

Planning Commission Meeting Staff Report

File #: P-21-7
Applicant: Vulcan Lands, Inc. and their agent Jack R. Wilson, III
Rezoning Request: Agricultural, General, A-2 & Residential, Limited, R-1 to Industrial, General, M-2 with Proffers
Property Address: 23306 Cox Rd., North Dinwiddie, Virginia
Tax Map Parcel #'s: 21-1 and 9-4
Property Size: 243.37 +/- acres
Magisterial District: Rohoic District
Planning Commission Mtg.: January 12, 2022
Board of Supervisors Mtg.: February 15, 2022

CASE OVERVIEW

The applicant, Vulcan Lands, Inc. and their agent Jack R. Wilson, III, are requesting to rezone property containing approximately 243.37 +/- acres from Agricultural, General, A-2 and Residential, Limited, R-1 to M-2, Industrial General, with proffers. The M-2 zoning district allows stone or granite quarry to include crushing or grinding, storage and distribution of same, with a conditional use permit. The property is located near 23306 Cox Rd., North Dinwiddie, Virginia and is further defined as Tax Map Parcel Nos. 21-1 and 9-4. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which allows for industrial and residential uses for this general area.

The subject property was originally rezoned to A-2, Agricultural General, in March 1989, and at the same time a conditional use permit was approved to permit the existing sand, gravel, and crushed stone quarry/mining operation on 107 acres of the subject property. The property housing the Tindall Concrete manufacturing facility and related product storage yard was originally zoned Industrial, General, M-2, in August 1985.

ATTACHMENTS

Attachments - Rezoning Application, GIS Location Map, Statement of Proffers, Vulcan Site Plan

LAND USE/ZONING ANALYSIS

The properties in the immediate area surrounding this land parcel include single-family residential land uses (Appomattox Manor, Mansfield, Sysonby Ridge, and Gunderson subdivisions on the north and northeast as well as Rohoic Farms subdivision on the southeast) and the railroad line on the southeastern border of the subject property with residential land uses on the southeastern side of the aforementioned railroad. The aforementioned residential property to the southeast is zoned Residential, Limited, R-1 and Residential Limited, R-2 (the manufactured home park off Cox Road). Also on the

southeastern side of the railroad off Addison Street and Cox Road are Gentry Well Works and a mini-storage facility that are on property zoned B-2, Business General. In 2002, a conditional use permit was approved allowing the mini-storage facility.

The purpose of the Industrial, General, M-2, zoning district is for industrial and manufacturing related development. The M-2 zoning classification allows for continued operation of the existing Jack Quarry as a stone or granite quarry to include crushing or grinding, storage and distribution of same, with a conditional use permit on the subject property. The proposed rezoning will allow for the continued operation of the stone or granite quarry including crushing or grinding, storage and distribution of same and to include sand and gravel operations, crushed stone operations, cement, concrete, lime and gypsum manufacture, asphalt mixing plant on Tax Map Parcel # 21-1 and will allow for stormwater management, berming of overburden and maintaining the perimeter landscaped buffer on Tax Map Parcel # 9-4.

The subject property is located within the Urban Planning Area as defined by the Comprehensive Land Use Plan. This Urban Planning Area is expected to accommodate industrial facilities and residential land uses within this general area of the County.

OVERVIEW OF IMPACTS

Public Utilities, School System, & Public Safety Impacts

The impacts on the subject property are minimal. Water and sanitary sewer is provided using the public DCWA system, which has been upgraded in the area as a part of the recent Tindall facility expansion project. There is no impact on the public school system. As the Jack quarry is already in operation, the potential impact on public safety will not be further impacted with the rezoning of the property.

Transportation Impacts

The impacts on the existing transportation network are minimal. With the existing entrance to the existing quarry/mining operation, the subject property has adequate access to Cox Road and the road system in this particular area is adequate to handle the traffic generated by the current uses and the proposed quarry/mining operation improvements.

PROFFER STATEMENT

The applicant, Vulcan Lands, Inc., did proffer to limit the uses on the subject property to stone or granite quarry to include crushing or grinding, storage and distribution of same, with a conditional use permit.

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 the following reasons:

1. The zoning classification requested with proffers is compatible with the surrounding zoning pattern, and is the appropriate industrial zoning classification given the current and proposed uses located on the subject property;
2. The requested zoning classification with limited uses set forth in the voluntary proffer conditions conform with the underlying uses outlined in the Urban Planning Area in the Comprehensive Land Use Plan for this general area; and
3. The rezoning with proffers limiting the use of the subject property with a conditional use permit will not have an adverse impact on the surrounding properties.

PLANNING COMMISSION RECOMMENDATION

Mr. Bassett asked if there were any questions from the Planning Commission.

The Chairman said if there are no questions for Mr. Bassett, would the applicant like to come forward and add anything.

Mr. Jack Wilson, 9401 Courthouse Road, Suite 204, Chesterfield, VA, the agent representing the applicant, explained more about the berm and buffer at the northeastern portion of the property and their relationship to and with the rezoning and conditional use permit.

Mr. Cunningham asked if there was going to be any mining in the area where the berm and buffer would be constructed.

Mr. Wilson said no there will not be any mining in that area, Tax Map Parcel 9-4.

The Chairman asked if there had been any studies done involving the long-term effect of blasting on structures around the perimeter of a blasting site.

Mr. Wilson said federal blasting studies have been conducted. In short, the studies looked at the impact of a series of mining related blasts. Based on that study a standard was then set. That standard said simply that if a blasting facility stays below their standard, there will be no long term structural damage on structures surrounding the facility. That is the standard Virginia Mines and Minerals follows and that is the standard Vulcan follows.

The Chairman said if there are no more questions for the applicant's agent, he is opening the public hearing portion of rezoning case, P-21-7, and conditional use permit case, C-21-6. He asked if anyone signed up to speak.

Mr. Allen Marcum, 4410 Alyssa Lane, North Dinwiddie said his property abuts the Vulcan property and currently there are wetlands that separate our properties. He wanted to know how this new proposed work would affect those wetlands. Also, he stated that I built my house in the nearby subdivision three (3) years ago and there is some cracking in my walls and my foundation due to the blasting. I've been around construction for some 30 plus years and I know what blasting can do. He mentioned that everyone on Alyssa Lane and McIlwaine Drive were against the rezoning and conditional use permit.

Mr. Melvin Farrar, 24015 Bancroft Drive, North Dinwiddie said he lives next to the where the berm is being proposed. When they blast, I can feel my house shake. It is affecting the houses around the blasting site. I believe if they move closer, it will affect the houses even more.

The Chairman said if there are no more comments he was closing the public hearing for cases P-21-7 and C-21-6.

Mr. Wilson wanted to comment on what the citizens were concerned about. Mr. Wilson said, as it relates to the gentleman's wetlands question, the Army Corp of Engineers governs wetlands and any disturbance of them. They have a permit process that we would have to adhere to if we do choose to disturb them. I just wanted everyone to know that. As for the blasting that was mentioned, Vulcan only does one blast a week and it lasts about one second. Vulcan also limits the hours when that blast occurs. Currently under the existing conditional use permit conditions, they are not limited to how and when the blast can occur. He said Vulcan also has a policy of reaching out to citizens who say they are having problems after there has been blasting. They have installed seismographs on some of the properties adjacent to their quarry. This is an effort of seeing or registering the size of the blast coming from the quarry. Often times what most people feel in their homes is the air pressure from the blast and that is exactly what the berm we want to put in place will address.

The Chairman asked the Commissioners if they had anything else to add. If not, he would entertain the motions.

Mr. Titmus 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) and 15.2-2286(A) (3) & (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-21-7 and C-21-6, be recommended for approval with proffers and conditions to the Board of Supervisors. It was seconded by Mr. Simmons and with Mr. Simmons, Mr. Titmus, Mr. Hayes, Mr. Cunningham, Mr. Harvell, Dr. Prosis and Mr. Tucker voting "AYE" C-21-6 and C-21-7 is recommended to the Board of Supervisors for approval with rezoning proffers and conditional use permit conditions.

BOARD OF SUPERVISORS ACTION

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-21-7 as presented, be (approved, approved with proffers, OR disapproved) by the Board of Supervisors.