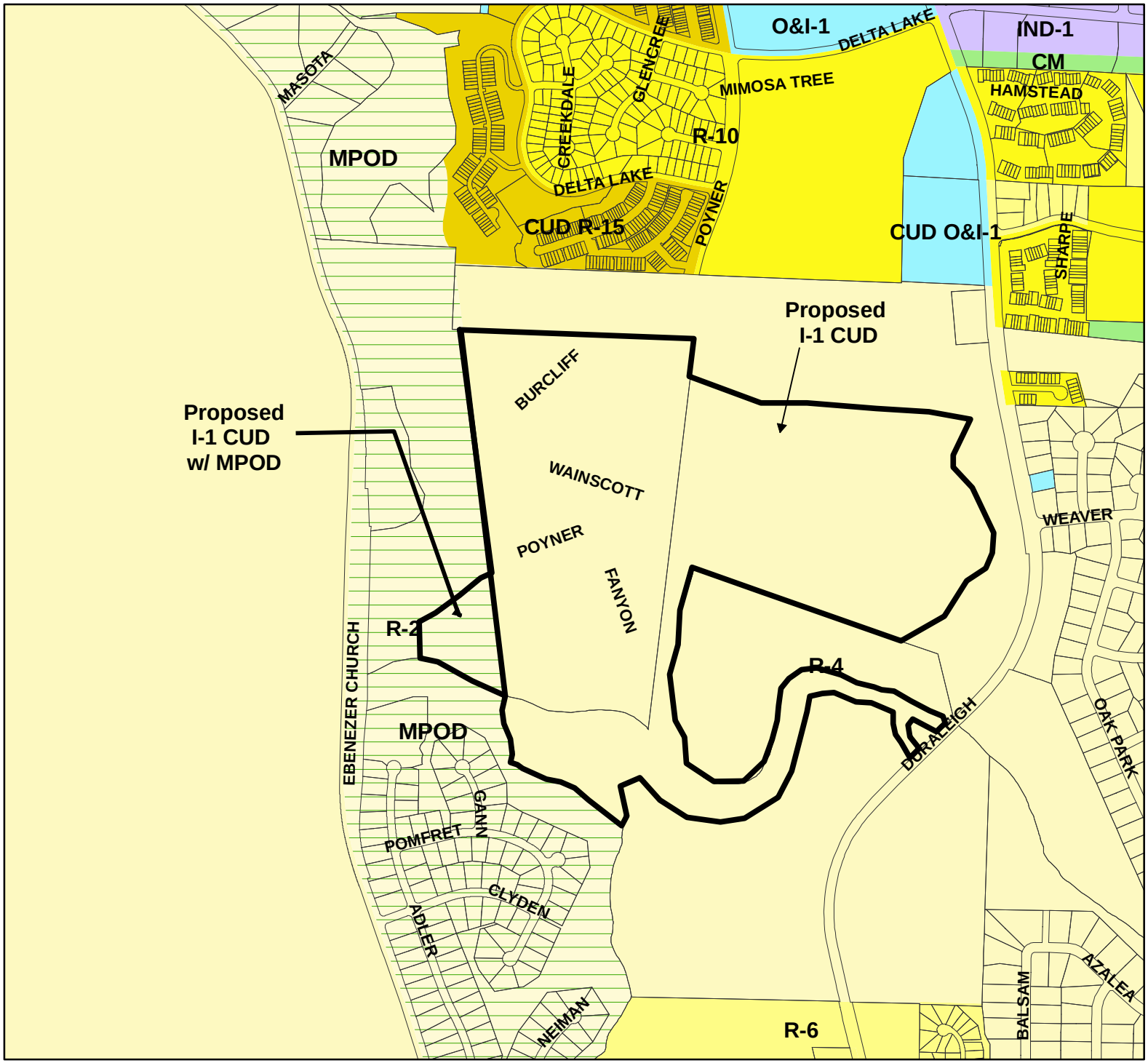


CITY OF RALEIGH

Existing Zoning Map

Z-2-11

R-4
(137.113 ac)
&
R-2 w/ MPOD
(4.94 ac)

to

I-1 CUD
(137.113 ac)
&
I-1 CUD
w/ MPOD
(4.94 ac)

142.053 acres

Public Hearing
January 18, 2011
(April 18, 2011)

510
Feet

Certified Recommendation

Raleigh Planning Commission

CR# 11409

Case Information Z-2-11

Location	Eastside of Ebenezer Church Road, northeast of its intersection with Duraleigh Road
Size	142.053 acres
Request	Rezone property from Residential-4 (137.113 acres), Residential-2 with MPOD (4.94 acres) to Industrial-1 CUD (142.053 acres) with MPOD (4.94 acres)

Overall Comprehensive Plan Consistency

☐ Consistent ☒ Inconsistent

	Consistent	
Future Land Use Designation	☐	Low Density Residential (2030 Comp Plan) Special Study area (existing quarry area): Low Density Residential per 1989 Comp Plan Public Parks and Open Space (greenway area)
Applicable Policy Statements	☒	Policy LU 2.4 Large Site Development
	☒	Policy LU 5.6 Buffering Requirements
	☐	Policy LU 11.2 Location of Industrial Areas
	☐	Policy LU 11.5 Mitigating Industrial Land Use Impacts
	☒	Policy LU 12.3 Reservations for Community Facilities
	☒	Policy T 1.5 Context Sensitive Road Design
	☐	Policy EP 1.13 Evaluating Development Impacts On Air Quality
	☒	Policy EP 2.6 Greenway System
	☒	Policy EP 3.5 Watershed-Focused Planning
	☐	Policy EP 8.4 Noise and Light Impacts
	☒	Policy PR 2.2 Park Accessibility
	☒	Policy PR 2.5 Acquisition Opportunities
	☒	Policy PR 3.3 Riparian Greenways
	☒	Policy PR 3.6 Greenway Connectivity
	☒	Policy PR 5.4 Improving Park Access

Summary of Conditions

Submitted Conditions	• Reference an illustrative plan • Define permitted uses and quarrying operations • States intent of lot recombination within 30 days of approval • Prohibit quarrying operations within 100 feet of Crabtree Creek with the exception of sedimentation and erosion control uses • Preserve100-foot tree conservation area between quarry property and surrounding residential lots • Prohibit access to quarry operations from Ebenezer Church Road and Poyner Road

	• Offer construction of a parking lot on the R-2 portion within 6 months of construction of the greenway trail • Offer nature preserve on portion of site to the south • Offer greenway easement to city along south side of Crabtree Creek • Offer to realign/reconstruct Poyner Road if requested by City • Offer quarry pit for stormwater detention and flood control purposes on a temporary basis along with company control of discharge and permanent availability after termination of quarry operation • Establish a website with updates on technical information • Implement a Protocol for investigating blasting complaints and binding arbitration program to address complaints • Establish lower blasting level criteria threshold • Set a sunset period of 45 years for quarrying operations • Provide transit easement along Ebenezer Church Road

Issues and Impacts

Outstanding Issues	1. Inconsistency with Future Land Use map 2. Incompatibility with surrounding uses and zoning 3. Inadequate buffering and transition along the northern edge abutting residential uses (condition #8 to be clarified) 4. Condition # 13: Recommend dedication of area as “greenway” allowing for protection of the natural resource but permitting uses compatible with trail connectivity and development. 5. Condition # 14: Realignment of Poyner Road provision not meeting staff recommended language 6. Condition #15: Use of the quarry pit for stormwater detention (under discussion) 7. Include conditions to provide for utility abandonment meeting city standards and installation of a new water main along Poyner Road, if needed by the city	*Suggested Conditions*	1. Condition # 13: Recommend dedication of area as “greenway” allowing for protection of the natural resource but permitting uses compatible with trail connectivity and development. 2. Add a condition “Upon any development on the property, Poyner Road will be realigned and reconstructed to facilitate the future connection to existing Poyner Road to the north” 3. Include conditions to provide for utility abandonment meeting city standards and installation of a new water main along Poyner Road, if needed

	8. Address outstanding staff comments on draft rezoning conditions		
Impacts Identified	- Further evaluation is needed to determine if the use of the pit for stormwater detention and flood control purposes on a temporary basis is a feasible option. *See attached email memo* from Stormwater staff summarizing discussion with DWQ staff.	*Proposed Mitigation*	

Public Meetings

Neighborhood Meeting	***Public Hearing***	***Committee***	***Planning Commission***
9/13/2010	1/18/2011	Date: 2/1/11, 4/5/11 voted denial	Date: 4/12/11 voted denial

☒ ***Valid Statutory Protest Petition***

Attachments
1. Staff report
2. Existing Zoning/Location Map
3. Future Land Use

Planning Commission Recommendation

Recommendation	The Planning Commission finds that the proposed rezoning is inconsistent with the Comprehensive Plan, and recommends, based on the findings and reasons stated herein, that the request be denied in accordance with zoning conditions dated March 28, 2011.
Findings & Reasons	1. That the request is inconsistent with the Comprehensive Plan. The Future Land Use Map designates the site for Low Density Residential use. The proposed industrial use on the site is clearly inconsistent with its future land use designation. 2. That the request for a heavy industrial use is incompatible with surrounding land uses and development patterns. The site is surrounded by low to medium density residential zoning and development. The proposed expansion of a legally nonconforming industrial use in an area predominantly characterized by residential uses is incompatible. 3. That the proposed conditions do not adequately mitigate all of the negative impacts induced by the proposed rezoning request.

	4. G.S.160A- 383 requires the governing body to describe whether the rezoning request is consistent with the adopted comprehensive plan and why the governing board considers the request to be reasonable and in the public interest. The Planning Commission finds that the requested rezoning is unreasonable and not in the larger public interest. There is no clear evidence that the benefits outweigh the detriments resulting from the rezoning. The applicant has not made the necessary expenditures to determine if the North Carolina Department of Natural and Environmental Resources, Division of Water Quality would allow the temporary storage of stormwater in the quarry and discharge of stormwater into Crabtree Creek. No evidence was produced by the applicant showing property values of neighboring properties would not be harmed by the result of the rezoning. There is no evidence showing why the continuation of the existing quarry operation, without horizontal enlargement of the pit, cannot supply the surrounding area with rock material.
Motion and Vote	Motion: Haq Second: Fleming In Favor: Anderson, Batchelor, Fleming, Harris Edmisten, Haq, Mattox, Smith, Sterling Lewis

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

_____	_____4/12/11____
Planning Director Date	Planning Commission Chairperson Date

Staff Coordinator: Dhanya Sandeep, dhanya.sandeep@raleighnc.gov

Zoning Staff Report – Z-2-11

Conditional Use District

Request

Location	East side of Ebenezer Church Road, northeast of its intersection with Duraleigh Road
Request	Rezone property from Residential-4 (137.113 acres), Residential-2 with MPOD (4.94 acres) to Industrial-1 CUD (142.053 acres) with MPOD (4.94 acres)
Area of Request	142.053 acres
Property Owner	Hanson Aggregates SE LLC, The Hamptons Dev. Co. LLC
PC Recommendation Deadline	April 18, 2011

Subject Property

	Current	***Proposed***
Zoning	R-4 (137.113 acres), R-2 (4.94 acres)	Industrial-1 CUD
Additional Overlay	MPOD	MPOD (retain existing MPOD)
Land Use	Granite quarry operation	Expansion of granite quarry operation to R4 portion
Residential Density	4 & 2 units per acre resp.(max. 557 units)	None. Res. use not permitted

Surrounding Area

	North	***South***	***East***	***West***
Zoning	R-4, R-15 CUD	R-4 & R-2	R-4	R-4
Future Land Use	Moderate density residential, office & residential mixed use	Low and moderate density residential	Low and moderate density residential	Public parks and open space
Current Land Use	townhomes and office	Single family residential, apartments	single family residential; townhomes	Umstead State park

Comprehensive Plan Guidance

Future Land Use	Low Density Residential (2030 Comp Plan) Special Study area (quarry area): Low Density Residential per 1989 Comp Plan Public Parks and Open Space (greenway area)
Area Plan	1989 Umstead and Northwest District Plans (for special study area) 1989 US 70 West Corridor Plan (for special study area)

Applicable Policies	Policy LU 2.4 Large Site Development Policy LU 5.6 Buffering Requirements Policy LU 11.2 Location of Industrial Areas Policy LU 11.5 Mitigating Industrial Land Use Impacts Policy LU 12.3 Reservations for Community Facilities Policy T 1.5 Context Sensitive Road Design Policy EP 1.13 Evaluating Development Impacts On Air Quality Policy EP 2.6 Greenway System Policy EP 3.5 Watershed-Focused Planning Policy EP 8.4 Noise and Light Impacts Policy PR 2.2 Park Accessibility Policy PR 2.5 Acquisition Opportunities Policy PR 3.3 Riparian Greenways Policy PR 3.6 Greenway Connectivity Policy PR 5.4 Improving Park Access

Contact Information

Staff	Dhanya Sandeep, 919-516-2659
Applicant	M. Gray Styers, Jr., 919-600-6273, gstyers@styerskemerait.com
Citizens Advisory Council	Northwest; Jay Gudeman, 789-9884

Case Overview

The site is located to the east of Ebenezer Church, northeast of its intersection with Duraleigh Road. The site is surrounded to the north, east and south by residentially zoned land developed for low to medium density residential uses. To the west is the Umstead State Park. The proposed request seeks to rezone property from R-4 & R-2 with MPOD to Industrial-1 CUD with MPOD, with the intent to expand an existing quarry operation. The existing quarry operation pre-dated the city's zoning on this property and is a legally non-conforming use on the R-4 zoned site. The western parcel included in the request is part of the previously approved residential subdivision (Hamptons north – S-24-2006). While infrastructure and utilities have been laid out, the lots have not yet been recorded.

The proposed industrial use is incompatible with the surrounding residential uses and inconsistent with its Future Land Use map designation. The proposed conditions provide additional buffering, transitional zones, limited access and other mitigating provisions. In addition, several significant public benefits are being offered such as greenway easement, park land dedication, construction of a parking lot, offer to reconstruct Poyner Road and offer on the pit for stormwater detention and flood control purposes on a temporary basis.

Exhibit C & D Analysis

1. Consistency of the proposed rezoning with the Comprehensive Plan and any applicable City-adopted plan(s)

1.1 Future Land Use

The request encompasses two areas to be rezoned: a portion of a larger parcel that fronts on Duraleigh Road and a smaller parcel that fronts on Ebenezer Church Road. The smaller parcel on Ebenezer Church Road is currently split zoned between Residential-2 with MPOD and Residential-4. This property is designated for low density residential uses on the Future Land Use map. A small portion of this property is designated for Public Parks and Open Space use. Submitted conditions would limit this R-2 portion of the site to governmental recreational use, parking lot and land disturbing activities necessary for a landscaped berm. The remaining R-4 portion of the site will be used for expansion of quarry operations. All of the above uses on this parcel will be inconsistent with its low density residential designation in the Future Land Use map. The conditions provide for connection of the Crabtree greenway to Umstead Park which is consistent with the public parks and open space designation.

The portion of the larger parcel that fronts on Duraleigh Road is currently zoned Residential-4.This parcel is designated as a special study area on the Future Land Use map.

> *<u>Special study areas</u> identify areas where the future land use patterns are yet to be determined. This designation is used on large sites where land use planning studies incorporating focused community outreach are necessary to determine a preferred land use pattern. Examples include areas such as active rock quarries, landfills, and large tracts outside of the City's current jurisdiction. These areas should be the subject of Area Planning Studies. Special Study Area Plans undertake detailed land use planning in those areas designated as Special Study Areas on the Future Land Use Map before approval of development proposals or rezoning in the areas. Public engagement is encouraged in the planning process.*

Per adopted resolution 2009-997 of the Comprehensive Plan, the prior 1989 Comprehensive Plan provides land use guidance for special study areas. The 1989 Umstead and Northwest District Plans and US 70 West Corridor Plan designate this parcel for low density residential uses. Therefore, the subject request is inconsistent with the land use recommendations of the Comprehensive Plan.

1.2 Policy Guidance

The following policy guidance is applicable with this request:

> Policy LU 1.3
> Conditional Use District Consistency
> All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan

The following additional Comprehensive plan policies also apply to this rezoning request:

> Policy LU 5.6
> Buffering Requirements
> New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or

forested strips, transition zones, fencing, screening, height and/or density step downs, and other architectural and site planning measures that avoid potential conflicts.

The subject site is surrounded by residential zoning on all edges of the property line. The proposed industrial character of the expanded quarrying operations would be incompatible with the surrounding predominant residential character. Buffering offered through zoning conditions include a minimum 100 foot buffer from Crabtree Creek for quarrying operations, a 100 foot Transitional Protective Yard (TPY) and buffer zones to adjoining residential properties, a landscaped berm and transitional MPOD zone.

While buffering, physical separation, and transition along the western edge appears adequate with the provision of the landscaped berm, retention of MPOD, and limited uses on R-2 zoning strip; the buffering along the northern, eastern and southern edge needs further evaluation to ensure adequate protection for the residential uses against the adverse impacts of the proposed industrial use expansion. The tree conservation area offered by the zoning conditions fall outside of the subject rezoning boundary and therefore is unenforceable. Given this, provision of adequate buffering along the northern and eastern edges abutting residential uses should be further evaluated.

Policy LU 11.2
Location of Industrial Areas
Accommodate industrial uses— including municipal public works facilities—in areas that are well buffered from residential uses (and other sensitive uses such as schools), easily accessed from major roads and railroads, and characterized by existing concentrations of industrial uses. Such areas are generally designated as “General Industrial” on the *Future Land Use Map.*

The existing quarry operation is a legally non-conforming use that was permitted to continue its use when first annexed into the city limits. The proposed expansion would allow the company to utilize existing operations and equipment in place to extract the resources on the new property. The surrounding area has been developed for low to medium density residential uses. The request does not meet the intent of this policy, as the property is not designated General Industrial. However, there is an opportunity to provide adequate buffers to the surrounding area to mitigate potential impacts.

Policy LU 11.5
Mitigating Industrial Land Use Impacts
Mitigate the adverse impacts created by industrial uses through a variety of measures, including buffering, site planning and design, strict environmental controls, performance standards, and the use of a range of industrial zones that reflect the varying impacts of different kinds of industrial uses.

Locating industrial uses adjacent to low density residential uses are known to generate adverse impacts. As conditions of the rezoning, a variety of measures including buffering, landscaped berm, transitional protective yards, and greenway buffering are being proposed to mitigate the direct impacts created by the quarry operations. The applicant notes that expansion of quarry pit has been planned and designed to avoid impact to surface water bodies on property, that strict performance standards will be established that set appropriate operating procedures, and that strict sedimentation and erosion control measures will be implemented in accordance with applicable law and regulation.

While some of the direct impacts can be mitigated, other indirect and unquantifiable impacts such as potential air pollution, noise pollution, damage to biodiversity, quarry waste, and environmental impacts may still remain unaccounted for. Given that, it is

difficult to assess if the proposed conditions adequately mitigate all adverse impacts from the proposed industrial expansion and to conclusively determine its consistency with this policy.

Policy LU 2.4 Large Site Development
Developments on large sites should set aside land for future parks and community facilities to help meet identified needs for public amenities and services and to offset the impacts of the development.

Policy LU 12.3
Reservations for Community Facilities
Plans for large sites should identify park and community facility needs and reserve appropriate portions of the site for schools, parks, public safety buildings, and other facilities.

The proposed zoning conditions offer provisions to dedicate a portion of the site for a nature preserve area and/or passive recreation park, and to construct a parking lot amenity for access to the Crabtree greenway. A greenway easement is to be dedicated to the City along the southern edge of the site to facilitate the connection of the Crabtree Creek greenway to the State Umstead Park. The conditions also provide for the possibility of flood control for downstream properties through the use of the quarry pit for stormwater detention on a temporary basis and a permanent basis after cease of quarry operations. However, there are several practical and regulatory hurdles that have to be overcome to use the quarry pit for flood control, and therefore the ability to implement this condition is uncertain at this time. Given, the noted dedication of land and easement for public amenities and services, the request appears to meet the intent of these policies.

Policy T 1.5
Context Sensitive Road Design
“Context Sensitive” approaches shall be used for new roadways or widening of existing roads to minimize impacts to historic business districts and neighborhoods and sensitive natural areas (particularly in watershed protection, conservation management and metro park protection areas).

The proposed conditions prohibit access to Ebenezer Church Road and Poyner Road for quarry related operations. Limiting access from Ebenezer Road strictly for access to the parking lot to be constructed on the property minimizes impacts to the metro park overlay area and the Umstead State Park. Thus, the request is consistent with this policy.

Policy EP 1.13
Evaluating Development Impacts on Air Quality
Evaluate potential air emissions from new and expanded development, including transportation improvements and municipal facilities, to ensure that measures are taken to mitigate any possible adverse impacts. These measures should include construction controls to reduce airborne dust and requirements for landscaping and tree planting to absorb carbon monoxide and other pollutants.

Dust generated from quarry sites is a major source of air pollution, although the impacts are dependent on other factors like the local micro-climate conditions, concentration of dust particles in the ambient air, size of dust particles and their chemistry. Air pollution can be a nuisance as well as have adverse physical and health impacts. The Mining permit issued by the NC Department of Environment and Natural Resources (NC DENR) establishes air quality thresholds for permitted quarrying operations. The applicants are encouraged to provide an evaluation of the projected air quality impacts from the

proposed expansion and a commitment to regularly monitor and meet the air quality standards established by NC DENR.

Policy EP 8.4
Noise and Light Impacts
Mitigate potential noise and light pollution impacts from new development on adjoining residential properties.

Quarrying operations generate significant amounts of noise and vibrations from related blasting and transportation activities. The proposed rezoning to expand the quarry operations should evaluate and address such noise and light impacts to the adjoining residential uses. While standard noise thresholds apply through city ordinance, the impacts from mining and quarrying operations have significant community wide impacts and are regulated by the State. The conditions submitted propose to keep blasting vibration level below the US Bureau of Mine Standards. The standards established by NC DENR should be complied with and such operations monitored and recorded on a regular basis to ensure that no adverse impacts sustain from the expanded operations.

Policy EP 2.6
Greenway System
Continue to build a park and greenway system that is: interconnected; protects native landscapes, water quality, and areas of ecological significance, such as priority wildlife habitats; and serves the broad and diverse outdoor recreation needs of community residents.

Policy PR 2.5
Acquisition Opportunities
Pursue land acquisition when opportunities arise if the site is suitable for meeting the mission of the Parks and Recreation Department. This is especially pertinent for parks with special environmental or cultural significance or thematic metro parks.

Policy PR 3.3
Riparian Greenways
Acquire parkland along important riparian corridors including the Neuse River and Crabtree and Walnut creeks to create green “fingers” that provide natural and recreational amenities.

Policy PR 3.6
Greenway Connectivity
Expand the greenway system by connecting existing routes. Provide additional connections between the greenway trails and destinations throughout the City using designated upland routes where necessary.

The zoning conditions provide for a greenway easement to the city along the southern edge of the property, adjacent to Crabtree Creek to facilitate the greenway connection between Crabtree Creek greenway and the State Umstead Park noted in the Capital Area Greenway Master Plan. A portion of the site closer to Crabtree Creek is also designated for a nature preserve area and/or passive recreation park. Thus, the request is consistent with and promotes the noted policies EP 2.6, PR 2.5, PR 3.3 and PR 3.6.

Policy PR 2.2
Park Accessibility
Seek to provide reasonable access to a public park or recreational open space to all city residents by 2030, by using the Level of Service and service area guidelines provided in this Plan.

Policy PR 5.4
Improving Park Access
Public spaces should be included in private developments that can connect to and benefit from their proximity to public infrastructure and spaces such as greenway trails, public sidewalks, and plazas.

The conditions offer for the property owners to construct a parking lot amenity with access from Ebenezer Church Road to encourage easier public access to the Crabtree greenway and Umstead Park. Thus, by providing for ways to enhance public access through offered zoning conditions, the proposal meets the intent of policies PR 2.2 and PR 5.4.

Policy EP 3.5
Watershed-Focused Planning
Water quality shall be managed using a watershed-focused approach. Such an approach uses performance-based strategies to enhance water quality and prevent or decrease downstream flooding in each watershed rather than applying citywide standards.

The issue of stormwater management affects the entire community and a feasible option to control flooding issues would render larger public benefit to the entire community. The zoning conditions provide for potential flood control management for downstream properties through the use of the quarry pit for stormwater detention whenever needed by the City. However, the details and feasibility of this proposition with the City are not clearly defined. While older studies from the early 1990's have evaluated the quarry pit as an option for controlling the Crabtree Creek flooding issue, further study is needed to evaluate the feasibility of this option as issues such as waste water, water treatment and others should be addressed along with other parameters enforced by NC State Department of Environmental Resources. More detail is provided in Section 5.3 on Hydrology, below.

1.3 Area Plan Guidance

The larger parcel that fronts on Duraleigh Road is designated a special study area in the Future Land Use map. Land use guidance for such areas reverts back to the 1989 Comprehensive Plan in which the Umstead and Northwest District Plans and US 70 Corridor Plan provide recommendations. In all of the old plans, the subject parcel is designated for low density residential uses.

2. Compatibility of the proposed rezoning with the property and surrounding area

Area Description:
The proposed rezoning area is predominantly surrounded by residential uses and zoning, with low density zoning located on areas east, south and west of the property, and medium density multi-family found to the north.

Along the immediate east, north and southern edges is the remaining portion of the subject parcels not included within the rezoning boundary that will continue to be zoned Residential-4. This excluded portion of the subject parcels is intended by the applicant to serve as a buffer zone between the quarry and the immediately surrounding residential uses. The conditions require 100 foot buffer zones along the northern, eastern, western

and southern Crabtree edge of the property lines through restrictive covenants to be recorded within 30 days following final approval of the case. To the western edge is the R-2, MPOD zoning, majority of which is excluded from the subject rezoning with the exception of 4.94 acres.

To the west, across Ebenezer Church Road, is Umstead State Park, which also zoned R-4, and a church (Pilgrim Orthodox Presbyterian Church) tucked into the R-2 zoning portion with frontage on Ebenezer Church. Along the southern edge of the parcel proposed for quarry expansion is the Hamptons south subdivision approved in 2006 on R-2 zoning with MPOD. Around 10 or fewer homes have been built on this southern section of the Hamptons development. The parcels to the immediate north have been developed for multi-family residential uses by Delta Ridge townhomes, Claremont cluster development, and Duraleigh Woods garden apartments. To the north, there is a small portion of O&I-1 CUD zoning developed for low density office uses (Commons@Duraleigh Ridge). To the east, across from Duraleigh Road, more residential uses exist with Oak Park subdivision, Duraleigh Square, Village of Oak Park and Hamstead Crossing development.

Analysis:
The existing quarry pre-dated the R-4 zoning on the property and is a legally non-conforming use on the property. However, most of the land in and around the subject properties has, over the years developed for largely low to medium density residential uses. The portion of the property requested for quarry expansion is currently zoned R-4 and previously the Hamptons subdivision north was approved on it. While infrastructure and utilities have been laid out, the lots have not yet been recorded. Given the predominantly residential character of the surrounding area, an expansion of a non-conforming industrial use and rezoning of residentially zoned land to industrial zoning would be considered incompatible and in conflict with the existing character and uses of the surrounding properties. Additionally, industrial zoning in this area would be considered a spot zone as it is surrounded by residentially zoned land and the nearest industrial zone land is located a quarter mile away along Glenwood Avenue. The zoning conditions provide for additional buffering and transitional zones between the industrial and residential uses in an attempt to mitigate potential adverse impacts. However, given the potential direct and indirect impacts to surrounding residential properties from an intense industrial use such as mining and quarrying, further evaluation is needed to ensure that all compatibility issues and adverse impacts to surrounding properties are adequately addressed and/or mitigated.

3. Public benefits of the proposed rezoning

The applicant notes that the proposed rezoning for expansion of the quarry will offer the following public benefits to the community:

- Provide a valuable natural resource to the community for continued availability of resource to meet demand in proximity to site and will keep development costs down for both public and private projects within a 10 mile radius
- Give up the potential to expand quarry operations to the south of the property and avoid impacts to Crabtree Creek from excavation and resource extraction south of Crabtree Creek
- Provide a greenway easement to City along southern boundary of the property which will facilitate the connection of the Crabtree-Oak Park greenway trail to Umstead Park, noted in the Capital Area Greenway Master Plan
- Allow for conservation of ecologically significant land as a park
- Construct a parking lot for users of the greenway and passive recreation park adjacent to the intersection of Poyner Road and Ebenezer Church Road

- Allow temporary use of quarry pit for flood control upon advance notice, preventing downstream flooding on Crabtree Creek and permanently after termination of quarry operation
- If requested by City, realign and complete construction of Poyner Road to provide a connector between Duraleigh Road and Ebenezer Church Road

The above noted provisions will provide significant benefits to the community if they can be guaranteed through an appropriate mechanism. Furthermore, they promote and remain consistent with the following Comp Plan policies LU 2.4, LU 12.3, T 1.5, EP 2.6, PR 2.2, PR 2.5, PR 3.3, PR 3.6, and PR 5.4.

While the proposed rezoning supports expansion of the existing operations, it should be noted that this site is not the only quarry operating within the City of Raleigh limits. There are two other quarries in Raleigh that supplies construction materials to the Raleigh market.

Per staff evaluation, there are also other alternatives for connecting the Crabtree-Oak Park greenway trail to Umstead Park, as noted in the Capital Area Greenway Master Plan.

The feasibility of using the quarry pit for flood control is uncertain at this time, as there are serious questions as to both the ultimate flood control benefits and whether this use meets applicable regulations. More detail is provided in Section 5.3 on Hydrology, below.

4. Detriments of the proposed rezoning

The proposed quarry expansion area is surrounded largely by low to medium density residential uses. Given this incompatibility between the proposed high impact industrial use and its surrounding residential uses, potential adverse impacts to be evaluated include those on potable groundwater supplies, air and noise pollution, damage to biodiversity, impacts from quarry waste, environmental and traffic impacts. Much of these impacts are regulated and monitored by the NC DENR through established standards in the issuance of mining permits. The proposed expansions should comply with State regulations. Given the inconsistency and incompatibility of the proposed request with the surrounding residential uses, and its potential direct and indirect adverse impacts, a quantitative and qualitative cost benefit analysis is recommended from the applicant for further evaluation of the costs and benefits rendered to the community at large.

5. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, etc.

5.1 Transportation

Primary Streets	Classification	2009 Volume (ADT)	2035 (Forecasted) Volume (ADT)		
Duraleigh Road	Secondary Arterial	20,000	28,750		
Ebenezer Church Road	Minor Thoroughfare	5,400	11,240		
Poyner Road	Minor Thoroughfare	N/A	N/A		
Street Conditions					
Duraleigh Road	Lanes	Curb and Gutter	Right-of-Way	Sidewalks	Bicycle Accommodations

Existing	5	Back-to-back curb and gutter section	100'	5' sidewalks on both sides of the street	None
City Standard	6	Back-to-back curb and gutter section	110'	minimum 5' sidewalks on both sides	4' striped bicycle lanes on both sides
Meets City Standard?	**NO**	**YES**	**NO**	**YES**	**NO**
Ebenezer Church Road	Lanes	Curb and Gutter	Right-of-Way	Sidewalks	Bicycle Accommodations
Existing	2	None	60' -150'	Paved Shoulder	None
City Standard	2	None	70'	Paved Shoulder	Paved Shoulder
Meets City Standard?	**YES**	**YES**	**PARTIAL**	**YES**	**NO**
Poyner Road	Lanes	Curb and Gutter	Right-of-Way	Sidewalks	Bicycle Accommodations
Existing	2	Back-to-back curb and gutter section	TBD	None	None
City Standard	3	Back-to-back curb and gutter section	80'	minimum 5' sidewalks on both sides	4' striped bicycle lanes on both sides
Meets City Standard?	**NO**	**YES**	**N/A**	**NO**	**NO**
Suggested Conditions/Impact Mitigation:		Based on the conditions limiting build-out of the subject property a trip generation is not necessary for this case. City standards call for 70' of right-of-way for minor thoroughfares within a Metro Park Overlay District. The subject property north of 5420 Ebenezer Church Road maintains only 60' right-of-way. An additional 10'of right-of-way is necessary to meet City standards along this segment of Ebenezer Church Road. The condition referring to the realignment of Poyner Road should be revised to indicate that “Upon any development on the property, Poyner Road will be realigned and reconstructed to facilitate the future connection to existing Poyner Road to the north”.			
Additional Information:	Neither NCDOT nor the City of Raleigh have any projects scheduled in the vicinity of this case.				

Impact Identified: The condition referring to the realignment of Poyner Road should be revised to indicate that “Upon any development on the property, Poyner Road will be realigned and reconstructed to facilitate the future connection to existing Poyner Road to the north”.

5.2 Transit

Impact Identified: There is no transit impact at this time. Transit easement has been provided.

5.3 Hydrology

Floodplain	FEMA floodplain present on both parcels
Drainage Basin	Turkey, Richland, and Crabtree

Stormwater Management	Subject to Part 10, Chapter 9
Overlay District	Portion of PIN 0786236985 located in Metro-Park Overlay District (MPOD)

Both parcels (PIN 0786236985 and 0786349208 (63.7 ac. Tract)) are affected by floodplain from Turkey, Richland, and Crabtree Creeks and are subject to Part 10, Chapter 4, floodplain regulations. Neuse River Buffer is also present on both parcels. A portion of PIN 0786236985 is located within the Metro-Park Overlay District (MPOD).

Impact Identified: If the quarry is to be used as a flood control device during active mining operations, the site will be subject to NC DWQ's water quality regulations with regards to process waters/wastewater in accordance with the mine's industrial stormwater permit. *See attached email memo* from Stormwater staff summarizing discussion with DWQ staff on the feasibility of using the pit for stormwater detention and flood control purposes on a temporary basis.

5.4 Public Utilities

	Maximum Demand (current)	***Maximum Demand (proposed)***
Water	314,460 gpd	211,628 gpd
Waste Water	314,460 gpd	211,628 gpd

The proposed rezoning would not impact the wastewater collection or water distribution systems of the City. There are existing sanitary sewer and water mains located adjacent to the properties requesting rezoning.

Impact Identified: The Public Utilities Department must be notified for coordination of abandonment of the existing utilities. A new water main should be installed along the relocated Poyner Road unless it can be determined that the City has no need for a main.

5.5 Parks and Recreation

The applicant proposes in Condition 12 to dedicate greenway easement to the City of Raleigh upon final approval of the zoning case. This condition meets the requirements of the Capital Area Greenway Master Plan.

The applicant proposes in Condition 13 to convey an area located south of Crabtree Creek as 'Park'. It is recommended that the designation of the property as Nature Preserve and/or passive recreation be deleted from the condition. It is recommended that this area be convey as 'greenway', allowing for protection of the natural resource but permitting uses compatible with trail connectivity and development.

A parking lot is proposed to be constructed adjacent to and south of Poyner Road to support the future greenway trail connecting to Umstead State Park.

Impact Identified: The applicant proposes to provide a greenway easement to permit the connection of the Crabtree Creek Trail to Umstead State Park; the applicant proposes to construct a parking lot to support the Crabtree Creek Trail; and the applicant proposes to dedicate an area to serve the recreation needs of the area.

5.6 Urban Forestry / Tree Conservation:

Applicable Code Sections	10-2082.14—Establishment of Tree Conservation Areas 10-2072—Tree disturbing activities except a minor tree removal activity *Tree disturbing activity* is defined in Code Section 10-2002 under Definitions.
Potential Code Conflicts	Construction of berms, digging holes for planting of shrubs, or other tree disturbing activities within protected 10-2072 wooded buffers, or, within 10-2082.14 tree conservation areas (if established) are prohibited. The revised draft conditions dated 3/28/11 resolves previous code conflicts with the tree conservation ordinance.
Section 10-2082.14--Tree Conservation Areas Will Be Required For:	>A new site plan, or, a new subdivision. If so, >R2 (4.94 acres): 15% tree conservation area is required (0.741 acres). >Other zoning districts (137.113 acres): 10% tree conservation area is required (13.71 acres).
In absence of establishing tree conservation areas, where trees are present, section 10-2072 applies:	>50'-wide protected buffer along thoroughfares >65'-wide protected buffer adjacent to developed property >32'-wide protected buffer adjacent to undeveloped property

Impact Identified: Berm construction and TYP plantings could occur within the 100'-wide buffer as long as none occur within the 10-2072 protected buffers.

5.7 Wake County Public Schools

The subject site is currently zoned R-2 & R-4 but has been used for quarry operations. Therefore the existing residential density is not applicable. The proposed I-1 zoning district prohibits residential uses. Therefore, there is no impact on residential density.

However, if the proposed properties were to be developed under existing zoning for residential density, 557 units would be allowed. In this scenario, the proposed rezoning would reduce the burden on school capacity.

Impact Identified: None

5.8 Designated Historic Resources

There are no historic resources within the proposed boundary.

Impact Identified: None

5.9 Impacts Summary

- The Public Utilities Department must be notified for coordination of abandonment of the existing utilities. A new water main should be installed along the relocated Poyner Road unless it can be determined that the City has no need for a main.
- The condition referring to the realignment of Poyner Road should be revised to indicate that "Upon any development on the property, Poyner Road will be realigned and reconstructed to facilitate the future connection to existing Poyner Road to the north".

- It is recommended that the designation of the property as Nature Preserve and/or passive recreation be deleted from the condition # 13. It is recommended that this area be convey as 'greenway', allowing for protection of the natural resource but permitting uses compatible with trail connectivity and development.
- Further evaluation is needed to determine if the use of the pit for stormwater detention and flood control purposes on a temporary basis is a feasible option. *See attached email memo* from Stormwater staff summarizing discussion with DWQ staff.

5.10 Mitigation of Impacts

- It is recommended that the designation of the property as Nature Preserve and/or passive recreation be deleted from the condition # 13. It is recommended that this area be convey as 'greenway', allowing for protection of the natural resource but permitting uses compatible with trail connectivity and development.
- Condition #14 should be revised to"Upon any development on the property, Poyner Road will be realigned and reconstructed to facilitate the future connection to existing Poyner Road to the north".
- Include conditions to provide for utility abandonment meeting city standards and installation of a new water main along Poyner Road, if needed.

6. Appearance Commission

This request is not subject to Appearance Commission review.

7. Conclusions

The proposed request seeks to rezone residentially zoned land from R-4 & R-2 with MPOD to Industrial-1 CUD with MPOD, with the intent to expand an existing quarry operation. The existing quarry operations pre-dated the city's zoning on this property. The proposed use is incompatible with the surrounded residential uses and inconsistent with its Future Land Use map designation. The proposed conditions attempt to address and mitigate adverse impacts to the surrounding uses by providing additional buffering, transitional zones, limited access and other provisions. In addition, several significant public benefits are being offered such as greenway easement, park land dedication, construction of a parking lot, offer to reconstruct Poyner Road and offer on the pit for stormwater detention and flood control purposes on a temporary basis. However, given the inconsistency and incompatibility of the proposed request with the surrounding residential uses, and its potential direct and indirect adverse impacts, a quantitative and qualitative cost benefit analysis is recommended from the applicant for further evaluation of the costs and benefits rendered to the community at large.

The following outstanding issues and impacts have been identified:

- Inconsistency with Future Land Use map
- Incompatibility with surrounding uses and zoning
- Inadequate buffering and transition along the northern edge abutting residential uses (condition #8 to be clarified)
- Condition # 13: Recommend dedication of area as "greenway" allowing for protection of the natural resource but permitting uses compatible with trail connectivity and development
- Condition # 14: Realignment of Poyner Road provision not meeting staff recommended language
- Condition #15: Use of the quarry pit for stormwater detention (under discussion)

- Include conditions to provide for utility abandonment meeting city standards and installation of a new water main along Poyner Road, if needed
- Address outstanding staff comments on draft rezoning conditions

Staff Comments on Proposed Draft Conditions Dated March 28, 2011

Top Line: Include Hamptons Development as co-applicant

Condition # 5: All lots should be recombined into one lot. State the plat shall be recoreded within 30 days following final approval.

Condition # 6: Clarify how many pits will be there. Will the existing pit be enlarged or another dug adjacent to it?

Condition #7: Include an exception to tree removal as "with the exception of any tree removal necessary to accommodate the use of the quarry for flood control, the greenway and the park". Also the language of park to remain consistent with that of Condition #13. recommended language is “greenway.”

Between the word “conducted” and the word “within” insert “on the property”.

How many sedimentation and erosion control measures will be installed within 100 feet of Crabtree Creek? What activities does the mining permit authorize in this 100 foot area?

Condition #8 to be rewritten as “Prior to any new or expanded Quarry Operations being undertaken on he Property, but in no event later than thirty (30) days following Final Approval, tree conservation areas of no less than _____ per cent of the rezoned land area shall be established in accordance with priorities of 10-2082.14(b)”.

All PINs of adjacent residential properties to the north have not been included correctly.

Condition # 9: State minimum number of parking spaces to be installed in parking lot. Provide deadline for construction of parking lot (no later than 3 years following Final Approval).

Landowner must be the entitiy reposnsible for constructing the parking lot. Include the public use of parking lot here.

How many sedimentation and erosion control measures will be installed within the R-2 area? What activities does the mining permit authorize in this R-2 area?

Is there an illustration showing the areas excluded from tree conservation? How will the city know where the lawful tree disturbing activities are permitted?

Condition #10: Remove reference to company & replace with owner. Delete words Ebenezer Church Road from first sentence and delete the last sentence.

Condition # 13: Recommend dedication of area as “greenway” allowing for protection of the natural resource but permitting uses compatible with trail connectivity and development. Reference to SIP and Park planning process to be deleted.

Condition # 14: Lengthen the duration of the performance bond to 11 years. Given the 5 year notice period and the 5 year construction time for constructing the road, the existing ten year duration of the performance bond is cutting it too close.

Reference to the Company should be deleted. If there is more than one landowner Poyner Road corridor, then the owner with the greater acreage should be responsible construction.

In the second line, between the word "realign" and the word "and", insert the following language: ",dedicated right-of-way". Include an exhibit illustrating the realignment corridor.

Condition #15: Delete from the first sentence the language "and consistent with the reasonable continuation of those operations ".

Insert a new sentence to follow the first sentence; the new sentence should read, "Upon request in writing by the City Manager of the City of Raleigh, the owner of the rezoned lands will grant specific drainage easements and temporary construction easements to the City of Raleigh for construction of flood control structures and pipes." The City may need such easements if this project is financed by bonds.

This condition should explicitly state that the City or its designee will be fully responsible for design, construction, operation and maintenance of all flood control structures erected by the public.

In next to the last sentence, replace the word "Company" and substitute the words "quarry operator".

In the last sentence, before the period insert the words and water supply reservoir storage.

Condition #16: There is no time period for this condition. A fixed time following adoption of the rezoning ordinance should be included in the condition. In as much as the quarry operation is ongoing this condition should not be delayed until Final Approval. Throughout this condition replace the word "Company" and substitute the words "quarry operator".

Condition #17: There is no time period for this condition. A fixed time following adoption of the rezoning ordinance should be included in the condition. In as much as the quarry operation is ongoing this condition should not be delayed until Final Approval. Throughout this condition replace the word "Company" and substitute the words "quarry operator".

In the first line after the word implement insert the words "and maintain".

Condition #18: May wish to consider restricting the hours of blasting operations on the Property.

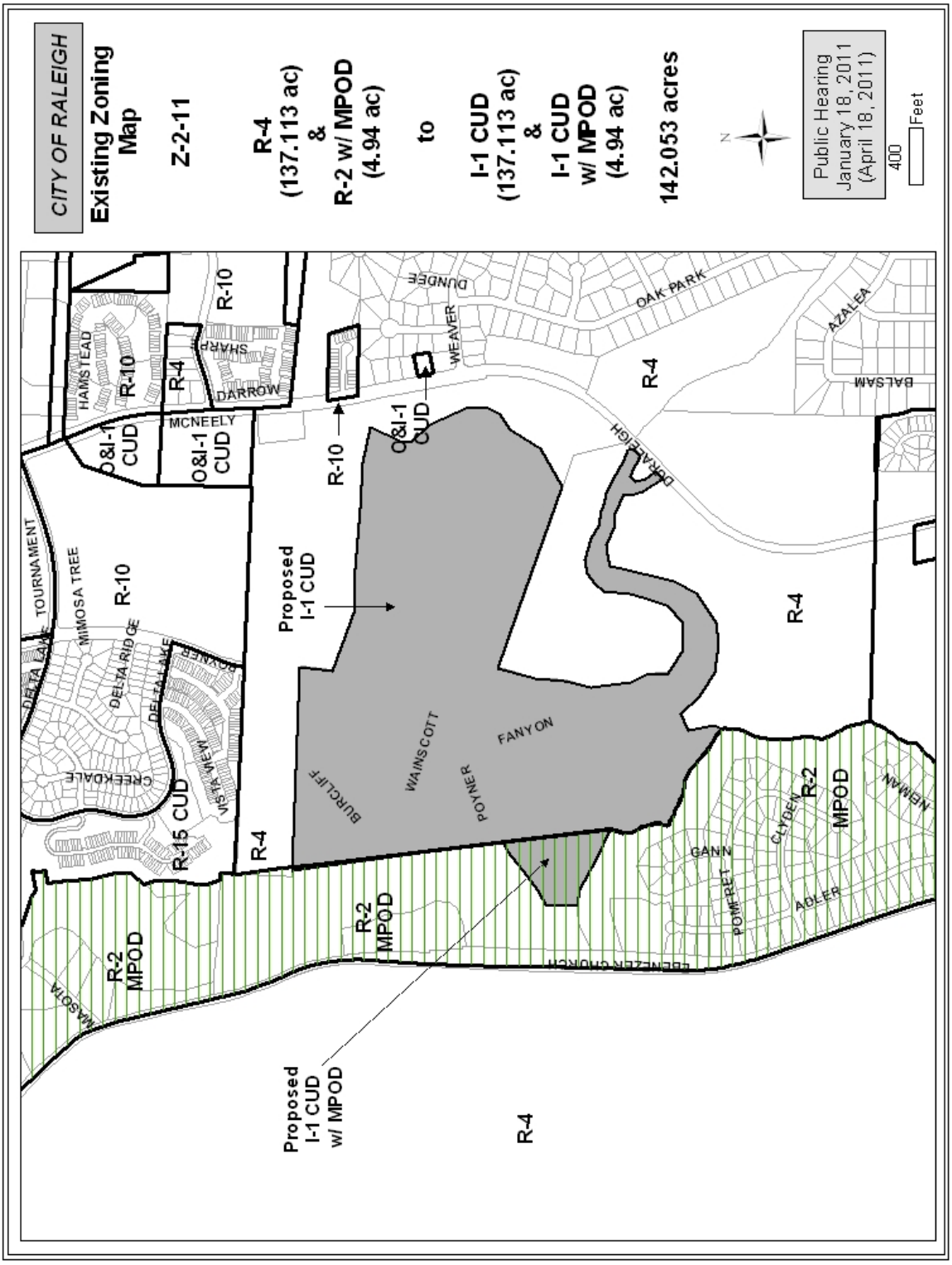
Condition #19: Does the mining permit require restoration of the site after quarrying operations cease? If so, will restoration interfere with the rights given to the City in condition 15? If there is no conflict, should these restoration measures be included in the zoning conditions?

Condition #20: Delete this condition; it applies to lands that are not subject to the rezoning request.

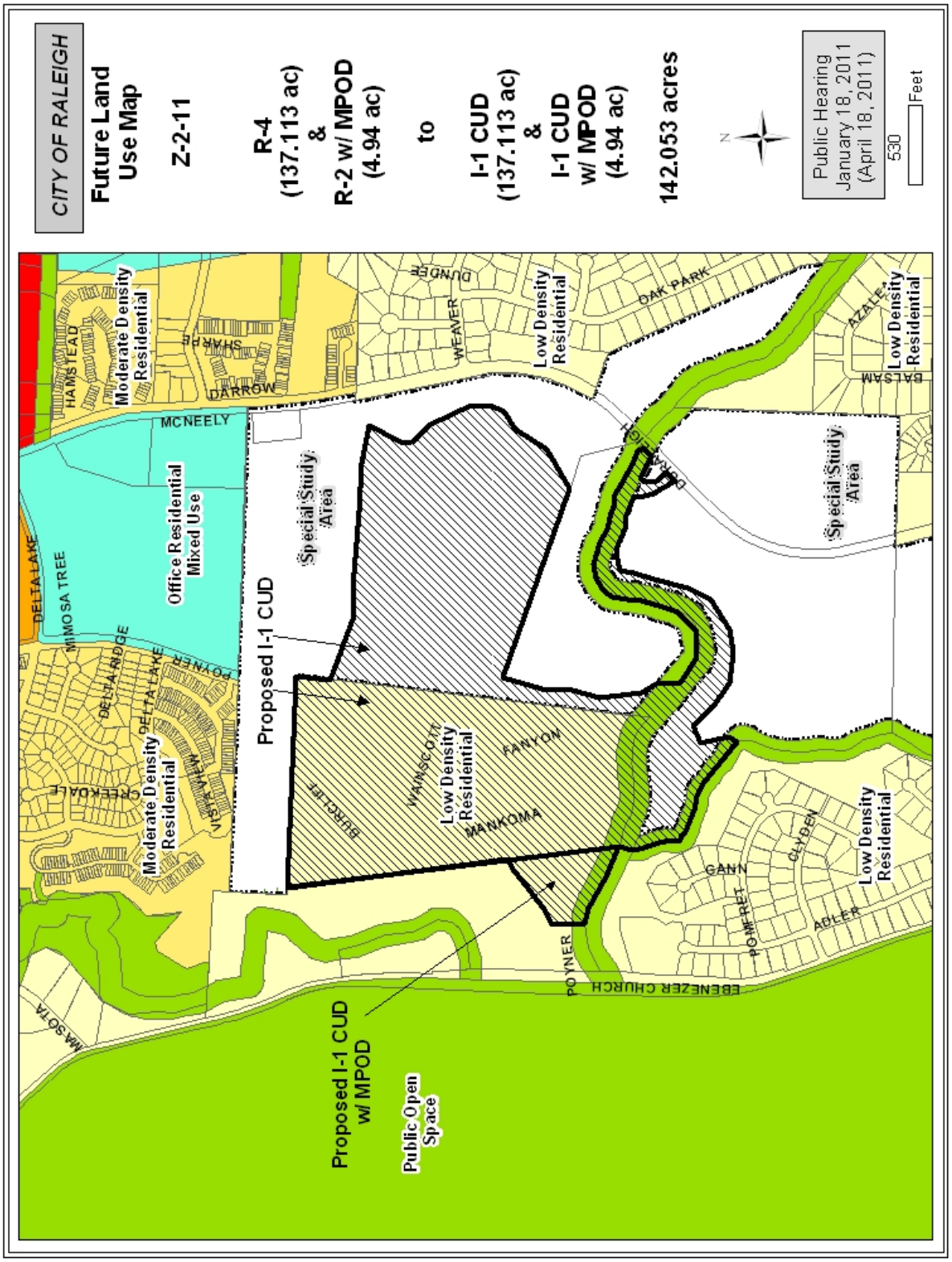
Condition #21: Add flood control structures and drainage facilities as allowable uses.

New Condition: Add a new condition that states where notice should be sent. Conditions 14 and 15 require the City to send written requests, but there is no condition stating where to send that request. I suggested that the land owner be substituted for Company; the mailing address of the land owner on file with the Wake County Tax supervisor would be a good address. The new condition should indicate who should be notified in the event of multiple landowners. Remember in condition 14, I suggested that the owner with the greater acreage should be responsible construction of Poyner Road.

Existing Zoning Map



Future Land Use Map



Sandeep, Dhanya

From: Booze, Lisa

Sent: Thursday, December 09, 2010 9:49 AM

To: Sandeep, Dhanya; Crane, Travis; Bowers, Kenneth

Subject: FW: rock quarry as a flood control oportunity (Z-2-11)

It was suggested I forward on this information to you regarding Z-2-11, the proposed re-zoning of the land adjacent to the Quarry along Crabtree Creek and Duraleigh Rd.

From the meeting, it was obvious that they have quite a ways to go before we can even consider the conditions they have proposed with the re-zoning case. Not only do need to determine whether they can even meet DWQ's wastewater discharge requirements of the mining permit, but they still have yet to even quantify the storage volume, duration, or frequency of using the pit as a flood control device. Nothing has been provided at this time to show what possible benefits would result to downstream properties within the floodplain. If they cannot meet DWQ's requirements, the project can not move forward as they are proposing.

I just wanted to keep you in the loop.

Let me know if you have any questions.

Lisa

Lisa S. Booze, CFM
Sr. Stormwater Engineer
City of Raleigh
(919) 516-2155

From: Senior, Mark
Sent: Thursday, December 09, 2010 8:26 AM
To: Bowden, Danny; Brown, Ben; Botvinick, Ira; Booze, Lisa; Hathaway, Amy; Rasberry, Francis Jr.
Cc: Dawson, Carl
Subject: rock quarry as a flood control oportunity

Notes from meeting on quarry flood control

Lisa and I attended a meeting yesterday with representatives from the quarry, land quality, the industrial stormwater regulators, and Danny Smith from the Raleigh Regional office. The purpose of the meeting was to determine if using the quarry for flood control could be permitted. This was a very interesting and informative meeting. I will provide my highlights but Lisa will likely have additional thoughts she would like to share.

My general sense is that it will be very difficult to get DWQ approval to use the quarry for flood control at least as long as the quarry is still in operation. The main reason for this is that the quarry has an industrial stormwater permit which requires treatment of their on-site stormwater before it is discharged to surface waters. This is because the on-site stormwater is considered wastewater once it contacts materials associated with the quarry operations. It is the opinion of DWQ staff that if floodwaters are allowed to enter the quarry and co-mingle with the "wastewater" then it too would have to be treated before it could be discharged back into Crabtree Creek. Since we are talking about hundreds of millions of gallons, treatment prior to discharge is likely not feasible. It is unknown what the quality of the stored floodwaters would be but because the quarry has a turbidity limit on its discharge, there was a consensus that it was

unlikely the stored floodwater would be able to meet the turbidity standard unless it was allowed to sit for an extended period of time. This would conflict with the quarry's desire to pump out the floodwater quickly to return to operation.

There is a greater possibility that the quarry could be used for flood storage once it is closed and "reclaimed" per Land Quality requirements since they would no longer be subject to an industrial stormwater permit. Under this scenario, the discharge would be considered an allowable non-stormwater discharge under the State and City. However, even under this scenario, the City's NPDES MS4 permit would prohibit the discharge of the stored floodwater if it adversely impacted the quality of the receiving stream. It was unclear if the discharge could meet that standard or not. DWQ also voiced concerns about the impacts of the volume and velocity of the discharge and how often such a discharge might be expected to occur. It was agreed that further study would be needed to determine what level storms would be diverted to the quarry, how much flow would be diverted, and how long it would take to pump the accumulated floodwaters back to the creek.

Other issues discussed included whether the construction of an inlet channel from Crabtree Creek to the quarry would be permittable in regard to 404, 401, and buffer requirements. It appeared that DWQ might be willing to consider this a "water dependant use" which would simplify permitting.

Bottom line is that due to the discharge limitations associated with the quarry's industrial stormwater permit, it is unlikely the quarry can be used for flood control as long as they desire to remain in operation. DWQ staff volunteered to go back and look at their rules to see if there would be any way to exempt the stored floodwater but they noted they were not aware of any avenues for an exception. There is a greater possibility that the quarry may serve as a flood control structure once they cease operation but there are still obstacles under this scenario that would need to be overcome.

Mark T. Senior, PE, Senior Project Engineer
Stormwater Services Division
City of Raleigh Public Works Department
PO Box 590
Raleigh NC 27602
Work Phone (919) 996-4012
Fax (919) 996-7633
Email mark.senior@raleighnc.gov
www.raleighnc.gov

Z-2-11
Amended 12/13/10

Petition to Amend the Official Zoning Map

Before the City Council of the City of Raleigh, North Carolina

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):

   ☐ City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.

   ☐ Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.

   ☐ The property has not heretofore been subject to the zoning regulations of the City of Raleigh.

3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:

   a. to lessen congestion in the streets;
   b. to provide adequate light and air;
   c. to prevent the overcrowding of land;
   d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
   e. to regulate in accordance with a comprehensive plan;
   f. to avoid spot zoning; and
   g. to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate. All property owners must sign below for conditional use requests.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
	Michael G. Sandman, as Manager of The Hamptons Development Company, LLC	12-13-10
	Chris Lobard VP/Land Hanson Aggregates Southeast, LLC	12.13.10

2-2-11

EXHIBIT B. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Contact Information

	Name(s)	Address	Telephone/Email
Petitioner(s)	Hanson Aggregates Southeast, LLC; The Hamptons Development Co., LLC	8505 Freeport Parkway Suite 500 Irving, TX 75063; 7101 Creedmoor Rd. Suite 101 Raleigh, NC 27613	469-417-1404; 919-847-7275
(for conditional use requests, petitioners must own petitioned property)			
Property Owner(s)	The Hamptons Development Co., LLC	7101 Creedmoor Rd Suite 101 Raleigh, NC 27613	919-847-7275
Contact Person(s)	M. Gray Styers, Jr.	1101 Haynes St. Suite 101 Raleigh, NC 27604	919-600-6273 gstyers@styerskemerait.com

Property information

Property Description (Wake County PIN)	**0786236985; 0786349208**
Nearest Major Intersection	4712 Ebenezer Church Road, Raleigh, NC 27612 5209 Duraleigh Road, Raleigh, NC 27612
Area of Subject Property (in acres)	142.05 (which includes 4.94 acres of R-2/MPOD and 68.17 acres of R-4 of PIN **0786236985** and 68.94 acres of **0786349208**)
Current Zoning Districts (include all overlay districts)	R-4 (137.11 acres), R-2/MPOD (4.94 acres)
Requested Zoning Districts (include all overlay districts)	The petition seeks to re-zone the property to I-1 CU

2-2-11

EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

The following are all of the persons, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred feet (excluding right-of-way) of the property sought to be rezoned. Please include Wake County PINs with names, addresses and zip codes. Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below. If you need additional space, please copy this form.

Name	Street Address	City/State/Zip	Wake Co. PIN
Adjacent Property Owners:	**PIN: 0786236985**		
State of North Carolina Property Office	116 W. Jones St.	Raleigh/NC/27603	0786421978
Wake County c/o County Attorney's Office	336 Fayetteville St. Suite 1100	Raleigh/NC/27601	0786158997
State of North Carolina Property Office	116 W. Jones St.	Raleigh/NC/27603	0776275726
Pilgrim Presbyterian Church	5420 Ebenezer Church Rd.	Raleigh/NC/27612	0786148121
The Hamptons Development Co., LLC	7101 Creedmoor Rd. Suite 101	Raleigh/NC/27613	0786217624
Abar, Nariman	5900 Ebenezer Church Rd.	Raleigh/NC/27612	0786154826
Benchmark Carolina Aggregates, Inc.	13155 Noel Road Suite 100	Dallas/TX/75240	0786349208
Delta Ridge Townhouse Neighborhood Homeowners Association, Inc.	448 Viking Dr. Suite 225	Virginia Beach/VA/ 23452	0786252995
Adjacent Property Owners:	**PIN: 0786349208**		
North Carolina State of State Property Office	116 W Jones St	Raleigh/NC/27603	0786421978
The Hamptons Development Co LLC	7101 Creedmoor Rd Ste 101	Raleigh/NC/27613	0786224319
The Hamptons Development Co LLC	7101 Creedmoor Rd Ste 101	Raleigh/NC/27613	0786225119
Taylor, Nicholas & Sherri	5414 Vista View St	Raleigh/NC/27612	0786258385
John Roush	5416 Vista View Ct	Raleigh/NC/27612	0786259306
Stephanie Saville & Edward Bostic	5420 Vista View Ct	Raleigh/NC/27612	0786259347
Denise Lawson Forbes	12913 Edsel Dr	Raleigh/NC/27613	0786351313
Bryan Starke	5436 Crabtree Park St	Raleigh/NC/27612	0786353362
Delta Ridge Townhouse Neighborhood Homeowners Association Inc	448 Viking Dr Ste 225	Virginia Beach/VA/23452	0786352482

2-2-11

EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Shaizib & Mohammad Hassan	4720 Long Hill Ln	Raleigh/NC/27612	0786356405
Stacey Barber	4718 Long Hill Ln	Raleigh/NC/27612	0786356423
Delta Ridge Townhouse Neighborhood Homeowners Association Inc	448 Viking Dr Ste 225	Virginia Beach/VA/23452	0786353298
CND Duraleigh Woods LLC C/O Carlyle Group	1050 17th St Ste 900	Denver/CO/80265	0786454863
Robert & Kristen Gradsky	5411 Vista View Ct	Raleigh/NC/27612	0786258427
Patricia Gaffney	5413 Vista View Ct	Raleigh/NC/27612	0786258447
Sarah Bartlett	5412 Vista View Ct	Raleigh/NC/27612	0786258365
John Acrivides	5444 Vista View Ct	Raleigh/NC/27612	0786350420
Janice Coleman	5416 Crabtree Park Ct	Raleigh/NC/27612	0786351373
Darren Dorsey & Karen Nealon	5420 Crabtree Park Ct	Raleigh/NC/27612	0786352313
Jonathan Johnson	5504 Vista View Ct	Raleigh/NC/27612	0786352428
Shannon Smith	5438 Crabtree Park Ct	Raleigh/NC/27612	0786353382
Allison Phillips	5441 Crabtree Park Ct	Raleigh/NC/27612	0786353473
Amit & Deepika Sachan	4719 Long Hill Ln	Raleigh/NC/27612	0786355306
Heather Frantz	4716 Long Hill Ln	Raleigh/NC/27612	0786356431
Delta Ridge Townhouse Neighborhood Homeowners Association Inc	448 Viking Dr Ste 225	Virginia Beach/VA/23452	0786357402
Connell Realty & Mortgage Co	6001 Glenwood Av	Raleigh/NC/27612	0786539604
Duraleigh Presbyterian Church	5408 Duraleigh Rd	Raleigh/NC/27612	0786642767
Cynthia Hazen	5440 Vista View Ct	Raleigh/NC/27612	0786259389
Amy Phillips	5422 Crabtree Park Ct	Raleigh/NC/27612	0786352333
Doreen Hayes	803 Bermuda Bay Blvd	Kill Devil Hill/NC/27948	0786353494
Kimberly Shepard	4715 Long Hill Ln	Raleigh/NC/27612	0786355333
Denise Ryan	4720 Long Hill Ln	Raleigh/NC/27612	0786356387
Richard Parker	4216 Weaver Dr	Raleigh/NC/27612	0786539807
Nello L Teer Company Ryan & Co	13155 Noel Rd Ste 100	Dallas/TX/75240	0786554037
The Hamptons Development Co LLC	7101 Creedmoor Rd Ste 101	Raleigh/NC/27613	0786217624
Jermaine Taylor	5442 Vista View Ct	Raleigh/NC/27612	0786350309
Mark Abernathy	5448 Vista View Ct	Raleigh/NC/27612	0786350440
David Biggs	5450 Vista View Ct	Raleigh/NC/27612	0786350482
MJD Co LLC	PO BOX 1142	Wake Forest/NC/27588	0786351333
Bryan Scott Lambeth	4711 Long Hill Ln	Raleigh/NC/27612	0786355351
Benchmark Carolina Aggregates Inc	13155 Noel Rd Ste 100	Dallas/TX/75240	0786512559
Eric & Stewart Vick	2504 Gatwick Ct	Raleigh/NC/27613	0786548150

2-2-11

EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Oak Park West Townhouse Homeowners	6001 Glenwood Ave	Raleigh/NC/27612	0786558350
Hamptons Development Company LLC	7101 Creedmoor Rd Ste 101	Raleigh/NC/27613	0786224278
The France Stone Company	Three Galleria Tower 13155 Noel Rd Ste 100	Dallas/TX/75240	0786308569
Todd & Ann Turnbill	5448 Vista View Ct	Raleigh/NC/27612	0786350461
Jonah Turner	5502 Vista View Ct	Raleigh/NC/27612	0786352408
Jennifer Borrelli	5442 Crabtree Park Ct	Raleigh/NC/27612	0786354322
Lisa Tyndall	4714 Long Hill Ln	Raleigh/NC/27612	0786356440
Christy, Richard & Windy Dotson	4712 Long Hill Ln	Raleigh/NC/27612	0786356368
Connell Realty & Mortgage Co	6001 Glenwood Av	Raleigh/NC/27612	0786539230
Cherise Fretwell	4247 Camden Woods Ct	Raleigh/NC/27612	0786547551
Carson & Debra Cobb The Cobb Living Trust	4209 Marvin Pl	Raleigh/NC/27609	0786548320
Benchmark Carolina Aggregates Inc	13155 Noel Rd Ste 100	Dallas/TX/75240	0786349208
Kent & Susan Hamilton	5018 Woodrun On Tillery	Mount Gilead/NC/27306	0786258458
Judy Smith & Danny Lee Kinlaw	5432 Crabtree Park Ct	Raleigh/NC/27612	0786353322
Khalid & Farrah Durrani	5445 Crabtree Park Ct	Raleigh/NC/27612	0786354405
Nancy Mcphail	1817 Abernathy Trl	Burlington/NC/27215	0786354342
Mary Breen	4717 Long Hill Ln	Raleigh/NC/27612	0786355324
Megan Wydick	2848 Creekwood Dr	Salem/VA/24153	0786355342
Commons of Duraleigh Ridge	6014 Duraleigh Rd	Raleigh/NC/27612	0786552552
Dan & Lanie Lapasha	5206 Duraleigh Rd	Raleigh/NC/27612	0786548070
Barhoum & Gayle Wiegand Khoury	5300 Duraleigh Rd	Raleigh/NC/27612	0786548411
Duraleigh Square Homeowners Association in c/o PPM Inc	6739 Falls of Neuse Rd	Raleigh/NC/27615	0786549501
Delta Ridge Townhouse Neighborhood Homeowners Association Inc	448 Viking Dr Ste 225	Virginia Beach/VA/23452	0786252995
Delta Ridge Townhouse Neighborhood Homeowners Association Inc	448 Viking Dr Ste 225	Virginia Beach/VA/23452	0786257456
Richard & Suszon Daniel	5414 Crabtree Park Ct	Raleigh/NC/27612	0786351353

2-2-11

EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Delta Ridge Townhouse Neighborhood Homeowners Association Inc c/o Arland Community Development	448 Viking Dr Ste 225	Virginia Beach/VA/23452	0786351471
Adam & Lauren Machingo Cohen	5424 Crabtree Park Ct	Raleigh/NC/27612	0786353353
Rudolf & Patricia Schiener	5430 Crabtree Park Ct	Raleigh/NC/27612	0786353302
Mark & Penny Wilkinson	5434 Crabtree Park Ct	Raleigh/NC/27612	0786353342
Connell Realty Mortgage Company	6001 Glenwood Ave	Raleigh/NC/27612	0786546976
Hamptons Development Company LLC	7101 Creedmoor Rd Ste 101	Raleigh/NC/27613	0786236985
Benchmark Carolina Aggregates Inc Ryan & Company Inc	Three Galleria Tower 13155 Noel Rd Ste 100	Dallas/TX/75240	0786620033
Hamptons Development Company LLC	7101 Creedmoor Rd Ste 101	Raleigh/NC/27613	0786310645
Christopher & Courtney Blum	3316 Belspring Ln	Raleigh/NC/27612	0786225048
Scott Koschka	5410 Vista View Ct	Raleigh/NC/27612	0786258344
Sarah Louise Wentz	5418 Vista View Ct	Raleigh/NC/27612	0786259326
Karen Mendorf	5418 Crabtree Park Ct	Raleigh/NC/27612	0786351393
Jonathan & Wendy Phelps Weber	5500 Vista View Ct	Raleigh/NC/27612	0786351487
Courtney Chewning	5440 Crabtree Park Ct	Raleigh/NC/27612	0786354302
Raleigh HCRE LLC	4423 Pheasant Ridge Rd Suite 301	Roanoke/VA/24014	0786408588
Joann Mendoza	4248 Camden Woods Ct	Raleigh/NC/27612	0786547634
Jose Marina	5304 Lake Edge Rd	Holly Springs/NC/27540	0786548240

2-2-11
Amended 12/13/10
pg 1 of 21

EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Conditional Use District requested: **Industrial – 1, CU**

Narrative of conditions being requested:

In summary and as explained in greater detail herein, the property sought to be rezoned, located at 4712 Ebenezer Church Road PIN 0786236985, is located adjacent to the site of active and on-going quarry operations of Hanson Aggregates Southeast, LLC (the "Company") at 5209 Duraleigh Road PIN 0786349208 and 5003 Duraleigh Road PIN 0786421978. The Company also seeks to rezone a portion of the Company's property in PIN 0786349208 (collectively "the Property").

In conjunction with this request to rezone the Property, and as more particularly set forth in the proposed conditions attached hereto, the Company's use of the Property shall be subject to the following conditions: the preservation of 100-foot buffers around the entire quarry site (subject to the necessary stormwater, sedimentation and erosion control devices and proposed greenway); minimum distances of the pit excavation from Crabtree Creek and from non-Hanson adjacent property owners; limitation of permitted uses to quarry operations and ancillary uses; the Company will grant a standard permanent greenway easement to the City from Duraleigh Road to Umstead Park; the Company will transfer to the City rights to a portion of its current site (PIN 0786349208) for a nature preserve; the Company is willing, if requested by the City of Raleigh, to re-align and reconstruct Poyner Road on the Property; the Company will make the quarry pit available to the City, or its designee, for stormwater flood control purposes; and the Company will provide a portion of the Property to the City for a parking area for visitors to the Greenway.

The Company also commits to establishing a Neighborhood Advisory Group, creating a website to be used by that Advisory Group for communicating concerns, implementing a Protocol for Investigating Blasting Complaints and Binding Arbitration Program, limiting quarry blasting to vibrations levels below the U.S. Bureau of Mine standards, and finally committing to a sunset period after which no more quarrying will be conducted on the property.

The portion of the Property currently zoned R-2 and MPOD will not be rezoned except as necessary to provide the parking lot and connection from the parking lot to the greenway. Thus, the portion of the Property zoned R-2 and MPOD will provide a buffer between quarry operations and Ebenezer Church Road and Umstead Park.

The plan attached hereto as Attachment C.II, the Illustrative Plan, illustrates the proposed conditions.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
	Michael G. Sandman, as Manager for The Hamptons Development Company, LLC	12-13-10
	Chris Ward VP/Land Hanson Aggregates Southeast, LLC	12.13.10

2-2-11
12/13/10
pg 2 of 21

EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Hanson Aggregates Southeast, LLC (the "Company") hereby submits the following definitions and zoning conditions:

1. When the City of Raleigh rezones the property that is the subject of this rezoning request (the "Property"), as shown on Exhibit 1 of these conditions, in accordance with rezoning case Z-2-11, the conditions and commitments contained herein shall be enforceable as such.

2. A used herein, the term "Final Approval" shall mean the final and binding approval by the City of Raleigh of rezoning case Z -2-11, the Company's rezoning application pursuant to the terms and conditions set forth herein, or such modifications as may be accepted and agreed to by the Company prior to its adoption, together with the expiration of the two-month statute of limitations set forth in N.C. Gen. Stat. § 160A-364.1, or if an appeal is taken, upon the final resolution of such appeal.

3. As used herein the term "Plan" shall refer to the illustrative plan attached to the rezoning request that illustrates the written conditions and commitments contained herein.

4. As used herein, the term "Quarry Operations" shall include blasting, excavation, transporting, grading, roads, crushing, conveying, screening, hauling, and stockpiling of minerals, including but not limited to granite and crushed aggregate, and storage of materials and equipment as necessary for such operations and in compliance with all applicable state and federal laws and regulations.

5. Prior to the commencement of any Quarry Operations on the portion of the Property currently owned by The Hamptons Development Co., LLC (PIN 0786349208), the Company shall have the limits of excavation of the Company's pit surveyed and shall submit such survey to the City of Raleigh. Additionally, the Company shall have the surveyor establish prominent monuments on the ground such that the limits of excavation of the Company's pit can be readily discerned by City of Raleigh personnel.

6. No Quarry Operations or tree removal, with the exception of any tree removal that is necessary to accommodate the greenway and the park, shall be conducted within 100 feet of Crabtree Creek. Notwithstanding the foregoing, sedimentation and erosion control measures may be installed within 100 feet of Crabtree Creek.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
	Michael G. Sandman, as Manager of The Hamptons Development Company, LLC	12-13-10
	Chris Ward VP/GM Hanson Aggregates Southeast, LLC	12.18.10

EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

7. A 100-foot Type A transitional protective yard shall be maintained adjoining the adjacent property described as PIN 0786217624, Book 11903, Page 0091. The yard width and required plantings shall at all points conform to and at some points exceed the requirements of Raleigh City Code § 10-2082.9 for a high impact proposed use. Existing vegetation may be used to satisfy planting requirements in accordance with § 10-2082.9(f).

   A restrictive covenant depicting 100-foot buffer zones consistent with the Company's mining permit by the State of North Carolina
   (1) along the boundary of PIN 0786236985, Book 11903, Page 0091 with Ebeneezer Church Road, and with parcels identified as PIN 0786148121, PIN 0786252995
   (2) along the boundary of PIN 0786349208, Book 01592, Page 0361 with Duraleigh Road, and with parcels identified as PIN 1786454863, PIN 0786252995, PIN 0786257456, and PIN 0786353298, and any other parcels along its northern boundary that are part of the Delta Ridge Townhouse Neighborhood Homeowners Association.

   shall be recorded in the Wake County Register of Deeds within thirty (30) days following Final Approval. The covenant shall prohibit any tree removal within the first fifty (50) feet of the buffer and restrict land disturbances anywhere within these buffers to only the installation of approved sedimentation and erosion control measures, public streets and driveways and roads, and earthen berms.

8. In that portion of the Property that is currently zoned as R-2 and to which the Metro Park Protection Overlay District applies (the "R-2 Portion"), the only uses allowed shall be parking lot, governmental recreational use and land-disturbing activities necessary to construct a landscaped berm. The Company shall construct a parking lot on the R-2 Portion within six months of completion of the construction of the greenway trail on the Property by the City. Other than to accommodate the aforesaid uses, the realignment and construction of Poyner Road, and the installation of any and all sedimentation and erosion control measures required by law or regulation, no trees shall be removed from the R-2 Portion, and the remainder of the R-2 Portion shall be provided to the City as permanent tree conservation area.

9. There shall be no access point to Ebenezer Church Road or to Poyner Road for any routine Quarry Operations or for any commercial (customer or vendor) activity, including use of those roads by the Company's customers or for routine Company operations. However, access shall be provided from Ebenezer Church Road to the parking lot to be constructed by the Company on the Property for use by the public.

10. The uses of the Property to be rezoned south of Crabtree Creek shall be limited to governmental recreational uses and non-governmental recreational uses and utilities uses.

11. A greenway easement along the south side of Crabtree Creek, as depicted on the surveys attached hereto as Exhibit 2, shall be granted to the City of Raleigh not later than ninety (90) days following Final Approval.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
	Michael G. Sandman, as Manager of The Hamptons Development Company, LLC	12-13-10
	Chris Ward VP/Land Hanson Aggregates Southeast	12.13.10

EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

12. The property located south of Crabtree Creek and west of the existing sanitary sewer easement, as depicted on the surveys attached hereto as Exhibit 3, shall be conveyed to the City for use as a nature preserve following Final Approval and not later than ninety (90) days upon receipt of written request by the City for evaluation under the City's System Integration Plan process and subject to the Park Planning Public Process.

13. If requested in writing by the City Manager of the City of Raleigh within five (5) years following Final Approval, the Company shall realign and construct Poyner Road to the northern boundary of the Property, as shown on the Plan, no later than five (5) years following the receipt of such request. Upon Final Approval, the Company shall provide to the City a performance bond for the realignment and construction of Poyner Road, which shall expire ten years from Final Approval or acceptance of the realigned and constructed road, whichever comes first.

14. Upon Final Approval and upon request by the City of Raleigh ("City"), the Company shall enter into an agreement with the City that is mutually acceptable to the Company and the City whereby the Company shall grant to the City or its designee the right to use the quarry pit on the Property for stormwater detention and flood control purposes on a temporary basis and discharge of such detained waters from the pit consistent with applicable water quality standards while quarrying operations are continuing on the Property and consistent with the reasonably continuation of those operations. Following the termination of Quarry Operations at the Property, the City shall have the right to make use of the quarry pit for permanent stormwater retention of flows in Crabtree Creek.

15. The Company, at the Company's expense, shall establish a website, accessible to the public, on which seismographic information and data related to the Quarry Operations shall be posted. In addition, the Company shall establish a Neighborhood Advisory Group consisting of residents from the surrounding neighborhoods and shall meet with such group two times per year, or fewer if no such meeting is necessary, to discuss issues with or complaints about the Quarry Operations.

16. The Company shall implement a Protocol for Investigating Blasting Complaints and Binding Arbitration Program similar to that outlined in Exhibit 4 to address complaints arising from damages allegedly caused by operations from the Property.

17. In all blasting operations, the maximum peak particle velocity ("PPV") of any component of ground motion shall not exceed 90% of U.S. Bureau of Mines R18507 blasting level criteria ("Blasting Limits"). In the event the PPV exceeds 80% of the Blasting Limits, the Company will report such event to the Neighborhood Advisory Group and will alter its practices to reduce PPV to below 80% of the Blasting Limits.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
	Michael G. Sandman, as Manager of The Hamptons Development Company, LLC	12-13-10
	Chris Ward VP/Lad Hanson Aggregates Southeast, LLC	12.13.10

EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

18. All quarrying operations shall cease on the Property no later than sixty (60) years after Final Approval.

19. A 15'x20' transit easement shall be conveyed along Ebenezer Church Road near its intersection with Poyner Road.

20. All uses permitted in Zoning Districts I-1 shall be excluded from any portion of the property except for: mining and quarrying (and associated reclamation activities); accessory structures thereto; bulk products; reservoir and water control structures; substation; utility services, governmental water or sanitary sewer treatment plant; governmental recreational use; residence of a caretaker accessory to a permitted use; and/or electrical generating plant powered by wind, water or solar.

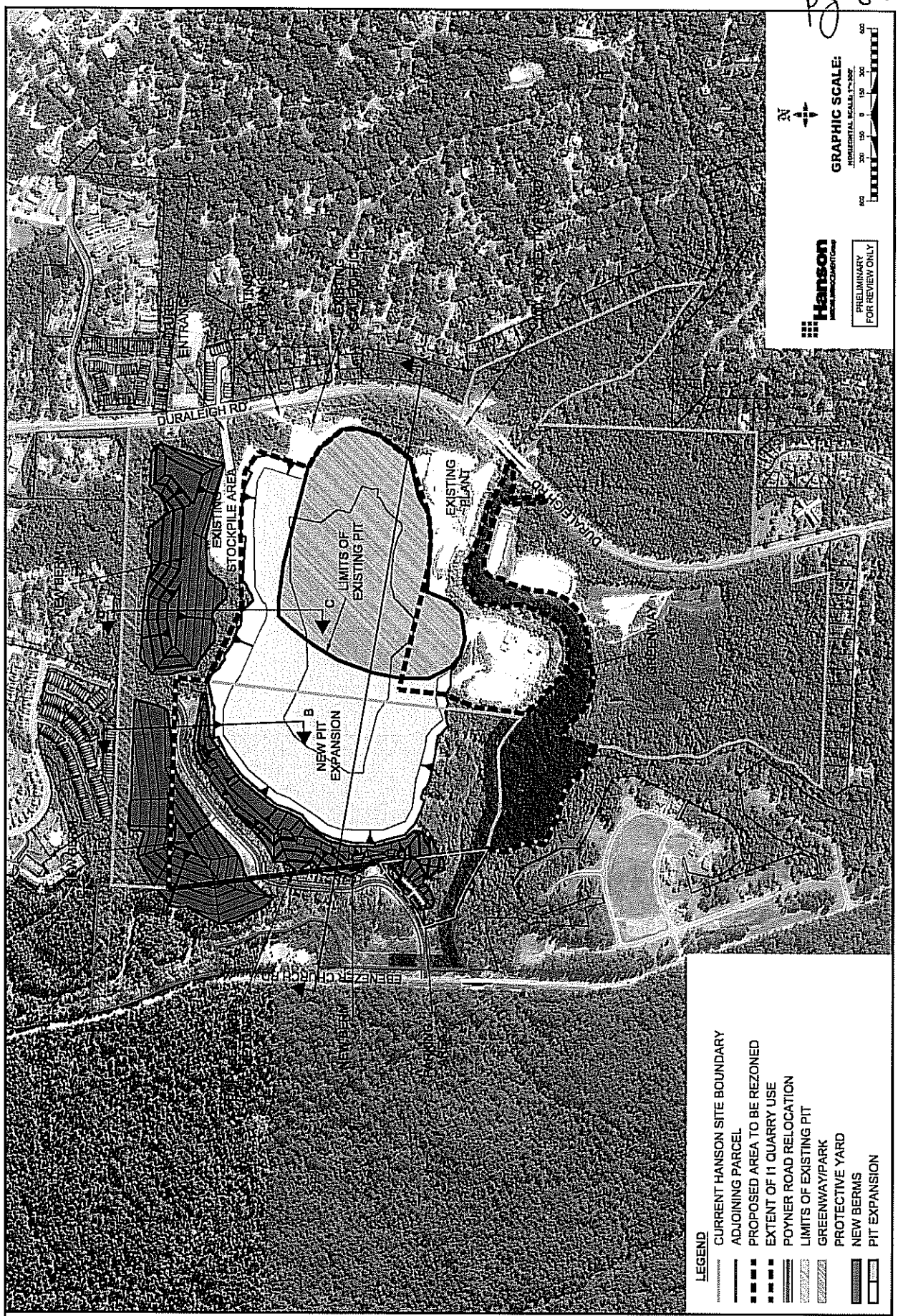
I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
	Michael G. Sandman, as Manager of The Hamptons Development Company, LLC	12-13-10
	Chris Ward VP/GM Hanson Aggregates Southeast, LLC	12.13.10

ATTACHMENT C·II

2-2-11
12/13/10
pg 60-21



ILLUSTRATIVE PLAN

CONDITIONS - EXHIBIT 1

2-2-11
12/13/10
pg 7 of 21

REZONING MAP

Being all that tract or parcel of land located in House Creek Township, Wake County, North Carolina and being more described as follows:

Beginning at a common property corner; said corner being in the north west corner of Benchmark Carolina Aggregates Inc. (DB 1592, PG 361, PIN 0786349208). Corner being described as Existing Iron Pipe Control Corner (N 764915.7976, E 2082327.3005). Said corner being more described on the subdivision plat entitled "The Hamptons at Umsted Cluster Development Phase 2, prepared by Bass, Nixon & Kennedy, latest revised date 5/15/08, recorded in Wake Count Register of Deeds Book of Maps 2008, Page 1001.

From said EIP Control Corner, following the property boundary, the following metes and bounds:
S 88° 04' 34" E, 1467.06', to a concrete monument,

Thence S 06° 21' 28" W, 40.00' to a point in line. Thence leaving the property boundary following the intended limits of pit expansion area, the following metes and bounds:
S 88° 04' 34" E, 197.52'
Thence S 22° 22' 34" E, 246.84'
Thence S 67° 56' 27" E, 1463.46'
Thence S 19° 21' 31" E, 352.76'
Thence S 00° 37' 30" E, 122.28'
Thence S 16° 05' 14" W, 143.91'
Thence S 18° 09' 40" W, 547.37' to a point in line. Said line being along the northern boundary line of a tract owned by the State Highway and Public Works Commission. Being better defined by deed recorded in the office of the Register of Deeds of Wake County in Book 857, Page 443

Following said line in a western direction, N 76° 36' 45" W, 1652.89' to a point in Steep Hill Branch,
Following the meander of Steep Hill Branch in a southernly direction the following metes and bounds:
S 5° 47' W, 320.2'
S 22° 23' W, 233.7'
S 6° 14' W, 218.4'
S 21° 28' W, 110.8'
To a point at the junction of Steep Hill Branch and Crabtree Creek

Said point being a point on line, on the northern side of an easement as described on an exhibit entitled "Crabtree Creek Greenway-Easement Area 5 Exhibit" prepared by Withers & Ravenel, dated January 27, 2009.
Following said line the following metes and bounds:
S 72° 11' 57" E, 90.26' to a point,
Thence S 88° 21' 57" E, 71.50' to a point
Thence N 83° 57' 00" E, 60.72' to a point

Thence N 77° 29' 37" E, 54.85' to a point
Thence N 71° 06' 30" E, 56.97' to a point
Thence N 37° 10' 20" E, 68.43' to a point
Thence N 34° 28' 54" E, 50.77' to a point
Thence N 19° 53' 24" E, 93.85' to a point
Thence N 25° 53' 05" E, 62.97' to a point
Thence N 28° 58' 56" E, 49.04' to a point
Thence N 21° 16' 31" E, 57.04' to a point
Thence N 07° 18' 53" E 57.09' to a point
Thence N 00° 00' 56" E, 68.76' to a point
Thence N 00° 03' 20" E, 47.54' to a point
Thence N 06° 11' 40' W, 19.26' to a point
Thence N 05° 19' 54" E, 51.40' to a point
Thence N 69° 12' 49" E, 58.28' to a point
Thence N 51° 02' 05" E, 58.93' to a point
Thence N 67° 58' 28" E, 72.91' to a point
Thence N 89° 45' 17" E, 64.69' to a point
Thence S 72° 26' 09" E, 48.15' to a point
Thence S 62° 53' 36" E, 70.52' to a point
Thence S 59° 31' 58" E, 62.03' to a point
Thence S 69° 05' 31" E, 114.17' to a point
Thence S 73° 51' 36" E, 84.19' to a point
Thence S 79° 18' 00" E, 32.30' to a point
Thence S 76° 28' 52" E, 57.10' to a point
Thence S 53° 44' 26" E, 90.11' to a point
Thence N 46° 33' 15" E, 21.62' to a point
Thence N 43° 43' 42" E, 26.45' to a point
Thence S 58° 23' 23" E, 26.77' to a point
Thence S 61° 15' 37" E, 31.01' to a point
Thence S 68° 11' 55" E, 37.78' to a point
Thence S 61° 11' 21" E, 20.02' to a point
Thence S 77° 28' 16" E, 16.17' to a point
Thence S 66° 17' 50" E, 39.27' to a point
Thence S 66° 17' 50" E, 39.27' to a point
Thence S 69° 46' 31" E, 35.51' to a point
Thence S 61° 23' 22" E, 15.29' to a point in the westerly right-of way line of Duraleigh Road;
Thence S 45° 16' 41" W, 79.04' along the westerly right-of-way line of Duraleigh Road to a point
Thence N 76° 15' 16" W, 30.77' to a point
Thence S 82° 55' 49" W, 30.92' to a point
Thence S 86° 37' 59" W, 39.13' to a point
Thence N 73° 46' 40" W, 39.13' to a point
Thence N 87° 34' 52" W, 27.55' to a point
Thence S 60° 48' 16" W, 14.64' to a point
Thence S 01° 36' 23" W, 14.64' to a point

Thence S 03° 15' 23" E, 39.33' to a point
Thence S 03° 15' 23" E, 39.33' to a point
Thence S 00° 01' 05" W, 31.72' to a point
Thence S 00° 01' 05" W, 31.72' to a point
Thence S 14° 10' 41" E, 17.60' to a point in the westerly right-of-way line of Duraleigh Road
Thence S 45° 16' 41" W, 80.83' to a point in the westerly right-of-way line of Duraleigh Road to a point
Thence N 14° 12' 24" W, 33.70' to a point
Thence N 14° 12' 24" W, 33.83' to a point
Thence N 00° 39' 31" W, 38.15' to a point
Thence N 03° 05' 39" W, 32.50' to a point
Thence N 03° 05' 39" W, 32.50' to a point
Thence N 10° 50' 30" W, 31.28' to a point
Thence N 11° 14' 18" W, 31.28' to a point
Thence N 29° 08' 28" E, 22.97' to a point
Thence N 55° 15' 13" E, 22.97' to a point
Thence N 63° 50' 35" W, 133.00' to a point
Thence N 73° 42' 25" W, 72.91' to a point
Thence N 75° 12' 25" W, 72.91' to a point
Thence N 75° 57' 25" W, 103.89' to a point
Thence N 85° 15' 21" W, 92.10' to a point
Thence S 64° 18' 24" W, 61.31' to a point
Thence S 22° 01' 48" W, 61.31' to a point
Thence S 18° 25' 30" W, 69.29' to a point
Thence S 28° 49' 08" W, 33.81' to a point
Thence S 17° 37' 09" W, 145.20' to a point
Thence S 10° 34' 36" W, 20.84' to a point
Thence S 03° 32' 34" W, 83.44' to a point
Thence S 10° 34' 36" W, 28.20' to a point
Thence S 17° 37' 09" W, 62.73' to a point
Thence S 33° 58' 32" W, 153.90' to a point
Thence S 62° 48' 59" W, 153.90' to a point
Thence S 80° 28' 25" W, 303.73' to a point
Thence N 85° 04' 26" W, 182.19' to a point
Thence N 56° 10' 08" W, 182.19' to a point
Thence N 41° 42' 59" W, 63.11' to a point
Thence N 53° 36' 04" W, 53.75' to a point
Thence N 83° 22' 22" W, 53.75' to a point

Said point being a point on line, on the western side of park land as described on an exhibit entitled "Crabtree Creek Greenway-Park Land Area 6 Exhibit" prepared by Withers & Ravenel, dated January 27, 2009.
Following said line the following metes and bounds:
S 15° 18' 28" W, 249.39' to a point
Thence N 52° 52' 25" W, 47.95' to a point

Thence N 64° 23' 10" W, 49.18' to a point
Thence N 55° 44' 37" W, 54.06' to a point
Thence N 45° 06' 01" W, 52.69' to a point
Thence N 52° 46' 33" W, 41.10' to a point
Thence N 42° 29' 22" W, 61.12' to a point
Thence N 52° 54' 07" W, 56.63' to a point
Thence N 70° 36' 33" W, 344.73' to a point
Thence N 13° 34' 23" W, 373.18' to a point

Said point being in the center of Crabtree Creek and along the southern property line of the 100.0871 acre tract of land, (PIN 0786236985) described on the subdivision plat entitled "The Hamptons at Umsted Cluster Development Phase 2, prepared by Bass, Nixon & Kennedy, latest revised date 5/15/08, recorded in Wake Count Register of Deeds Book of Maps 2008, Page 1001.
Following said line along the meander of Crabtree Creek in a western direction the following metes and bounds:
N 60° 43' 57" W, 167.82' to a point
Thence N 61° 40' 15" W, 158.08' to a point
Thence N 65° 26' 38" W, 136.74' to a point
Thence N 80° 58' 31" W, 60.31' to a point,

Said point being the center line intersection of Crabtree Creek and the projection of the western lot line of Lot 43, as described on the subdivision plat entitled "The Hamptons at Umsted Cluster Development Phase 2, prepared by Bass, Nixon & Kennedy, latest revised date 5/15/08, recorded in Wake Count Register of Deeds Book of Maps 2008, Page 1001.

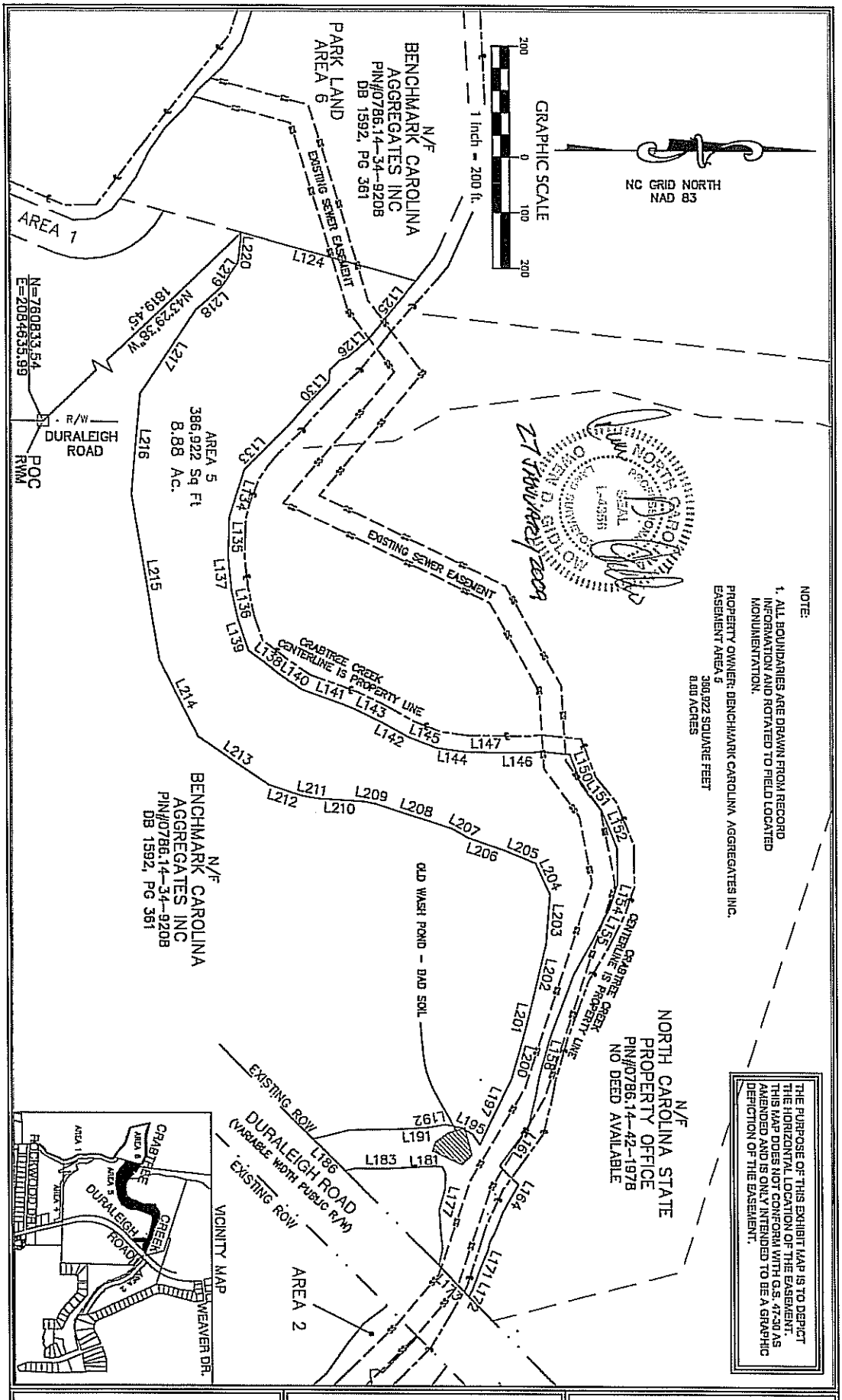
From said point following the western line of Lot 43, N 18° 10' 05" W, 235.47'
Thence following a curve to the left in a north east direction. Said curve having a radius of 630.00' and an arc length of 255.40' to a point.
Thence N 48° 39' 30" E, 155.87' to a point
Thence following a curve to the right in a north east direction, said curve having a radius of 570.00' and an arc length of 135.08' to a point

Thence N 08° 35' 59" W, 1504.62' to the place and pint of beginning.

Said parcel as described, containing 142.05 acres, more or less.

CONDITIONS - EXHIBIT 2

2-2-11
12/13/10
pg 12 of 21



2-2-11
12/13/10
DS 13 of 21

NOTE:

1. ALL BOUNDARIES ARE DRAWN FROM RECORD INFORMATION AND ROTATED TO FIELD LOCATED MONUMENTATION.

PROPERTY OWNER: BENCHMARK CAROLINA AGGREGATES INC.
EASEMENT AREA 5
306,022 SQUARE FEET
0.66 ACRES

THE PURPOSE OF THIS EXHIBIT MAP IS TO DEPICT THE HORIZONTAL LOCATION OF THEEASEMENT. THIS MAP DOES NOT CONFORM WITH G.S. 47-30 AS AMENDED AND IS ONLY INTENDED TO BE A GRAPHIC DEPICTION OF THEEASEMENT.

EASEMENT AREA 5		
LINE #	LENGTH	BEARING
L124	324.07	N15°18'28"E
L125	135.24	S51°00'05"E
L126	49.67	S41°28'31"E
L127	16.68	S21°50'30"E
L128	23.89	S46°01'09"E
L129	20.84	S84°34'44"E
L130	61.60	S46°53'05"E
L131	42.22	S49°41'27"E
L132	53.11	S44°57'22"E
L133	64.13	S45°35'52"E
L134	90.26	S72°11'57"E
L135	71.50	S88°21'57"E
L136	60.72	N83°57'00"E
L137	54.85	N77°29'37"E
L138	56.97	N71°06'30"E
L139	68.43	N37°10'20"E
L140	50.77	N34°28'54"E
L141	93.85	N19°53'24"E
L142	62.97	N25°53'05"E
L143	49.04	N28°58'56"E
L144	57.04	N21°16'31"E
L145	57.09	N07°18'53"E
L146	68.76	N00°00'56"E
L147	47.54	N00°03'20"E
L148	19.26	N06°11'40"W
L149	51.40	N05°19'54"E
L150	58.28	N69°12'49"E
L151	58.93	N51°02'05"E
L152	72.91	N67°58'28"E
L153	64.69	N89°45'17"E
L154	48.15	S71°26'09"E
L155	70.52	S62°53'36"E
L156	62.03	S59°31'58"E

LINE #	LENGTH	BEARING
L157	114.17	S69°05'31"E
L158	84.19	S73°51'36"E
L159	32.30	S79°18'00"E
L160	57.10	S76°28'52"E
L161	90.11	S53°44'26"E
L162	21.62	N46°33'15"E
L163	26.45	N43°43'42"E
L164	26.77	S58°23'33"E
L165	31.01	S61°15'37"E
L166	37.78	S68°11'55"E
L167	20.02	S61°11'21"E
L168	16.17	S77°28'16"E
L169	39.27	S66°17'50"E
L170	39.27	S66°17'50"E
L171	35.51	S69°46'31"E
L172	15.29	S61°23'22"E
L173	79.04	S45°16'41"W
L174	30.77	N76°15'16"W
L175	30.92	S82°55'49"W
L176	39.13	S86°37'59"W
L177	39.13	N73°46'40"W
L178	27.55	N87°34'52"W
L179	14.64	S60°48'16"W
L180	14.64	S01°36'23"W
L181	39.33	S03°15'23"E
L182	39.33	S03°15'23"E
L183	31.72	S00°01'05"W
L184	31.72	S00°01'05"W
L185	17.60	S14°10'41"E
L186	80.83	S45°16'41"W
L187	33.70	N14°12'24"W
L188	33.83	N14°12'24"W
L189	38.15	N00°39'31"W

LINE #	LENGTH	BEARING
L190	38.15	N00°39'31"W
L191	32.50	N03°05'39"W
L192	32.50	N03°05'39"W
L193	31.28	N10°50'30"W
L194	31.28	N11°14'18"E
L195	22.97	N29°08'28"E
L196	22.97	N55°15'13"E
L197	133.00	N63°50'35"W
L200	72.91	N73°42'25"W
L201	72.91	N75°12'25"W
L202	103.89	N75°57'25"W
L203	92.10	N85°15'21"W
L204	61.31	S64°18'24"W
L205	61.31	S22°01'48"W
L206	69.29	S18°25'30"W
L207	33.81	S28°49'08"W
L208	145.20	S17°37'09"W
L209	20.84	S10°34'36"W
L210	83.44	S03°32'04"W
L211	28.20	S10°34'36"W
L212	62.73	S17°37'09"W
L213	153.90	S33°58'32"W
L214	153.90	S62°48'59"W
L215	303.73	S80°28'25"W
L216	182.19	N85°04'26"W
L217	182.19	N56°10'08"W
L218	63.11	N41°42'59"W
L219	53.75	N55°36'04"W
L220	53.75	N83°22'22"W

NORTH CAROLINA PROFESSIONAL SEAL L-4356 LAND SURVEYOR STEVEN D. SEDLACEK
27 JANUARY 2009

WITHERS & RAVENEL
ENGINEERS | PLANNERS | SURVEYORS

EASEMENT AREA 5 EXHIBIT
SHEET 2 OF 2

CRABTREE CREEK GREENWAY
Union Creek Township Wake County North Carolina

P:_PROJECTS_SURVEY\CCG FLATWORKS\ - January 27, 2009 - 09:51 EST

METES AND BOUNDS DESCRIPTION FOR DEDICATION OF EASEMENT

EASEMENT AREA 5

Being all that tract or parcel of land located in House Creek Township, Wake County, North Carolina and being more particularly described using the North American Datum of 1983, North Carolina coordinate system bearings and distances (all distances are horizontal ground distances in U.S. Survey Feet) as follows:

Commencing at a concrete right of way monument, in the south line of Deed Book 1592 Page 360, PIN#0786.14-34-9208, currently owned by the Benchmark Carolina Aggregates, Inc., shown as the Point of Commencement (P. O. C.) "RWM" on the accompanying exhibit, with North Carolina, North American Datum 1983 (3200) State Plane Coordinates; Northing = 760833.54 feet, Easting = 2084635.99 feet;

Thence, N 43° 29' 38" W 1819.45 feet to the **Point of Beginning**;
Thence, N 15° 18' 28" E 324.07 feet to a point;
Thence, S 51° 00' 05" E 135.24 feet to a point;
Thence, S 41° 28' 31" E 49.67 feet to a point;
Thence, S 21° 50' 30" E 16.68 feet to a point;
Thence, S 46° 01' 09" E 23.89 feet to a point;
Thence, S 84° 34' 44" E 20.84 feet to a point;
Thence, S 46° 53' 05" E 61.60 feet to a point;
Thence, S 49° 41' 27" E 42.22 feet to a point;
Thence, S 44° 57' 22" E 53.11 feet to a point;
Thence, S 45° 35' 52" E 64.13 feet to a point;
Thence, S 72° 11' 57" E 90.26 feet to a point;
Thence, S 88° 21' 57" E 71.50 feet to a point;
Thence, N 83° 57' 00" E 60.72 feet to a point;
Thence, N 77° 29' 37" E 54.85 feet to a point;
Thence, N 71° 06' 30" E 56.97 feet to a point;
Thence, N 37° 10' 20" E 68.43 feet to a point;
Thence, N 34°28' 54" E 50.77 feet to a point;
Thence, N 19° 53' 24" E 93.85 feet to a point;
Thence, N 25° 53' 05" E 62.97 feet to a point;
Thence, N 28° 58' 56" E 49.04 feet to a point;
Thence, N 21° 16' 31" E 57.04 feet to a point;
Thence, N 07° 18' 53" E 57.09 feet to a point;
Thence, N 00° 00' 56" E 68.76 feet to a point;
Thence, N 00° 03' 20" E 47.54 feet to a point;
Thence, N 06° 11' 40" W 19.26 feet to a point;
Thence, N 05° 19' 54" E 51.40 feet to a point;
Thence, N 69° 12' 49" E 58.28 feet to a point;

Continued

Thence, N 51° 02' 05" E 58.93 feet to a point;
Thence, N 67° 58' 28" E 72.91 feet to a point;
Thence, N 89° 45' 17" E 64.69 feet to a point;
Thence, S 71° 26' 09" E 48.15 feet to a point;
Thence, S 62° 53' 36" E 70.52 feet to a point;
Thence, S 59° 31' 58" E 62.03 feet to a point;
Thence, S 69° 05' 31" E 114.17 feet to a point;
Thence, S 73° 51' 36" E 84.19 feet to a point;
Thence, S 79° 18' 00" E 32.30 feet to a point;
Thence, S 76° 28' 52" E 57.10 feet to a point;
Thence, S 53° 44' 26" E 90.11 feet to a point;
Thence, N 46° 33' 15" E 21.62 feet to a point;
Thence, N 43° 43' 42" E 26.45 feet to a point;
Thence, S 58° 23' 33" E 26.77 feet to a point;
Thence, S 61° 15' 37" E 31.01 feet to a point;
Thence, S 68° 11' 55" E 37.78 feet to a point;
Thence, S 61° 11' 21" E 20.02 feet to a point;
Thence, S 77° 28' 16" E 16.17 feet to a point;
Thence, S 66° 17' 50" E 39.27 feet to a point;
Thence, S 66° 17' 50" E 39.27 feet to a point;
Thence, S 69° 46' 31" E 35.51 feet to a point;
Thence, S 61° 23' 22" E 15.29 feet to a point on the westerly right-of-way line of Duraleigh Road;
Thence, S 45° 16' 41" W 79.04 feet along the westerly right-of-way line of Duraleigh Road to a point;
Thence, N 76° 15' 16" W 30.77 feet to a point;
Thence, S 82° 55' 49" W 30.92 feet to a point;
Thence, S 86° 37' 59" W 39.13 feet to a point;
Thence, N 73° 46' 40" W 39.13 feet to a point;
Thence, N 87° 34' 52" W 27.55 feet to a point;
Thence, S 60° 48' 16" W 14.64 feet to a point;
Thence, S 01° 36' 23" W 14.64 feet to a point;
Thence, S 03° 15' 23" E 39.33 feet to a point;
Thence, S 03° 15' 23" E 39.33 feet to a point;
Thence, S 00° 01' 05" W 31.72 feet to a point;
Thence, S 00° 01' 05" W 31.72 feet to a point;
Thence, S 14° 10' 41" E 17.60 feet to a point on the westerly right-of-way line of Duraleigh Road;
Thence, S 45° 16' 41" W 80.83 feet along the westerly right-of-way line of Duraleigh Road to a point;
Thence, N 14° 12' 24" W 33.70 feet to a point;
Thence, N 14° 12' 24" W 33.83 feet to a point;
Thence, N 00° 39' 31" W 38.15 feet to a point;

Continued

Thence, N 00° 39' 31" W 38.15 feet to a point;
Thence, N 03° 05' 39" W 32.50 feet to a point;
Thence, N 03° 05' 39" W 32.50 feet to a point;
Thence, N 10° 50' 30" W 31.28 feet to a point;
Thence, N 11° 14' 18" W 31.28 feet to a point;
Thence, N 29° 08' 28" E 22.97 feet to a point;
Thence, N 55° 15' 13" E 22.97 feet to a point;
Thence, N 63° 50' 35" W 133.00 feet to a point;
Thence, N 73° 42' 25" W 72.91 feet to a point;
Thence, N 75° 12' 25" W 72.91 feet to a point;
Thence, N 75° 57' 25" W 103.89 feet to a point;
Thence, N 85° 15' 21" W 92.10 feet to a point;
Thence, S 64° 18' 24" W 61.31 feet to a point;
Thence, S 22° 01' 48" W 61.31 feet to a point;
Thence, S 18° 25' 30" W 69.29 feet to a point;
Thence, S 28° 49' 08" W 33.81 feet to a point;
Thence, S 17° 37' 09" W 145.20 feet to a point;
Thence, S 10° 34' 36" W 20.84 feet to a point;
Thence, S 03° 32' 04" W 83.44 feet to a point;
Thence, S 10° 34' 36" W 28.20 feet to a point;
Thence, S 17° 37' 09" W 62.73 feet to a point;
Thence, S 33° 58' 32" W 153.90 feet to a point;
Thence, S 62° 48' 59" W 153.90 feet to a point;
Thence, S 80° 28' 25" W 303.73 feet to a point;
Thence, N 85° 04' 26" W 182.19 feet to a point;
Thence, N 56° 10' 08" W 182.19 feet to a point;
Thence, N 41° 42' 59" W 63.11 feet to a point;
Thence, N 55° 36' 04" W 53.75 feet to a point;
Thence, N 83° 22' 22" W 53.75 feet to the **Point of Beginning;**

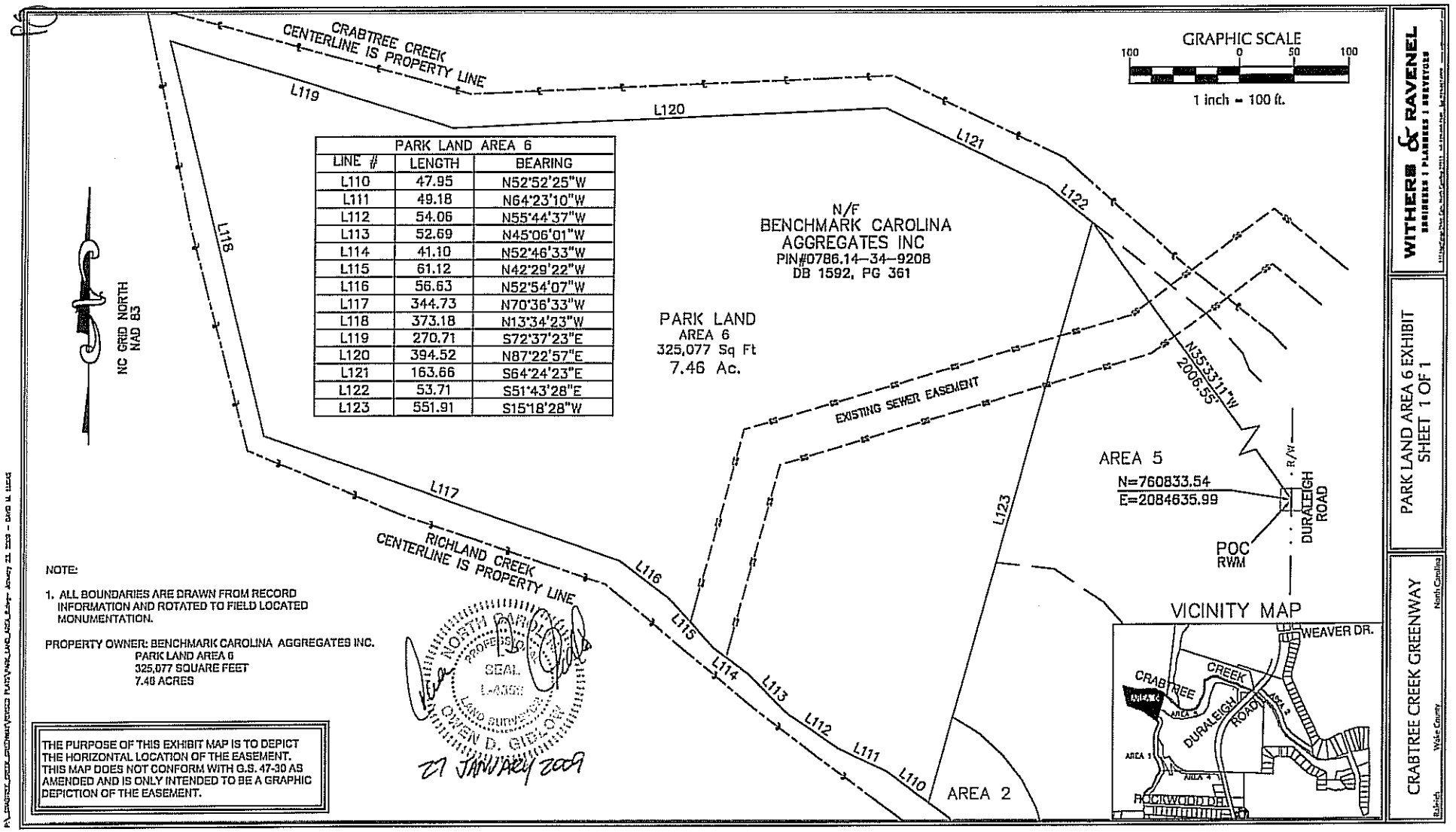
Containing an area of 386,922 square feet or 8.88 acres, more or less, as shown on the accompanying exhibit and being that portion of Easement Area 5.

NORTH CAROLINA PROFESSIONAL SEAL L-4356 LAND SURVEYOR OWEN D. GIPLOW

21 JANUARY 2009

2-2-11
12/13/10
17 of 21

CONDITIONS - EXHIBIT 3



PARK LAND AREA 6		
LINE #	LENGTH	BEARING
L110	47.95	N52°52'25"W
L111	49.18	N64°23'10"W
L112	54.06	N55°44'37"W
L113	52.69	N45°06'01"W
L114	41.10	N52°46'33"W
L115	61.12	N42°29'22"W
L116	56.63	N52°54'07"W
L117	344.73	N70°36'33"W
L118	373.18	N13°34'23"W
L119	270.71	S72°37'23"E
L120	394.52	N87°22'57"E
L121	163.66	S64°24'23"E
L122	53.71	S51°43'28"E
L123	551.91	S15°18'28"W

NOTE:

1. ALL BOUNDARIES ARE DRAWN FROM RECORD INFORMATION AND ROTATED TO FIELD LOCATED MONUMENTATION.

PROPERTY OWNER: BENCHMARK CAROLINA AGGREGATES INC.
PARK LAND AREA 6
325,077 SQUARE FEET
7.46 ACRES

THE PURPOSE OF THIS EXHIBIT MAP IS TO DEPICT THE HORIZONTAL LOCATION OF THE EASEMENT. THIS MAP DOES NOT CONFORM WITH G.S. 47-30 AS AMENDED AND IS ONLY INTENDED TO BE A GRAPHIC DEPICTION OF THE EASEMENT.

NORTH CAROLINA PROFESSIONAL SEAL L-4351 LAND SURVEYOR OWEN D. GIBLOR

27 JANUARY 2009

METES AND BOUNDS DESCRIPTION FOR DEDICATION OF PARK LAND

PARK LAND AREA 6

Being all that tract or parcel of land located in House Creek Township, Wake County, North Carolina and being more particularly described using the North American Datum of 1983, North Carolina coordinate system bearings and distances (all distances are horizontal ground distances in U.S. Survey Feet) as follows:

Commencing at a concrete right of way monument, in the south line of Deed Book 1592 Page 360, PIN#0786.14-34-9208, currently owned by the Benchmark Carolina Aggregates, Inc., shown as the Point of Commencement (P. O. C.) "RWM" on the accompanying exhibit, with North Carolina, North American Datum 1983 (3200) State Plane Coordinates; Northing = 760833.54 feet, Easting = 2084635.99 feet;

Thence, N 35° 33' 11" W 2006.55 feet to the **Point of Beginning;**
Thence, S 15° 18' 28" W 551.91 feet to a point;
Thence, N 52° 52' 25" W 47.95 feet to a point;
Thence, N 64° 23' 10" W 49.18 feet to a point;
Thence, N 55° 44' 37" W 54.06 feet to a point;
Thence, N 45° 06' 01" W 52.69 feet to a point;
Thence, N 52°46' 33" W 41.10 feet to a point;
Thence, N 42° 29' 22" W 61.12 feet to a point;
Thence, N 52° 54' 07" W 56.63 feet to a point;
Thence, N 70° 36' 33" W 344.73 feet to a point;
Thence, N 13° 34' 23" W 373.18 feet to a point;
Thence, S 72° 37' 23" E 270.71 feet to a point;
Thence, N 87° 22' 57" E 394.52 feet to a point;
Thence, S 64° 24' 23" E 163.66 feet to a point;
Thence, S 51° 43' 28" E 53.71 feet to the **Point of Beginning;**

Containing an area of 325,077 square feet or 7.46 acres, more or less, as shown on the accompanying exhibit and being that portion of Park Land Area 6.

NORTH CAROLINA PROFESSIONAL SEAL L-4956 LAND SURVEYOR OWEN D. GIDLOW

27 JANUARY 2009

Protocol for Investigating Blasting Complaints

I. Right to Free Preblast Survey

Upon written request by a property owner, Hanson, at its own expense, shall cause a qualified engineer or seismic consultant to conduct a pre-blast survey of any structure located within 2500 feet of the blasting limits on the rezoned property. All written requests, including consent to allow inspection of the structure, must be made within six months of the issuance of the Special Use Permit. The survey shall consist of a thorough inspection and documentation of the condition of the structure, embodied in a report with pictures, narrative and other information necessary to support it. One copy of the report shall be given to the property owner.

All written notices required by the above shall be sent to Hanson Aggregates Southeast LLC at 2310 Parklake Drive, Suite 550, Atlanta GA 30345. Attention Vice President.

II. Reporting Potential Blasting Damage

If the owner of any structure located within 2500 feet of any blasting on the rezoned property believes that blasting by Hanson has damaged such structure they shall be entitled to arbitration of such claim at their election. Arbitration shall be invoked by sending written notice of the claim to Hanson and demanding arbitration.

All written notices required by the above shall be sent to Hanson Aggregates Southeast LLC at 2310 Parklake Drive, Suite 550, Atlanta GA 30345. Attention Vice President.

III. Filing of Claims

After an owner files a written claim of blasting damage with Hanson, the following protocol will be followed:

A. On-site inspection of home

An on-site interview between an independent structural or blasting engineer and the homeowner will take place to determine history of the structure and when blasting problems first appeared. An initial walk through of the structure with homeowner to identify major areas of concern will take place. Video or digital image documentation of all observed structural and cosmetic cracks, separations and distortions will be made. Documentation will include the interior and exterior of the structure, including any attic, basement and crawl space. Crack widths, lengths and penetration depths will be measured as determined by the inspector. Doors and windows will be checked for functioning, floors checked for leveling and mitered corners checked for separations. A diagram will be made showing the layout of the structure, on which the location of cracks will be noted.

B. On-site review of quarry blasting practices

The independent structural or blasting engineer will conduct an on-site interview with the quarry manager to determine the quarry's blasting practices and procedures. A tour of the quarry with the manager will be undertaken to see active blast areas, and evaluate field conditions and blasting practices. Blasting records for the past three years will be reviewed. All seismic records in the surrounding community for the past three years will be reviewed and particularly those from the time when the alleged blasting damage occurred. The validity of blasting permits will be checked with the Fire Marshall along with the history of any violations. The quarry shall make any data requested by the blasting engineer with respect to blasting available.

C. Analyze information obtained

The independent structural or blasting engineer will conduct a review of the digital images, video and field notes pertaining to the preblast survey. The independent structural or blasting engineer will undertake a review of the blast design parameters to verify if they were in compliance with approved standards, and will review all seismic data to assess whether they exceeded any local ordinances, state, or federal regulations pertaining to the maximum allowable legal limits. The distance from the structure to the blast zone as well as the distance from the monitoring location will also be determined. The independent structural or blasting engineer will review all seismic data to assess whether they exceeded the breaking strain of the weakest structural member in the construction of the home. This analysis will include a comparison of the data against known governmental damage criteria for comparable structures. A final written report will be prepared and sent to both the structure owner and Hanson.

D. Meeting with owner

Following the issuance of the report the independent structural or blasting engineer will meet with the owner of the structure to review the report. If it is determined that blasting is the cause of the damage to the structure, Hanson will be responsible for the repairs to the structure. Once Hanson has had the opportunity to review the report it will contact the owner to set in motion the repair process. The owner shall obtain three quotes from licensed contractors to repair the damage and agree with Hanson as to which contractor will make the repairs. Hanson will be responsible for paying the repair bill, which shall not exceed the fair market value of the home or structure.

If it is determined that the damage is not attributable to the vibrations associated with blasting, the independent structural or blasting engineer will explain to the owner the likely cause of the observed cracking. The independent structural or blasting engineer may also make repair recommendations, if any are necessary. In addition, the independent structural or blasting engineer will attempt to distinguish between cosmetic problems and true structural issues. In

those instances where the problems are only cosmetic, the independent structural or blasting engineer will attempt to ease the owners concerns regarding the condition of their home.

IV. Blasting Arbitration Program

If the parties are unable to agree on a resolution of the damage claim they shall select a qualified engineering or blasting professional to arbitrate the claim. Lawyers shall not be used by either party in the arbitration, unless the property owner elects to be represented by counsel, in which event any party may use counsel.

The arbitrator shall be entitled to award such damages to the property owner as may be necessary to repair any damage to the structure and pay any other costs incurred by the property owner to repair any damage to the structure caused by Hanson. If Hanson is found at fault it shall pay all costs of the arbitration. Otherwise, the cost of arbitration shall be split equally between the parties. In no event shall Hanson be responsible for paying more for repairs than the then current market value of the home, assuming no blasting damage had occurred.

Nothing herein shall require a property owner to use arbitration and they shall preserve all judicial remedies unless they invoke arbitration, in which event they shall be bound by the outcome of arbitration.

2-2-11

EXHIBIT D. Petitioner's Statement on Behalf of Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

This section is reserved for the applicant to state factual information in support of the rezoning request.

Required items of discussion:

The Planning Department is instructed not to accept any application for amending the official zoning map without a statement prepared by the applicant analyzing the reasonableness of the rezoning request. This statement *shall* address the consistency of the proposed rezoning with the Comprehensive Plan and any other applicable *City*-adopted plan(s), the compatibility of the proposed rezoning with the *property* and surrounding area, and the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

Recommended items of discussion (where applicable):

1. An error by the City Council in establishing the current zoning classification of the property.
2. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
3. The public need for additional land to be zoned to the classification requested.
4. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

PETITIONER'S STATEMENT:

I. Consistency of the proposed map amendment with the Comprehensive Plan (www.raleighnc.gov).

A. Please state the recommended land use(s) for this property as shown on the Future Land Use Map and discuss the consistency of the proposed land uses:

The Future Land Use Map designates this area as being appropriate for Low Density Residential development. While the Company's rezoning request is inconsistent with the Future Land Use Map, the request is compatible with the surrounding area for the following reasons.

First, the request is compatible with the surrounding area based on the Property's proximity to the existing operations of the Company on the approximate 200 acres adjacent to the Property to the east. The Company's request would allow the Company to utilize existing operations and equipment in place on the adjacent property to extract the resources existing on the Property.

Moreover, the Company's request is reasonable and in the public interest based on the proposed zoning conditions that will improve the level of compatibility with the surrounding area and mitigate environmental, as well as operational, impacts.

Finally, the request also serves the public interest by allowing the construction of a key portion of the greenway near Umstead Park protecting a valuable Natural Heritage area for potential dedicator as a nature preserve/passive recreation park, by providing parking for access to the greenway and park, and, in addition, by creating the possibility

EXHIBIT D. Petitioner's Statement on Behalf of Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

of flood control for downstream properties through the use of the quarry pit for stormwater detention.

B. Please state whether the subject property is located within any Area Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.

No area plan is applicable to the Property.

The Company is willing to provide, consistent with the plan for the Capital Area Greenway System, a greenway easement to accommodate a portion of the Crabtree-Oak Park Greenway Trail near Umstead Park.

The Company is willing to provide, consistent with the Comprehensive Plan's recommendation to conserve "Natural Areas," an easement, or other appropriate designation or dedication for a park, south of Crabtree Creek and as indicated on the Illustrative Plan attached hereto, based on the natural resource and ecological value of the land.

Poyner Road is listed as a Minor Thoroughfare in Table T-2 in the Transportation Section of the 2030 Comprehensive Plan. The Company is willing to re-align and construct Poyner Road, no later than five (5) years from receipt of request to do so by the City of Raleigh.

C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies? All references to Comprehensive Plan policies should include both the policy number (e.g. LU 4.5) and short title (e.g. "Connectivity").

The proposed rezoning is inconsistent with the Future Land Use Map set forth in the Comprehensive Plan, as the Property is designated for low density residential development. However, the proposed rezoning is consistent with the following Comprehensive Plan policies:

LU 5.6, Buffering Requirements

The Company's rezoning request involves buffering of the operations from adjacent areas. A 100-foot Type A transitional protective yard or a 100-foot buffer zone consistent with the Company's mining permit will provide additional buffering, physical separation, and transition from the quarry operations to the edge of the Property and to adjacent properties.

LU 11.5, Mitigating Industrial Land Use Impacts

As conditions on the rezoning, a variety of measures will be implemented to mitigate the impacts created by the quarry operations, including buffering and the use of landscaped berms. The expansion of the quarry pit has been planned and designed to avoid impact to surface water bodies on the Property. In addition, strict performance

standards will be established that set appropriate operating procedures. Strict sedimentation and erosion control measures will be implemented in accordance with applicable law and regulation.

LU 11.1, Industrial Zoning Amendments

The Company's rezoning request amends the zoning ordinance to remove all uses permitted by right within industrial zones, with the exception of mining and quarry activities.

PR 2.2, Park Accessibility and PR 2.5, Acquisition Opportunities

The request is consistent with PR 2.2, Park Accessibility and PR 2.5, Acquisition Opportunities, as the greenway easement will provide access to Umstead Park and additional greenway space, and a nature preserve/passive recreation park. A parking lot will provide access to the greenway and potential park.

Capital Area Greenway System

As previously discussed, the Company's request is consistent with the plan for the Capital Area Greenway System.

Flood Control

The request is consistent with the recommended action of the report of the USDA, Soil Conservation Service, May 1991, regarding flood control in the Crabtree Creek Watershed, and the Preliminary Design Report, Outlet Structure Reservoir 25Q, Crabtree Creek Watershed Project, June 1994.

Natural Resource Materials Provision/ Economic Development

The request is consistent with the public policy to provide for and allow facilities that provide the materials necessary for the economic health of the City, including essential materials for building development and construction, road construction, bridge construction and road resurfacing.

II. Compatibility of the proposed map amendment with the property and the surrounding area.

A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):

The Property is located adjacent to the south and west of the Company's existing quarry operations located on that property identified as PIN 0786349208.

Adjacent to the Property to the west is a church and Ebenezer Church Road. Directly across Ebenezer Church Road from the Property is Umstead Park.

EXHIBIT D. Petitioner's Statement on Behalf of Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Adjacent to the Property to the south is undeveloped common area zoned R-2 and owned by the Hamptons Development Co., LLC, which is associated with Phase I of a single family residential development. Hamptons Development Co., LLC supports the proposed rezoning.

Adjacent to the Property to the north are three parcels zoned R-2, one of which is undeveloped and owned by the Delta Ridge Townhouse Neighborhood Homeowners Association, Inc., one of which is undeveloped owned by Wake County and one of which is developed with a single family residence and is owned by Abar Nariman.

For additional information, please see the map attached hereto as **Attachment D.II.A**.

B. Description of existing Zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards):

Adjacent to the Property to the south and east is the Company's existing quarry operation, which has been ongoing for more than fifty years in this location.

The predominant use in the vicinity of the Property, other than the Company's ongoing operations, is Umstead Park, which is zoned R-4 and is a park and open space intended for recreational and resource conservation uses. The Metro Park Protection Overlay District, which serves as a buffer for Umstead Park, coincides with that portion of the Property currently zoned R-2.

The existing development is low density residential to the south of the Property and medium to high residential density to the north of Hanson's Property.

C. Explanation of how the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area:

The proposed rezoning for the Property is compatible with the Company's long-standing and on-going use of the adjacent 200 acres of property. The proposed rezoning will allow the Company to access the naturally occurring resource on the Property while making use of existing operations and equipment on the adjacent property. Given that identical operations have been carried out for more than sixty (60) years on the adjacent property, the Company's operations on the Property will not cause new impacts to adjacent property owners.

The Company proposes to maintain an undisturbed 100 foot protective yard around the edge of the Property and to maintain the MPOD, R-2 zoning along Ebenezer Church Road. Thus, the view of the Property from Ebenezer Church Road (with the exception of a parking lot for those accessing Umstead Park and/or the City of Raleigh greenway), from Umstead Park and from adjacent properties will be wooded, as it is currently.

Finally, the Company has proposed conditions on the rezoning that will mitigate potential impacts from its operations on the Property and ensure ongoing compatibility with the character of the surrounding area.

EXHIBIT D. Petitioner's Statement on Behalf of Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

Should the Company's rezoning request be approved, the Company will be permitted to expand the area of its mining operations in a manner that avoids the need to extract reserves from its property located south of Crabtree Creek. Additionally, the rezoning will afford the Company access to important resource reserves adjacent to its current pit.

B. For the immediate neighbors:

Should the Company's rezoning request be approved, the Company will be permitted to develop its operations toward the west in a manner that avoids impact to Crabtree Creek. As mining operations have been conducted on the adjacent property for well over sixty years, impacts associated with the development of the quarry pit to the west will be no greater than those experienced by the neighbors for the past sixty years. In that portion of the Property that is currently zoned as R-2 and to which the Metro Park Protection Overlay District applies (the "R-2 Portion"), the only uses allowed shall be parking lot, governmental recreational use and land-disturbing activities necessary to construct a landscaped berm. The Company shall construct a parking lot on the R-2 Portion within six months of completion of the construction of the greenway trail on the Property by the City. Other than to accommodate the aforesaid uses, the realignment and construction of Poyner Road, and the installation of any and all sedimentation and erosion control measures required by law or regulation, no trees shall be removed from the R-2 Portion, and the remainder of the R-2 Portion shall be provided to the City as permanent tree conservation area.

A 100-foot transitional protective yard, or a 100-foot buffer zone consistent with the requirements of the Company's mining permit, shall provide a buffer between the quarry operations and adjacent property owners.

The Company is willing, upon written request by the City to re-align and complete the construction of Poyner Road, having the effect of drawing traffic away from Ebenezer Church Road, which will mitigate traffic impacts experienced by the neighbors currently, given the lack of connector between Duraleigh Road and Ebenezer Church Road.

C. For the surrounding community:

The Company's pit provides resources for development and construction projects within an approximately 10-mile radius of the site, including many significant publicly-financed projects. Examples of such publicly-financed projects include:

- Glenwood Avenue repaving
- Edwards Mill Road Extension
- NCSU Parking Deck Expansion
- NCSU Veterinary School
- The NC Licensing Board for General Contractors construction
- NCSU Engineering Building III
- NC State Fairgrounds (preparation for the State Fair)
- NCSU Tennis Courts

EXHIBIT D. Petitioner's Statement on Behalf of Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

- NCSU Chancellors House

As delivery mileage is a component of construction costs, minimizing delivery mileage is in the public interest when projects are publicly-financed, such as those listed above. Given Raleigh's projected growth for the foreseeable future, especially in the vicinity of the downtown area, the quarry provides a valuable natural resource to the community that will keep development costs down, for both public and private projects within the 10 mile radius of the site. Allowing for the expansion of the pit onto the Property will ensure the continued availability of the resource to meet the demand in proximity to the site.

Should the Company's rezoning request be approved, the Company will be permitted to develop its mining operations in a manner that avoids the need for excavation and resource extraction south of Crabtree Creek.

A 100-foot transitional protective yard, or a 100-foot buffer zone consistent with the requirements of the Company's mining permit, shall provide a buffer between the quarry operations and adjacent property owners. Additionally, other than to accommodate the aforesaid uses, the realignment and construction of Poyner Road, and the installation of any and all sedimentation and erosion control measures required by law or regulation, no trees shall be removed from the R-2 Portion, and the remainder of the R-2 Portion shall be provided to the City as permanent tree conservation area. Therefore, the view of the Property from Ebenezer Church Road, and from Umstead Park, will remain wooded and naturally-vegetated.

The Company is willing, if requested by the City of Raleigh, to re-align and complete the construction of Poyner Road within a five (5)-year period, which will provide a connector between Duraleigh Road and Ebenezer Church Road.

The Company has agreed to construct a parking lot for use by the City, or its designee, on the Property adjacent to the intersection of Poyner Road and Ebenezer Church Road, which will provide a parking option for users of the Greenway and a nature passive recreation park on the south side of Crabtree Creek.

The Company will allow its quarry pit to be used for flood control upon advance notice, preventing downstream flooding on Crabtree Creek

Finally, the Company will provide a standard greenway easement along the southern boundary of the Property which will facilitate the connection of the existing Crabtree Creek greenway to Umstead Park and will allow for the conservation of ecologically significant land as a park.

IV. <u>Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain:</u>

The portion of the Crabtree-Oak Park Greenway Trail near Umstead Park cannot be completed without the use of the Property. The quarry pit, which will be expanded onto the Property, is the most practical, cost-effective means of controlling the flooding of Crabtree Creek.

<u>Explain why the characteristics of the subject property support the proposed map amendment as reasonable and in the public interest.</u>

EXHIBIT D. Petitioner's Statement on Behalf of Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

The proposed map amendment is reasonable because it allows the Company to extract the natural resource located on the Property by making use of its existing operations and equipment located on the adjacent property. Moreover, the proposed map amendment allows the Company to mine the natural resource available north of Crabtree Creek, in lieu of extracting those present on the Company's property south of Crabtree Creek.

The proposed map amendment is in the public interest for the following reasons. First, the Company has agreed to provide the City of Raleigh, or its designee, with access to the quarry pit for flood control purposes. The use of the quarry pit for stormwater detention will ameliorate the widespread and recurring flooding problems that plague downstream property owners.

Additionally, in conjunction with the rezoning, the Company will provide a greenway easement along the southern boundary of the Property which will facilitate the connection of the existing Crabtree Creek greenway to Umstead Park and on its property on the south side of Crabtree Creek. The Company has also agreed to construct a parking lot for use by the City, or its designee, on the Property adjacent to the intersection of Poyner Road and Ebenezer Church Road, which will provide a parking option for visitors of Umstead Park.

Finally, as a condition on the rezoning, the Company is willing to realign and complete the construction of Poyner Road within a five (5)-year period of receipt of a request from the City of Raleigh to do so, which will provide a connector between Duraleigh Road and Ebenezer Church Road.

V. Recommended items of discussion (where applicable).

a. An error by the City Council in establishing the current zoning classification of the property.

Not applicable.

b. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.

At the time of its current zoning classification, the intended use of the Property was single-family residential. The current real estate market conditions are such that residential development at this location does not appear to be practical at this time. In contrast, the Company is willing to make the necessary investments to utilize the property and provide the public benefits outlined above.

c. The public need for additional land to be zoned to the classification requested.

EXHIBIT D. Petitioner's Statement on Behalf of Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

As Raleigh continues to experience growth and development, as buildings are constructed and roads are built and repaved, conveniently located granite quarries are an essential part of the area's infrastructure.

As described above, the Company's quarry operation provides resources for development and construction projects within a 10 mile radius of the site, including many significant publicly-financed projects. Examples of such publicly-financed projects include:

- Glenwood Avenue rehabilitation
- Edwards Mill Road Extension
- NCSU Parking Deck Expansion
- NCSU Veterinary School
- The NC Licensing Board for General Contractors
- NCSU Engineering Building III
- NC State Fairgrounds (preparation for the State Fair)
- NCSU Tennis Courts
- NCSU Chancellors House

As delivery mileage is a component of construction costs, minimizing delivery mileage is in the public interest when projects are publicly-financed, such as those listed above. Given Raleigh's projected growth for the foreseeable future, especially in the vicinity of the downtown area, the quarry provides a valuable natural resource to the community that will keep development costs down, for both public and private projects carried out within the 10 mile radius of the site. Allowing for the expansion of the pit onto the Property will ensure the continued availability of the resource to meet the demand in proximity to the site.

d. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

Because the intensity of quarrying operations at any given time is primarily a function of demand, the enlargement of the pit in the re-zoned area will not increase the impacts on public services. The proposed rezoning will not add additional traffic onto Ebenezer Church Road, as the Company has agreed not to construct a point of ingress/egress for quarry operations onto Ebenezer Church Road or Poyner Road. All traffic associated with the quarry operations will use Duraleigh Road.

At the written request of the City, the Company is willing to realign and construct, no later than five (5) years following the receipt of such request Poyner Road, including the segment from Burcliff Place to Longhill Lane, can be part of a connector between Duraleigh Road and Ebenezer Church Road and may have the effect of diverting traffic away from Ebenezer Church Road and, consequently, Umstead Park.

The proposed rezoning involves the Company's donation of a greenway easement along the south side of Crabtree Creek which will facilitate the connection of the existing

EXHIBIT D. Petitioner's Statement on Behalf of Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Crabtree Creek greenway to Umstead Park and to conserve ecologically-significant land as a park.

Finally, the Company has agreed to provide the City of Raleigh, or its designee, with access to the quarry pit for flood control purposes upon advance notice subject to terms and conditions that are mutually acceptable to the City and to the Company. The use of the quarry pit for stormwater detention will ameliorate the widespread and recurring flooding problems that plague downstream property owners.

The proposal involves no impact to Wake County Public Schools, no impact to historic landmarks, and minimal impact to water and wastewater distribution systems. Some tree removal will be necessary to accommodate the greenway, the parking lot, the re-alignment of Poyner Road and the expansion of the quarry pit. However, the Company will make every effort to mitigate the impacts of any necessary tree removal and will maintain undisturbed tree buffers along Crabtree Creek, and along Ebenezer Church Road except in the location of the parking lot.

e. **How the rezoning advances the fundamental purposes of zoning as set forth in the N.C. enabling legislation.**

As set forth herein in detail, the Property is suitable for the proposed use given the active and on-going quarry operations on the adjacent property, the existence of the natural resource on the Property, and the feasibility of expanding the Company's on-going operations onto the Property. In addition, given the projected growth and development demands of central Raleigh, the location of the Property makes it well-suited to meet the resource needs of the community and City in a cost-effective manner. Moreover, given the lack of connection of the greenway to Umstead Park, the location of the Property makes it well-suited to provide land area for the greenway connection near Umstead Park as well as preservation of available natural area for a park.

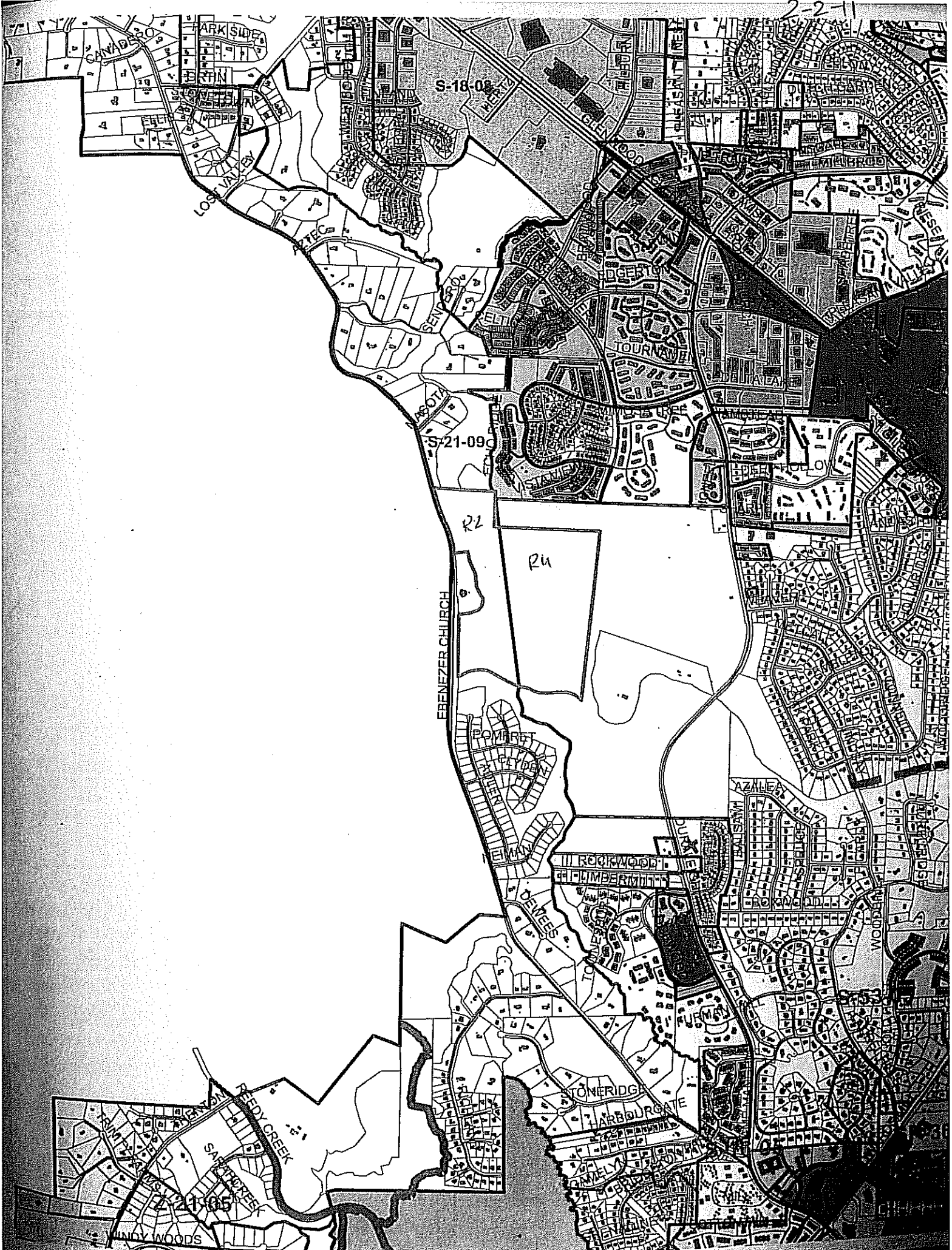
Rezoning the Property as proposed promotes public health and general welfare by providing a supply of natural resource to meet the demand in the area, so that new quarry sites are not necessary to meet demand. In addition, the proposed rezoning promotes public health and general welfare by providing important recreational benefits to the public, including the park and the greenway near to Umstead Park, facilitates access to Umstead Park, and provides parking for users of the greenway and the park. Moreover, rezoning the property as proposed promotes the general welfare by providing flood control on Crabtree Creek.

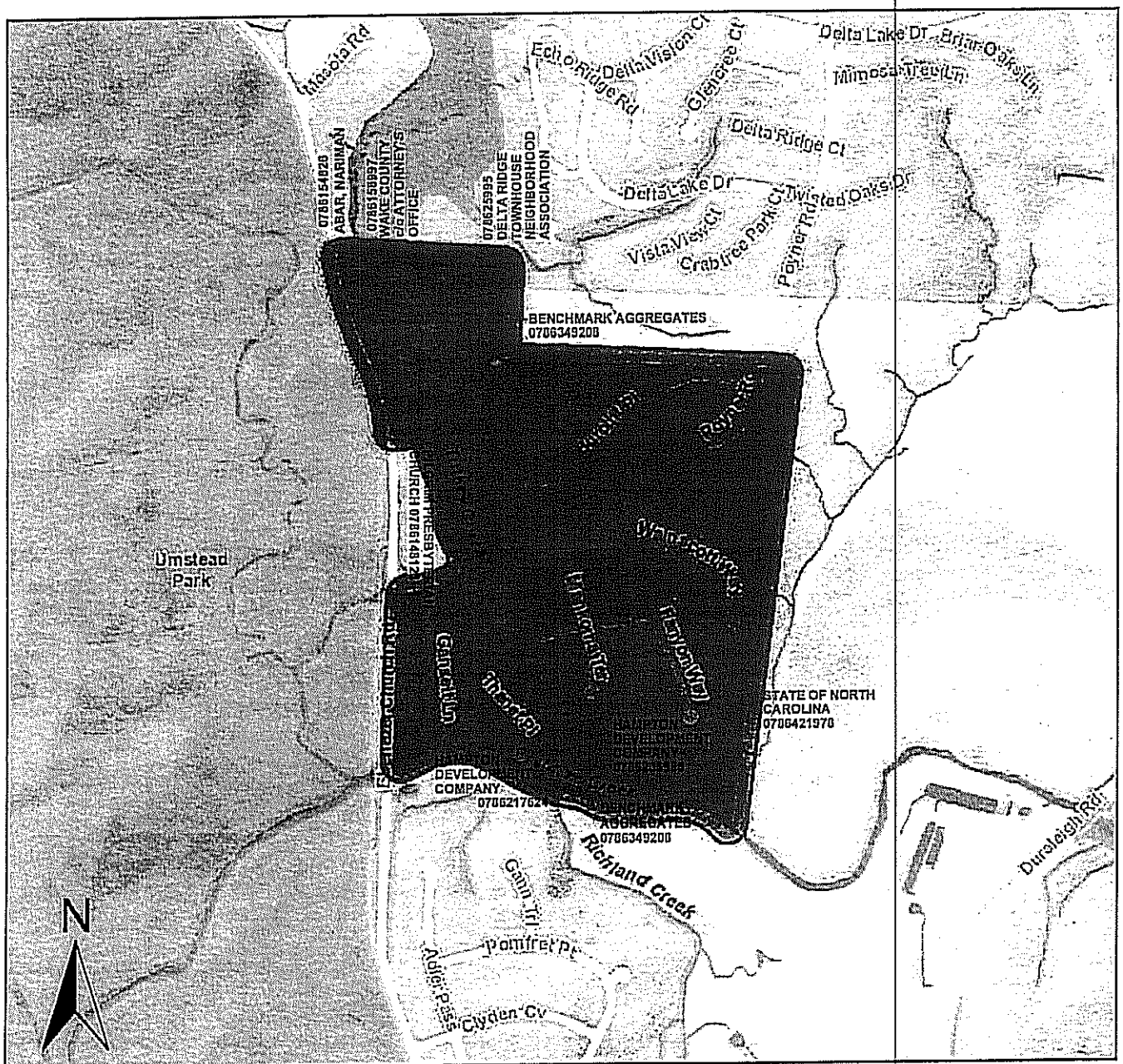
Finally, rezoning the Property as proposed facilitates the adequate provision of parks, as described above, and the provision of flood control, which will benefit both public and private property located in proximity to Crabtree Creek.

VI. Other arguments on behalf of the map amendment requested.

Please see above.

ATTACHMENT D-II-A 2-2-11


2-2-11
S-18-08
S-21-09
Z-21-05
R2
R4
CANADERO
PARK SIDE
LOST VALLEY
AZTEC
SENDERO
MASOTA
EDGERTON
TOURNAMENT
EBENEZER CHURCH
POMFRET
CLYDEN
ADLER
HEIMAN
DEWEES
ROCKWOOD
LIMBERMILL
AZALEA
BALSAM
FURMAN
STONERIDGE
HARBOURGATE
REEDY CREEK
SARATH CREEK
WINDY WOODS



0 400 800 1600 Feet

Field	Value
PIN	0786236985
Real Estate ID	0003410
Map Name	078614
Owner	HAMPTONS DEVELOPMENT CO LLC THE
Mailing Address 1	7101 CREEDMOOR RD STE 101
Mailing Address 2	RALEIGH NC 27613-1682
Mailing Address 3	
Deed Book	11803
Deed Page	0091
Deed Date	04/11/2006
Deeded Acreage	100.36
Assessed Building Value	$0.00
Assessed Land Value	$12,162,600.00
Total Assessed Value	$12,162,600.00
Billing Class	CORPORATE LISTING
Property Description	CRABTREE CRK LD
Heated Area	
Site Address	4712 EBENEZER CHURCH RD
City	Raleigh
Township	CARY
Year Built	0
Total Sale Price	$0.00
Sale Date	
Type and Use	
Design Style	
Land Class	VACANT
Old Parcel Number	404--

ADJACENT PROPERTY OWNERS MAP 2-2-11

WAKE COUNTY NORTH CAROLINA

2-2-11

Neighborhood Meeting Report
September 13, 2010
Hanson Aggregates Southeast, LLC

I. Date, Time, and Location

Representatives of Hanson Aggregates Southeast, LLC (the "Company") met with neighbors at the Raleigh Police Department Northwest Precinct office located on Glenwood Avenue at 6:30 pm on Monday, September 13, 2010 to discuss the Company's plans to expand the area of the quarry pit currently located on Duraleigh Road and the necessary rezoning for that expansion.

II. Persons Contacted

The following property owners were contacted in regards to the meeting:

Please see the list attached hereto as **Exhibit II**.

In compliance with the City of Raleigh notification requirements, notices to all surrounding property owners within 100 feet of the subject property were delivered via hand delivery to Ms. DeShele H. Sumpter, Planner, with the City of Raleigh, on September 2, 2010, for mailing via first class mail on September 2, 2010.

As a courtesy, a copy of the same letter was emailed to the following interested parties on September 7, 2010:

- Dottie Leapley, City of Raleigh, City Attorney's Office
- Victor Lebsock, City of Raleigh, Department of Parks and Recreation
- Dhanya Sandeep, City of Raleigh, Department of City Planning
- Kenneth Waldroup, City of Raleigh, Public Utilities Department
- Diane Sauer, City of Raleigh, Department of Parks and Recreation
- Robert Massengill, City of Raleigh, Public Utilities Department
- Jean Spooner, Umstead Coalition
- Gil Johnson, Umstead Coalition
- Sig Hutchinson, City of Raleigh Open Space and Parks Advisory Commission
- Umstead Park Superintendent

III. Attendance Roster

The following were in attendance at the meeting:

Please see the roster attached hereto as **Exhibit III**.

Z-2-11

Neighborhood Meeting Report
September 13, 2010
Hanson Aggregates Southeast, LLC

IV. Summary of Issues Discussed

Gray Styers, counsel for the Company, began the meeting by welcoming attendees, circulating a sign-in sheet, and explaining the purpose of the meeting.

During the discussion that followed, issues that were discussed included:

- The area of the proposed quarry pit expansion;
- The current zoning classifications of the property owned by the Company and the property located at 4712 Ebenezer Church Road owned by The Hamptons Development Co., LLC on which the Company has an option to purchase;
- The Company's plans to file a rezoning application with the City of Raleigh to rezone the property I-1 or I-2 to conditional use;
- The preservation of existing trees around the entire perimeter of the quarry site;
- Minimum distance of the excavated pit from the nearest non-Hanson property owners;
- Minimum distance of excavated pit from Crabtree Creek;
- The construction of earthern berms along the north side of quarry site, inside the tree preservation buffer to reduce noise and block visual site lines to the quarry;
- Future use of the quarry pit for flood control/water storage to prevent flooding on Crabtree Creek;
- Connection of the Crabtree Greenway to Umstead Park along Crabtree Creek;
- The designation of a natural heritage site for use as a park along the greenway;
- Possible parking lot to be built off Umstead Road to provide access to the greenway;
- The fact that there will be no ingress or egress from Ebenezer Church Road to the quarry;
- The potential relocation of the entrance to the quarry on Duraleigh Road;
- Current location of the plant machinery near the current quarry pit and possible relocation of the machinery to the interior of the site;
- Possible re-vegetation and stream mitigation along the north side of Crabtree Creek following any relocation of the plant machinery and stock pile area from their current locations; and
- The City's request that Poyner Road be re-aligned and constructed to connect the current existing terminus of Poyner Road, north of the property, to Ebenezer Church Road.

During the course of discussions, some attendees asked about the Company's property on the east side of Duraleigh Road, north of Crabtree Creek, and the site of the former asphalt plant on that property. Concerns were expressed about the noise from the plant machinery at its current location, southeast of the current pit location. Some concerns were raised regarding spillage and rock on the bridge over Crabtree Creek and the general thought that it came from trucks of the Company's customers. In response the Company indicated that it would research these complaints and determine if any measures should be taken.

A number of the attendees discussed the dynamite blasting that is part of the quarry's operation. They stated that the blasting and resulting vibrations resulted in damage to their homes, offices, and water pipes. Representatives of the Company that were in attendance promised to make available seismograph data and blasting records from its existing monitoring sites. The Company also promised to make publically available data regarding the quantities of rock

located beneath the current pit and the property now under option. The Company agreed to retain seismic engineers to analyze any vibrations that may be emanating from the quarry both to the east across Duraleigh Road, as well as to the north to the apartments and offices north of the quarry site. The Company agreed to investigate the practically of making this information publically available on a website. The Company also agreed to reevaluate, assess its current practices, and investigate means to reduce vibrations, in accordance to reports and findings of a third party seismic vibration engineers, and in light of practical needs and realities in granite quarrying operations. Most of the concerns and discussions by the attendees at the meeting centered on the noise and vibrations from the existing quarry operation.

Some attendees expressed concerns about the construction of Poyner Road, and some attendees expressed their outright opposition to that road.

Hanson representatives committed to future meetings during the course of the rezoning case and expressed its willingness to meet with neighbors one-on-one at any time to discuss their concerns about the quarry operations. Furthermore, in response to the comments and concerns expressed during the meeting, the Company agreed to establish a website containing information about the quarry operations, seismic vibrations, geological mapping information, and contact information for personnel to whom complaints may be directed.

The meeting adjourned at approximately 8:15 pm.

V. Changes Made to Re-Zoning Request

In response to the discussion at the Neighborhood Meeting, the Company plans to propose conditions on the re-zoning regarding preservation of a protected tree buffer around the entire perimeter of the quarry operations, the construction of earthen berms to the north of the quarry pit, minimum distances of the quarry pit from Crabtree Creek and from non-Hanson property owners, the elimination of almost any other permitted I-1 or I-2 usages from the property other than for quarry/lining operations and their ancillary or accessory usage. In addition, the Company intends to revise its draft zoning application, after discussions with the City Attorney's office, to add conditions regarding the use of the quarry pit for flood control/water storage, the completion of the greenway and designation of a nature preserve/passive recreation park on the south side of Crabtree Creek, and the construction of parking lot off Ebenezer Church Road for access to the greenway.

The Company will modify its condition regarding Poyner Road to allow those opposed to the road to request that the road not be constructed to connect to the residential areas north of the Company's property.

In addition, the Company will add a proposed condition requiring the establishment of a Neighborhood Advisory Group, with which the Company will meet twice per year, if necessary. The Company also added, as a proposed condition, that the Company will create a website on which it will make available seismographic data related to quarry operations.

EXHIBIT II
PERSONS CONTACTED

2-2-11

STYERS & KEMERAIT
attorneys+counselors@law

110 Haynes Street, Suite 101
Raleigh, North Carolina 27604
919.600.6270

StyersKemerait.com

gstyers@StyersKemerait.com
919.600.6273

September 2, 2010

Dear Neighbor:

As you may know, Hanson Aggregates, Inc. ("Hanson") owns and has operated a quarry located at 5209 Duraleigh Road for more than forty years. Hanson has recently entered into an option to purchase additional land on which to continue its operations to the west, toward Ebenezer Church Road, and which will eventually allow the existing pit to be utilized for flood control and water storage. To allow this to occur, we will be filing a rezoning application with the City of Raleigh on this additional parcel (Raleigh Parcel ID # 0786236985), on the west side of its existing property, to allow quarry operations there.

With this change, Hanson will implement its expansion plan over the long term, constructing a new office adjacent to the pit area, and designating areas for the relocation of accessory uses to the quarry. The nature and intensity of the quarry work will not change due to the expansion of the pit area – it will simply migrate to the west, away from Duraleigh Road. The quarry will continue to be shielded from view from adjacent properties and roads by the existing buffer of trees, and, in addition, inside that buffer, a landscaped berm will be constructed to provide more physical separation of the pit and operations from adjacent properties to the west and north. The driveway and access point to the quarry will continue to be from Duraleigh Road, but will likely be relocated to a better location further north.

We would like to have an opportunity to discuss the future plans for the quarry, receive your input, and answer any questions that you might have about the quarry operations. For these purposes, we have scheduled a community meeting on Monday, September 13, 2010, beginning at 6:30 p.m. at the Police District 21 Building, 8016 Glenwood Avenue.

We hope that you will be able to attend the meeting, and we look forward to talking with you at that time. If you are not able to attend the meeting, but would like some additional information, please do not hesitate to send me an e-mail at gstyers@styerskemerait.com or call me at 600-6273.

Very truly yours,

Gray Styers

M. Gray Styers, Jr.

M. Gray Styers, Jr.
Karen M. Kemerait
Charlotte A. Mitchell
Deborah K. Ross

{SK005007.DOCX }

2-2-11

ADJACENT PROPERTY OWNER ADDRESSES FOR HANSON AGGREGATES COMMUNITY MEETING

Richard C. Rollins
4216 Weaver Drive
Raleigh NC 27612-3032

John Roush
5416 Vista View Court
Raleigh, NC 27612

Mark and Penny Wilkinson
5434 Crabtree Park Cr
Raleigh, NC 27612

Carson and Debra Cobb
4209 Marvin Place
Raleigh, NC 27609

Cynthia Hazen
5440 Vista View Court
Raleigh, NC 27612

Amit and Deepika Sachan
4719 Long Hill Lane
Raleigh, NC 27612

Hamptons Development Co. LLC
7101 Creedmoor Road, Suite 101
Raleigh, NC 27613

Todd and Ann Turnbill
5448 Vista View Court
Raleigh, NC 27612

Sarah Wentz
5418 Vista View Court
Raleigh, NC 27612

Eric Vick and Stewart Vick
2504 Gatwick Ct.
Raleigh, NC 27613

Delta Ridge Townhouse Neighborhood
Homeowners Association, Inc.
448 Viking Dr., Ste. 225
Virginia Beach, VA 23452

Duraleigh Presbyterian Church
5408 Duraleigh Road
Raleigh, NC 27612

Richard Christy and Windy Dotson
4712 Long Hill Lane
Raleigh, NC 27612

Raleigh HCRE LLC
4423 Pheasant Ridge Rd., Ste. 301
Roanoke, VA 24014

Commons of Duraleigh Ridge
6014 Duraleigh Road
Raleigh, NC 27612

MJD CO LLC
PO BoX 1142
Wake Forest, NC 27588

Jose Marina
5304 Lake Edge Drive
Holly Springs, NC 27540

Adam and Lauren Cohen
5424 Crabtree Park Court
Raleigh, NC 27612

Karen Mendorf
5418 Crabtree Park Court
Raleigh, NC 27612

Duraleigh Square HOA, Inc.
c/o PPM, Inc.
6739 Falls of Neuse Road
Raleigh, NC 27615

Sarah Bartlett
5412 Vista View Court
Raleigh, NC 27612

Rudolf and Patricia Schiener
5430 Crabtree Park Court
Raleigh, NC 27612

Denise Ryan
4710 Long Hill Lane
Raleigh, NC 27612

Megan Wydick
2848 Creekwood Dr.
Salem, VA 24153

Jennifer Borrelli
5442 Crabtree Park Court
Raleigh, NC 27612

Richard and Suszon Daniel
5414 Crabtree Park Court
Raleigh, NC 27612

Barhoum Khoury and Gayle Wiegand
5300 Duraleigh Road
Raleigh, NC 27612

2-2-11

ADJACENT PROPERTY OWNER ADDRESSES FOR HANSON AGGREGATES COMMUNITY MEETING

Nancy McPhail
1817 Abernathy Trail
Burlington, NC 27215

Connell Realty & Mortgage Company
6001 Glenwood Avenue
Raleigh, NC 27612

Nicholas and Sherri Taylor
5414 Vista View Court
Raleigh, NC 27612

Denise Forbes
12913 Edsel Drive
Raleigh, NC 27613

Karen Nealon and Darren Dorsey
5420 Crabtree Park Court
Raleigh, NC 27612

Amy Phillips
5422 Crabtree Park Court
Raleigh, NC 27612

Courtney Chewning
5400 Crabtree Park Court
Raleigh, NC 27612

Edward and Stephanie Bostic
5420 Vista View Court
Raleigh, NC 27612

David Biggs
5450 Vista View Court
Raleigh, NC 27612

Danny and Judy Kinlaw
5432 Crabtree Park Court
Raleigh, NC 27612

Mary Breen
4717 Long Hill Lane
Raleigh, NC 27612

CND Duraleigh Woods LLC
c/o Carlyle Group
1050 17th Street, Suite 900
Denver, CO 80265

Scott Koschika
5410 Vista View Court
Raleigh, NC 27612

John Arcivides
5444 Vista View Court
Raleigh, NC 27612

Mark Abernathy
5448 Vista View Court
Raleigh, NC 27612

Bryan Starke
5436 Crabtree Park Court
Raleigh, NC 27612

Kimberly Shepard
4715 Long Hill Lane
Raleigh, NC 27612

Nariman Abar
5900 Ebenezer Church Road
Raleigh, NC 27612

North Carolina State Property Office
116 W. Jones Street
Raleigh, NC 27603

Wake County
c/o County Attorney's Office
336 Fayetteville St., Ste. 1100
Raleigh, NC 27601

Lorraine Mercer
4220 Camden Woods Ct
Raleigh, NC 27612

Janice Coleman
5416 Crabtree Park Court
Raleigh, NC 27612

Shannon Smith
5438 Crabtree Park Court
Raleigh, NC 27612

Jennifer & Zebulon Vance Alford
4109 Stranaver Pl
Raleigh, NC 27612

Cole & Stephanie Harris
4113 Stranaver Pl
Raleigh, NC 27612

Richard Earley & Barbara Enyeart Earley
4804 Kilkenny Pl
Raleigh, NC 27612

Viline Cherlinczuk French
4105 Stranaver Pl
Raleigh, NC 27612

Z-2-11

ADJACENT PROPERTY OWNER ADDRESSES FOR HANSON AGGREGATES COMMUNITY MEETING

Jason & Kimberly Swarts
4812 Kilkenny Pl
Raleigh, NC 27612

Joy Springer
5539 Sharpe Dr
Raleigh, NC 27612

Mary Comer
5504 Sharpe Dr
Raleigh, NC 27612

Michael Menefee & Julie Anier Menefee
4101 Stranaver Pl
Raleigh, NC 27612

Pilgrim Presbyterian Church
5420 Ebenzer Church Road
Raleigh, NC 27612

Tazewell Eure
5515 Sharpe Dr
Raleigh, NC 27612

Stephen & Jane McGarry
4808 Kilkenny Pl
Raleigh, NC 27612

Thomas & Dolores Cronin
4822 Kilkenny Pl
Raleigh, NC 27612

Rose Marie Connell
5416 Sharpe Dr
Raleigh, NC 27612

Leslie & Elizabeth Roberts
4108 Stranaver Pl
Raleigh, NC 27612

Ralph & Martha Trustees Heath
4821 Kilkenny Pl
Raleigh, NC 27612

Tambrina & Paulette Brown Onofre
5612 Darrow Dr
Raleigh, NC 27612

Darrel Duncan
4816 Kilkenney Pl
Raleigh, NC 27612

Andrew & Sharon Petrides
4809 Kilkenny Pl
Raleigh, NC 27612

Oak Park Inc.
5606 Darrow Dr
Raleigh, NC 27612

Duncan & Billie Daugherty
5420 Sharpe Dr
Raleigh, NC 27612

Thomas & Dolores Chronin
4820 Kilkenny Pl
Raleigh, NC 27612

Katina Murrell
5632 Darrow Dr
Raleigh, NC 27612

Jesse Floyd
5412 Sharpe Dr
Raleigh, NC 27612

Leslie Squires
4801 Kilkenny Pl
Raleigh, NC 27612

Herman & Sharyne Mitchell
5506 Sharpe Dr
Raleigh, NC 27612

Patricia Mickus
5413 Sharpe Dr
Raleigh, NC 27612

Mary Lane Earlt
4805 Kilkenny Pl
Raleigh, NC 27612

Oak Park Inc.
5519 Sharpe Dr
Raleigh, NC 27612

Connell Realty Mortgage Company
5400 Sharpe Dr
Raleigh, NC 27612

Joan Harper Living Trust
4817 Kilkenny Pl
Raleigh, NC 27612

John & Jacqueline Phelps
5510 Sharpe Dr
Raleigh, NC 27612

Z-2-11

ADJACENT PROPERTY OWNER ADDRESSES FOR HANSON AGGREGATES COMMUNITY MEETING

David & June Tung
4133 Picardy Dr
Raleigh, NC 27612

Donald & Nydia Smith
4104 Stranaver Pl
Raleigh, NC 27612

Claudia & Julio Sarmiento
5529 Sharpe Dr
Raleigh, NC 27612

Harriet Jones
5402 Sharpe Dr
Raleigh, NC 27612

Oak Park West Townhouse Homeowners
5410 Sharpe Dr
Raleigh, NC 27612

Hunter Douglas Obrian
5422 Sharpe Dr
Raleigh, NC 27612

Russell Ammons
5602 Darrow Dr
Raleigh, NC 27612

Alexandra Krasnov
5508 Sharpe Dr
Raleigh, NC 27612

Rose Marie Lindley & James Randall Connell
5432 Sharpe Dr
Raleigh, NC 27612

Anthony & Kay Zoucha
5538 Sharpe Dr
Raleigh, NC 27612

Elna Marie Waters
5405 Sharpe Dr
Raleigh, NC 27612

Trevor & Carina Butler
5434 Sharpe Dr
Raleigh, NC 27612

Susie Lee Denton Adams
5618 Darrow Dr
Raleigh, NC 27612

Connell Realty & Mortgage Company
5408 Sharpe Dr
Raleigh, NC 27612

Elizabeth Cooper Dobbins
5438 Sharpe Dr
Raleigh, NC 27612

Ann Palmquist
5414 Sharpe Dr
Raleigh, NC 27612

W Gerald Millard
5533 Sharpe Dr
Raleigh, NC 27612

Rachel Hicks
5501 Sharpe Dr
Raleigh, NC 27612

Marie Brustofski
5442 Sharpe Dr
Raleigh, NC 27612

Davis Lee
5628 Darrow Dr
Raleigh, NC 27612

Kathy Harbinson Smith
5423 Sharpe Dr
Raleigh, NC 27612

Genevieve Winslow
5430 Sharpe Dr
Raleigh, NC 27612

Joel Mitchell
5626 Darrow Dr
Raleigh, NC 27612

Joseph Chason
5608 Darrow Dr
Raleigh, NC 27612

Rose Marie Lindley & James Randall Connell
5616 Darrow Dr
Raleigh, NC 27612

Frederick Roach
5540 Sharpe Dr
Raleigh, NC 27612

Ronald Price
5536 Sharpe Dr
Raleigh, NC 27612

Z-2-11

ADJACENT PROPERTY OWNER ADDRESSES FOR HANSON AGGREGATES COMMUNITY MEETING

Joseph Edward Stokely
5604 Darrow Dr
Raleigh, NC 27612

Lynn Dement
5531 Sharpe Dr
Raleigh, NC 27612

Adam Fisher
5622 Darrow Dr
Raleigh, NC 27612

Susan Grimes
5525 Sharpe Dr
Raleigh, NC 27612

Nancy Webb
5518 Sharpe Drive
Raleigh, NC 27612

Sharron Bovender
5502 Sharpe Drive
Raleigh, NC 27612

Richard B. Britt, III
5522 Sharpe Drive
Raleigh, NC 27612

Brenda Russell
5520 Sharpe Drive
Raleigh, NC 27612

Emily Smith
5407 Sharpe Drive
Raleigh, NC 27612

John Robert Moran
5534 Sharpe Dr
Raleigh, NC 27612

Angela Grimes
5517 Sharpe Dr
Raleigh, NC 27612

Oak Park Inc
5521 Sharpe Dr
Raleigh, NC 27612

Federal National Mtg Assn
5614 Darrow Dr
Raleigh, NC 27612

Sherri Lynn Baker
5440 Sharpe Dr
Raleigh, NC 27612

Ashley & Eric Schwartz
5409 Sharpe Dr
Raleigh, NC 27612

Matthew Tallarino
5406 Sharpe Dr
Raleigh, NC 27612

Rose Marie Lindley & James Connell
5404 Sharpe Dr
Raleigh, NC 27612

Patricia Crane
5535 Sharpe Dr
Raleigh, NC 27612

Kristine Larotonda Newman
5526 Sharpe Dr
Raleigh, NC 27612

Watkins
5624 Darrow Dr
Raleigh, NC 27612

Anna Morris Godley
5512 Sharpe Dr
Raleigh, NC 27612

Georgie Scruggs
5403 Sharpe Dr
Raleigh, NC 27612

Melvia Williams Cox
5444 Sharpe Dr
Raleigh, NC 27612

James Randall Lindley
5600 Darrow Dr
Raleigh, NC 27612

John Bolyard
5411 Sharpe Dr
Raleigh, NC 27612

Raymond Peedin
5421 Sharpe Dr
Raleigh, NC 27612

Jimmie Scott Stallings
5537 Sharpe Drive
Raleigh, NC 27612

Z-2-11

ADJACENT PROPERTY OWNER ADDRESSES FOR HANSON AGGREGATES COMMUNITY MEETING

Vernon Taliaferro
5630 Darrow Drive
Raleigh, NC 27612

Mark and Mabel Kurtz
4200 Camden Woods Court
Raleigh, NC 27612

Allen and Joyce Barefoot
4412 Embleton Drive
Raleigh, NC 27612

James and Sara Singer
4416 Embleton Drive
Raleigh, NC 27612

Prem and Radhika Tadipatri
4242 Camden Woods Court
Raleigh, NC 27612

Christopher and Erin Jones
4206 Camden Woods Court
Raleigh, NC 27612

Heather Ibrahim
4400 Embleton Drive
Raleigh, NC 27612

Cherise Fretwell
4247 Camden Woods Court
Raleigh, NC 27612

Joan Hallman
4501 Embleton Drive
Raleigh, NC 27612

Kathryn Lee Mcphail
5500 Sharpe Dr
Raleigh, NC 27612

Sharon Parrish
5523 Sharpe Dr
Raleigh, NC 27612

Elizabeth Greer
5419 Sharpe Dr
Raleigh, NC 27612

Sharri Arnold
5418 Sharpe Dr
Raleigh, NC 27612

Gary and Faye Ellis
5528 Sharpe Drive
Raleigh, NC 27612

Leigh Jaworoski
5436 Sharpe Drive
Raleigh, NC 27612

Dororthy Moore
5610 Darrow Drive
Raleigh, NC 27612

Deshelia Spann
5524 Sharpe Drive
Raleigh, NC 27612

Linda Little
5417 Sharpe Drive
Raleigh, NC 27612

James and Julie Korzenko
5636 Darrow Drive
Raleigh, NC 27612

John and Mary Colombo
4421 Embleton Drive
Raleigh, NC 27612

Joann Mendoza
4248 Camden Wood Courts
Raleigh, NC 27612

Benjamin Walsh
4224 Camden Woods Court
Raleigh, NC 27612

Kimberly Vanhooke
4222 Camden Woods Court
Raleigh, NC 27612

Eric and Susan Baucom
4813 Kilkenny Place
Raleigh, NC 27612

Michael Tabb
4208 Camden Woods Court
Raleigh, NC 27612

Gordon and Kristen Clawson
4243 Camden Woods Court
Raleigh, NC 27612

Jessica Anderson
4240 Camden Woods Court
Raleigh, NC 27612

2-2-11

ADJACENT PROPERTY OWNER ADDRESSES FOR HANSON AGGREGATES COMMUNITY MEETING

Roy Shelton
4417 Embleton Drive
Raleigh, NC 27612

Elizabeth Deakle
4108 Darlington Place
Raleigh, NC 27612

Toni Lee Koh
4812 Metcalf Drive
Raleigh, NC 27612

Barhoum and Gayle Khoury
5300 Duraleigh Road
Raleigh, NC 27612

Kathryn Lawson
4117 Weaver Drive
Raleigh, NC 27612

Ronald and Rhoda Lawing
4209 Weaver Drive
Raleigh, NC 27612

Richard S. Parker, II
4216 Weaver Drive
Raleigh, NC 27612

Ruth Ogle
4805 Metcalf Drive
Raleigh, NC 27612

Eric Vick
5212 Duraleigh Road
Raleigh, NC 27612

Nicole Macaluso
5532 Sharpe Drive
Raleigh, NC 27612

Thomas Gallagher
4226 Camden Woods Court
Raleigh, NC 27612

Calvert Johnny and Ruby Burns-Johnny
4413 Embleton Drive
Raleigh, NC 27612

Nicholas Pasquariello
4245 Camden Woods Court
Raleigh, NC 27612

Frank Thoubboron
4204 Camden Woods Court
Raleigh, NC 27612

Melvin L. Wilkins, Jr.
4241 Camden Woods Court
Raleigh, NC 27612

James L. Bond, II
4246 Camden Woods Court
Raleigh, NC 27612

Raymond Moore
4244 Camden Woods Court
Raleigh, NC 27612

Patrick C. Smith, Jr.
4210 Camden Woods Court
Raleigh, NC 27612

Taylor Ramirez
4228 Camden Woods Court
Raleigh, NC 27612

Kun Sang and Sun Sil Lee
4121 Weaver Drive
Raleigh, NC 27612

Jose Marina
5218 Duraleigh Road
Raleigh, NC 27612

Monte and Kathryn Matthews
4118 Weaver Drive
Raleigh, NC 27612

Joel and Sue Moody
4816 Metcalf Drive
Raleigh, NC 27612

Brian Smith and Amy Flanary-Smith
4804 Metcalf Drive
Raleigh, NC 27612

Adolfo and Mary Santana
4213 Weaver Drive
Raleigh, NC 27612

Scott and Jamie McQuiggan
4809 Metcalf Drive
Raleigh, NC 27612

Douglas and Karen Patterson
4200 Weaver Drive
Raleigh, NC 27612

2-2-11

ADJACENT PROPERTY OWNER ADDRESSES FOR HANSON AGGREGATES COMMUNITY MEETING

John and Betty Fetvedt
4206 Weaver Drive
Raleigh, NC 27612

Coleen Hanson
4202 Camden Woods Court
Raleigh, NC 27612

Michael and Keanine Kennon
4205 Waver Drive
Raleigh, NC 27612

Gregory and Roselyn Egan
3705 Oak Park Road
Raleigh, NC 27612

Melvin and Ivelina Cooley
4125 Weaver Drive
Raleigh, NC 27612

Steven and Cara Mansbery
4805 Dundee Place
Raleigh, NC 27612

Frank and Christine Bermel
4109 Oak Park Road
Raleigh, NC 27612

Lori Lipkin
4801 Metcalf Drive
Raleigh, NC 27612

John and Pauline compos
4809 Dundee Place
Raleigh, NC 27612

David and Lisa Carter
4205 Diamond City Court
Raleigh, NC 27612

Lester Watts
4112 Darlington Place
Raleigh, NC 27612

John and Carolyn Fallon
4101 Oak Park Road
Raleigh, NC 27612

Ronald and Patricia Davis
3800 Oak Park Road
Raleigh, NC 27612

Catherine and Marcus Tuttle
4114 Weaver Drive
Raleigh, NC 27612

Larry and Lois Hall
3805 Oak Park Road
Raleigh, NC 27612

Frances and Paul Hoch
4113 Oak Park Road
Raleigh, NC 27612

Gabriel Harris and Claudia Solano-Lopez
4113 Weaver Drive
Raleigh, NC 27612

Christina Strong
3912 Oak Park Road
Raleigh, NC 27612

Hazel Privette
3915 Oak Park Road
Raleigh, NC 27612

Martha Harbour
4808 Metcalf Drive
Raleigh, NC 27612

Lee and Gail Rothstein
3908 Oak Park Road
Raleigh, NC 27612

David and Debra Gibbons
4121 Oak Park Road
Raleigh, NC 27612

Dan and Lanie Lapasha
5206 Duraleigh Road
Raleigh, NC 27612

William and Sandra Brown
3804 Oak Park Road
Raleigh, NC 27612

David and Elizabeth Holliday
3812 Oak Park Road
Raleigh, NC 27612

Patricia and Donald Toten
4808 Dundee Place
Raleigh, NC 27612

Brian and Pamela Teague
4208 Diamond City Court
Raleigh, NC 27612

2-2-11

ADJACENT PROPERTY OWNER ADDRESSES FOR HANSON AGGREGATES COMMUNITY MEETING

Wayne and Katherine Helms
3916 Oak Park Road
Raleigh, NC 27612

Gloria Craumer and Mary Craumer
4804 Dundee Place
Raleigh, NC 27612

Frank and Deborah Wedick
4012 Oak Park Road
Raleigh, NC 27612

L Hunter Turnage
4204 Oak Park Road
Raleigh, NC 27612

Wayne and Katherine Helms
3920 Oak Park Road
Raleigh, NC 27612

Thomas and Judy Melton
4204 Diamond City Court
Raleigh, NC 27612

David and Leslie Pressel
4120 Oak Park Road
Raleigh, NC 27612

Jean Dunyak
3909 Oak Park Road
Raleigh, NC 27612

Gary and Susan Dorton
4200 Oak Park Road
Raleigh, NC 27612

James and Leigh Chabreck
4100 Oak Park Road
Raleigh, NC 27612

Alva Moore
3904 Oak Park Road
Raleigh, NC 27612

Timothy and Sharon Willis
4004 Oak Park Road
Raleigh, NC 27612

Hugh Dan and Shannon Hardy
4217 Diamond City Court
Raleigh, NC 27612

Robert and Margaret Tyson
4005 Oak Park Road
Raleigh, NC 27612

Douglas and Elizabeth Rader
4000 Oak Park Road
Raleigh, NC 27612

Geraldean Campbell
4613 Lindsay Drive
Raleigh, NC 27612

Grover and Sherry Nicholson
4609 Lindsay Drive
Raleigh, NC 27612

Richard and Emily Morgan
3704 Oak Park Road
Raleigh, NC 27612

Edwards and Esther Wenzel
4104 Oak Park Road
Raleigh, NC 27612

Sheldon Raiter
3708 Oak Park Road
Raleigh, NC 27612

Geraldine Vick
3808 Oak Park Road
Raleigh, NC 27612

Kim Walker
4105 Oak Park Road
Raleigh, NC 27612

Daniel and Kellie Haight
3809 Oak Park Road
Raleigh, NC 27612

Anne and Gary Childress
3801 Oak Park Road
Raleigh, NC 27612

Faisal Ahmed
3919 Oak Park Road
Raleigh, NC 27612

Charles and Katherine Hall
3900 Oak Park Road
Raleigh, NC 27612

Gery and Abby Sandling
4209 Diamond City Court
Raleigh, NC 27612

2-2-11

ADJACENT PROPERTY OWNER ADDRESSES FOR HANSON AGGREGATES COMMUNITY MEETING

Jane and Dennis Allen
4108 Oak Park Road
Raleigh, NC 27612

Marc and Susan Getter
412 Oak Park Road
Raleigh, NC 27612

Margaret Powell
4008 Oak Park Road
Raleigh, NC 27612

Ted and Elizabeth Bartelt
4212 Diamond City Court
Raleigh, NC 27612

2-2-11

ADJACENT PROPERTY OWNER ADDRESSES FOR HANSON AGGREGATES COMMUNITY MEETING

Shazib and Mohammad Hassan
4720 Long Hill Lane
Raleigh, NC 27612

Stacey Barber
4718 Long Hill Lane
Raleigh, NC 27612

Robert and Kristin Gradsky
5411 Vista View Court
Raleigh, NC 27612

Patricia Gaffney
5413 Vista View Court
Raleigh, NC 27612

Jonathan Johnson
5504 Vista View Court
Raleigh, NC 27612

Allison Phillips
5441 Crabtree Park Court
Raleigh, NC 27612

Heather Frantz
4716 Long Hill Lane
Raleigh, NC 27612

Doreen Hayes
803 Bermuda Bay Blvd.
Kill Devil Hill, NC 27948

Jermaine Taylor
5442 Vista View Court
Raleigh, NC 27612

Bryan Scott Lambeth
4711 Long Hill Lane
Raleigh, NC 27612

Jonah Turner
5502 Vista View Court
Raleigh, NC 27612

Lisa Tyndall
4714 Long Hill Lane
Raleigh, NC 27612

Khalid and Farrah Durrani
5445 Crabtree Park Court
Raleigh, NC 27612

Kent and Susan Hamilton
5018 Woodrun On Tillery
Mount Gilead, NC 27306

Christopher and Courtney Blum
3316 Belspring Lane
Raleigh, NC 27612

Jonathan Weber and Wendy Phelps
5500 Vista View Court
Raleigh, NC 27612

EXHIBIT III 2-2-11

COMMUNITY MEETING ATTENDEE SIGN-IN SHEET
SEPTEMBER 13, 2010
POLICE DISTRICT 21 BUILDING

	NAME	ADDRESS
1.	Gray Styers	1101 Haynes Street Raleigh, NC 27604
2.	Steven S. Edgerton	8505 Freeport Pkwy Irving, Tx 75063
3.	DAVID C MORGAN	2300 GATEWAY CENTRE Morrisville, NC
4.	Chris Ward	305 Hayward Ln Alpharetta Ga 30022
5.	Daren McMorris	209 Allie Bell Lane Rolesville NC 27571
MAP 00 → 6.	Susie D. Adams	5618 Darrow Dr. 27612
7.	Melvia Cox	5444 Sharpe Dr. 27612
8.	Gemma Winslow	5430 Sharpe Dr. 27612
9.	Jackie Mizelle mizellej@hpw.com	5000 Clyden Cove 27612
10.	Chris Faughnan	5000 Falls of Neuse Rd Suite 100 27609
11.	Sig Hutchinson	2704 Snowy Meadow Ct. Rd. 27614
12.	Joyce Fitzpatrick joyce@fitzpatrickcomm.com	224 Woodburn Rd Raleigh 27605
13.	Denise Ryan	4710 Long Hill Ln, Ral. 27612
14.	Margaret Tyson	4005 Oak Park Rd
15.	Karen Mendorf kmendorf@nc.rr.com	5418 Crabtree Park Ct 27612
16.	Alva Moore + Steve	3904 Oak Park Rd 27612
m@nc.rr.com 17.	Frank Wedick	4012 Oak Park Rd 27612
18.	Elizabeth Rader	4000 Oak Park Rd. 27612
19.	DOUG RADER	4000 OAK PARK RD. 27612
20.	Pauline Compos	4809 Dundee Pl. 27612

drader@edf.org

{SK005010.DOCX }

2-2-11

COMMUNITY MEETING ATTENDEE SIGN-IN SHEET
SEPTEMBER 13, 2010
POLICE DISTRICT 21 BUILDING

	NAME:	ADDRESS:
21.	David Holliday (dwholliday@nc.rr.com)	3812 Oak Park Road
22.	Joni Holliday	3812 Oak Park Road
23.	Scott Letchworth	W.B. Umstead State Park 8801 Glenwo Park Superintendent Raleigh NC 2761
24.	Jeff Mann	Umstead PAC jmann@03@na.rr.com
25.	Susan Holbrook	CBNPSW holbrooks@hpw.co
26.	Joan Harper	4817 Kilkenny Place
27.	Aaron Hemmings	5613 Duraleigh Rd. Suite 111 Raleigh, NC 27612
28.	Grace Keyes	Hollyridge Drive grace.young4@gmail.com
29.	Richard Earley	4804 Kilkenny Place Raleigh NC 27612
30.	Barbara Earley	4804 Kilkenny Place Raleigh NC 27612
31.	GIL JOHNSON	UMSTEAD COALITION GILJOHNSON@MAC.COM
32.	Steve Jellicorse	723 S. Boylan Ave steve.jellic@gmail
33.	Larry Weaver	PO Box 14313 Durham NC 27709
34.		
35.		
36.		
37.		
38.		
39.		
40.		
41.		

WAIVER OF TRIP GENERATION 2-2-11

Charlotte Mitchell

From: Lamb, Eric [Eric.Lamb@raleighnc.gov]
Sent: Friday, September 17, 2010 9:23 AM
To: Charlotte Mitchell
Cc: Gray Styers
Subject: RE: Emailing: Zoning Conditions (SK004851-5).DOC
Attachments: ATT00001.txt

Thanks for sending this – I have passed it along to Dhanya, et.al, that we can forego the trip generation data based on your conditions.

Thanks,

Eric

Eric J. Lamb, PE
Manager, Transportation Services Division
City of Raleigh Public Works Department
One Exchange Plaza, Suite 727
PO Box 590, Raleigh, North Carolina 27602
Office: (919) 516-2161 | Fax: (919) 516-2681
eric.lamb@raleighnc.gov <-- NEW
http://www.raleighnc.gov

From: Charlotte Mitchell [mailto:CMitchell@styerskemerait.com]
Sent: Thursday, September 16, 2010 7:00 PM
To: Lamb, Eric
Cc: Gray Styers
Subject: Emailing: Zoning Conditions (SK004851-5).DOC

Eric:

As we discussed today in reference to the trip generation report waiver, I am attaching the proposed conditions that will be submitted with the rezoning request for the Hanson proposal. Please let me know if you have any questions.

Thank you very much for your time and assistance,

Charlotte

Charlotte A. Mitchell

Styers & Kemerait, PLLC
1101 Haynes Street, Suite 101
Raleigh, North Carolina 27604
919.600.6277

2-2-11

0-0145746

FILED

932am

FEB 10 1999

EFFECTIVE

SECRETARY OF STATE
NORTH CAROLINA

99039 9068

State of North Carolina
Department of the Secretary of State

APPLICATION FOR AMENDED CERTIFICATE OF AUTHORITY

Pursuant to §55-15-04 of the General Statutes of North Carolina, the undersigned corporation hereby applies for an Amended Certificate of Authority to transact business in the State of North Carolina and for that purpose submits the following statement.

1. The name of the corporation is: Benchmark Carolina Aggregates, Inc.
2. The name the corporation is currently using in the State of North Carolina is:
   Benchmark Carolina Aggregates, Inc.
3. The state or country of incorporation is: Delaware
4. The date the corporation was authorized to transact business in the State of North Carolina is:
   28, 1990
5. This application is filed for the following reason *(complete all applicable items)*:
   a. The corporation has changed its corporate name to:*
      Hanson Aggregates Carolina, Inc.
   b. The name the corporation will hereafter use in the State of North Carolina is changed to:
   c. The corporation has changed its period of duration to: No Change
   d. The corporation has changed the state or country of its incorporation to: No Change
6. Attached is a certificate attesting to the change, duly authenticated by the secretary of state or other official having custody of corporate records in the state or country of incorporation.
7. If the corporation is required to use a fictitious name in order to transact business in this State, a copy of the resolution of its board of directors, certified by its secretary, adopting the fictitious name is attached.
8. This application will be effective upon filing, unless a date and/or time is specified: N/A

This the 29th day of January, 1999

Hanson Aggregates Carolina, Inc.
Name of Corporation

Jill M. Blundon
Signature

Jill M. Blundon, Vice President
Type or Print Name and Title

NOTES:

1. Filing fee is $50. One executed original and one exact or conformed copy of this application must be filed with the Secretary of State.

* If the name of the corporation as changed is unavailable for use in North Carolina, indicate this fact and state the name the corporation wishes to use in North Carolina on 5b. (See NCGS §55-15-06)

(N. C. - 1059 - 7/1/90)

CORPORATIONS DIVISION 300 N. SALISBURY ST. RALEIGH, NC 27603-5909

2-2-11

State of Delaware

Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE SAID "BENCHMARK CAROLINA AGGREGATES, INC.", FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "HANSON AGGREGATES CAROLINA, INC.", THE TWENTY-FIFTH DAY OF JANUARY, A.D. 1999, AT 10 O'CLOCK A.M.

Edward J. Freel, Secretary of State

AUTHENTICATION: 9549849

DATE: 01-29-99

0891993 8320

991038489

2-2-11

22 032 9084

Delaware

SOSID: 0145746
Date Filed: 2/1/2002 9:21 AM
Elaine F. Marshall
North Carolina Secretary of State

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE CERTIFICATE OF MERGER, WHICH MERGES:

"HANSON AGGREGATES CAROLINA, INC.", A DELAWARE CORPORATION,

WITH AND INTO "HANSON AGGREGATES SOUTHEAST, INC." UNDER THE NAME OF "HANSON AGGREGATES SOUTHEAST, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, WAS RECEIVED AND FILED IN THIS OFFICE THE NINETEENTH DAY OF DECEMBER, A.D. 2001, AT 1 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID CORPORATION SHALL BE GOVERNED BY THE LAWS OF THE STATE OF DELAWARE.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF MERGER IS THE TWENTY-EIGHTH DAY OF DECEMBER, A.D. 2001.

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

0891993 8330

020061622

AUTHENTICATION: 1586937

DATE: 01-30-02

2-2-11

C200907600825

SOSID: 0604407
Date Filed: 3/17/2009 3:49:00 PM
Elaine F. Marshall
North Carolina Secretary of State
C200907600825

State of North Carolina
Department of the Secretary of State

APPLICATION FOR CERTIFICATE OF WITHDRAWAL BY REASON OF MERGER, CONSOLIDATION OR CONVERSION

Pursuant to §55-15-21, §55A-15-21, § 57C-7-12, § 59-91 or § 59-909, of the General Statutes of North Carolina as applicable, the undersigned entity, as the surviving or resulting entity in a statutory merger, consolidation or conversion hereby applies to the Secretary of State for a Certificate of Withdrawal for the foreign entity(ies) authorized to transact business or conduct affairs in the State of North Carolina named below, whose separate existence has ceased as a result of the merger, consolidation or conversion, and for that purpose submits the following statement:

1. The name of the surviving or resulting entity is: Hanson Aggregates Southeast LLC

   a. The surviving or resulting entity is incorporated, formed or created under the laws of: Delaware

   b. The type of entity of the surviving or resulting entity: Limited Liability Company

2. The surviving or resulting entity is not authorized to transact business or conduct affairs in the State of North Carolina.

3. The name of each foreign entity authorized to transact business in North Carolina (and its fictitious name used in the State of North Carolina, if different from its official name) is: Hanson Aggregates Southeast, Inc.

   a. The name of the state or country under whose law each such entity was incorporated, formed or created is: Delaware

   b. The type of entity of each foreign entity: Corporation

4. The surviving or resulting entity hereby consents that service of process based on any cause of action arising in the State of North Carolina, or arising out of business transacted or affairs conducted in this State during the time each foreign entity was authorized to transact business or conduct affairs in this State may thereafter be made by service thereof on the Secretary of State.

5. The mailing address to which the Secretary of State may mail a copy of any process served pursuant to the paragraph above is:

   C/O Legal Dept.

   Address 300 E. John Carpenter Fwy., Ste. 1645

   City, State, Zip Code Irving, TX 75062

6. The surviving or resulting entity hereby agrees to file a statement of any subsequent change in its mailing address with the Secretary of State.

7. Attached hereto is a copy of the articles of merger, consolidation or conversion or a certificate reciting the facts of the merger, consolidation or conversion duly authenticated by the Secretary of State or other official having custody of records of such entities in the state or country under the laws of which such merger was effected.

Z-2-11

Delaware

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE CERTIFICATE OF CONVERSION OF A DELAWARE CORPORATION "HANSON AGGREGATES SOUTHEAST, INC." TO A DELAWARE LIMITED LIABILITY COMPANY OF "HANSON AGGREGATES SOUTHEAST LLC", WAS FILED IN THIS OFFICE ON THE TWENTY-NINTH DAY OF DECEMBER, A.D. 2008, AT 2:21 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF CONVERSION IS THE THIRTY-FIRST DAY OF DECEMBER, A.D. 2008, AT 8 O'CLOCK P.M.

0656503 8317

090271230

You may verify this certificate online at corp.delaware.gov/authver.shtml

Jeffrey W. Bullock, Secretary of State

AUTHENTICATION: 7189050

DATE: 03-16-09

Z-2-11

8. This application will be effective upon filing, unless a date and/or time is specified here: N/A

This the 10th day of March, 20 09

Hanson Aggregates Southeast LLC
Name of Surviving/Resulting Entity

Signature

Amy C. Yi - Asst. Sec'y
Type or Print Name and Title

Authorized to sign in accordance with NCGS 57C-3-24

NOTES

1. **Filing fee is $10. This application must be filed with the Secretary of State. The application must be accompanied by a copy of the articles of merger, consolidation or conversion or a certificate reciting the facts of the merger, consolidation or conversion duly authenticated by the Secretary of State or other official having custody of the records of such entities in the state or country under the laws of which the foreign entity was organized, incorporated or created.**
2. **This form is to be used only if the surviving corporation is not authorized to transact business or conduct affairs in North Carolina.**

2-2-11

December 3, 2010

Mr. Mitchell Silver
City of Raleigh Planning Department
One Exchange Plaza
Suite 204
Raleigh, NC 27601

Re: Authority to Execute Request to Rezone Real Property Located at 4712 Ebenezer Church Road, Z-002-11 ('the Request")

Dear Mr. Silver:

On October 7, 2010 Mr. Steve Edgerton sent you a letter outlining his authority to execute documents on behalf of Lehigh Hanson and Hanson Aggregates Southeast, LLC in connection with a proposed Request that would be binding on the corporations. Unfortunately since that letter was written Mr. Edgerton has had to take a leave of absence for medical reasons.

As a result of Mr. Edgerton's leave of absence I am providing you this letter which represents and warrants that I, in my capacity as Vice President of Hanson Aggregates Southeast, LLC, am authorized to execute the Request on behalf of Hanson Aggregates Southeast, LLC. Further, all appropriate corporate and other resolutions or authorizations, if any have been passed and obtained, and the Request shall be legal, valid and binding obligation of Hanson Aggregates Southeast, LLC.

Sincerely,

Chris Ward
Vice President

2-2-11

October 7, 2010

Mitchell Silver, Director
City of Raleigh Planning Department
One Exchange Plaza
Suite 204
Raleigh, NC 27601

Re: Authority to Execute Request to Re-zone Real Property Located at 4712 Ebenezer Church Road, Z-002-11 (the "Request")

Mr. Silver:

I hereby represent and warrant that I, in my capacity as Director of Development for Lehigh Hanson, Inc. and Hanson Aggregates Southeast, LLC, a wholly owned subsidiary of Lehigh Hanson, Inc., am authorized to execute the Request on behalf of Hanson Aggregates Southeast, LLC. Further, all appropriate corporate and other resolutions or authorizations, if any have been passed and obtained, and the Request shall be legal, valid and binding obligation, of Hanson Aggregates Southeast, LLC.

Sincerely,

Steven Edgerton
Director of Development

2-2-11

October 7, 2010

Mr. Mitchell Silver, Director
City of Raleigh Planning Department
One Exchange Plaza
Suite 204
Raleigh, NC 27601

Re: Authority to Execute Request to Re-zone Real Property Located at 4712 Ebenezer Church Road, Z-002-11 (the "Request")

Mr. Silver:

I hereby represent and warrant that I, in my capacity as Manager, am authorized to execute the Request on behalf of The Hamptons Development Company, LLC. Further, all appropriate corporate and other resolutions or authorizations have been passed and obtained, and the Request shall be legal, valid and binding obligation of The Hamptons Development Company, LLC.

Sincerely,

Michael G. Sandman
Manager
The Hamptons Development Company, LLC