Dinwiddie County Planning Commission

Regular Meeting Agenda
February 10 2016
7:00 PM

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **MINUTES**

   Documents: January 13, 2016 Org-Reg Meeting Minutes.pdf

6. **CITIZEN COMMENTS**
7. **PUBLIC HEARING**

   A. CASE P-16-2

   The applicant, Christopher L. Everett, President, on behalf of Everett Bros. Properties, Inc., is requesting to rezone property containing approximately 0.12 +/- acres from R-1, Residential Limited, to R-U, Residential Urban. The R-U, Residential Urban, zoning classification allows for certain residential uses pursuant to the Zoning Ordinance allowed density. The property is located on the north side of Surry Ave. approximately 205 feet west from the Surry Ave. and Roanoke St. intersection, and is further defined as Tax Map Parcel Nos. 21A-1-180 and 21A-1-181. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which allows limited residential uses for this general area.

   Documents: P-16-2 Rez Feb 2016 PC Staff Report.pdf, Rezoning P-16-2 Land Use Application.pdf, P-16-2 Property Location Map.pdf, P-16-2 Property Pictures.pdf

   B. CASE C-16-1

   The applicant, Samuel H. Shands, and his agent, Donald L. Shaffer are seeking a conditional use permit to utilize the following described property containing

approximately 116.0 acres as an open pit sand and gravel mine. The property is located 1,500 feet west of 26714 Troublefield Road, Stony Creek, VA, and is further designated as Tax Map No. 87-13 and is zoned A-2, Agricultural General, which allows such use upon receiving a conditional use permit. The County's Comprehensive Land Use Plan places this property within the Rural Conservation Area which allows limited commercial, service development at the Ordinance defined density.

Documents: C-16-1 Open Pit Mining PC Staff Report Feb 10 2016.pdf, CUP Land Use Application.pdf, C-16-1 Property Location Map.pdf, Property Pictures.pdf

8. NEW BUSINESS

9. COMMISSIONERS' COMMENTS

10. PLANNING DIRECTOR'S COMMENTS

11. ADJOURNMENT

VIRGINIA: MINUTES OF THE ORGANIZATIONAL AND REGULAR MEETING OF THE DINWIDDIE COUNTY PLANNING COMMISSION HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING ON THE 13th DAY OF JANUARY 2016 AT 7:00 P.M.

PRESENT:	SAMUEL W. HAYES		AT-LARGE
	BUTCH CUNNINGHAM	CHAIRMAN	DIST #4
	ANTHONY SIMMONS		DIST #5
	EVERETTE PROSISE	VICE CHAIRMAN	DIST #1
	DEAN McCRAY		DIST #2
	ALVIN BLAHA		DIST #3
	THOMAS TUCKER		AT-LARGE
OTHER:	MARK BASSETT	PLANNING DIRECTOR	
	JAMIE SHERRY	ZONING ADMINISTRATOR	
	TYLER SOUTHALL	COUNTY ATTORNEY	

IN RE: CALL TO ORDER

The Chairman called the meeting to order at 7:05 p.m.

IN RE: PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Chairman asked everyone to stand for the pledge of allegiance and a moment of silence.

IN RE: ROLL CALL

The Chairman asked for the roll to be called and all members were present.

IN RE: APPROVAL OF AGENDA

The Chairman asked the members if there were any corrections to the agenda. He said if there are none he would entertain a motion to accept the agenda as presented.

Mr. Tucker made a motion that the agenda be accepted as presented. It was seconded by Mr. Blaha and with Mr. McCray, Mr. Hayes, Mr. Tucker, Mr. Simmons, Mr. Blaha, Dr. Prosise and Mr. Cunningham voting "AYE" the agenda was accepted as presented.

IN RE: MINUTES

The Chairman said we have the minutes from the December 9, 2015 regular meeting before us. He said if there are no corrections he would entertain a motion to accept the minutes as presented.

Mr. Blaha made a motion to accept the minutes as presented. It was seconded by Mr. Simmons and with Mr. Hayes, Mr. Blaha, Mr. Simmons, Mr. McCray, Mr. Tucker, Dr. Prosise and Mr. Cunningham voting "AYE" the minutes were approved.

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IN RE: ELECTION OF OFFICERS FOR 2016

The Chairman turned the meeting over to Mr. Bassett and he opened nominations for the 2016 Chairman of the Planning Commission. Mr. Blaha nominated Dr. Prosise for Chairman and it was seconded by Mr. McCray. Mr. Tucker made a motion that the nominations be closed and it was seconded by Mr. Blaha. The roll was called and with Mr. Hayes, Mr. Blaha, Mr. Simmons, Mr. McCray, Mr. Tucker, Mr. Cunningham voting "AYE" and Dr. Prosise "ABSTAINING" Dr. Prosise was approved as Chairman.

Mr. Southall read the following resolution: BE IT RESOLVED, by the Planning Commission of Dinwiddie County, Virginia that Dr. Everett Prosise shall be appointed as the Chairman of the Planning Commission of Dinwiddie County, Virginia for the year 2016, or until he or she resigns, is unable to hold office, or until a successor assumes office.

Mr. Tucker made a motion to accept the resolution and it was seconded by Mr. Blaha and with Mr. Hayes, Mr. Blaha, Mr. Simmons, Mr. McCray, Mr. Tucker, Mr. Cunningham voting "AYE" and Dr. Prosise "ABSTAINING" the resolution was approved.

Mr. Bassett turned the meeting over to the new Chairman.

The Chairman opened nominations for the 2016 Vice Chairman of the Planning Commission. Mr. Tucker nominated Mr. Simmons for Vice Chairman and it was seconded by Mr. Blaha. Mr. Cunningham made a motion that the nominations be closed and it was seconded by Mr. Tucker. The roll was called and with Mr. McCray, Mr. Cunningham, Mr. Hayes, Mr. Tucker, Mr. Blaha, Mr. Simmons and Dr. Prosise voting "AYE" Mr. Simmons was approved as Vice Chairman.

Mr. Bassett read the following resolution: BE IT RESOLVED, by the Planning Commission of Dinwiddie County, Virginia that Mr. Anthony Simmons shall be appointed as the Chairman of the Planning Commission of Dinwiddie County, Virginia for the year 2016, or until he or she resigns, is unable to hold office, or until a successor assumes office.

Mr. Cunningham made a motion to accept the resolution and it was seconded by Mr. Tucker and with Mr. Hayes, Mr. Blaha, Mr. McCray, Mr. Tucker, Mr. Cunningham, Mr. Simmons and Dr. Prosise voting "AYE" the resolution was approved.

IN RE: DETERMINATION OF MEETING SCHEDULE FOR 2016

The Chairman said the next item on the agenda is the determination of the meeting schedule for 2016. He said if there are no objections he would accept a motion to approve the 2016 Planning Commission meeting schedule.

WHEREAS, **the Planning Commission of Dinwiddie County, Virginia is required by the Virginia Code to adopt a regular meeting schedule,**

NOW THEREFORE BE IT RESOLVED by the Planning Commission of Dinwiddie County, Virginia, **that the following rules shall apply for the year 2016:**

1. Regular Meetings of the Planning Commission shall be held every month, on the second Wednesday of the month, as shown on the attached 2016 calendar, in the Board Meeting Room in the Pamplin Administration Building, 14016 Boydton Plank Road, Dinwiddie, Virginia. The Regular Meeting time shall be 7:00 PM unless otherwise noted.

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2. Should it be necessary to cancel a regular and/or an advertised Planning Commission meeting due to weather or other conditions, the meeting shall be continued for 7 days to the same time and place.

Regular meeting dates are as follows:

Planning Commission's 2015 Regular Meeting Dates Calendar

January 13, 2016	May 11, 2016	September 14, 2016
February 10, 2016	June 8, 2016	October 12, 2016
March 9, 2016	July 13, 2016	November 9, 2016
April 13, 2016	August 10, 2016	December 14, 2016

The organizational meeting for calendar year 2017 will be held on January 11, 2017 at 7:00 p.m.

Mr. Tucker made a motion to accept the 2016 meeting schedule. It was seconded by Mr. Cunningham and with Mr. Cunningham, Mr. Blaha, Mr. Tucker, Mr. McCray, Mr. Hayes, Mr. Simmons, and Dr. Prosise voting "AYE" the resolution was approved.

RE: CITIZEN COMMENTS

The Chairman opened the citizen comment portion of the meeting and asked if anyone had signed up or was present who wanted to speak. He said since there is no one he was closing the citizen comments portion of the meeting.

Mr. Cunningham read the following Disclosure of Interest Pursuant to section 2.2-3112 of the Code of Virginia, 1950, as amended Self Disqualification Due to Personal Interest statement before the Site Plan Review and Approval was presented to the Planning Commission. He said at the January 13, 2016 Meeting of the Dinwiddie County Planning Commission, I, Butch Cunningham, will not participate in any discussion or vote pertaining to the approval of a site plan for Virginia Electric and Power company, regarding a portion of Tax Map No. 10-7B. He said the reason is because I am employed by Virginia Electric and Power Company, 707 E. Main Street, Richmond VA 23219.

RE: SITE PLAN REVIEW AND APPROVAL

MEMORANDUM

To: **Planning Commission**
From: **Mark Bassett, Planning Director**
Date: **January 4, 2016**
Subject: **Site Plan Review and Approval, Dominion Locks Yard III, North Dinwiddie**

Background:

On July 21, 2015, the Board of Supervisors approved Dominion Virginia Power's request to rezone with proffers a portion of the former Southside Virginia Training Center property approximately 22.0 acres on the north side of North Road from Residential, Limited, R-1 to Industrial, Limited, M-1 to allow for the construction and operation of the Dominion Virginia Power utility storage yard.

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The site plan (see attached site plan titled, Dominion Locks Yard III) submitted by the Dominion Virginia Power and their engineer, Willmark Engineering, PLC, is currently under review by the Land Development Committee (LDC) and as set forth in Zoning Ordinance Article X Site Plans, Dominion Virginia Power is following the Planning Commission site plan review process for the review and approval of the subject site plan. As set forth under Zoning Ordinance Sec. 22-421 (9) and (10) during the review and approval of a site plan the Planning Commission may waive or modify the requirements for buffers and screening under certain conditions, and as part of the site plan review Dominion Virginia Power is requesting there is a buffer modification to the requirements for a 50-foot buffer along the southern portion of the subject development site which abuts North Road. The buffer modification involves modifying the 50-foot buffer requirement for a portion of the site on the southern side, which fronts on North Road, where there is perimeter security fencing proposed between the subject property and North Road.

The following Ordinance defined buffer modification conditions are relevant in this review: "Sec. 22-241 (9) (c) If the adjoining land is designated in the county's adopted comprehensive plan for a use which would not require the provision of buffers or screens."; (f) If the topography is such that the requirements of this division would not be effective.; and Sec. 22-242 (10) (a) When the adjacent lot is in a "R" district and is occupied by a nonresidential use. "

Relating to the aforementioned conditions for buffer modification, the topography for the proposed post-developed site allows for the proposed perimeter fencing to be located at the top of the slope at the property line which aids in buffering the proposed storage areas located at the lower elevation on the interior of the site. With the approximately five-foot difference in elevation from the top of the slope at the fence line and the final grade of the storage area, the slope/topography aid in buffering this portion of the site from the adjoining property. Additionally, North Road further adds separation between the storage area and the adjoining property. Furthermore, Dominion Virginia Power has proffered to install incorporate screening on the subject security fencing if the adjoining property to the south across North road is ever developed residentially. An additional consideration meeting the conditions for a modification is that the abutting property is being used for a non-residential use; the Southside Training Center and further the Comprehensive Land Use Plan designates the property for public facilities.

Staff Recommendation:

Staff recommends approval of the proposed site plan for the materials storage yard given that the proposed topography helps buffer this portion of the post-developed site, and given that the existing use of the abutting property is for a nonresidential use and the Comprehensive Plan designates this area for public facilities.

Planning Commission Action:

WHEREAS, in accordance with Zoning Ordinance Article X Site Plans and Division 3 – Buffers and Screening, Sec. 421 – General Provisions (9) and (10) the Dinwiddie County Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of the following site plan:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby (approve or disapprove) the site plan as presented and subject to the additional administrative site plan amendments recommended by the Dinwiddie County Land Development Committee (LDC) review agencies as approved by the Planning Director.

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Mr. Blaha asked if there was going to be a raised buffer on the south side of the property as well as a fence. He also wanted to know if screening would be put in place for the rest of the property that will remain residentially zoned.

Mr. Bassett said that a raised buffer is not being constructed, but the fence will be installed at the top of the slope. Additional screening will be installed on the fence itself if the adjoining property is ever developed residentially as set forth in the rezoning proffers that were approved in the rezoning completed in July 2015.

The Chairman said if there are no more questions he would entertain a motion.

Mr. Hayes made a motion and read the following: WHEREAS, in accordance with Zoning Ordinance Article X Site Plans and Division 3 – Buffers and Screening, Sec. 421 – General Provisions (9) and (10) the Dinwiddie County Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of the following site plan:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby approve the site plan as presented and subject to the additional administrative site plan amendments recommended by the Dinwiddie County Land Development Committee (LDC) review agencies as approved by the Planning Director.

Mr. Blaha seconded the motion and with Mr. Hayes, Mr. Blaha, Mr. McCray, Mr. Tucker, Mr. Simmons and Dr. Prosise voting "AYE" the Site Plan Review and Approval was approved.

Mr. McCray read the following Disclosure of Interest Pursuant to section 2.2-3112 of the Code of Virginia, 1950, as amended Self Disqualification Due to Personal Interest statement before Case AC-16-1 was presented to the Planning Commission. He said at the January 13, 2016 Meeting of the Dinwiddie County Planning Commission, I, Dean McCray, will not participate in any discussion or vote pertaining to Case AC-16-1 because my Company, McCray Electric which has an address of 22418 Cox Road, North Dinwiddie VA 23803 has a contract to provide electrical services to Iluka Resources Inc., which has an address of 12472 St John Church Road, Stoney Creek VA 23882.

RE: PUBLIC HEARING

Planning Commission Staff Report

File #:	AC-16-1
Applicants:	Iluka Resources Inc., acting on behalf of the property owners Harry J. Edwards Jr. or Frances Rose Edwards and Robert C. Perkins Farms, LLC
CUP Amendment:	To remove the subject property from the original CUP, C-13-2, that was approved by the Board of Supervisors on July 16, 2013 to operate an open pit mineral sands mining operation with a wet mill concentrator site, and an initial tailings area
Property Location:	South of McKenney Hwy. (Hwy. 40) at the intersection of Jones Road (Route 659) and Walker's Mill Road (Route 665) one having frontage on the northwest side of Jones Road and north side of Walker's Mill Road and the other having frontage on the north and south sides of Walker's Mill Road
Tax Map Parcel #'s:	94-14 and 94-26
Property Size:	Approximately 341.0 acres
Current Zoning:	Agricultural, General, A-2
Magisterial District:	Sapony
Planning Commission Mtg.:	January 13, 2016

CUP REQUEST

The applicant, Iluka Resources Inc., acting on behalf of the property owners Harry J. Edwards Jr. or Frances Rose Edwards and Robert C. Perkins Farms, LLC, is seeking an amendment to remove the following parcels from Conditional Use Permit (CUP), C-13-2, which was approved on July 16, 2013 to utilize the following described properties as a mineral sands mine with a new wet concentrator plant and initial tailings area. The two properties being removed total approximately 341.0 acres and are located to the south of McKenney Hwy. (Hwy. 40) at the intersection of Jones Road (Route 659) and Walker's Mill Road (Route 665) one having frontage on the northwest side of Jones Road and north side of Walker's Mill Road and the other having frontage on the north and south sides of Walker's Mill Road. The properties are designated as Tax Map Parcels 94-14 and 94-26, and the properties are zoned A-2, Agricultural General, which allows such use upon receiving a Conditional Use Permit. Tax Map Parcels 94-14 and 94-26, totaling approximately 341.0 acres, were to house the wet concentrator plant and tailings area. The County's Comprehensive Land Use Plan places this property within the Rural Conservation Area which allows limited commercial, industrial development at the Ordinance defined density.

RELATED ATTACHMENTS

- CUP Amendment Application and Location Map

OVERVIEW OF THE ORIGINAL/APPROVED MINING OPERATION

The proposed open pit mineral sands mining operation is a continuation of the existing mineral sands mining that has taken place in the Stony Creek area in the southeastern portion of the County under the existing Conditional Use Permit (CUP), C-95-2, that was approved by the Board of Supervisors on October 4, 1995. This existing mining operation is known as "Old Hickory" and encompasses approximately 1,700 acres located near and to the south of State Route 40 between I-95 and I-85 (please see Table 2 and Figure 4 in the CUP Support Document for the parcels approved under CUP, C-95-2). The mineral sands that are mined as part of this operation contain titanium and zircon.

The mineral sands are found in this general area of the County west of Interstate 95. Currently in Virginia, there is a mineral separation plant in Stony Creek and two active mine sites, one in Greensville County and one in Dinwiddie/Sussex Counties which include a wet concentrator plant at each site. Reclamation, mining, and related operations are ongoing under the Virginia Department of Mines, Minerals and Energy (VDMME) permit, and the operations are in accordance with conditions of the existing CUP, C-95-2, and the conditions of the appropriate state and federal permits.

As indicated in the CUP Support Document, Iluka is proposing to continue the mining and reclamation operation for mineral sands in Dinwiddie County area on parcels located within the previously approved CUP, C-95-2, as well as on the additional parcels made part of this application. As indicated in the CUP request summary support document, Iluka is proposing to construct a new wet concentrator plant and initial tailings area on Tax Map Parcels 94-14 and 94-26 for which Iluka is the contract purchaser (please see Figures 5 and 6 in the CUP Support Document).

The actual mining method to be implemented on the subject parcels is similar to what was used at the existing Old Hickory operations, and if the CUP request is approved the current VDMME permit and operations plan is to be expanded to include the proposed new mine parcels. The mining process begins on a parcel by first installing the erosion and sediment control devices which include silt fencing, hay bales, diversionary berms, and sediment traps around the individual mine cells.

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The next step in the mining process involves clearing of vegetation with crops or timber harvested, followed by root-raking to expose the topsoil. The topsoil is then removed and used to create the required berms around the mine cells. The berms are also used for visual screening, noise attenuation, and dust suppression. The mining preparation activities are generally initiated from six to 24 months prior to excavation and the size of these mine cells varies based on the localized ore body. The ore body is a mixture of mineral sands (up to 5%), quartz sand (approx. 65%) and kaolinite clay (approx. 30%). The depths of the mining in a cell average from 30 to 35 feet, with maximum depths of 50 to 60 feet.

The ore material is mined using an excavator (no blasting is used to extract the material) and the material is then placed into the mobile mining unit which mechanically breaks up clay and adds water to create slurry. The mining unit hydraulically pumps the slurry via HDPE piping system to a mobile trommel to screen out roots and oversized materials. Any water that is captured will be utilized for make-up water in the mining process. At this mobile-field trommel, rocks, gravel, roots, and clay balls are removed. Upon completion of the screening in the trommel, the ore is transported as slurry to the wet concentrator plant for final processing. Ultimately, after processing at the wet concentrator plant, the processed mineral sand is loaded onto trucks and hauled for processing at the dry-mill facility located in Stony Creek, and it is estimated that there will be 20-30 truckloads per day leaving the concentrator site. The tailing sands (tailings) are pumped back to the mine cells for use in reclamation activities. All water used in these processes is returned to the clarifying pond for reuse, with make-up water coming from capture of stormwater in the mine cell, surficial water table dewatering in the mine cell, decanting from reclamation activities, and other sources such as groundwater wells and surface water bodies.

The post mine land use will return to the pre-mine agricultural use. The mine cell sites are to be reclaimed by revegetating the site using the methods described in the reclamation methodology report as set forth in the CUP Support Document provided by the applicant.

ZONING ANALYSIS

The properties surrounding the subject property include single-family residential dwellings, farms, crop land, and forestal land uses, and the properties are currently zoned A-2, Agricultural, General. The proposed mineral sands mining operation is to no longer occur on the subject parcels and is to remain in place on the parcels listed in CUP Application, Exhibit A and as shown on the map in Exhibit B.

The surrounding properties are zoned Agricultural, General, A-2, and Zoning Ordinance Section 22-75, Permitted Uses, (49) allows open pit mining with a conditional use permit. As designated by the Comprehensive Land Use Plan, the subject property is within the Rural Conservation Area. As such, the Comprehensive Plan states that this general area of the County is expected to accommodate limited commercial and industrial development at the Zoning Ordinance defined density.

REVIEW OF ORIGINAL OVERVIEW OF IMPACTS

The Virginia Department of Mines, Minerals, and Energy (VDMME) will issue and oversee the required permit/license to operate the proposed mine. The mining operation will be subject to the conditions of the permit/license. Safety and reclamation practices are made a part of the permit as are periodic inspections by the operator and VDMME inspector.

Public Utilities, School System, & Public Safety Impacts

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The utilities are handled on-site with a well and septic system for the wet concentrator site located at the property located on Jones Road. There are no impacts to the school system with the proposed mining operation. There are public safety issues involved with the proposed use, and the CUP conditions address the safety related impacts of the mining operation as do the Federal and State guidelines for mining operations. Dinwiddie Public Safety did not identify any specific public safety impacts that needed to be covered by specific conditions directly relating to Dinwiddie County Public Safety operations.

Transportation Impacts

The impacts on the transportation network are being addressed by VDOT through the commercial entrance permit process for the entrance to the proposed concentrator site as well as for any other mining related entrances that may require a VDOT entrance permit, and for any pipeline road crossings that may require permitting by VDOT. VDOT is reviewing the request to allow for a separate entrance and exit to the concentrator site. It is estimated that there will be a maximum of 90 vehicle trips per day at the concentrator site which include employee vehicle trips and hauling truck trips. Prior to commencement of the mining operation and during the operation of the mine the applicant will comply with all VDOT permitting requirements and entrance design and construction requirements and specifications, including but not limited to driveway entrance alignments and design standards, sight line requirements including sight easements, and tapers and/or turning lanes.

Other potential impacts are outlined in the applicant's CUP Support Document and include measures for protecting wetlands, upland communities, protected species, biological features, prime farmland, archeological/historical sites, and quality of life impacts such as site lighting, dust and noise. Staff has included related CUP conditions for addressing the impacts of the mining operation under the Staff Recommendation.

Planning Staff Recommendation:

The staff reviewed the request for the amendment to the original conditional use permit, C-13-2, and recommends approval of the request to remove the two subject parcels from the original CUP, C-13-2, with the understanding that the following Board of Supervisors approved conditions under C-13-2 remain in full effect:

C-13-2 Approved Conditions:

1. Generally. The use of the property shall be limited to the open pit mineral sands mining operation to include the wet concentrator plant, tailings storage areas and associated transportation and which shall be subject to this conditional use permit. Open pit mineral sands mining and the associated processing and storage may occur only on Tax Map Parcels 93-21F, 93-36, 93-34A, 84-21, 94-21, 94-15, 93-31D, 94-16B, 94-16, 94-26, 94-7, 84-23, 84-23A, 84-24, 94-11, 94-14, and 84-26, as identified in the CUP application. The wet concentrator plant and tailings storage areas are to be located only on Tax Map Parcels 94-14 and 94-26.
2. Time and manner of operation. The days and hours of operation for mining and transportation to and from the mining sites and concentrator and tailings sites shall be 365 days per year and 24 hours each day.
3. Mining pits/cells; depths. The maximum depth of the mine pit/cells shall not exceed seventy five (75) feet as measured from the initial ground elevation above the bottommost point of the mining pit/cells although greater depth shall be permitted for reclamation purposes.

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4. No blasting allowed. No blasting shall be allowed on the mine sites as part of the mining operation. All mining shall be done utilizing earth moving equipment.
5. No public access. No public access shall be permitted to the mining, wet concentrator and tailings storage sites unless approved and accompanied by the mining operator.
6. Berms for mine sites/cells close to property lines. Mining sites/cells in close proximity to an adjacent property line that is not part of a parcel approved to be mined under this CUP and/or CUP, C-95-2, shall have an earthen berm buffer at or in close proximity to the mine pit/cell or mined site a minimum of three (3) feet in height and a minimum of four (4) feet in width at the top of the berm. Each berm shall be seeded.
7. Setbacks. Setbacks from road right-of-ways, property lines and residences will be based on Dinwiddie County Zoning criteria and VDMME criteria.
8. Hauling operations. A maximum monthly average of fifty (50) product truckloads of mining material per day to include sand, gravel, topsoil, overburden, spoils, and tailings shall be hauled from the concentrator and tailings sites each day (in a 24-hour period). The operator shall be required to make a daily inspection of the road within 200 hundred feet of any entrance to the mine, concentrator, and tailings storage sites and shall be required to sweep any debris within 200 hundred feet of any entrance to the aforementioned locations placed on the road by the hauling of sand, gravel, top soil, overburdens, oil, tailings, and other materials associated with the operation of the mining operation. The general haul route from the wet concentrator plant to the dry mill shall be as set forth in Figure 7 of the CUP Support Document that is made a part of the CUP request. Hauling operations shall be confined to the period from 6 a.m. to 7 p.m. daily.
9. VDOT and/or County road maintenance issues. Coordination with the VDOT and Dinwiddie County shall be a continuous effort in order to preclude and/or correct any road problems arising from the mining operation.
10. VDOT entrance standards. The operator shall comply with all VDOT permitting requirements including entrance design and construction requirements and specifications, including but not limited to driveway entrance alignments and design standards, sight line requirements including sight easements, and tapers and/or turning lanes.
11. Soil productivity and soil stabilization. The mining operator shall consult with Virginia Tech or other soil and farming experts to address issues related to soil productivity and soil stabilization.
12. Wetlands. All wetland impacts will be properly permitted with the Virginia Department of Environmental Quality and U.S. Army Corps of Engineers with appropriate mitigation provided, if warranted.
13. 100-year floodplain. The mining operator shall strive to avoid impacting and strive to preserve the 100-year floodplain areas and shall use riparian buffers which are 50 feet wide along all sides of stream and wetland resources.
14. Animal habitats. Shall be restored in accordance with approved post-mining land use by the Virginia Department of Mines, Minerals and Energy.
15. Well and well-field impacts. The mining operator shall develop a well mitigation plan to mitigate any impacts to adjacent property owners who are well water users, which shall include well repairs and well replacement with an equivalent or better well where any such issues are directly attributable to the mining operator's operations.

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16. Quality of life impact reduction measures. Dust from the mining operations shall be suppressed using BMP's such as watering of roadways and open areas. Berms and vegetative buffers shall be incorporated into the wet concentrator plant site for aesthetics and noise attenuation including but not limited to a berm ten (10) feet tall with landscaping on the Jones Road side shall be constructed between the two truck entrances at the concentrator site. Flashing or strobe lights as well as directional back-up alarms shall be used during evening hours instead of Omni-directional back-up alarms to reduce evening noise.
17. Directional lighting shall be used during evening hours and shall be directed inward and downward to the site to minimize off site glare to the greatest extent possible.
18. Signage. The applicable signage must be maintained on all four sides of the property being mined.
19. Permits, reports, etc.

    a. All applicable federal, state, and local permits shall be obtained and filed with the Dinwiddie County Planning Department prior to commencing operations. This conditional use permit is effective only upon receipt by the Dinwiddie County Planning Department of all such permits.

    b. All applicable federal, state, and local permits shall be maintained in good standing by owner/operator. Upon request the Owner/operator shall provide copies of such permits to Dinwiddie County Planning Department. Failure to maintain all applicable permits shall be grounds for revocation of this conditional use permit.

    c. Copies of violations and/or reports to or from applicable federal and state agencies shall be made available to Dinwiddie County upon request of the County.

20. Compliance with laws. All operations pursuant to this conditional use permit shall be conducted in compliance with all applicable federal, state and local laws and regulations.
21. Annual review. This conditional use permit shall be reviewed by the Planning Director or his designee a minimum of once per calendar year to evaluate compliance with conditions contained herein.

PLANNING COMMISSION RECOMMENDATION

Since this is a zoning matter, the standard statement regarding the Planning Commission recommendation on this zoning matter must be read. In order to assist, the following motion is attached as follows:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit amendment, AC-16-1, as presented be recommended for (approval with conditions, OR disapproval) to the Board of Supervisors.

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The Chairman asked the members if they had any questions for Mr. Bassett. He said if not would the applicant or their representative like to come forward and add anything additional.

Mr. John Frazier, a representative of Kleinfelder Inc., located at 3500 Gateway Centre Blvd, Suite 200, Morrisville, NC said he didn't have anything else to add but would answer any questions the Planning Commissioners' would have.

The Chairman said if there are none he was opening the public hearing portion of the case and asked if there was anyone signed up to speak. Hearing that there was no one he closed the public hearing. He told the Commissioners he would entertain a motion if they had nothing else to add.
Mr. Blaha made a motion and read the following: BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit amendment, AC-16-1, as presented be recommended for approval with conditions to the Board of Supervisors. It was seconded by Mr. Tucker and with Mr. Blaha, Mr. Cunningham, Mr. Tucker, Mr. Hayes, Mr. Simmons and Dr. Prosise voting "AYE" the Amendment to Conditions was approved.

RE: PUBLIC HEARING

Planning Commission Staff Report

File #:	P-16-1
Applicant:	First Management Company, LLC
Rezoning Request:	Agricultural, General, A-2 to Industrial, Limited, M-1
Property Location:	South side of Boydton Plank Rd. (Route 1) across from the Hwy. 460 and Route 1 intersection
Tax Map Parcel Info:	Portion of 21-100 & 21-102 (See Property Map part of Rezoning Application)
Property Size:	Approximately 95.0 +/- acres
Magisterial District:	Rohoic District
Planning Commission Mtg.:	January 13, 2016

CASE OVERVIEW

The applicant, First Management Company, LLC, is requesting to rezone with proffers property containing approximately 95.0 +/- acres from A-2, Agricultural General to M-1, Industrial Limited. The M-1, Industrial Limited, zoning classification allows for certain industrial uses pursuant to the Zoning Ordinance allowed density. The property is located on the south side of Boydton Plank Rd. (Route 1) across from the Hwy. 460 and Route 1 intersection, and is further defined as a portion of Tax Map Parcel Nos. 21-100 and 21-102. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which allows limited industrial uses for this general area.

ATTACHMENTS

Attachment A - Rezoning Application, Location Map, Conceptual Development Plan, and Statement of Proffers

DRAFT

LAND USE/ZONING ANALYSIS

The properties in the immediate area surrounding the subject land parcel include commercial uses to the north along Route 1, open space and forestal land which is part of the Pamplin Historical Park to the east, low density single-family residential land uses to the southeast and south, and open space and forestal land to the west. The property to the north along Route 1 is zoned B-2, Business General, and A-2, Agricultural General, with the property to the east, south and west being zoned A-2, Agricultural General.

A primary purpose of the Industrial, Limited, M-1, zoning district is to allow for certain industrial related uses to locate in areas adjacent to residentially zoned areas. As such, the proposed proffered use of the subject property limiting the use and structures to storage/warehousing, distribution and offices for the processing and packaging of consumer products such as food and grocery products, toiletries, soft goods or any other items sold in a retail setting and other associated uses such as parking to include related tractor and trailer unloading, loading, and storage is a compatible use for this low density residential area.

The subject property is located within the Urban Area as defined by the Comprehensive Land Use Plan. This portion of the Urban Area supports limited, light industrial development within this general area of the Route 1 and Hwy. 460 interchange. As previously discussed, the M-1 zoning district and subject proffered uses are compatible with the residential and commercial zoning districts as defined in the Zoning Ordinance.

In addition to the Zoning Ordinance requirements for development in the M-1 Zoning District, the applicant has proffered to maintain the existing vegetative buffers located within 50 feet of the perimeter of the property to provide a natural buffer and screening; maintain site lighting so as to not cast off onto the surrounding property or into the night sky; screen outdoor storage areas and loading areas; and to restrict access to Duncan Road and to restrict truck traffic from utilizing Blue Tartan Road.

OVERVIEW OF IMPACTS

School System, Public Safety, & Public Utilities Impacts

The proposed rezoning to M-1, Industrial, Limited, with proffers limits the permitted use of and structures located on the subject property to storage/warehousing, distribution and offices for the processing and packaging of consumer products such as food and grocery products, toiletries, soft goods or any other items sold in a retail setting and other associated uses such as parking to include related tractor and trailer unloading, loading, and storage which does not have a direct impact on the public school system and school system facilities. The potential impact on public safety will be minimal with the rezoning of the subject property with all proposed buildings having developed fire protections as required by the applicable Fire Code and Building Code. In addition as part of the rezoning, public utilities namely natural gas, public sanitary sewer and water are to be extended down Route 1 from Hofheimer Way to serve the subject property and property in this general area.

The aforementioned sewer and water lines are proposed to be upgraded to 24-inch lines which will not only provide the necessary capacity for the subject development but also provide additional capacity to the other property along Route 1 and also surrounding property allowing for these properties to be developed in the future with the proper public infrastructure.

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Transportation Impacts

The impacts on the existing transportation network are minimal with the trips generated by the proposed use to include 100 truck trips (enclosed tractor trailers) per day and the facility employee trips generated by an estimated 147 employees. The road system in this particular area, namely Route 1 and Hwy. 460, is adequate to handle the employee and truck traffic generated by the proposed use. Route 1 has a shared left and right hand center turn lane at the proposed entrance to the subject property. As part of the proposed development, an access road is proposed to serve the development which will have its entrance on Route1. Employee and truck traffic are to only utilize the subject access road. As set forth in the rezoning proffer conditions, there is no employee or truck access to Duncan Road with the exception of emergency access which is allowed for public safety purposes only. Additionally, truck traffic is also restricted from accessing the subject property from Blue Tartan Road. All future transportation related improvements for the access road and within the Route 1 right-of-way and for the new access road will have to meet VDOT design and construction requirements and standards, as indicated in the proffer conditions. (Please see attached VDOT Land Use Amendment Comment Letter).

PROFFER STATEMENT

The applicant did submit proffers as part of the rezoning request (see Attachment A). The following proffer conditions address current property conditions, potential impacts on the subject property, and include the Route 1 and Route 460 Corridor Enhancement Study recommendations.

1. The use of the Property and all structures shall be limited to storage/warehousing, distribution and offices for the processing and packaging of consumer products such as food and grocery products, toiletries, soft goods or any other items sold in a retail setting and other associated uses such as parking to include related tractor and trailer unloading, loading and storage.
2. The Property will be developed in accordance with the Route 1 and Route 460 Corridor Enhancement Study Visitor Focus Area Roadway Section recommendations whereby the principal building(s) and all parking shall be setback a minimum of one hundred (100) feet from the centerline of the Route 1 right-of-way to accommodate the landscaping and multipurpose path/sidewalk.
3. Future development of the Property will comply with all Virginia Department of Transportation (VDOT) entrance design and construction requirements, including but not limited to driveway entrance alignments, turning lanes and tapers.
4. Truck traffic shall not utilize Blue Tartan Road for egress and ingress to the Property.
5. The Property shall be accessed from Duncan Road for emergency purposes only, and the Duncan Road access point shall be gated and locked with a Knox Box provided for Dinwiddie County Fire and EMS.
6. Site lighting for building security and the loading and parking areas shall be designed to cast inward and downward to the Property to minimize light overflow beyond the Property. The Planning Director or his or her designee shall approve the lighting/photometric plan for site lighting prior to installation.
7. All outdoor storage of product for resale or equipment shall be located in the rear and/or side yards and shall be screened from view from public rights-of-way. Such storage shall be enclosed by an opaque fence, evergreen trees, shrubs, or any combination thereof a minimum of six feet in height. The Planning Director or his or her designee shall approve the enclosure plan and all materials to be used prior to construction. This screening does not apply to vehicles in parking areas or semi-trailers kept on the warehouse premises.

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8. Existing vegetative buffers located within 50 feet of the perimeter of the property shall be maintained to provide a natural buffer and screening, and any modification to the existing vegetative buffers shall be submitted to and approved by the Planning Director or his or her designee.

Staff Recommendation:

The planning staff has reviewed the rezoning request and is satisfied that the applicant has addressed the impacts of rezoning the subject property.

Staff recommends approval with proffers of the request to rezone the subject property based on:

1. The zoning classification requested, M-1, Industrial, Limited, with the proffer limiting the use of the property to the proposed uses and additional proffer conditions is compatible with the surrounding zoning pattern.; and

2. The requested zoning classification with the proffered use limitation and additional proffer conditions conforms to the underlying uses outlined in the Urban Area in the Comprehensive Land Use Plan for this general area of the County.

PLANNING COMMISSION RECOMMENDATION

Since this is a zoning matter, the standard statement regarding the Planning Commission's recommendation on this zoning matter must be read. In order to assist, staff prepared the following statement:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that rezoning P-16-1 as presented be recommended for (approval, approval with proffers, or disapproval) to the Board of Supervisors.

The Chairman asked the members if they had any questions for Mr. Bassett.

Mr. Blaha asked if there was going to be a fence around the outside perimeter of the property.

Mr. Bassett said they have indicated that there will be fencing around the perimeter of the property.

Mr. Tucker asked if there is a road off of Blue Tartan onto the subject property that the employees can access.

Mr. Bassett said currently there is no road, but as a part of the previous rezoning case for residential properties (the Cedar Ridge Subdivision) it was proffered that at the 31st building permit there would be an extension from Blue Tartan into the property connecting to Route 1.

Mr. Bassett noted that Wilson Greene, Executive Director of Pamplin Historical Park, asked him to make his letter with a list of his concerns a part of the minutes.

DRAFT

January 5, 2016

Dear Mr. Bassett,

I am writing in relation to Case P-16-1, a rezoning request by First Management Company, LLC. The subject property is adjacent to Pamplin Historical Park and thus is of interest to the Pamplin Foundation.

It is our understanding that the rezoning would accommodate a warehouse and distribution operation involving heavy tractor trailer traffic as well as creating a large facility for storage and distribution. Pamplin Historical Park has three serious concerns with this potential use:

1. *Heavy tractor-trailer traffic on US Highway 1 between Exits 61 and 63 of Interstate 85 would be incompatible with access to Pamplin Historical Park via our main entrance and our Education entrance on Duncan Road. Tens of thousands of school buses and out-of-state motorists utilize US Highway 1 to access Pamplin Historical Park, most of whom make a left turn coming southbound. The introduction of heavy tractor-trailer traffic on this stretch of US Highway 1 presents a serious safety issue for our visitors along a stretch of highway that routinely sees traffic traveling at or above the posted limit of 45 mph. Channeling tractor-trailer traffic into and out of the subject property via Exit 61 would alleviate this concern.*

2. *Noise pollution is already a problem at Pamplin Historical Park, emanating from the steel recycling operation to our east and north. Adding more noise to our environment would seriously degrade the visitor experience at Pamplin Historical Park. Specifically, the noise from backing vehicles and whatever sounds are coincident to the loading and unloading of materials would pose a problem for us. Being unaware of the specific nature of the proposed operation and use of the property prevents us from suggesting mitigation of this concern. Limiting noise pollution to the hours when Pamplin Historical Park is not open to the public would, for example, be one way to eliminate our concern.*

3. *Introducing a structure that is visible from the main visitor use areas at Pamplin Historical Park would degrade the visitor experience. We have gone to great expense to create a historic atmosphere at Pamplin Historical Park and visual pollution in the form of a looming industrial facility would compromise our investment in a nationally recognized historical attraction. Controlling building heights would alleviate this concern.*

Pamplin Historical Park has invested more than $43,000,000 in our campus and created a nationally renowned historical attraction in Dinwiddie County. We have an obligation to ensure that adjacent land use does not devalue that investment and dampen future plans to add to our campus.

<u>The Chairman asked the applicant or their representative to come forward and add anything additional if they so choose.</u>

Brian Mitchell an employee of Townes Site Engineering, 9850 Lori Road, Church Road, VA and the agent for First Management Company, L.C. said he would answer any questions the Commissioners would have concerning the rezoning.

<u>The Chairman asked the Commissioners if they had any questions for Mr. Mitchell. He said if not he was opening the public hearing portion of the case and asked if there was anyone signed up to speak.</u>

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Mr. Leonard Ponder, 7002 Duncan Road, North Dinwiddie VA said he was present to voice his opposition to the case. He said he has lived at his current address for twenty-five (25) years. My opposition is based on several factors. My first factor is the construction of this facility will result in catastrophic property devaluation to our property as well as other residential uses in the area. Not only that, but this facility will have great implication on future residential development in the vicinity. The future housing in the fore-mentioned subdivision will be smaller and add less to the County's tax base than with housing construction without the warehouse. From a personal perspective, when the expansion area is fully constructed it will be less than fifty (50) feet from my north western property line. As that area of the subject property has been recently timbered, it is currently a wasteland with a minimum buffer between my property and the proposed facility. With a height thirty-five (35) feet the warehouse would be visible over any existing vegetation. No amount of berming, buffering, fencing or landscaping will eradicate that problem. Also, trying to control onsite lighting on a facility this large is a waste of time. I also have a concern about noise and security. My noise concern is with fifty (50) or more tractor trailers leaving every morning around 5:00 a.m. I can only hope that my neighbors are very heavy sleepers and my security concern is with a sudden addition of one hundred and fifty plus (150+) people in my side yard bothers me. These issues alone should raise a red flag about this rezoning not being compatible with the area. I'll leave this as well, zoning is a tool to help the County grow as well as a tool to ensure that new growth is harmonious with existing growth uses. I think this request needs to be denied or at the least I would ask that this Commission defer the case until questions that have been asked can be answered. I would also ask that the Commissioners come out and view the project from the adjacent property owners' prospective.

Ms. Vanessa Scott, 7009 Blue Tartan Road, North Dinwiddie VA said her comment addresses Tax Map Parcel 21-100. She said two to three acres on that property have gravesites. She wants to know when they begin developing the property what will happen to the graves.

Mr. Bobby Bowman, 6219 Boydton Plank Road, North Dinwiddie VA asked if this is the final plan or will there be some kind of variation. He said what concerns him the most is the property being zoned one way and then something happens causing it not to be developed for that zoning. At that point, the door is now opened for multiple kinds of businesses in that particular zoning. He said his biggest concern is how many acres are going to be sold to the developer. Will all ninety five (95) acres be sold or will there be a residual at the front where potential businesses can be developed. I would like to have some kind of assurance that the front will remain visually appealing to persons traveling up and down number one highway. I also believe that there is a lot of information listed in the Route 1/Route 460 corridor study that is not being addressed. There is one proffer item I would like to have changed and that is the one talking about screening. The proffer says the screening does not apply to vehicles in the parking area or semi-trucks kept on the warehouse premises. That leads me to believe that trucks and other things happening on the property will be seen from the Highway. I don't think that the business, church or the public living in that area should be subjected to that.

The Chairman asked if there was anyone else present who did not sign up, but desires to speak. He said if not he was closing the public hearing portion of the case. He then asked the Commissioners if they had anything else for Mr. Mitchell.

Mr. Hayes asked that Mr. Mitchell would come forward and address the public comments made by those who came forward to speak.

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Mr. Mitchell said related to the comment Mr. Bowman made about semi-trucks and cars being seen because of no screening, the proposed business will be set back at least seven hundred (700) feet or more from Route 1. As to the graves on a portion of Mr. Patton property, it should be noted that at this time Mr. Patton is not rezoning or developing that part of the property.

Dr. Prosise asked Mr. Mitchell to explain how much buffering and screening there will be between the Pamplin Park property and this site.

Mr. Mitchell said there is about one thousand (1000) feet from the Pamplin Park buildings to the site and there are also trees within that open area between the Pamplin Park buildings and the subject property.

Mr. McCray asked Mr. Mitchell if the topography continues to fall or does it rise.

Mr. Mitchell said the topography continues to fall.

Following the comments made by Mr. Mitchell, Mr. Bassett reiterated to the Commission the fact that planning staff believes that the rezoning request is in conformance with what is proposed for this general area in the Route 1 and Route 460 Corridor Enhancement Study and the Comprehensive Land Use Plan. The Chairman said if there are no more question for Mr. Mitchell he was opening discussion for Commissioners' comments.

Mr. McCray said I know this is a rezoning case, but I just want to make known a few concerns I have. First, I believe the applicant should consider putting berms around the property. Secondly, I believe the applicant should consider how they will handle the increased truck traffic coming down Route 1 as a result of this property. Lastly, I believe it only makes since for the entrance to come straight across through the traffic light at Route 1 and Hwy. 460 right into the property.

Mr. Blaha said he believes something is going to be built on this property, and no matter what it is someone is not going to like it. I cannot dictate to someone that they cannot build something on their property. I personally do not see anything wrong with the warehouse and where it is located. I do agree that coming straight across at the Route 460 traffic light would be best, but if the highway department doesn't have a problem with the proposed entrance neither do I.

I'm looking out for what's best for the County and I would rather see a M-1 designation rather than putting two hundred (200) homes on the subject property. From all the studies I have done and been a part of, when you build a residential house it costs the County money. I think rezoning the property for this project is the best use for this property.

Mr. McCray said my earlier comments were on the negative side and now I want to mention some comments that are positive surrounding this project. He said I agree with Mr. Blaha concerning property rights. He also said the most exciting part to this proposed development is the utilities that will be brought from Hofheimer Way to this property location. It's going to stimulate commercial growth alone that corridor. I doubt very seriously if this area will ever become residential, because it would be a loss of money for the property owner and the surrounding property owners.

Mr. Cunningham said I have the same thoughts as Mr. McCray and Mr. Blaha. He said with the infrastructure that will come with this development it will benefit all of us in the County. I have said this before and I will say it again, it is time for us to get some design standards for that area. I believe this zoning is an up zoning for that area and I also believe that First Management should look to address some of the concerns that were discussed tonight.

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Mr. Hayes said he appreciated Mr. Bassett addressing the corridor study because that something he was a part of and it resonated with him. He said he too would like to see a buffer where Mr. Ponder's property intersects with this property. Mr. Ponder has lived there for a very long time and something should be done to address his concern. He said he agrees with Mr. Cunningham concerning design standards for that area.

Mr. Simmons said he agrees with everyone. This is the best use for this property and it benefits the County.

Mr. Tucker said this rezoning will bring this business to the County and more business may lead to a restaurant coming to the County.

Dr. Prosise said he feels comfortable that staff is going to be able to respond as positive as possible to all the concerns that were brought up tonight.

Mr. Blaha made a motion and read the following: BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286 (A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that rezoning P-16-1 as presented be recommended for approval with proffers to the Board of Supervisors. It was seconded by Mr. Tucker and with Mr. Tucker, Mr. McCray, Mr. Blaha, Mr. Hayes, Mr. Cunningham, Mr. Simmons and Dr. Prosise voting "AYE" the rezoning was approved.

RE: PUBLIC HEARING

Memorandum

To: **Planning Commission**
From: **Mark Bassett, Planning Director**
Date: **January 5, 2016**
Subject: **Proposed Amendments to Article VII, Supplementary District Regulations, Chapter 22, Zoning, Section 22-237 of the Dinwiddie County Zoning Ordinance**

Background:

The proposed amendment adds changes to Article VII, Supplementary District Regulations, Chapter 22, Zoning, Section 22-237 of the Dinwiddie County Zoning Ordinance. The proposed amendment includes new minimum number of parking spaces per number of square feet for any commercial building or public facility not otherwise listed in this Section; new minimum number of parking spaces per number of square feet for warehousing/distributing uses; new minimum parking space requirements for mini-storage warehouse or commercial storage locker establishments; and new minimum number of parking spaces per number of employees for other permitted industrial and manufacturing uses. An additional proposed amendment includes changing the minimum width of fire lanes to 20 feet. After the public hearing, changes may be made to the Ordinance, as appropriate.

Staff Recommendation:

The aforementioned Zoning Ordinance text amendments are the recommended changes to the parking space requirements and parking area design standards that staff has discussed with the Planning Commission at past workshop meetings. Staff recommends approval of the proposed Zoning Ordinance text amendments as presented.

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Planning Commission Action:

WHEREAS, in accordance with Va. Code §§ 15.2-2285 and 15.2-2286, the Dinwiddie County Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of the following Zoning Ordinance amendments:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby recommend (approval or disapproval) of the Zoning Ordinance amendments as presented to the Board of Supervisors.

The Chairman asked the Commissioners if they had any questions for Mr. Bassett.

Mr. McCray asked why staff was proposing this amendment. Is it being done because someone has complained?

Mr. Bassett said it is twofold. When projects have come through for review by the Land Development Committee (LDC) staff felt that the requirements for parking were out of date compared to the national standards as well as compared to the parking requirements of the surrounding jurisdictions.
The Chairman asked the Commissioners if they had any more questions for Mr. Bassett. He said if not he was opening the public hearing portion of the case and asked if there was anyone signed up to speak. He said since there is no one signed up to speak he was closing the public hearing portion of the case. He asked the Commissioners if they had anything they wanted to add and if not he would entertain a motion.

Mr. Cunningham made a motion and read the following: WHEREAS, in accordance with Va. Code §§ 15.2-2285 and 15.2-2286, the Dinwiddie County Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of the following Zoning Ordinance amendments:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby recommend approval of the Zoning Ordinance amendments as presented to the Board of Supervisors. It was second by Mr. Tucker and with Mr. Hayes, Mr. Blaha, Mr. Cunningham, Mr. McCray, Mr. Tucker, Mr. Simmons and Dr. Prosise voting "AYE" the proposed amendment was approved.

RE: NEW BUSINESS

The Chairman asked Mr. Southall to take the members through the By-laws.

PLANNING COMMISSION BY-LAWS

Mr. Southall said as we do every year at the organizational meeting, we review the By-laws. He asked the members if they had any changes they wanted to consider or propose related to the By-laws.

Mr. Cunningham said he would not like to have the Code of Ethics read aloud to the Commissioners as all the Commissioners could read them for themselves.

Mr. Southall said if all the Commissioners are in agreement then the Code of Ethics does not have to be read.

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The Chairman asked the Commissioners if they were in agreement and all members said yes.

Mr. McCray said he would like to see in the By-Laws that we meet twice a year with the Board of Supervisors.

Mr. Cunningham said he would like for staff to just draft that request when we want to meet with them and bring the draft change back to this commission for a vote.

CODE OF ETHICS AND STANDARDS OF CONDUCT FOR MEMBERS OF THE DINWIDDIE COUNTY PLANNING COMMISSION

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Dinwiddie County Planning Commission should adhere to the following Code of Ethics:

1. Uphold the Constitution, laws and regulations of the United States and of all governments therein and never knowingly be a part to their evasion.

2. Put loyalty to the highest moral principles and to the County as a whole above loyalty to individuals, districts, or particular groups.

3. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.

4. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.

5. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, sex, age, religion, creed, country of origin, or handicapping condition. Avoid adopting policies, supporting programs or engaging in activities that discriminate against or offend individuals because of race, sex, age, religion, creed, country of origin or handicapping condition.

6. Ensure the integrity of the actions of the Planning Commissioners by avoiding discrimination through the dispensing of special favors or unfair privileges to anyone, whether for remuneration or not. A member should never accept for himself/herself or for family members, favors or benefits under any circumstances, which might be construed by reasonable persons as influencing the performance of Planning Commissioners duties.

7. Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word, which can be binding on public duty.

8. Engage in no business with the county government, or the school system, either directly or indirectly, which is inconsistent with the conscientious performance of the Planning Commissioners' duties except as may be consistent with the conflict of interest statutes in the Code of Virginia.

9. Never use any information gained confidentially in the performance of the Planning Commissioners duties as a means of making private profit.

10. Expose, through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.

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11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions only to deal with sensitive personnel, legal or contractual matters as provided by the Code of Virginia.

12. Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues or citizens, impugning their integrity or vilifying their personal beliefs.

13. Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Commission.

14. Review orally and in public session, at the annual organizational meeting, each of these principles.

15. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.

IN RE: COMMISSIONERS' COMMENTS

Mr. McCray said he would like for us to work on what we will do in our overlay districts. If we don't ask for anything we will get what we have been getting. If it means workshops let's have them, but we need to get moving concerning the overlay design standards.

Mr. Hayes said he has spent the last few days at a transportation research conference in DC. This year's theme was a significant game changer for transportation. They were talking about inter-connected vehicles and autonomous vehicles. There was a lot of discussion about it, but what I want to make you aware of is it has land use implications. I will get some things to you so you can read up on it. Also, I want to remind the Commissioners that when we talk about VDOT standards we must remember those standards are minimum standards. I have mentioned before that we need to address adopting higher standards. Many other localities have already done this, and I believe we should consider doing it ourselves.

Mr. Cunningham said with the new change in receiving Planning packets the County should at least supply a laptop for each Commissioner's station. Also, I agree with Mr. McCray about the Planning Commission meeting with the Board of Supervisors. It is important that we know the directions they would like to take. We may not agree with that direction, but at least we will know where they stand. He said he wanted to thank all the Commissioners for allowing him to serve as the Chairperson for 2015 and he thanked them for all their help.

Mr. Simmons thanked the Commissioners for their recommendation for him to be the Vice-Chairman.

Mr. Blaha said he would wanted to thank Mr. Cunningham for getting them through 2015, he did a fantastic job. He said he's looking forward working with Dr. Prosise as Chairman and Mr. Simmons as Vice Chairman.

Dr. Prosise thanked the Commissioners for their recommendation for him to be Chairman. He said he has some big shoes to fill. He said he will only be as good as the Commissioners enable him to be. He said I thought we had a good meeting tonight. He thanked the administrative staff for staying and being a part of the entire meeting.

DRAFT

IN RE: PLANNING DIRECTOR'S COMMENTS

Mr. Bassett said he wants to remind the members that the Antonio Buffa rezoning on Route 226 is still in deferment. I will bring an update to you at our next Planning Commission meeting. We do have a Conditional Use Permit (CUP) request for surface mining on Sheriff Shands' property located off of Troublefield Road. A similar surface mining CUP was approved for the Pegram property four years ago and now they want to go across Stony Creek onto Sheriff Shands' property.

IN RE: ADJOURNMENT

There being no further business Mr. Blaha made a motion to adjourn the meeting and Mr. McCray seconded it with all members voting "Aye" the meeting adjourned at 9:35 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____

DRAFT

Planning Commission Staff Report

File#:	P-16-2
Applicant:	Everett Bros. Properties, Inc., and Agent, Christopher L. Everett, President
Rezoning Request:	Residential, Limited, R-1 to Residential, Urban, R-U
Property Location:	North side of Surry Ave. approximately 205 feet west from the Surry Ave. and Roanoke St. intersection
Tax Map Parcel #:	21A-1-180 and 21A-1-181
Acreage:	Approx. 0.12 acres
Magisterial District:	Rohoic District
Planning Commission Mtg.:	February 10, 2016

CASE OVERVIEW

The applicant, Christopher L. Everett, President, on behalf of Everett Bros. Properties, Inc., is requesting to rezone property containing approximately 0.12 +/- acres from R-1, Residential Limited, to R-U, Residential Urban. The R-U, Residential Urban, zoning classification allows for certain residential uses pursuant to the Zoning Ordinance allowed density. The property is located on the north side of Surry Ave. approximately 205 feet west from the Surry Ave. and Roanoke St. intersection, and is further defined as Tax Map Parcel Nos. 21A-1-180 and 21A-1-181. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which allows limited residential uses for this general area.

ATTACHMENTS

- Rezoning Application and Location Maps
- Property Picture

LAND USE AND ZONING ANALYSIS

The subject property is located on the north side of Surry Ave. approximately 205 feet west from the Surry Ave. and Roanoke St. intersection, and is further defined as Tax Map Parcel Nos. 21A-1-180 and 21A-1-18. The applicant is seeking the rezoning of the 0.12 acres from Residential, Limited, R-1 to Residential, Urban, R-U to combine the two aforementioned parcels to construct a new single-family residential dwelling. The R-U zoning classification allows for minimum lot sizes of 5,000 square feet provided that the single-family dwelling is served by public water and sewer. The proposed dwelling is to be served by public water and sewer by the Dinwiddie County Water Authority (DCWA) water and sewer system. In addition, in the R-U Zoning District the minimum allowable lot width for lots with single-family dwellings is 50 feet at the building setback line, and the subject property has the minimum amount of road frontage and lot width to meet the Ordinance defined lot width for each proposed lot.

The surrounding land uses include open space and predominately low-density established and stable single-family residential development, and the general surrounding area is zoned R-1, Residential, Limited. In the general area of the subject property there are multiple single-family residential dwellings located on approximately two recorded lots (each lot is 25 feet wide and 100 feet deep) each of which are nonconforming under the current zoned R-1, Residential Limited, zoning classification. These surrounding nonconforming dwellings located on two lots of record are compatible in size and character with what is proposed as part of the subject rezoning request.

The property under review is designated by the Comprehensive Land Use Plan (the "Plan") as being within the Urban Area. As such, the general area is expected to accommodate future medium density residential development. The composition and purpose statement within the R-U Zoning District states that "In general,

the "Residential, Urban" zoning district allows smaller lot sizes and setbacks than the county's other residential zoning districts, giving areas zoned R-U a more urban feel. The district regulations are designed to reflect the urban nature of such neighborhoods as characterized by detached single-family dwellings situated on small lots with narrow yards and modest setbacks. The district regulations are intended to encourage continued improvement and efficient use of existing residential buildings and their accessory structures, while ensuring that infill development will be compatible with the established character of the district", and the proposed development is in accordance with the purpose of the R-U District.

Chapter XI of the Comprehensive Plan outlines the policies, goals, and objectives of the County, and policy statement (3) states "maintain and enhance the County's ability to coordinate a balanced land-use program among various types of residential, commercial, and industrial interests by encouraging development within areas defined as growth centers and/or growth corridors." As previously stated, this general area is designated as Urban Area; thus, with the property being located in the existing West Petersburg neighborhood and with the property having access to the DCWA water and sewer system, this general area may be considered a residential growth center.

OVERVIEW OF DEVELOPMENT IMPACTS

Public Utilities, Public Safety & School System Impacts
As public water and sewer is available in the area, the use of public water and sewer utilities is being utilized by the applicant. It is the intention of the applicants to combine the subject lots/properties so that a dwelling may be located on its own individual lot.

With the proposed lot consolidation allowing for a single-family residence to be constructed, the impacts on public safety services should be minimal.

The impact on the public school system should be minimal based on the school system's census information, which estimates 0.56 students per household, and at current build out (three to five years in normal economic housing market conditions) this proposed development would add one student to the school system with one-third attending elementary, one-third attending middle, and one-third attending high school.

Transportation Impacts
The impacts on the existing transportation network from the proposed development would not warrant the construction of any turn lanes or tapers only a residential driveway entrance.

Staff Recommendation:

The planning staff has reviewed the rezoning request and is satisfied that the applicant has addressed the impacts of rezoning the subject property.

Staff recommends APPROVAL of the request to rezone the subject property given that:

1. The zoning classification requested, R-U, Residential Urban, is compatible with the surrounding zoning pattern and surrounding land uses. Further, the R-U Zoning District was created to accommodate further development of the existing lots within the Urban Area including the West Petersburg neighborhood.
2. The requested zoning classification, R-U, Residential Urban, conforms to the underlying uses recommended for this general area as set forth in the Urban Area of the Comprehensive Land Use Plan.

PLANNING COMMISSION RECOMMENDATION

Since this is a zoning matter, the standard statement regarding the Planning Commission's recommendation to the Board of Supervisors is set forth below:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that rezoning, P-16-2 as presented, be recommended for (approval, <u>OR</u> disapproval) to the Board of Supervisors.

DINWIDDIE COUNTY PLANNING & ZONING DEPARTMENT

LAND USE AMENDMENT APPLICATION

Dinwiddie County
Planning Department
P. O. Drawer 70
Dinwiddie, Virginia 23841
(804) 469-4500 ext. 2117
(804) 469-5322 /fax

Rec'd Dec. 15, 2015 **Case No.:** P-16-2
Date Rec'd _____ **Fee Amount:** $1,500.00
Time Rec'd MB **Receipt No:** 15-492
Pre-Application Conference Date: _____
This application has been amended: YES (NO)
Reviewed by: MB

Information must be typed or printed and completed in full.
Attach additional pages where necessary.

1) LAND USE INFORMATION

(Circle): (BOS) / (PC) / BZA (New)/Renewal Previous/Renewed Case#: _____ Amend Previous Case: Y / (N) Land Use Taxation: Y / (N)

Application Type: (Circle One): ☐ **Variance** ☐ **Administrative Variance** ☐ **Conditional Use Permit** ☑ **Rezoning** ☐ **Street Vacation** ☐ **Special Exception** ☐ **Amendment**

Description of Request: _____

Existing Zoning: R-1 Existing Acreage: _____
Proposed Zoning: R-U Proposed Acreage: _____
Total Acreage: _____

Water (Circle One): (Public) Well
Sewer (Circle One): (Public) On-site Well and Septic

Attached: (circle): Miscellaneous Information/(Master Plan)/Textual Statement/Proffered Conditions

2) APPLICANT/AGENT INFORMATION

Applicant(s): Everett Bros. Properties, Inc Home/Cell# (804) 478-4396
Address: 26975 Courthouse Rd, Stony Creek VA 23882 Work# _____
Agent(s): Christopher L. Everett, President Home/Cell# (804) 704-1061
Address: 26975 Courthouse Rd, Stony Creek VA 23882 Work# (434) 634-5115

☑ Property Owner ☐ Contract Purchaser ☐ Other: _____

3) PROPERTY OWNER INFORMATION

Property Owner's Name and address (see note on last page):
Everett Bros. Properties, Inc.
26975 Courthouse Rd, Stony Creek VA 23882
Contact# (804) 478-4396

Property Tax Parcel Number: 21A-1-180, 21A-1-181

Property Owner's Mailing Address (If this address is different from that listed in the Assessor's Office.):
26975 Courthouse Rd, Stony Creek VA 23882

Phone# (804) 704-1061
Christopher L. Everett, Pres.

4.) **SUBJECT PARCEL INFORMATION**

General Location of Project: Lots 180 and 181 on Surry Avenue, North Dinwiddie 23805
Rohoic Magisterial District, Dinwiddie County, Virginia

Tax Map # 21A-1-180, 181
Subdivision Name: West Petersburg
Section: _____ Block _____
Address: TBD Surry Ave, N. Dinwiddie 23805
Zoning: R1 Acreage N/A
Existing Use: Vacant Land
Conditions: N/A

Tax Map # _____
Subdivision Name: _____
Section: _____ Block _____
Address: _____
Zoning: _____ Acreage: _____
Existing Use: _____
Conditions: _____

Tax Map # _____
Subdivision Name: _____
Section: _____ Block _____
Address: _____
Zoning: _____ Acreage _____
Existing Use: _____
Conditions: _____

Tax Map # _____
Subdivision Name: _____
Section: _____ Block _____
Address: _____
Zoning: _____ Acreage: _____
Existing Use: _____
Conditions: _____

1. **Explain fully the proposed use, type of development, operation program, reason for this request, etc.:**

The applicant desires to build 1 new single family dwelling on the subject parcel to be used as investment property. The dwelling will be approximately 26' wide x 44' long with 3 bedrooms and 2 full bathrooms.

2. **State how this request will not be materially detrimental to adjacent property, the surrounding neighborhood or county in general. Include, where applicable, information concerning: Use of public utilities; effect of request on public schools; effect on traffic, to include means of access to nearest public road; effect on existing and future area development; etc.:**

The proposed project will not be detrimental to surrounding properties or neighborhoods because with approval of the RV zoning the proposed home will fit perfectly on the subject parcel without encumbering other surrounding properties. The property will have easy access with road frontage on Surry Avenue. The project will benefit Dinwiddie County with an increased tax base and utilities revenue.

3. **List case numbers and explain any existing use permit, special exception, conditional use or variance previously granted on the parcels in question:**

The applicant is not aware of any special exceptions, variances, etc. granted in this subdivision. However, there are a number of property owners in this area that own 2 narrow lots together that are unable to develop them because of the R1 zoning restrictions and setbacks. Approval of the RV zoning for the subdivision would enhance moderate growth and development in this area.

4. **If requesting a variance or special exception, explain the unique physical hardship or extraordinary situation that is justification for the request:**

The current R1 zoning that governs the subject property is prohibiting the property owner from providing necessary single family housing in this low to moderate income section of Dinwiddie County, Virginia.

5. **Complete names and address (including Zip codes) of all owners adjacent, across the road or highway from the property and across any railroad right-of-way, creek, river, from such property must be obtained by the applicant from the Commissioner of the Revenue, Pamplin Administration Building. If such property lies in another county or city, the respective jurisdiction will provide this information to the applicant. Applications with incomplete parcel information will not be accepted.**

Property Owner Name	Property Owner Mailing Address		Tax Parcel #
David Leon Alexander Carrie B. Alexander	25616 Surry Ave Petersburg VA 23803	4	21A-1-182
Lavert H. Beloate	723 Hills Fork Rd King William VA 23086	1	21A-1-174-179
Todd G Rose Estate c/o Kenneth Crockett	1808 Stuart Ave Petersburg VA 23803	3	21A-1-278-282
Brazilla F. Beloate	25807 Surry Ave Petersburg VA 23803	2	21A-1-283-286
Deborah P. Ellis	6905 Frontage Rd Petersburg VA 23803	5	21A-1-48-51

Dinwiddie County, VA

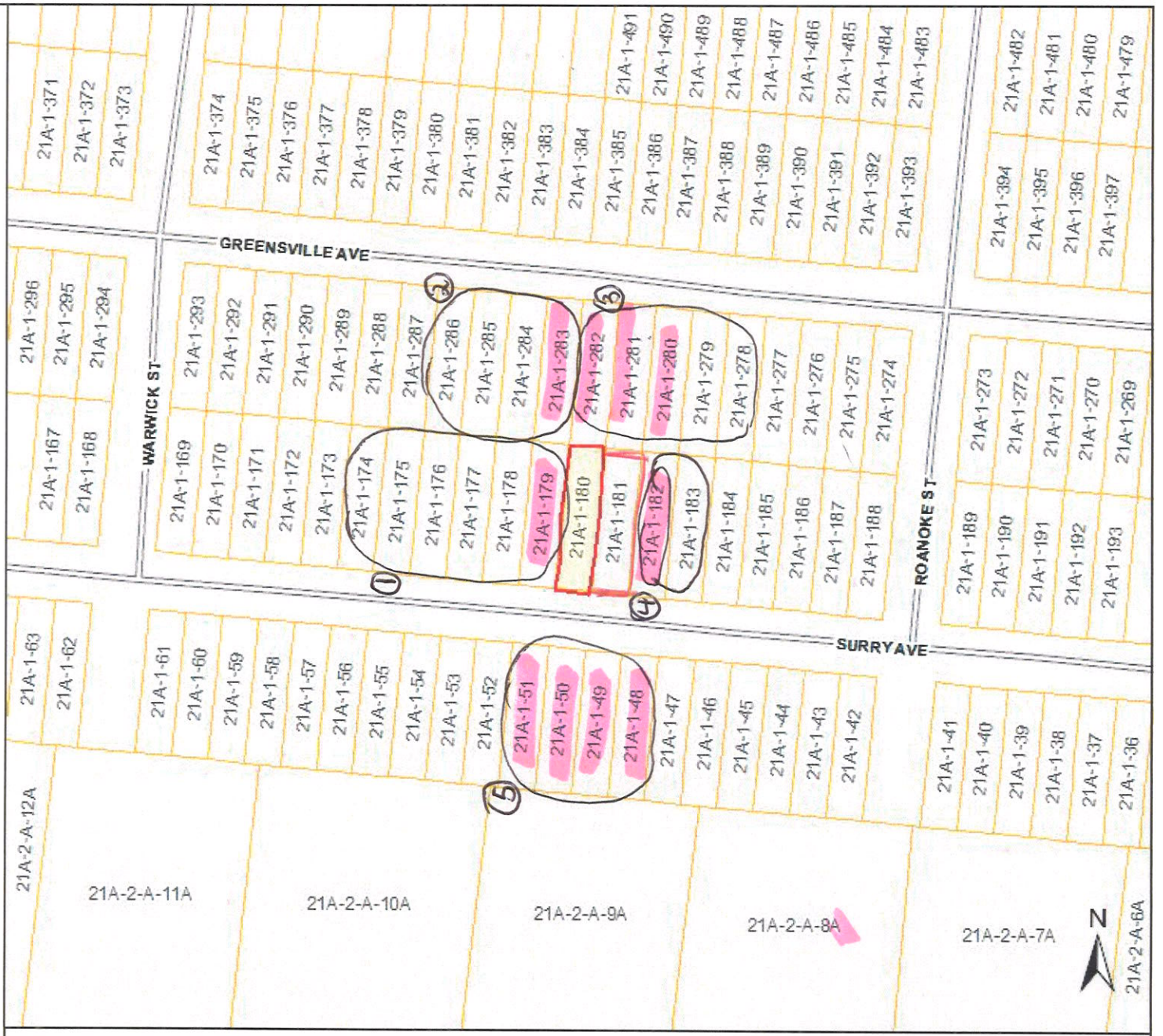
Legend

Road Labels

County Boundaries

Parcel Labels

Parcels



Title:

Date: 1/27/2016

Feet

0 20 40 60 80

1:1,200 / 1"=100 Feet

DISCLAIMER:This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records,information, and data obtained from various sources, and Dinwiddie County is not responsible for its accuracy or how current it may be.

6. The required fee must accompany this application. A fee schedule is available from the Planning Department, 14016 Boydton Plank Road, Pamplin Administration Building, Dinwiddie Virginia. Checks must be made payable to: "Treasurer, County of Dinwiddie".

7. Enclosed with the application, a copy of the appropriate county tax map with the property marked (provided at pre-application conference) and, if available, a surveyed plat of the entire parcel.

8. Enclose with this application any required plans or plats (plans must be folded).

9. I/We hereby certify that to the best of my/our knowledge all the above statements and the statements contained in any exhibits transmitted are true and that the adjacent property owners listed herewith are the owners of record as of the date of the application:

Date: December 11, 20 15

SIGNATURE OF AGENT* Christopher L. Everett, President
(Name of person other than, but acting for, the property owner and responsible for this application.)

AGENT'S NAME Christopher L. Everett, President
(Typed or printed)

SIGNATURE OF APPLICANT** Christopher L. Everett, President
(Same name as used in Item 2, Page 1)

APPLICANT'S NAME Everett Bros. Properties, Inc. By: Christopher L. Everett, President
(Typed or printed)

I authorize you, the merchant, to initiate an electronic debit to my account for the amount rendered on this check plus the legal limit returned check fee if the item is dishonored. The use of a check for payment is my acceptance of this policy. Signature Christopher L. Everett

Notes: Incomplete application will not be accepted. Any request that requires plans must be accompanied by those plans at the time submission of the application.

*Agent must file power of attorney from the property owner(s) giving the agent authority to submit this application.

** If the applicant is not the owner of the property, the applicant must file power of attorney from the property owner(s) giving the applicant authority to submit this application.

Dinwiddie County, VA

Legend

Road Labels

County Boundaries

Addresses

Parcels

Title: Property Location Case, P-16-2

Date: 2/3/2016

Feet

0 20 40 60 80

1:1,200 / 1"=100 Feet

DISCLAIMER:This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records,information, and data obtained from various sources, and Dinwiddie County is not responsible for its accuracy or how current it may be.

PENDING
ZONING ORDINANCE
AMENDMENT
PLANNING DEPT.
4604500
2016 02 02

1307
1308
1349
Warwick St
ry Ave
1306

Planning Commission Staff Report

File #: C-16-1
Applicant: Trustee and agent, Donald Shaffer
CUP Request: To operate an open pit sand and gravel mine
Property Location: approx. 1,500 west of 26714 Troublefield Road, Stony Creek
Tax Map Parcel #: 87-13
Property Size (Proposed Mining Site): approx. 116.0 acres
Current Zoning: Agricultural, General, A-2
Magisterial District: Sapony
Planning Commission Mtg.: February 10, 2016

CUP REQUEST

The applicant, Samuel H. Shands, and his agent, Donald L. Shaffer are seeking a conditional use permit to utilize the following described property containing approximately 116.0 acres as an open pit sand and gravel mine. The property is located 1,500 feet west of 26714 Troublefield Road, Stony Creek, VA, and is further designated as Tax Map No. 87-13 and is zoned A-2, Agricultural General, which allows such use upon receiving a conditional use permit. The County's Comprehensive Land Use Plan places this property within the Rural Conservation Area which allows limited commercial, service development at the Ordinance defined density.

RELATED ATTACHMENTS

- CUP Amendment Application
- Location Map and Property Photographs

OVERVIEW OF PROPOSED OPEN PIT MINING OPERATION

The proposed mining operation is proposed to be operated similar to the neighboring "Pegram mine" which was approved by the Board of Supervisors with conditions on November 20, 2012. To note, in speaking with Mr. Paul Saunders, Regional Mining Inspector with the Department of Mineral Mining (DMM), the aforementioned existing mining operation, which mining is conducted by the same operator, Shoreline, LLC, is in compliance with the Department of Mineral Mining (DMM). The proposed hours of operation for the sand and gravel mine are from 7:00 AM to 4:00 PM Monday through Friday. To serve area citizens Saturday hours are proposed from 8:00 AM to 2:00 PM. Any additional Saturday hours of operation would be under emergency operations only. The sand and gravel material is mined using an excavator (no blasting is used to extract the material) and the material is then stockpiled on the mine site. The stockpiled material will be loaded from the stockpile into the rubber-tired loader using an excavator. The proposed maximum depth of the mine pit(s) is 14 feet. Over time with the progression of the mining lifts taking place below the existing water table, pooling of water will take place in the mine pit creating a small lake. As the mining in each area of the site is completed, the banks of the lakes created by the mining extraction process are sloped at a three to one slope and these sloped lake banks are stabilized with seed. The mining pit areas are buffered from the surrounding area by constructing earthen berms from the

excavated topsoil (it is estimated that there is four inches of topsoil in the mining area), and these earthen berms are three feet in height and four feet wide at the tops of the berms. Any excess topsoil is used to reclaim the mine site post mining by spreading and disking in this topsoil to a depth of four inches and seeding on all areas not covered by water.
The stockpiled sand and gravel material is processed on site utilizing a screening plant at approximately 80 tons per hour. There is no crushing of rock material allowed as part of this mining operation. Any overburden or waste material is stockpiled on site and seeded. Any runoff from the stockpile areas drains back into the mine pit areas. The stockpiled waste material is either sold or is utilized on the site to reclaim the banks and slopes. After the sand and gravel is processed on the mine site, it is hauled offsite utilizing the haul road that extends from Troublefield Road into the site along the existing farm service road. The haul road is to be watered as needed to control dust. It is estimated that no more than 50 truckloads of mined sand and gravel material will be hauled offsite each day during the conditioned hours of operation.

The post mine land use will return to the pre-mine agricultural use. The entire mine site is to be reclaimed by revegetating the site using the stockpiled topsoil and any stockpiled overburden.

ZONING ANALYSIS

The properties surrounding the subject property include single-family residential dwellings, farmland, forestal land uses, and Stony Creek runs along the western property line and the properties are currently zoned A-2, Agricultural, General. The proposed sand and gravel mining operation is to take place on the one parcel, Tax Map Parcel 87-13.

The surrounding properties are zoned Agricultural, General, A-2, and Zoning Ordinance Section 22-75, Permitted Uses, (49) allows open pit sand and gravel mining with a conditional use permit. As designated by the Comprehensive Land Use Plan, the subject property is within the Rural Conservation Area. As such, the Comprehensive Plan states that this general area is expected to accommodate limited commercial and service development.

OVERVIEW OF IMPACTS

The Department of Mines, Minerals, and Energy (DMME) and more specifically the Division of Mineral Mining (DMM) will issue and oversee the required permit/license to operate the proposed mine. The mining operation will be subject to the conditions of the permit/license. Drainage, safety, and reclamation practices are made a part of the permit as are periodic inspections by the operator.

Public Utilities, School System, & Public Safety Impacts

The existing utilities are handled on-site, and the mechanical systems utilized as part of the mining operation: an excavator, a rubber-tired loader, a conveyor, a screening plant,

and a dewatering screw the systems needing on-site power will be powered by a 100-hp diesel engine. There are public safety issues involved with the proposed use, and the CUP conditions address the safety related impacts of the mining operation as do the Federal and State guidelines for mining operations.

Transportation Impacts

The impacts on the transportation network are being addressed by VDOT through the commercial entrance permit. VDOT is reviewing the the request to allow a maximum number of 50 dump trucks per day on the days as allowed under the conditions of the CUP to haul the sand and gravel mined at the site to an off-site location(s). Prior to commencement of the mining operation the applicant will comply with all VDOT permitting requirements and entrance design and construction requirements and specifications, including but not limited to driveway entrance alignments, sight line requirements, and tapers and/or turning lanes.

SITE AND USE ANALYSIS

Staff feels that the request to operate an open pit sand and gravel mining operation on the subject property and haul no more than 50 truckloads of sand and gravel from the site Monday through Saturday and during emergency operations is an appropriate use of the property, and given the configuration of the surrounding land uses and given the surrounding zoning pattern the use is appropriately located.

Planning Staff Recommendation:

The Staff reviewed the request for the conditional use permit and is satisfied that the applicant has successfully addressed the impacts on the subject property and surrounding area of operating an open pit sand and gravel mining operation and hauling no more than 50 truckloads of sand and gravel from the mine site.

Staff's recommendation of APPROVAL of the conditional use permit to allow the subject to the following conditions:

C-16-1 Conditions:

1. Generally. The use of the property shall be limited to open pit sand and gravel mining, and transportation and shall be subject to this conditional use permit. Open pit and sand gravel mining may occur only on Tax Map Parcel 87-13 (totaling approximately 116.0 acres). The only access to and from the mining and site on Tax Map Parcel 87-13 shall be across Tax Map Parcel 87-13.

2. Time of operation. The hours and days of operation for mining, and transportation to and from the mining sites shall be as follows:

a. 7:00 AM to 4:00 PM Monday through Friday except Federal and State holidays; and 8:00 AM to 2:00 PM Saturday except Federal and State holidays.
b. For emergency operations only from 8:00 a.m. to 4:00 p.m. Saturdays except federal and state holidays an emergency operation shall exist if and only if it is designated by the Commonwealth of Virginia or its agent when the product of the mine is required for the use of the Commonwealth on short notice.
c. No mining or transportation to or from the mining sites shall occur (1) outside of the times listed above, (2) on any Sunday, or (3) on any Federal or State holiday.

3. Mining pits; depth. The maximum depth of the mining pits shall not exceed fourteen (14) feet as measured from the initial ground elevation above the bottommost point of the mining pit.

4. No crushing operations are allowed. No crushing of sand, gravel, or stone shall be allowed on the mine site as part of the mining operation.

5. No blasting allowed. No blasting shall be allowed on the mine site as part of the mining operation. All mining shall be done utilizing an excavator.

6. No public access. No public access shall be permitted to the mining sites.

7. Berms for sites close to property lines. Mining sites in close proximity to an adjacent property line shall have an earthen berm buffer at or in close proximity to the mine pit or mined site three (3) feet in height and four (4) feet in width at the top of the berm. Each berm shall be seeded.

8. Hauling operations. A maximum of fifty (50) truckloads of mined material to include sand, gravel, topsoil, overburden, and spoils shall be hauled from the mine site each day only during the hours and days set forth in Condition Number Two (2) above. The operator shall be required to make a daily inspection of the road within 200 hundred feet of any entrance to the mine and shall be required to sweep any debris within 200 hundred feet of any entrance to the mine placed on the road by the hauling of sand, gravel, top soil, over burdens, oil and other materials associated with the operation of the mine.

9. Permits, reports, etc.
   a. All applicable federal, state, and local permits shall be obtained and filed with the Dinwiddie County Planning Department prior to commencing

operations. This conditional use permit is effective only upon receipt by the Dinwiddie County Planning Department of all such permits.

b. All applicable federal, state, and local permits shall be maintained in good standing by owner/operator. Owner/operator shall provide copies of such permits to Dinwiddie County Planning Department during operations. Failure to maintain all applicable permits shall be grounds for revocation of this conditional use permit.

c. Copies of violations and/or reports to or from applicable federal and state agencies shall be made available to Dinwiddie County upon request of the County.

10. Compliance with laws. All operations pursuant to this conditional use permit shall be conducted in compliance with all applicable federal, state and local laws and regulations.

11. Annual review. This conditional use permit shall be reviewed a minimum of once per calendar year to evaluate compliance with conditions contained herein.

PLANNING COMMISSION RECOMMENDATION

Since this is a zoning matter, the standard statement regarding the Planning Commission recommendation on this zoning matter must be read. In order to assist, staff prepared the following statement:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit, C-16-1, as presented for an open pit sand and gravel mining operation be recommended for (approval, approval with conditions, OR disapproval) to the Board of Supervisors.

DINWIDDIE COUNTY PLANNING & ZONING DEPARTMENT

LAND USE AMENDMENT APPLICATION

Dinwiddie County
Planning Department
P. O. Drawer 70
Dinwiddie, Virginia 23841
(804) 469-4500 ext. 2117
(804) 469-5322 /fax

Rec'd MB
Date Rec'd Dec. 2 2015
Time Rec'd 1:00 PM
Case No.: C-16-1
Fee Amount: $1,500.00
Receipt No: 23501
Pre-Application Conference Date:
This application has been amended: YES (NO)
Reviewed by: Mark Barnett

Feb. 10, 2016 P.C. Mtg. 7:00 PM

Information must be typed or printed and completed in full.
Attach additional pages where necessary.

1) LAND USE INFORMATION

(Circle): (BOS) (PC) BZA

(New) Renewal
Previous/Renewed Case#: _____

Amend Previous Case: Y / N
Land Use Taxation: Y / N

Application Type: (Circle One): ☐ **Variance** ☐ **Administrative Variance** ☒ **Conditional Use Permit** ☐ **Rezoning** ☐ **Street Vacation** ☐ **Special Exception** ☐ **Amendment**

Description of Request: MINING SAND AND GRAVEL

Existing Zoning: AGRICULTURE
Proposed Zoning: _____

Existing Acreage: 116
Proposed Acreage: _____
Total Acreage: _____

Water (Circle One): Public Well (LAKE WATER)
Sewer (Circle One): Public On-site Well and Septic (PORT-A-JOHN)

Attached: (circle): Miscellaneous Information/Master Plan/Textual Statement/Proffered Conditions

2) APPLICANT/AGENT INFORMATION

Applicant(s): SAMUEL H SHANDS Home/Cell# 757 377-9000
Address: 26714 TROUBLEFIELD RD STONY CREEK VA 23882 Work#
Agent(s): DONALD L. SHARPER Home/Cell# 757 377-9000
Address: 514 SHORELINE RD. CARROLLTON VA, 23314 Work# SAME

☐ Property Owner ☐ Contract Purchaser ☒ Other: AGENT

3) PROPERTY OWNER INFORMATION

Property Owner's Name and address (see note on last page):
SAMUEL H SHANDS
26714 TROUBLEFIELD RD STONYCREEK VA 23882
Contact#

Property Owner's Mailing Address (If this address is different from that listed in the Assessor's Office.):

Phone#

Property Tax Parcel Number: 87-13

1. Explain fully the proposed use, type of development, operation program, reason for this request, etc.:

BORROW PIT OPERATION TO PRODUCE SAND AND GRAVEL FOR ASPHALT AND CONCRETE MATERIALS

2. State how this request will not be materially detrimental to adjacent property, the surrounding neighborhood or county in general. Include, where applicable, information concerning: Use of public utilities; effect of request on public schools; effect on traffic, to include means of access to nearest public road; effect on existing and future area development; etc.:

ALL OPERATIONS WILL BE SURROUNDED BY EXISTING TREES AND EARTH BERMS. PUBLIC UTILITIES (ELEC) FOR OFFICE. NO EFFECT ON PUBLIC SCHOOLS. INGRESS AND EGRESS FOR TRAFFIC WILL BE DETERMINED BY VDOT. ALL DISTURBED AREAS WILL BE RECLAMED AS PER DMM.

3. List case numbers and explain any existing use permit, special exception, conditional use or variance previously granted on the parcels in question:

N/A

4. If requesting a variance or special exception, explain the unique physical hardship or extraordinary situation that is justification for the request:

N/A

5. Complete names and address (including Zip codes) of all owners adjacent, across the road or highway from the property and across any railroad right-of-way, creek, river, from such property must be obtained by the applicant from the Commissioner of the Revenue, Pamplin Administration Building. If such property lies in another county or city, the respective jurisdiction will provide this information to the applicant. Applications with incomplete parcel information will not be accepted.

Property Owner Name	Property Owner Mailing Address	Tax Parcel #	
SHANDS, SAMUEL, H	26714 TROUBLEFIELD RD STONY CREEK, VA 23882	MAP 87-13	OWNE
BROWN, ANTHONY	26714 TROUBLEFIELD RD STONY CREEK, VA 23882	MAP 87-11	1
& SHANDS, SAMUEL H			
PEGRAM, GLOVER W.	P.O. BOX 161 STONY CREEK, VA 23882	MAP 87-16	2
& CYNTHIA R.			
HOFFLER, ROBERT E.			
& ROBERT EUGENE JR.			
PEGRAM, GLOVER W.	P.O. BOX 161 STONY CREEK, VA 23882	MAP 86-42	2
PEGRAM, GLOVER W.	P.O. BOX 161 STONY CREEK, VA 23882	MAP 87-14	2
Bethea Lee & JUNE	22619 Boydton Plank ROAD McKenney VA 23872	MAP 87-25	4
BOSTON, MATTIE 40 GEORGE BOSTON	9500 Plum Circle Richmond VA 23237	MAP 87-17	3
SUSSEX COUNTY Planning Dept	15080 COURTHOUSE ROAD SUSSEX VA 23884		6

Dinwiddie County, VA

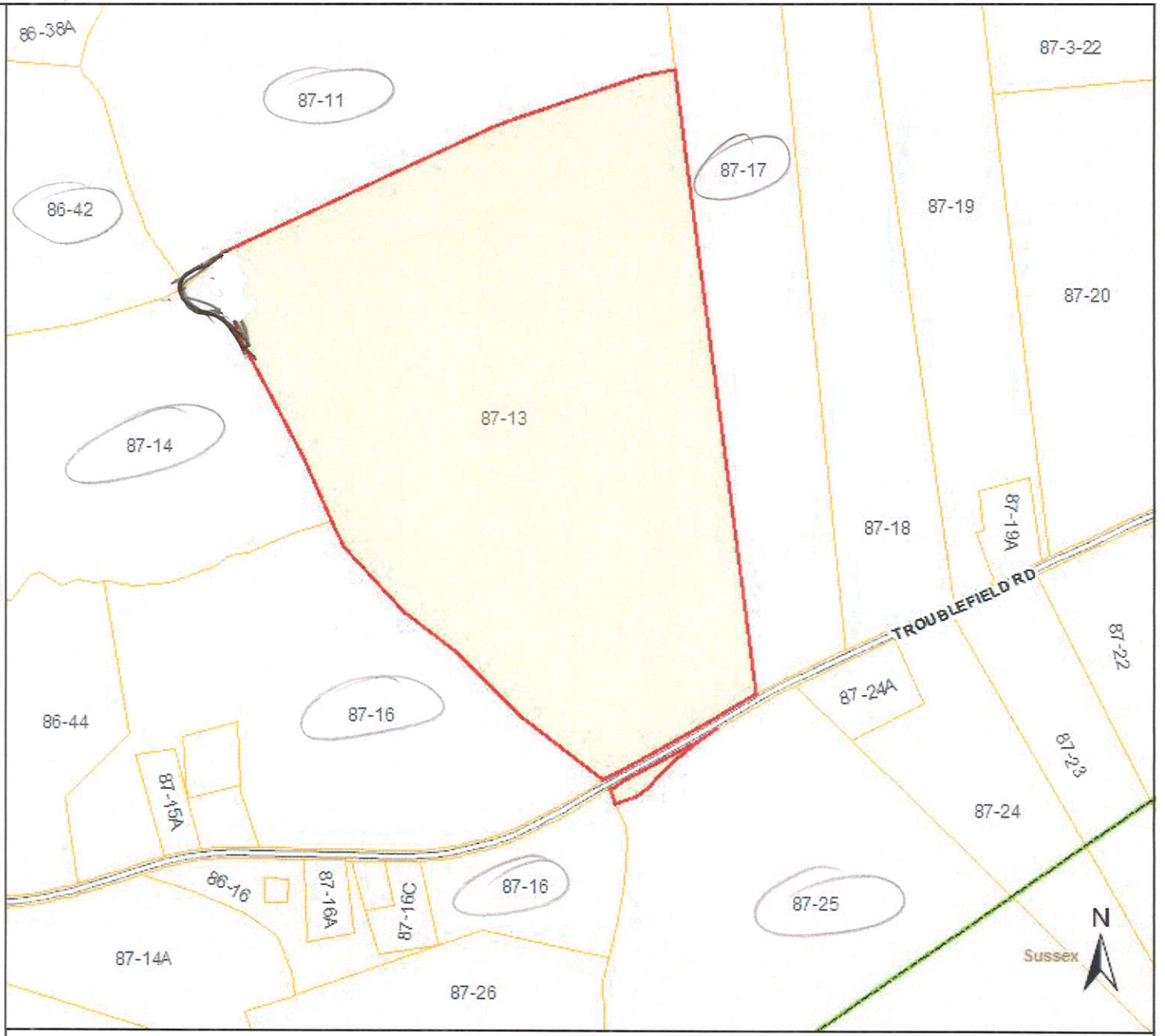
Legend

Road Labels

County Boundaries

Parcel Labels

Parcels



Title:

Date: 1/27/2016

Feet

0 200 400 600 800

1:8,000 / 1"=667 Feet

DISCLAIMER:This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records,information, and data obtained from various sources, and Dinwiddie County is not responsible for its accuracy or how current it may be.

6. The required fee must accompany this application. A fee schedule is available from the Planning Department, 14016 Boydton Plank Road, Pamplin Administration Building, Dinwiddie Virginia. Checks must be made payable to: "Treasurer, County of Dinwiddie".

7. Enclosed with the application, a copy of the appropriate county tax map with the property marked (provided at pre-application conference) and, if available, a surveyed plat of the entire parcel.

8. Enclose with this application any required plans or plats (plans must be folded).

9. I/We hereby certify that to the best of my/our knowledge all the above statements and the statements contained in any exhibits transmitted are true and that the adjacent property owners listed herewith are the owners of record as of the date of the application:

Date: 11-23-15, 2015

SIGNATURE OF AGENT* D. E. Shaffer
(Name of person other than, but acting for, the property owner and responsible for this application.)

AGENT'S NAME DONALD E. SHAFFER
(Typed or printed)

SIGNATURE OF APPLICANT** Samuel Shands
(Same name as used in Item 2, Page 1)

APPLICANT'S NAME Samuel Shands
(Typed or printed)

I authorize you, the merchant, to initiate an electronic debit to my account for the amount rendered on this check plus the legal limit returned check fee if the item is dishonored. The use of a check for payment is my acceptance of this policy. Signature_____

Notes: Incomplete application will not be accepted. Any request that requires plans must be accompanied by those plans at the time submission of the application.

*Agent must file power of attorney from the property owner(s) giving the agent authority to submit this application.

** If the applicant is not the owner of the property, the applicant must file power of attorney from the property owner(s) giving the applicant authority to submit this application.

DINWIDDIE COUNTY PLANNING
&
ZONING DEPARTMENT
SPECIAL LIMITED POWER OF ATTORNEY APPLICATION

Planning Department – Post Office Drawer 70 – Dinwiddie, Virginia 23841
Phone (804) 469-4500 ext. 2117 Fax (804) 469-5322

Know all men by these presents: That I (We)

(Name): SAMUEL H. SHANDS (Telephone): _____

(Address): 26714 TROUBLEFIELD RD STONY CREEK VA 23882

The owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Dinwiddie, Virginia, by

Instrument No._____, on Page _____, and is described as Tax Map Parcel #. 87-13 do hereby make, constitute and appoint

(Name): DONALD SHAFFER (Telephone): 757 377 9000

(Address): 514 SHORELINE RD CARROLLTON, VA 23314

To act as my true and lawful attorney-in-fact and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, to include (put a checkmark next to the appropriate action that applies(y):

__Rezoning Request (including proffers)
X Conditional Use Permit
__Preliminary Subdivision Plat
__Final Subdivision Plat
__Subdivision Construction Plans
__Building Permit(s)
__Subdivision Exception
__Site Plan of Development
__Site Plan Modification
__Variance Request
__Landscape Plan
__Lighting Plan
__Transfer of Approval

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

_____

This authorization shall expire one year from the day it is signed, or unto it is otherwise rescinded or modified in witness thereof, I (we) have hereto set my (our) hand and seal this 23rd day of November, 2015.

Signature(s) Robin H Banty

State of Virginia, City/County of Dinwiddie, To-wit:

I Robin H. Banty, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument and who is (are) known to me, personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 23rd day of November, 2015

My commission expires: 10-31-2018

Robin H Banty
Notary Public

ROBIN H. BANTY
COMMONWEALTH OF VIRGINIA
REGISTRATION NO. 7589377
MY COMM. EXPIRES 10-31-2018
NOTARY PUBLIC

Dinwiddie County, VA

Legend

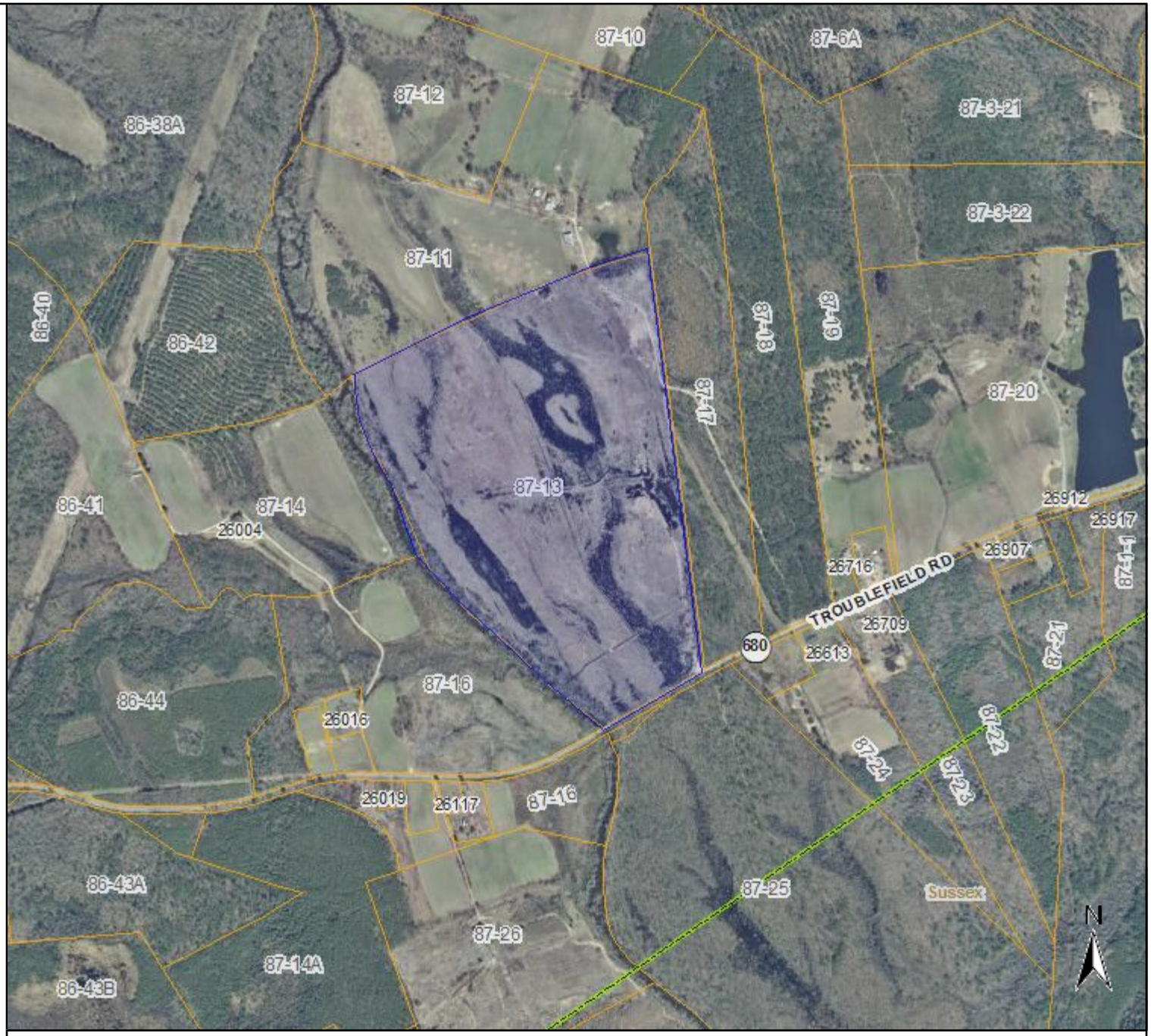
Road Labels

County Boundaries

Addresses

Parcel Labels

Parcels



Title: Property Location Case, C-16-1

Date: 2/3/2016

Feet

0 200 400 600 800

1:12,000 / 1"=1,000 Feet

DISCLAIMER:This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records,information, and data obtained from various sources, and Dinwiddie County is not responsible for its accuracy or how current it may be.

Jones Branch Rd
680
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2016 02 02