

# **Planning Commission Staff Report**

File #: C-20-5  
Applicant: Ogburn & Ogburn Trucking, LLC; Agent, Hampton Gordon  
CUP Request: To operate a laydown yard  
Property Location: Directly south across from 9502 Zion Road  
Tax Map Parcel #: 28-35  
Property Size: approx. 21.21 acres  
Property Zoning: Agricultural, General, A-2  
Magisterial District: Darvills  
Planning Commission Mtg.: July 8, 2020

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## **CUP REQUEST**

The applicant, Ogburn & Ogburn Trucking, LLC, and their agent, Hampton Gordon, are seeking a conditional use permit to operate a laydown yard on the following described property containing approximately 21.21 acres. The property is located south across the street from 9502 Zion Rd. Ford, VA, and is further designated as Tax Map No. 28-35. The property is zoned A-2, Agricultural General, which may be changed to allow 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 Application
- Location Map

## **OVERVIEW OF PROPOSED LAYDOWN YARD**

Ogburn & Ogburn Trucking, LLC's primary client is Gerdau Ameristeel of Dinwiddie County and the business activities include hauling steel products to the property located at 9502 Zion Road with some light assembling and welding of the steel before the products are transported off site. The conditional use permit for the aforementioned operation was approved by the Board of Supervisors in February 2018. Now, the applicant and their agent are requesting to have a steel laydown yard on the property to the immediate south across Zion Road.

## **ZONING ANALYSIS**

The adjacent properties to the north and west across Zion Road where the existing steel facility and laydown yard are located are zoned Agricultural, General, A-2. On the adjoining A-2 zoned property to the north is a single-family residence. The remainder of the subject property is adjoined by Baltimore Road and a vacant parcel zoned A-2 to the northeast and along the subject property's southern property line is Route 460. With the exception of the single-family residential property to the north and the vacant property to the east, the surrounding property consists of road frontage on Zion Road, Baltimore Road, and Route 460.

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 develop as low density residential, agricultural, and limited commercial and service development.

## **OVERVIEW OF IMPACTS**

This request is not expected to cause any new impacts to the surrounding properties as it has been in operation for at least 2 years without any noise or traffic complaints.

### **Public Utilities, School System, & Public Safety Impacts**

Any utilities are handled on-site and there is no expected impact to the school system, as related to the laydown yard. Any public safety or community issues related with the proposed use are minimized by the proposed conditions associated with this permit.

### **Transportation Impacts**

VDOT has reviewed the request and there do not appear to be any new impacts on the transportation network. Condition #4 requires the applicant meet all VDOT requirements and design and construction standards for vehicle access.

## **SITE AND USE ANALYSIS**

Staff feels that the request to operate a laydown yard on the subject property 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. Additionally, the County has not received any noise or traffic complaints associated with the existing business.

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 develop as low density residential, agricultural, and limited commercial and service areas.

Although the Comprehensive Land Use Plan does not specifically recommend commercial/service activities within this general area, staff believes that the impacts of operating a laydown yard on the subject property will be minimized based on adherence to the proposed conditions.

### **Planning Staff Recommendation:**

Planning staff reviewed the request for the conditional use permit and is satisfied that the impacts of operating a laydown yard on the subject property will be minimized based on adherence to the proposed conditions.

Staff's recommendation of APPROVAL of the conditional use permit to operate a laydown yard is subject to the following conditions:

#### **C-20-5 Conditions:**

1. The use of the property shall be limited to the laydown yard as identified in the Land Use Amendment Application.
2. Any buildings or structures constructed as part of the laydown yard shall meet all applicable Fire Code requirements and all applicable Building Code requirements;
3. Any site lighting installed shall be directed downward and inward to the site to preserve the night sky and shall not directly cast light onto the adjoining properties or public roads;
4. All vehicle access/entrance(s) to the subject property shall meet Virginia Department of Transportation (VDOT) design and construction standards;
5. The property shall meet design and construction standards for fire and rescue apparatus access;

6. The property shall meet all required development standards for this type of business as required by Chapters 18 and 22 of the Dinwiddie County Code, as amended;
7. All outdoor activities associated with the laydown yard shall only be conducted between the hours of 7:00 AM and 9:00 PM with no outdoor activities associated with the laydown yard on Easter Sunday, Thanksgiving Day and Christmas Day;
8. All assembling and welding activities associated with the related laydown yard and hauling facility as approved under conditional use permit C-18-1 shall only be conducted on Tax Map Parcel 28-36;
9. Any existing trees within 50 feet of the abutting parcel identified as Tax Map Parcel 28-35A and addressed as 9703 Zion Road shall remain in place and shall not be removed. Any laydown areas shall be screened from the Route 460 (Cox Road), Route 608 (Zion Road) and Route 622 (Baltimore Road) public right-of-ways and from the abutting eastern property line with opaque fencing or with landscaping or by maintaining the existing landscaping/trees and vegetation to be approved by the Dinwiddie County Planning Director;
10. All activities associated with the laydown yard shall comply with all applicable federal, state, and local codes; and
11. This conditional use permit is subject to be reviewed by the Dinwiddie County Zoning Administrator on an annual basis from the date of issuance. Failure to abide by these conditions may result in legal action.

#### **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-20-5, as presented to operate a laydown yard be recommended for (approval, approval with conditions, OR disapproval) to the Board of Supervisors.**