

**King & Queen County
Planning Commission Minutes (Joint Public Hearing)
September 26, 2011**

The King & Queen County Planning Commission met on Monday, September 26, 2011, at 7:00 p.m. in the King & Queen County Courts and Administrations Building in the Court Room with the Board of Supervisors for a joint public hearing.

Planning Commission Members Present:

Milton Watkins
David Campbell
William Herrin

Hunter Richardson
John Roane, Jr.

Also in Attendance:

Donna E. Sprouse, Assistant Zoning Administrator

Call to Order

Vice-Chairman, Hunter Richardson, called the meeting to order.

Roll Call/Determination of Quorum

Mr. Campbell took roll call and determined that a quorum was present.

Mr. Richardson informed Board of Supervisors Chairman, Lawrence Simpkins that there was a quorum present and turned the meeting over to the Board of Supervisors Chairman.

Mr. Simpkins asked that the County Administrator, Thomas J. Swartzwelder verify proof of publication and back ground information. Mr. Swartzwelder stated that he is going to defer the background information to Mrs. Sprouse who will be making the presentation as the clerk to the Planning Commission. Mr. Swartzwelder stated that in their packets are the certificate of publications for both the Rappahannock Times and & Tidewater Review for the weeks of September 7th and 14th. He also noted that a single publication was run in the Country Courier as well.

Mr. Simpkins asked Mrs. Sprouse to review the first item on the agenda for joint public hearing.

IN RE:

Zoning Text Amendment ZA11-01, Article 4, Permitted Uses

Mrs. Sprouse explained that this is a zoning text amendment request to include asphalt manufacturing in the Industrial zoning district by approved conditional use permit under Industrial Uses. Mrs. Sprouse explained that on June 6, 2011, the Planning Commission held a public hearing proposing a text amendment to Article 4, Permitted Uses which included allowing asphalt manufacturing in the Industrial zoning district by approved conditional use permit. The Commission recommended approval of the text amendment to the Board of Supervisors during their June 2011 public hearing.

Mr. Simpkins asked Branscome to make their presentation to the Board, Commission and the public.

Buddy League with Branscome provided a power point presentation to the Board and Planning Commission outlining the operations of their asphalt facilities and informed them of their current plant sites in Virginia.

Mr. Simpkins asked if the Planning Commission has any questions at this time.

Mr. Watkins asked if at some point Branscome would consider paving the road into the Industrial park if the property owner agrees and if they could work something out. Mr. League of Branscome stated that it could be something that Mr. Walker and he could discuss at some point but also reminded Mr. Watkins that he does not own the road and is not purchasing the road.

Mr. Watkins also asked if there is enough land and open areas so that trucks are not parked on Industrial Road. Mr. League stated that they have enough land between the two parcels that they have a loop around entrance/drive that could accommodate truck traffic if needed.

Mr. Campbell asked if the plant will be disassembled and removed when needed in another location or part of the state. Mr. League stated that the plant is mobile and may stay on site when not needed or it may be moved when they have work scheduled in various other areas of the state.

Mr. Simpkins asked what their typical hours of operation are. Mr. League stated that the typical hours of operation are 6:00 a.m. to 6:00 p.m. unless they have a job that requires the contractor to work at night. Mr. Simpkins asked if it is typical to work on Sundays. Mr. League stated that is very rare if at all during Sunday night and not during church hours.

Mr. Simpkins asked if there are any public comments from the public and to please keep their comments to 3 minutes.

Ms. Cynthia Johnston of the St. Stephens Church District spoke in opposition to the asphalt plant. She stated that the plant will cause health issues to those in the area of the plant. She asked who will pay for medical treatment for those affected. She also noted that Branscome had a violation on the Eastern Shore in 2010 at their concrete plant.

Mr. Simpkins asked if anyone else would like to speak, hearing no further comments, Mr. Simpkins closed public comment period.

Mr. Richardson asked the Planning Commission if they had any thoughts or questions before making a recommendation to the Board of Supervisors. Mr. Watkins asked if Branscome would like the opportunity to address Ms. Johnston's concerns.

Mr. Jay Lipscomb of Branscome stated that the concern with the violation that occurred on the Eastern Shore at their concrete plant was a stormwater violation when water was pumped out of the pit. He said that was human error and their employees have been trained to avoid such an issue again. He stated that his 2011 plant is the latest and greatest plant. It meets all of today's requirements and standards. Mr. Lipscomb stated that the emissions from the plant will not be as much as those that come from the traffic that travels Route 360.

Mr. Richardson asked if the Commission had any further comments or questions. Hearing none, Mr. Richardson stated that he would accept a motion at this time to either approve the zoning text amendment as written or deny the text amendment altogether. Mr. Herrin stated that he moves that the Commission moves to accept the text amendment as written, seconded by Mr. Watkins. The vote was ratified by all present members stating "Aye".

Mr. Richardson turned the meeting back over to Mr. Simpkins.

A motion was made by Mrs. Morris to accept the recommendation of the Planning Commission, seconded by Ms. Alsop. The vote was ratified by all members stating "Aye".

IN RE:

Conditional Use Permit, CU11-02 & Level 2 Site Plan, SP11-05, Branscome, Inc.

Mr. Simpkins asked Mrs. Sprouse to review the next item on the agenda.

Mrs. Sprouse stated that the Planning and Zoning Department received a complete application with payment on September 6, 2011 from Mr. J. Lipscomb on behalf of Branscome, Inc., requesting the approval of a Conditional Use Permit and Level 3 Site Plan to allow for an asphalt manufacturing facility.

The property is located off of Richmond Tappahannock Hwy, on Industrial Drive in the Newtown Magisterial District, County Tax Map Parcel No. 1625-44L-343A8 & 1625-44L-343A9.

Mrs. Sprouse stated that the property is zoned Industrial. Other surrounding land uses include Industrial, General Business and Residential. The property is located within the Economic Development Corridor along Route 360, Richmond Tappahannock Hwy within an existing Industrial Business Park.

Mrs. Sprouse also noted that she has received approvals from Erosion & Sediment Control Officer, Philip Thompson as well as DCR approval from Xing Lin pertaining to the stormwater review. She noted that the entrance to the Industrial Park has an established paved commercial entrance.

Mrs. Sprouse stated that considering the location of the property is along Route 360 within the Economic Development Corridor, and considering this use is being proposed in an existing Industrial Park, staff recommends approval with the below mentioned conditions attached to the approval.

- Branscome, Inc. shall abide by all federal, state and local laws and regulations. Where there is a variance or difference between federal, state and local laws, ordinances, regulations or any conditions required by this approval, the most stringent will control. Any and all copies of federal, state or local permits and/or inspections shall be provided to the County whenever requested.
- Parcels currently identified as County Tax Map No. 1625-44L-343A8 & 1625-44L-343A9 shall be consolidated into one Industrial zoned parcel prior to any permits being issued/approved.
- All buffers and setbacks will be maintained in accordance with the King & Queen County Zoning Ordinance. Additional plantings of evergreen trees shall be planted to assist with site preservation, noise reduction and visual screening on an as needed basis as determined by the County.

- Noise levels at shared residential property lines shall not exceed 85 dba with the exception of back up alarms on machinery & vehicles.
- Dust shall be controlled at all times. A watering method shall be reviewed and approved by DEQ.
- An approved BMP maintenance agreement must be filed and recorded in the King & Queen County Circuit Court Office before construction may take place.

Mr. Simpkins asked if there is anyone in the public that would like to speak for or against the request.

Ms. Cynthia Johnston of the St. Stephens District stated that the vapors that they saw when the Board went to view the site in Dinwiddie are the chemicals that you cannot see. She wanted to know if they could guarantee that their health, soil, and water will be good once this plant moves in. She stated that the Board should think about the people.

Mr. Ransome, who resides in Essex, however owns property near the facility. He said his main concern is if Essex denied the plant, why would King & Queen approve it. He wanted to know what it would do to his property values. He also asked the Board how they feel if it were in their back yards.

Mr. Jerry Taylor, who resides in Essex, however owns property a mile from the proposed sites. He asked how many monitoring wells will be installed to monitor the water. He also asked how far this facility would be from the old brake shoe factory. He said that when he used to work at the brake shoe factory, they use to dump and bury the asbestos back in the 1980's. He wanted to know what this would do to his property values.

Mr. Simpkins asked if there is anyone else that would like to speak, hearing no further comments, Mr. Simpkins closed public comment period.

Mr. Richardson asked if the Planning Commission had any comments or questions. Hearing none, Mr. Richardson asked the Planning Commission to either make a recommendation to approve or deny the request or they could table the request for further discussion.

A motion was made by Mr. Herrin to recommend approval of CUP11-02 and SP11-05 as presented, subject to the conditions as outlined by staff. Those conditions are as follows...

- Branscome, Inc. shall abide by all federal, state and local laws and regulations. Where there is a variance or difference between federal, state and local laws, ordinances, regulations or any conditions required by this approval, the most stringent will control. Any and all copies of federal, state or local permits and/or inspections shall be provided to the County whenever requested.
- Parcels currently identified as County Tax Map No. 1625-44L-343A8 & 1625-44L-343A9 shall be consolidated into one Industrial zoned parcel prior to any permits being issued/approved.
- All buffers and setbacks will be maintained in accordance with the King & Queen County Zoning Ordinance. Additional plantings of evergreen trees shall be planted to assist with site preservation, noise reduction and visual screening on an as needed basis as determined by the County.

- Noise levels at shared residential property lines shall not exceed 85 dba with the exception of back up alarms on machinery & vehicles.
- Dust shall be controlled at all times. A watering method shall be reviewed and approved by DEQ.
- An approved BMP maintenance agreement must be filed and recorded in the King & Queen County Circuit Court Office before construction may take place.

The motion was seconded by Mr. Roane.

Voting For: *Richardson, Roane, Watkins, Campbell, Herrin*

Voting Against: *None*

Abstain: *None*

The meeting was turned over to the Board of Supervisors. A motion was made by Mrs. Morris to accept the Planning Commission's recommendation with the mentioned conditions, seconded by Mr. McDuff. The vote was ratified by all members stating "Aye".

Adjournment

Mr. Richardson stated that he would like to make a comment before the Planning Commission adjourns. He stated that the Planning Commission will not meet during their October 3, 2011 meeting, however will meet November 7, 2011 at 6 p.m. in the General District Court Room.

A motion was made by Mr. Watkins to adjourn, seconded by Mr. Roane.

Adjournment was ratified by all present members saying "Aye".

Mr. Hunter Richardson, Vice-Chairman