIAL FOR ONE YEAR AFTER DATE OF FINAL ACCEPTANCE.

SEEDING NOTES

- ALL DISTURBED AREAS TO BE SEEDED WITH BAHIA AT THE RATE OF 2 LBS PER 1 ACRE. ALL SEED TO BE 98% PURE WITH 85% GERMINATION AND CONFORM TO ALL STATE REQUIREMENTS FOR GRASS SEED. THE FERTILIZER SHALL BE 6-12-12 COMMERCIAL TYPE WITH 50% OF ITS ELEMENTS DERIVED FROM ORGANIC SOURCES.
- STRAW MULCH SHALL BE PLACED UPON SEEDED AREAS. STRAW SHALL BE OAK OR WHEAT STRAW, FREE FROM WEEDS, FOREIGN MATTER DETRIMENTAL TO PLANT LIFE, AND DRY. HAY OR CHOPPED CORNSTALKS ARE NOT ACCEPTABLE.
- THE CONTRACTOR SHALL VERIFY THAT THE PREPARED SOIL BASE IS READY TO RECEIVE WORK. THE TOPSOIL SHALL BE CULTIVATED TO A DEPTH OF 4 INCHES WITH A MECHANICAL TILLER AND SUBSEQUENTLY RAKED UNTIL SMOOTH. FOREIGN MATERIALS COLLECTED DURING CULTIVATION AND RAKING OPERATIONS SHALL BE REMOVED FROM PROJECT SITE.
- FERTILIZER SHALL BE APPLIED PER THE MANUFACTURER'S RECOMMENDATIONS. LIMESTONE MAY BE APPLIED WITH THE FERTILIZER. FERTILIZER SHALL BE APPLIED AFTER SMOOTH RAKING AND PRIOR TO ROLLER COMPACTION AND IT SHALL BE MIXED THOROUGHLY IN THE UPPER 2 INCHES OF TOPSOIL.
- SEED SHALL BE APPLIED EVENLY IN TWO INTERSECTING DIRECTIONS AND RAKED IN LIGHTLY. THE TOPSOIL SHALL BE LIGHTLY WATERED PRIOR TO APPLYING SEED. DO NOT SEED AREA IN EXCESS OF THAT WHICH CAN BE MULCHED ON THE SAME DAY.
- ROLL SEEDED AREA WITH ROLLER NOT EXCEEDING 112 POUNDS.
- IMMEDIATELY FOLLOWING SEEDING AND COMPACTING, APPLY MULCH AT THE RATE OF ONE BALE PER 1,000 SQUARE FEET. IMMEDIATELY AFTER MULCHING, APPLY WATER WITH A FINE SPRAY AND SATURATE THE GROUND TO A DEPTH OF 4 INCHES.
- CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING SEEDED AREAS TO PREVENT GRASS AND SOIL FROM DRYING OUT UNTIL THE INSTALLATION IS INSPECTED AND ACCEPTED BY THE OWNER'S REPRESENTATIVE.
- CONTRACTOR SHALL BE RESPONSIBLE FOR RESEEDING BARE SPOTS FOR A PERIOD OF ONE YEAR AFTER ACCEPTANCE OF INSTALLATION.

NOTES:

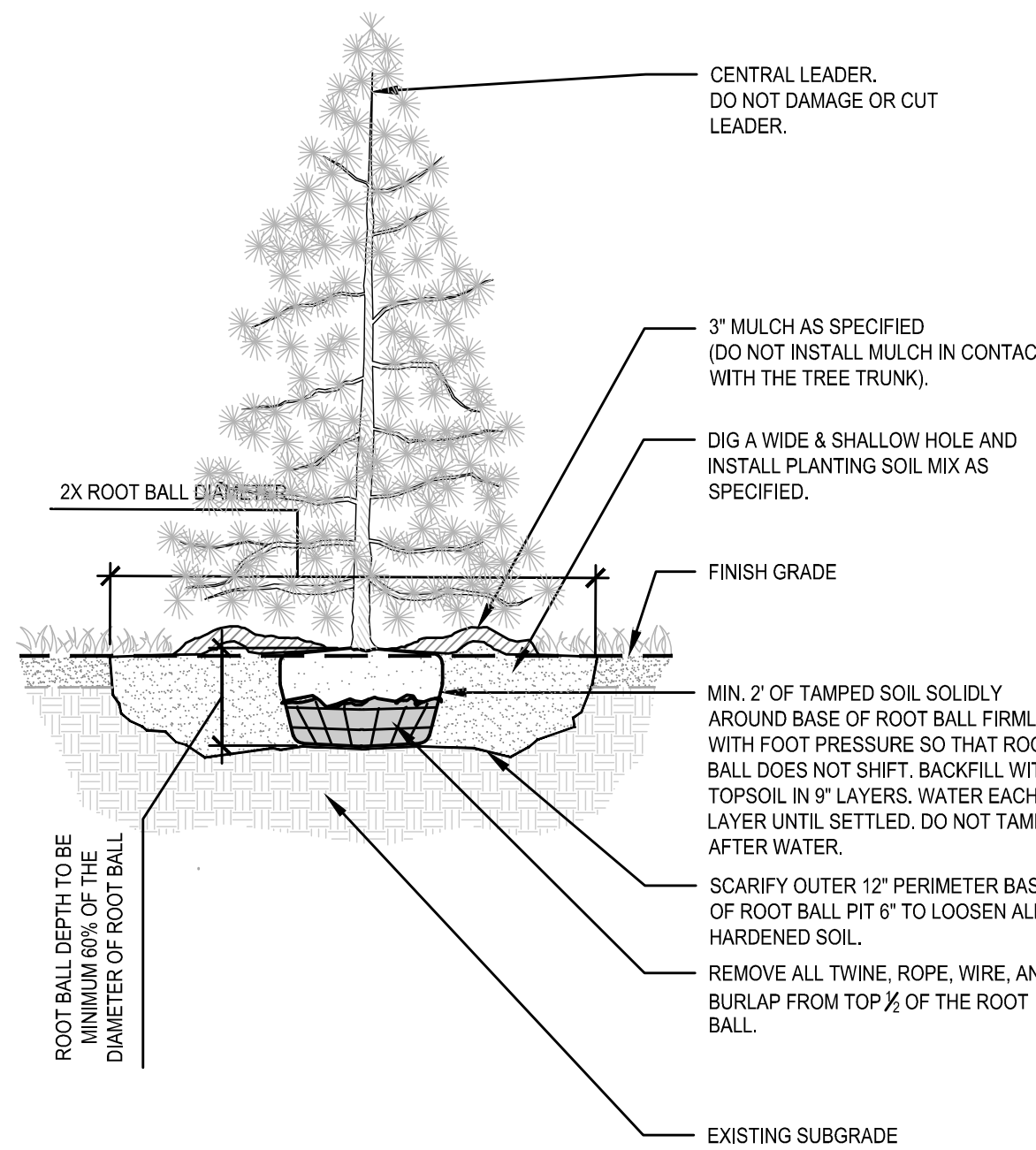
- DO NOT STAKE TREES UNLESS APPROVED BY THE LANDSCAPE ARCHITECT. IF STAKED, REMOVE AFTER ONE GROWING SEASON.
- DO NOT WRAP TREE TRUNKS UNLESS APPROVED BY THE LANDSCAPE ARCHITECT. REMOVE AFTER PLANTING.
- NON-BIODEGRADABLE BURLAP TO BE REMOVED.
- DO NOT PRUNE TREE AT PLANTING EXCEPT FOR SPECIFIC STRUCTURAL CORRECTIONS (CROSSOVER LIMBS, CO-DOMINANT LEADER / DEAD BRANCHES). DO NOT REMOVE TERMINAL BUDS OF THE BRANCHES THAT EXTEND TO THE EDGE OF THE CROWN.
- MARK THE NORTH SIDE OF THE TREE IN THE NURSERY & ROTATE TREE TO FACE NORTH AT THE SITE WHENEVER POSSIBLE.
- SET ROOT BALL FLUSH TO FINISH GRADE (OR 2-3" HIGHER IN POORLY DRAINING SOILS). TRUNK ROOT FLARE MUST BE VISIBLE AND/OR ABOVE FINISH GRADE. DO NOT COVER TOP OF ROOT BALL WITH SOIL.



1 3/8" = 1'-0"

NOTES:

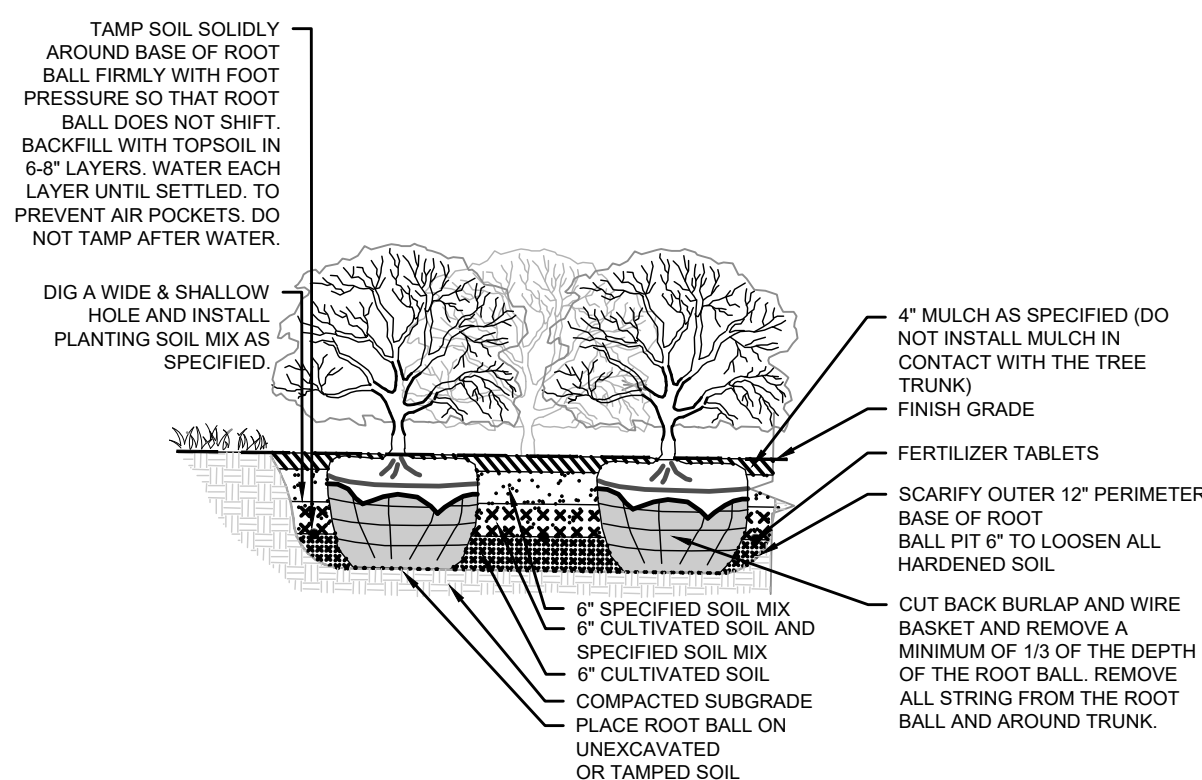
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- SET ROOT BALL FLUSH TO FINISH GRADE (OR 2-3" HIGHER IN POORLY DRAINING SOILS). TRUNK ROOT FLARE MUST BE VISIBLE AND/OR ABOVE FINISH GRADE. DO NOT COVER TOP OF ROOT BALL WITH SOIL.



2 3/8" = 1'-0"

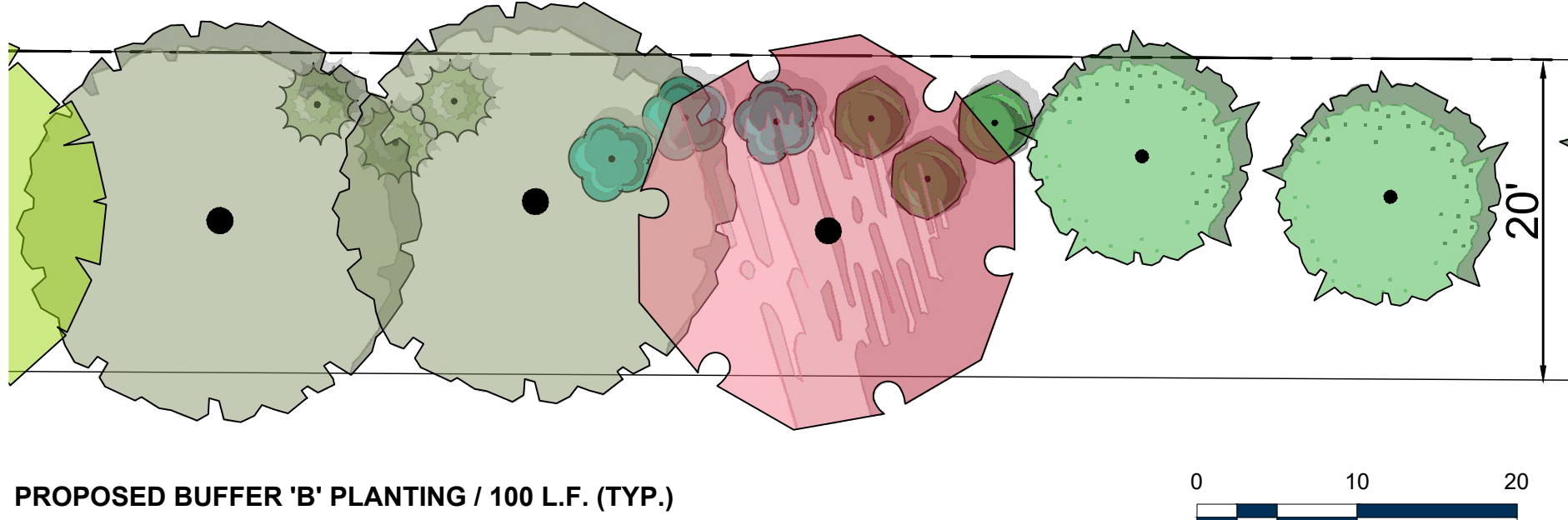
NOTES:

- NON-BIODEGRADABLE BURLAP TO BE REMOVED.
- MARK THE NORTH SIDE OF THE TREE IN THE NURSERY AND ROTATE TREE TO FACE NORTH AT THE SITE WHENEVER POSSIBLE.
- SET ROOT BALL FLUSH TO FINISH GRADE (OR 2-3" HIGHER IN POORLY DRAINING SOILS). TRUNK ROOT FLARE MUST BE VISIBLE AND/OR ABOVE FINISH GRADE. DO NOT COVER TOP OF ROOT BALL WITH SOIL.



3 3/4" = 1'-0"

- LEGEND:
- EXISTING TREES TO REMAIN
 - EXISTING TREES TO BE REMOVED
 - HYDROSEED



PLANT SCHEDULE							
TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	SIZE	HEIGHT	REMARKS
	9	GYMNOCLADUS DIOICA	KENTUCKY COFFEETREE	DECIDUOUS	2" CAL.	12-14' HT	B&B, STRONG CENTRAL LEADER
	16	JUNIPERUS VIRGINIANA	EASTERN REDCEDAR	EVERGREEN	--	8' HT	B&B, FULL TO BASE
	7	QUERCUS ALBA	WHITE OAK	DECIDUOUS	2" CAL.	12-14' HT	B&B, STRONG CENTRAL LEADER
	9	QUERCUS MACROCARPA	BURR OAK	DECIDUOUS	2" CAL.	12-14' HT	B&B, STRONG CENTRAL LEADER
	10	TAXODIUM DISTICHUM	BALD CYPRESS	DECIDUOUS	2" CAL.	12-14' HT	B&B, STRONG CENTRAL LEADER
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	TYPE	SIZE/HT	SPREAD	REMARKS
	36	ILEX GLABRA	INKBERRY HOLLY	EVERGREEN	20" HT	20"	FULL CONTAINER
	36	JUNIPERUS X 'GREY OWL'	GREY OWL JUNIPER	EVERGREEN	20" HT	24"	FULL CONTAINER
	36	VIBURNUM X PRAGENSE	PRAGUE VIBURNUM	DECIDUOUS	20" HT	20"	FULL CONTAINER

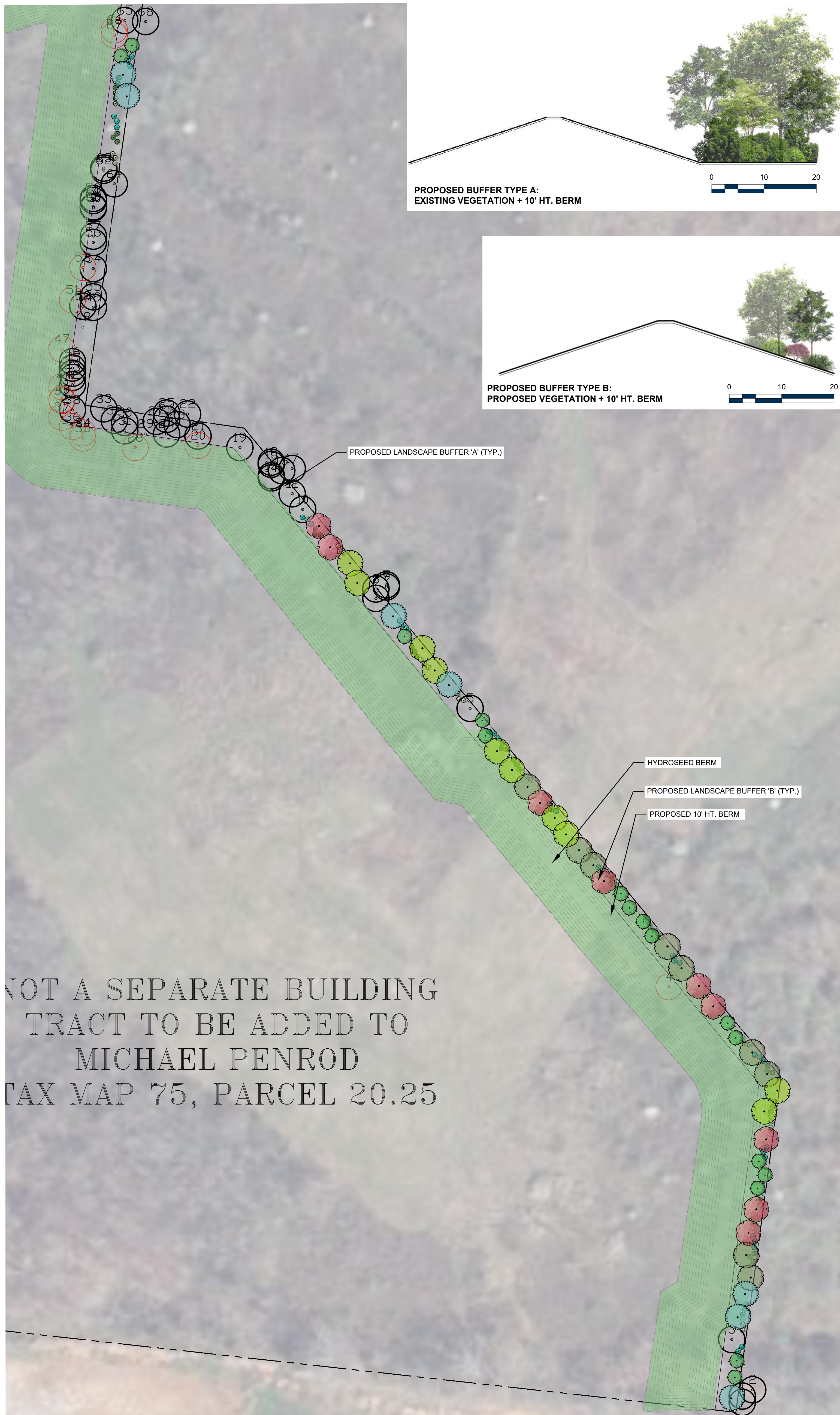
LANDSCAPE BUFFER REQUIREMENTS

BUFFER LENGTH: 1986 ± L.F.
PROPOSED BUFFER 'A': 856 L.F. (EXISTING VEGETATION + BERM)
PROPOSED BUFFER 'B': 1130 L.F. (PROPOSED VEGETATION + BERM)

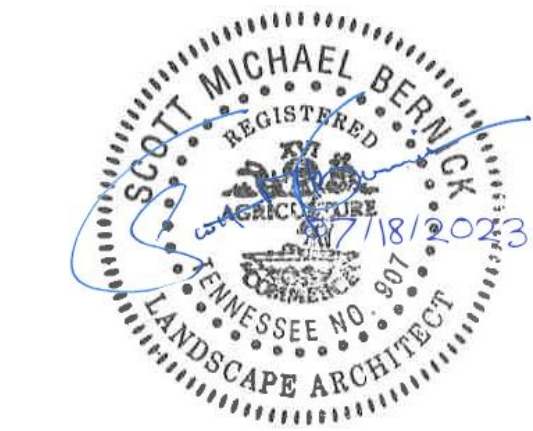
BUFFER REQUIREMENTS
PLANTING WIDTH + TYPE: 15' WIDE 0.8 OPACITY ALTERNATIVE BUFFER 3
PLANTINGS (PER 100 L.F.): 5 TREES + 9 SHRUBS / 100 L.F.
WALL OR BERM: 6' HEIGHT

PROPOSED BUFFER:
PLANTING WIDTH + TYPE: 20' WIDE 0.8 OPACITY ALTERNATIVE 3 BUFFER
PLANTINGS (PER 100 L.F.): 5 TREES + 9 SHRUBS
BERM: 10' HEIGHT

NOTE:
WHERE EXISTING CANOPY/ VEGETATION IS UTILIZED TOWARDS MEETING BUFFER PLANTING REQUIREMENTS, PROPOSED 10' HT. BERM WILL BE PLACED OUTSIDE OF THE 15' PLANTING STRIP.



NOT A SEPARATE BUILDING TRACT TO BE ADDED TO MICHAEL PENROD TAX MAP 75, PARCEL 20.25



LANDSCAPE BUFFER PLAN
FOR
VULCAN MATERIALS COMPANY
COLUMBIA, TN

Scale: VARIES, SEE PLAN

Date: 07/18/23

Approved By: S. BERNICK

Revisions:

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Drawing Title:

LANDSCAPE BUFFER PLAN

Drawing No.

L1.1

Project No.
23-0175

**MEMORANDUM OF UNDERSTANDING
FOR THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE AT INTERSECTION
OF COLUMBIA ROCK ROAD AND NASHVILLE HIGHWAY**

THIS MEMORANDUM OF UNDERSTANDING (the “MOU”) is entered into as of February 28, 2023 (the “Effective Date”), by and between Vulcan Construction Materials, LLC, a Delaware limited partnership (“Vulcan”), and the City of Columbia, Tennessee, acting by and through the Board of Zoning Appeals (the “City”), in connection with certain infrastructure improvements as described below.

WHEREAS, Vulcan operates a rock quarry located outside the corporate limits of the City at 642 Theta Pike, Columbia, Tennessee 38401 (the “Quarry”), as more particularly described on Exhibit A.

WHEREAS, Vulcan, through its affiliates, owns additional property located both adjacent to the Quarry and within the corporate limits of the City that Vulcan desires to utilize in its mining operations, as more particularly described on Exhibit B (the “Expansion Property”); and

WHEREAS, the Expansion Property does not abut a public right of way and can only be accessed via the existing Quarry; and

WHEREAS, the Expansion Property is bordered on two sides by the quarry pit on the adjacent property, making use of the Expansion Property for purposes other than use as a quarry impractical; and

WHEREAS, in order to conduct mining operations on the Expansion Property, Vulcan applied for a conditional use permit (“CUP”) from the Columbia Board of Zoning Appeals (the “BZA”) on June 21, 2022, pursuant to Section 8.3.1.C of the then-current City of Columbia Zoning Ordinance (the “Zoning Ordinance”); and

WHEREAS, City planning staff reviewed Vulcan’s CUP Application and issued Staff Report No. 22-0183 (the “Staff Report”) to the BZA recommending approval of the CUP Application subject to certain conditions, a copy of which is attached hereto as Exhibit C; and

WHEREAS, the Board of Zoning Appeals approved Vulcan’s CUP Application at its regularly scheduled meeting on January 19, 2023, subject to the conditions set forth in the Staff Report; and

WHEREAS, as one of the conditions of approval, Vulcan is required to make all improvements necessary to realign Columbia Rock Road (the “Road Improvements”), and install a traffic signal at the intersection of Nashville Highway (the “Traffic Signal”) on or before February 28, 2024, or such later date as approved by the City Engineer (collectively, the “Infrastructure Project”); and

WHEREAS, the City has previously acquired all right-of-way property necessary to complete the Road Improvements, as shown in more detail on Exhibit D; and

WHEREAS, the City has previously required that the adjoining property owner construct the subbase of the Road Improvements in compliance with City standards, and Vulcan is relying on the adequacy of the subbase construction in preparing its cost estimate for the construction of the Road Improvements; and

WHEREAS, completion of the Infrastructure Project will benefit the parties and the general community of the City and Maury County, Tennessee; and

WHEREAS, Vulcan and the City hereby enter into this MOU in order to memorialize their agreements and understandings with respect to the Infrastructure Project.

NOW, THEREFORE, for and in consideration of the mutual covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Vulcan and the City agree as follows:

ARTICLE I VULCAN OBLIGATIONS

1.1 Preliminary Letter of Credit. Prior to design completion of the Infrastructure Project, Vulcan has obtained an initial estimate of the cost of the Infrastructure Project for One Million Five Hundred Thousand Dollars (\$1,500,000) (the "Initial Cost Estimate"). On or before February 28, 2023, Vulcan shall post an irrevocable letter of credit in favor of the City in an amount consistent with the Initial Cost Estimate in order to guarantee the completion of the construction of the Infrastructure Project consistent with the terms of this MOU (the "Letter of Credit").

1.2 Infrastructure Project Design. The City and Vulcan agree that Vulcan is now authorized to proceed with the design of the Infrastructure Project by a licensed engineer. The plans and specifications for the Infrastructure Project (the "Plans") shall be subject to the approval of the City Engineer, which approval shall not be unreasonably withheld, conditioned or delayed so long as the Infrastructure Project shown thereon is designed so that the same will comply with the applicable standards of the Tennessee Department of Transportation ("TDOT") and the City. Following approval by the City Engineer in accordance with Section 2.1, Vulcan shall obtain approval of the Plans by TDOT. For purposes of this MOU, the version of the Plans approved by the City Engineer and TDOT are referred to as the "Approved Plans."

1.3 Letter of Credit Adjustment. Prior to commencing construction of the Infrastructure Project, Vulcan shall notify the City of the final estimated cost of construction (the "Final Cost Estimate") and provide the City Engineer with adequate documentation to support such Final Cost Estimate. Following approval of the Final Cost Estimate by the City Engineer, the amount of the Letter of Credit shall be either increased or decreased, as applicable, to conform with the Final Cost Estimate for the Infrastructure Project.

1.4 Compliance with Legal Requirements. Vulcan shall be responsible for complying with all Legal Requirements in connection with the design, acquisition, installation and construction of the Infrastructure Project. For the purposes of this MOU, "Legal Requirements" shall mean all applicable governmental laws, statutes, codes, acts, ordinances, rules, regulations,

orders, judgments, decrees and judicial decisions, including, but not limited to, the terms of all applicable governmental permits, licenses and approvals and all applicable environmental laws.

1.5 Completion of the Infrastructure Project. Vulcan shall complete the Infrastructure Project on or before February 28, 2024, provided that Vulcan has the right to request three (3) sixty-day extensions of such completion deadline from the City Engineer prior to the expiration of the current completion deadline. The City Engineer is authorized to grant the extensions provided that Vulcan is working expeditiously to complete the construction of the Infrastructure Project. Any additional extensions of the deadline to complete the construction of the Infrastructure Project must be approved by the BZA.

1.6 Landscape Buffer. Vulcan shall submit a landscape plan depicting a berm and landscape buffer along the eastern boundary of the site to the City Zoning Administrator no later than July 1, 2023 (the "Landscape Plan"). The City Zoning Administrator shall review and approve the Landscape Plan no later than fourteen (14) days following submittal by Vulcan.

ARTICLE II CITY OBLIGATIONS

2.1 Approval of the Infrastructure Project. The City shall approve the Plans for the Infrastructure Project no later than seven (7) business days following submittal by Vulcan to the City Engineer.

2.2 Inspection and Acceptance of the Infrastructure Project. The City shall have the right of being present while Vulcan or Vulcan's contractor is installing the Infrastructure Project for purposes of inspecting and testing the same, provided the City shall not materially interfere with or delay the construction and completion of the Infrastructure Project. Within fifteen (15) days of Vulcan providing notice to the City that the Infrastructure Project is complete, the City shall inspect the Infrastructure Project for compliance with the Approved Plans and notify Vulcan in writing of any material nonconformities that must be corrected prior to acceptance. Vulcan shall cause such nonconforming matters to be corrected in a timely manner. Within thirty (30) days of Vulcan notifying the City that such corrections have been made, the City shall accept the Infrastructure Project.

2.3 Operation and Maintenance. Upon completion and installation of the Traffic Signal by Vulcan, the City shall be immediately responsible for the operation and performance of all repairs, maintenance and replacements necessary to keep the Traffic Signal in good working order. Upon completion of the Road Improvements, Vulcan shall be responsible for maintaining the Road Improvements for one-year following the date of completion, from and after such date the City shall be responsible for the operation of the Infrastructure Project and performing all repairs, maintenance and replacements necessary to keep the Infrastructure Project in good working order.

2.4 Letter of Credit Reduction. Following acceptance of the Road Improvements by the City, the City shall cause the Letter of Credit to be reduced to an amount equal to ten percent (10%) of the cost of the Road Improvements for maintenance in accordance with City guidelines.

2.5 Utility Relocation. The City shall cooperate with and render reasonable assistance to Vulcan in connection with any relocation of utilities required to complete the Infrastructure Project, provided that Vulcan shall be responsible for all costs related to any utility relocation.

ARTICLE III
MISCELLANEOUS

3.1 Cooperation. Vulcan and the City agree that:

(a) Each of the parties shall cooperate with the other parties to provide such assistance as may reasonably be requested in connection with the fulfillment of each of their respective obligations under this MOU. Each of the parties shall keep the other parties informed of its actions taken in connection with this MOU.

(b) Each of the parties agrees that in exercising any rights of approval or consent it may have under this MOU, it shall act in good faith.

3.2 Governing Law. This MOU shall be governed and construed under and in accordance with the procedural and substantive laws of the State of Tennessee without giving effect to its principals of conflicts of laws. Venue and jurisdiction in respect of this MOU and all related matters shall be in the Chancery Court for Davidson County, Tennessee.

3.3 Assignment. This MOU shall not be assigned by any party hereto without the written consent of the other parties, whose consent shall not be unreasonably withheld.

3.4 Notices. Whenever any notice is required or permitted hereunder, such notice shall be in writing and shall be sent by hand delivery, nationally recognized overnight courier or U.S. Certified Mail (Return Receipt Requested), postage prepaid, to the addresses set forth below or at such other addresses as are specified by written notice delivered in accordance herewith:

Vulcan: Vulcan Construction Material, L.P.
1200 Urban Center Drive
Birmingham, AL 35242
Attention: Jimmy Fleming, Jr.

With a copy to: Bradley Arant Boult Cummings LLP
1600 Division Street, Suite 700
Nashville, Tennessee 37203
Attention: James L. Murphy III

City: The City of Columbia, Tennessee
700 N. Garden Street
Columbia, Tennessee 38401
Attn: Development Services

3.5 Entire Agreement. This MOU constitutes the final, complete and entire understanding of the City and Vulcan with respect to the Infrastructure Project and may not be amended except by a written instrument signed by the parties hereto.

3.6 Counterparts. This MOU may be executed in separate counterparts. It shall be fully executed when each party whose signature is required has signed at least one (1) counterpart even though no one (1) counterpart contains the signatures of all of the parties to this MOU. Facsimile transmission or scanned (pdf) copy via email of any executed original of this MOU shall be deemed to be the same as the delivery of an executed original. Additionally, the parties agree that such documents may be signed by electronic signature (e.g., DocuSign or similar electronic signature technology) and thereafter maintained in electronic form and such electronic record shall be valid and effective to bind the party so signing as if it were a paper copy bearing such party's hand-written signature.

3.7 Severability. This MOU is intended to be performed in accordance with and only to the extent permitted by applicable law. If any provisions of this MOU or the application thereof to any person or circumstance shall, for any reason and to any extent, be invalid or unenforceable, the remainder of this MOU and the application of such provision to other persons or circumstances shall not be affected thereby so long as the invalidity or unenforceability does not destroy the basis of the bargain between the parties hereunder. This MOU shall be enforced to the greatest extent permitted by law.

3.8 No Third-Party Beneficiary. This MOU is made solely and specifically between and for the benefit of the parties hereto and their respective successors and permitted assigns, and no other person whatsoever shall have any rights, interest, claims or benefits under or on account of this MOU as a third-party beneficiary or otherwise.

3.9 Schedules/Exhibits. The parties hereto acknowledge and agree that all schedules and exhibits referenced in this MOU are attached hereto and incorporated herein by reference.

3.10 Business Days. If any date specified in this MOU for the performance of an obligation, the giving of a notice or the expiration of a time period falls on a day other than a Business Day, then this MOU shall be automatically revised so that such date falls on the next occurring Business Day.

3.11 Remedies. In the event of a breach of this MOU, the non-breaching party shall be entitled to all remedies available at law or in equity; it being specifically agreed by the parties hereto that they shall have the right to obtain specific performance of this MOU and to enjoin any violation or threatened violation of the terms hereof; provided in no event shall this MOU be terminated as a result of any breach unless such breach is not cured within thirty (30) days after the non-breaching party notifies the breaching party thereof, in writing.

3.12 Captions Not Controlling. All captions, headings, paragraph and subparagraph numbers and letters are solely for the purpose of facilitating reference to this MOU and shall not supplement, limit or otherwise vary in any respect from the text of this MOU.

3.13 Relationship. The relationship of Vulcan and City is solely that of independent third parties engaged in an arm's length transaction. Nothing contained herein shall be deemed or construed as creating a partnership, joint venture, agency relationship or other similar relationship between Vulcan and the City.

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be executed all as of the date above first written.

VULCAN:

Vulcan Construction Materials, LLC,
a Delaware limited liability company

By: [Signature]
Name: Brent Goudsell
Title: President - Central Division

CITY:

City of Columbia, Tennessee

By: [Signature]
Name: CHRISTOPHER MORDEN
Title: Mayor

Attested by: [Signature]
3-1-22

Approved as to Legal Form:

By: C. Tim Fisher
C. Tim Fisher, City Attorney

SIGNATURE PAGE TO MOU

EXHIBIT A
QUARRY PROPERTY

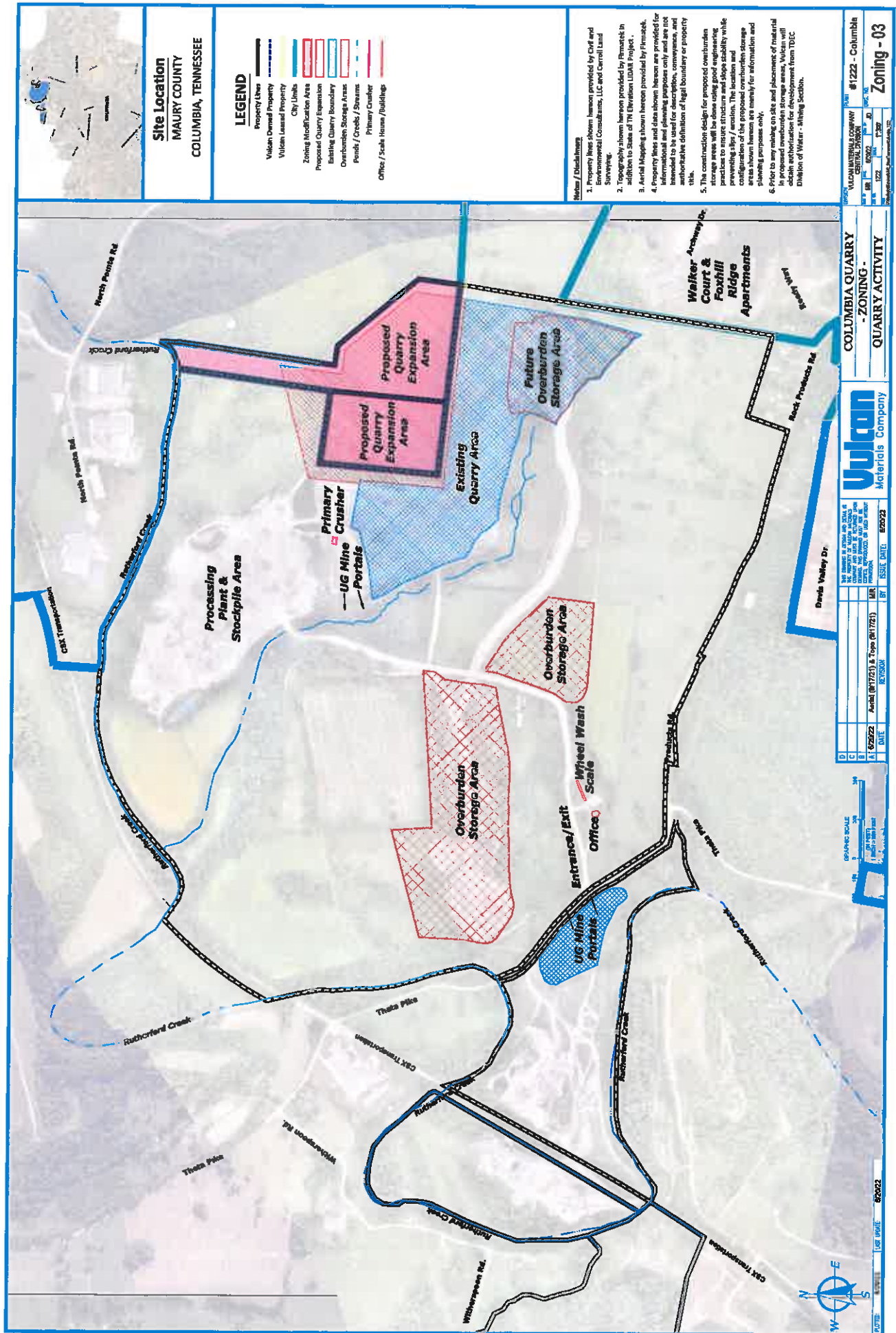


EXHIBIT B
EXPANSION PROPERTY

EXHIBIT C

BZA STAFF REPORT NO. 22-0183



CITY OF COLUMBIA TENNESSEE
BOARD OF ZONING APPEALS
STAFF REPORT

CONTACT INFORMATION

Kevin C. McCarthy, AICP, Planning Associate II, kmccarthy@columbiatn.com 931-560-1531

DOCKET/CASE/APPLICATION

NUMBER

22-0183

PUBLIC HEARING DATE

July 14, 2022

APPLICANT/ PROPERTY OWNER

**Jim Fleming Jr./ Vulcan Lands Inc.
 & CalMat Co.**

PROPERTY ADDRESS/LOCATION

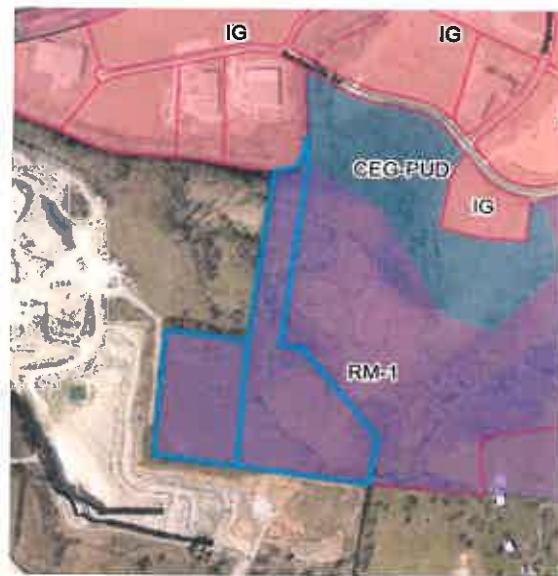
Tax Map 66 Parcels 20.25 & 20.26

**REQUEST: Conditional Use (Extractive Use in
 an RS-40 Zone)**

The applicant requests the Board's approval of a Conditional Use permit to allow expansion of an existing mining facility into a low-density residential zone. The subject property is located immediately adjacent to the existing mine and inside the City. The City Council approved a comprehensive Plan Amendment and Rezoning of the subject property earlier in 2022. The existing facility is located in Maury County outside the corporate limits of Columbia.

The subject property is zoned RS-40. Extractive uses are not permitted by right in any zone district; they are only permitted in an RS-40 zone as a Conditional Use. Extractive uses are prohibited in every other zone district.

Section 8.3.1.C. of the Zoning Ordinance prescribes specific standards and technical requirements for extractive uses. In addition to these standards, the Board may impose restrictions and conditions which ensure compatibility with surrounding properties and minimize any injurious effect of the land use.



EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
RS-40 (Single Family Low Density Residential)	Vacant	General Industrial/ RM-1 (Vacant)/CEG-PUD (Vacant)/County	Expansion of Quarry	31 ± acres



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DEVELOPMENT STATUS & HISTORY:

Previous Requests/Approval:

Comprehensive Plan Amendment and Rezoning

February 2022 – Planning Commission
Recommended Approval

April 2021 – City Council Approved

Conditions of Previous Approval:

N/A

REVIEW & ASSESSMENT:

Subject Site:

The subject site is comprised of two undeveloped parcels acquired by the current owner in 2020 and 2021. The parcels are immediately adjacent to an existing quarry operated by Vulcan Materials. Surrounding properties consist of an existing quarry under the control of the applicant, commercial uses, and vacant land. The site is currently zoned low-density residential (RS-40) with a future land use classification of Rural Countryside. Prior to April of 2022, the property was zoned High-Density Residential with a future land use classification of Employment District.

The subject site is immediately adjacent to incompatible land uses. The property immediately to the east of the subject is zoned High Density Residential (RM-1). Although the site is currently vacant, there is a high likelihood that it will be developed as a residential use during the life of the proposed mining operation. The immediate adjacency of a high-density residential land use and an extractive land use creates the greatest risk of incompatibility. This is discussed in greater detail below. Other adjoining properties have established industrial and extractive uses which are likely to continue.

Rutherford Creek flows along the northern boundary of the subject parcel. Consequently, a small portion of the property is within an AE flood zone with a 1% chance of annual flooding. The Ordinance requires additional review procedures when a requested conditional use is located in a floodplain. These requirements are discussed under Other Considerations below.

The subject parcel does not abut a public right of way and the creek limits potential access to the site from the north. The site can only be accessed via the existing quarry. Theta Pike and Columbia Rock Road provide vehicle access to the existing quarry. Trucks exiting the site primarily utilize Columbia Rock Road to access Nashville Highway (US 31) and the regional roadway network. Residential construction is currently underway on either side of Columbia Rock Road near the intersection with Nashville Highway. Expansion of the quarry will extend the life of the mining operation and the related impacts to local roadways.



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Zoning Ordinance:

Staff reviewed the request for a Conditional Use permit for conformity with the City of Columbia Zoning Ordinance. The relevant provisions of the Ordinance are listed below; the most applicable standards are **bolded** and underlined. Staff comments follow in the next section.

3.15.8 ACTION BY BOARD OF ZONING APPEALS

- A. The Board of Zoning Appeals shall conduct a public hearing.
- B. After conducting the public hearing, and considering the recommendations of the Zoning Administrator and the requirements listed below (Conditional Use Permit- Sec. 3.15.9, Variance- 3.15.10), the Board of Zoning Appeals shall:
 - 1. Approve the request;
 - 2. Approve the request with conditions.
 - 3. Deny the request; or
 - 4. Continue the hearing.

3.15.9 REQUIREMENTS CONDITIONAL USE PERMIT

- A. General Requirements
 - 1. The proposed use is listed as a permitted Conditional Use within the district applied to the property in question.
 - 2. **Conforms to any additional standards listed in Sec. 8.3**, Conditional Use Standards, for the proposed use;
 - 3. **Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;**
 - 4. **Will not adversely affect other property in the area in which it is located;**
 - 5. Is within the provision of "Conditional Uses" as set forth in this ordinance;
 - 6. Conforms to all applicable provisions of this ordinance for the district in which it is to be located.
- B. Additional Requirements

The Board may impose such **other conditions and restrictions upon the premises benefited by a conditional use permit** as may be **necessary to reduce or minimize the injurious effect** of such conditional use **upon [surrounding properties] and ensure**



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compatibility with surrounding properties. The Board may establish dates for the expiration of any conditional use permit as a condition of approval.

8.3.1.C EXTRACTIVE USES

Extractive uses may be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. The application for the use shall include a plan for restoration procedures once the operation ceases.
2. When the use is located within a Residential district, the requirements of Sec. 6.3.6, Neighborhood Commercial shall not apply.
3. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated;
4. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall provide for the following:
 - a. Existing contours of the site and up to 100 feet beyond the site boundary. Contour intervals shall be at two-foot intervals.
 - b. Location of the area in which the proposed quarrying activity is to be conducted.
 - c. Location of all proposed buildings, crusher and screening equipment, roadways, and other facilities proposed on the site.
 - d. Proposed method of drainage of the quarry area.
 - e. Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
 - f. Methods proposed for blasting. Open blasting commonly referred to as “pop shots” shall be prohibited.
 - g. Methods proposed to control noise, vibration and other particulate matter in order to meet the performance standards as set out in this ordinance.
 - h. Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and / or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be nontoxic, nonflammable, and noncombustible solids. All areas that are back – filled shall be left so that adequate drainage is provided.
5. Approval for mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/ or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line;
6. Before issuing a permit the Board of Appeals shall require the owner of the quarry facility to execute a bond not less than \$1,000 per acre or more than \$2,000 per acre



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- of active quarry throughout a five-year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery;
7. **Any permit issued hereunder shall not be for a period exceeding five years.** After the expiration date of such special permit, the Board may review and grant an extension of time in the manner and procedure as prescribed for an original application.

Staff Comment:

Section 3.15.9 of the Zoning Ordinance tasks the Board with confirming that the limited use standards are met; ensuring that the proposed use is designed, located and operated in a manner that protects the public health, safety and welfare; and, to impose any other conditions necessary to ensure compatibility with surrounding properties and minimize any injurious effect to neighbors. Staff analysis and recommendation is provided below to assist the Board in its review of the proposed expansion of the existing mining operation.

General Requirements (3.15.8.A)

The Use Table at Section 8.1.1 of the Zoning Ordinance lists "All Extractive Uses" as a Conditional Use in a low density residential (RS-40) zone. Section 8.2.2.B defines an Extractive Use as those which "extract minerals and other solids or liquids from the earth." The Ordinance provides the specific example of "sand, stone, or gravel quarrying" as a principal use within this category.

Section 8.2.2.B also makes clear that "stockpiling of sand, gravel, and or aggregates" is not a principal or accessory use within the Extractive Use classification. The Ordinance classifies storage of these materials as a Warehouse and Freight Movement use, which is prohibited in an RS-40 zone. The site plan provided by the applicant depicts these uses on other parts of the larger site, outside of the city. Staff recommends that the Board make clear that these activities may not occur on the subject site.

Section 8.3.1.C of the Ordinance imposes limited use standards on Extractive Uses. Those standards are discussed below.

Attributes of the use which may harm the public health, safety, and welfare are discussed below.

Expansion of the use is may adversely affect other properties in the area. The use is well established on the existing quarry site. However, the subject site is immediately adjacent to a parcel zoned for high-density residential development. It is likely that homes will be built on the site before the expanded quarry is exhausted. This will result in immediately adjacent incompatible land uses. Staff recommends that the Board craft conditions of



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approval to ensure the expanded mining operation is designed and operated to mitigate harm to the adjacent RM-1 zoned property.

Additional Requirements (8.3.1.C)

Restoration of the Site

The Zoning Ordinance requires that every mining operation established in the city provide a plan for restoration of the site (8.3.1.C.1). The applicant's plan is illustrated at Exhibit I of the submittal and further described in the letter from the applicant's representative. Specifically, the applicant proposes to reduce the slope of the site using fill materials. The remaining "pit" will become a water feature and the site will be planted with native foliage. The Ordinance does not prescribe technical requirements for restoration of the site. The applicant's proposal appears to be in keeping with industry standard and the common practice for retiring exhausted quarries across Tennessee.

Buildings and Improvements

The applicant does not propose to erect any permanent structures on the subject site; therefore, bulk standards are not applicable.

Sparsely Developed Area

The Ordinance requires that extractive uses be located in sparsely developed areas for the duration of the quarrying activity (8.3.1.C.3). This provision is clearly intended to ensure that extractive uses are not established where they will conflict with incompatible surrounding land uses. The applicant anticipates the mining operation will continue for at least 25 years. The existing quarry borders the site to the west and south. The property to the north is likely to continue to be utilized for warehouse and industrial uses. It is also separated from the subject by Rutherford Creek. The property immediately to the east is zoned High-Density Residential (RM-1).

The area is not likely to remain sparsely developed for the duration of the quarrying activity. The applicant describes the property as "undeveloped and agricultural in nature." However, the RM-1 district "is designed to provide suitable areas for high density development" (Zoning Ordinance 5.5.5). The property is one of few large tracts remaining in the city already zoned for high-density residential development with access to urban services. It is likely that homes will be built on the site long before the quarry is exhausted. Consequently, the quarry will be located immediately adjacent to the least compatible land use, high-density household living. This could be a basis for denial. Alternatively, the Board may craft conditions of approval to alleviate the incompatibility. Specifically, staff recommends that the Board require the applicant to provide a high-opacity landscape buffer.

Article 11 of the current Zoning Ordinance provides a standard for landscape buffers with widths and opacities which vary based on the degree of incompatibility between adjacent land uses. In general, buffers are installed over time as the City approves vertical



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improvements on each site. The Ordinance permits multiple buffering alternatives. Developers may elect different approaches to accomplish the required opacity level. Staff recommends that the Board prescribe the 0.80 opacity Alternative 3 at 11.2.7.B of the Ordinance. This will require the applicant to construct a solid 6-foot wall, or similar barrier, along the eastern boundary of the property with a 15-foot side heavily planted buffer on the eastern side of the wall.

Detailed Site Plan

The Ordinance requires that a detailed site plan accompany every request to establish or expand a quarry operation (8.3.1.C.4). The applicant has provided a site plan comprised of Exhibits A through I of the submittal. The plan depicts the existing contours of the site and its vicinity at 2-foot intervals (8.3.1.C.4a and b), the method of drainage (8.3.1.C.4d), and the plan for restoring the site (8.3.1.C.1 and 8.3.1.C.4d).

The Ordinance requires that all open excavations be fenced (8.3.1.C.4e). The applicant indicates that barbed wire fencing will be used. The Zoning Ordinance prohibits barbed wire fencing in all residential districts (12.4.2.B). Staff recommends the use of a solid 6-foot wall and other permissible fence types.

Blasting

The letter submitted with the application described the methods proposed for blasting (8.3.1.C.4f). The Ordinance prohibits open blasting ("pop shot") methods. The applicant's standards and procedures for blasting are detailed in Exhibit J. All blasting is conducted according to state and federal regulations. The seismographic impacts on residences are monitored by a third party. This may be a matter for discussion between the Board and the applicant to craft appropriate conditions of approval. Staff recommends that the Board require the applicant to share the seismographic data it collects with City of Columbia Department of Development Services.

Noise, Dust, Pollution

The Ordinance requires quarry operations to provide detailed plans for the control of noise, vibration, and pollution (8.3.1.C.4). The applicant's letter describes Vulcan's processes for avoiding and mitigating pollution. The subject site will be included under the applicant's existing permits with the Tennessee Department of Environmental Conservation (TDEC). The operation is regularly monitored and inspected by TDEC. Staff recommends that the Board require the applicant to provide results of this monitoring and to inform the City Engineer of any incident of non-compliance with state or federal regulations.

Surety

The Ordinance requires the applicant to provide a surety in an amount between \$1,000 and \$2,000 per acre to guarantee that the land will be restored after the mining operation ceases (8.3.1.C.6). The applicant has agreed to this requirement. Restoration of the land may cost much more than \$2,000 per acre in the event that the applicant becomes insolvent or



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prematurely abandons the site. Therefore, staff recommends the Board require the maximum bond amount of \$62,000. The Ordinance requires that the Board impose this requirement before issuing a Conditional Use permit. Accordingly, staff recommends establishing the effective date of approval as March 1, 2023 and directing staff to coordinate with the applicant to receive the financial surety.

Expiration

The Ordinance establishes a maximum duration of 5 years for any Conditional Use permit associated with an extractive use. The applicant must request an extension of the Conditional Use approval from the Board before the expiration date. Staff recommends that the approval expire on February 28, 2028. At the discretion of the Board, the authorization may automatically renew provided the operation remain in compliance. The Board may establish a shorter duration if it finds that circumstances are likely to change prior to that date.

Other Considerations

Rutherford Creek

A small portion of the property is within an AE flood zone with a 1% chance of annual flooding. The applicant intends to leave this portion of the property undisturbed and is not requesting a variance from the floodplain protections under Article 9 of the Ordinance. However, the Zoning Ordinance also includes special requirements for all requests for approval of a conditional use within a floodplain. The Zoning Administrator or his designee must forward a copy of the application and all supporting documents to the City Engineer for comment related to flood protection, erosion, drainage, and other technical matters. Moreover, the Ordinance requires that the Board consider the technical evaluation of the City Engineer and the criteria listed at 3.15.8.C.3. These criteria are all redundant with the protections of the City's floodplain protection ordinance (Article 9 of the Zoning Ordinance). Staff will apply these standards through a process of administrative review should the applicant ever proposes to erect structures in the floodplain. The City engineer has reviewed the application and advised Planning staff on the recommended conditions of approval. However, if the Board finds that the proposed Conditional Use increases the risk of flooding or otherwise poses a special risk to Rutherford Creek, it may impose additional conditions of approval to mitigate those impacts.

Roadway Impacts

The proposed expansion of the quarry will have a significant impact on Columbia's roadways. Extending the life of the quarry, and related truck traffic, will reduce the level of service at the intersection of Columbia Rock Road and Nashville Highway. Currently, trucks exiting the quarry primarily utilize Columbia Rock Road to access Nashville Highway (US 31) and the regional roadway network. A significant portion of this traffic turns left in order to travel north on Nashville Highway. Left turns at the intersection are uncontrolled.



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The current condition is unsafe. The intersection is the site of frequent traffic accidents, some fatal. Trucks leaving the quarry and entering Nashville Highway have been involved in traffic incidents at the intersection. Residential construction is currently underway on either side of Columbia Rock Road near the intersection with Nashville Highway. Expansion of the quarry will extend the life of the mining operation and the related impacts to the intersection.

Historically, the quarry has operated outside the corporate limits of the city and has not been subject to its development standards. If the original quarry had been established within the jurisdiction of Columbia, the city would have required off-site improvements to protect public safety and maintain an acceptable level of service at the intersection.

The city plans to realign the intersection and install a traffic light at the intersection of Columbia Rock Road/Baker Road and Nashville Highway. Other land users, in order to mitigate the impacts of their developments, have already installed the roadbed required to realign Columbia Rock Road. Staff strongly recommends that the Board require the applicant to complete the realignment of Columbia Rock Road and install the signal necessary to control northbound left turns from Columbia Rock onto Nashville Highway, as well as any ancillary improvements deemed necessary by the City Engineer. Extending the life of the quarry without these improvements will inevitably result in avoidable traffic incidents.



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RECOMMENDATION:

Approval of Conditional Use Request Subject to Conditions.

Recommended Motion:

Move to find that the proposed Conditional Use conforms to the requirements listed at Section 3.15.9 of the City of Columbia Zoning Ordinance and approve Conditional Use 22-0183 subject to the following conditions:

1. That no Warehouse and Freight Management uses, including stockpiling of sand, gravel, and aggregate, be performed on the subject site;
2. That the applicant installs a landscaped berm or other physical barrier along the eastern boundary of the site that, as determined by the Zoning Administrator, equals or exceeds the all-seasons buffering accomplished by the 0.80 opacity Alternative 3 described at Section 11.2.7.B of the Zoning Ordinance (3638);
3. That no barbed wire fencing be used on the subject site;
4. That, upon request of the City Engineer, the applicant provides updates on the status of permits issued by the Tennessee Department of Environmental Conservation;
5. That, for the duration of the Conditional Use permit, the applicant reports any incident of non-compliance with state and federal regulations pertaining to the quarry's operation to the City Engineer;
6. That, upon request of the City Engineer, the applicant provide the results of all water quality monitoring;
7. That, for the duration of the Conditional Use Permit, the applicant provides the Zoning Administrator with the results of any seismographic data collected in connection with blasting activities at the site; data shall include decimal degree coordinates to the 6th decimal place in a format acceptable to the Zoning Administrator;
8. That the applicant provides an automatically-renewing financial surety in the amount of \$62,000 no later than February 28, 2023 that is deemed satisfactory by the City Attorney and the City Engineer in form, sufficiency, and manner of execution;
9. That the applicant ensures the financial surety does not expire prior to February 28, 2028;
10. That the applicant executes an agreement to make all improvements necessary to realign Columbia Rock Road and install a signal at the intersection of Nashville Highway before February 28, 2024; the applicant shall coordinate with the City Engineer, Zoning Administrator, and City Attorney to establish the exact scope of work and financial commitment; the applicant shall provide financial surety in a form acceptable to the City Engineer and City Attorney to ensure these improvements are completed; the City Engineer is authorized to grant sixty-day extensions of this deadline provided the applicant is working expeditiously; cumulative extensions shall not exceed 180 days without Board approval;
11. That the Conditional Use approval shall become effective on March 1, 2023, provided the Zoning Administrator or his designee determine that all other conditions of approval have been met; execution of a binding Memorandum of Understanding to perform required tasks shall be sufficient to establish the proposed use; and
12. That the Conditional Use approval shall expire on February 28, 2028;



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13. That the Conditional Use approval shall automatically renew for a period of five years, for up to four renewals, provided the Zoning Administrator finds that operation remains in compliance with these conditions; and
14. That the Conditional Use approval shall expire on February 28, 2048, at which time the mining operation must cease, absent approval of an extension by the City of Columbia Board of Zoning Appeals.

Alternative Motions:

Alternative Motion [Approve Subject to Conditions]:

Move to find that the proposed Conditional Use conforms to the requirements listed at Section 3.15.9 of the City of Columbia Zoning Ordinance and approve Conditional Use 22-0183 subject to the following conditions: *[list conditions of approval]*.

Alternative Motion [Approve]:

Move to find that the proposed Conditional Use conforms to the requirements listed at Section 3.15.9 of the City of Columbia Zoning Ordinance and approve Conditional Use 22-0183.

Alternative Motion [Deny]:

Move to deny the proposed Conditional Use having found *[list reasons for denial]*.

Alternative Motion [Defer]:

Move to find that there is insufficient information to make a decision, continue the hearing, and request that the [applicant/staff] provide: *[list additional information]* for review at a future meeting.

EXHIBIT D

INFRASTRUCTURE PROJECT RIGHT-OF-WAYS