



**Prince Edward County Planning Commission
Meeting Minutes
October 21, 2014
7:30 pm**

Members Present: William Porterfield, Chairman Chris Mason, Vice Chairman
Donald Gilliam Preston L. Hunt
Mark Jenkins Robert "Bobby" Jones
Jack Leatherwood W. Parker Terry
John Townsend Cannon Watson

Staff Present: Wade Bartlett, County Administrator

The October 21, 2014 meeting was called to order at 7:30 p.m. by Chairman Porterfield.

Approval of Minutes: September 16, 2014:

Chairman Porterfield requested any changes or corrections be made known; being none, he declared the September 16, 2014 meeting minutes approved as circulated.

Public Hearing – Rezoning – High Bridge Realty

This is the time and date advertised for a Public Hearing to receive citizen input prior to considering a request from High Bridge Realty, LLC, to rezone from Agricultural Conservation (A-1) to Agricultural Residential (A-2), a 50-acre portion of Tax Map Parcel 21-A-83B, owned by Leon G. Hudson and Lynette H. Pope. The parcel is located on Highway 460 immediately East of the Appomattox-Prince Edward Presbyterian Church. The purpose is to permit the construction and operation of an Asphalt Plant and Concrete Plant.

The purpose is to allow an existing business to relocate and allow the siting of a new business (asphalt plant) to the county. In addition, High Bridge Realty's site plans for the property include the construction of two smaller pads (4.3 and 2.32 acres) both with no proposed uses at this time but would allow the location of additional businesses in the future. Any future uses not allowed by right in the proposed zone of A-2 would require a Special Use Permit (SUP) with the corresponding advertising and public hearings.

As previously stated, the proposed rezoning would allow an existing business, concrete plant, to relocate from a location that is poorly suited to house such an activity. The current location is predominately residential/commercial and is adjacent to the High Bridge Trail State Park and the Historic Farmville Train Station. The operation of the plant is not conducive to the character of the surrounding properties and does not represent the highest and best use of the site. Traffic entering and exiting the plant must cross over the High Bridge Trail and sight distances are poor for the concrete trucks to enter onto Third Street. Both items are safety hazards that would be resolved with the relocation.

The location requested to be rezoned is adjacent to Highway 460 East immediately to the East of the Appomattox-Prince Edward Presbyterian Church. The site is within two miles of the intersection of Highway 460 and Highway 15 and the location will be in close proximity of the proposed Luck Stone Quarry. Intersections of major transportation arteries are desirable locations for the placement of businesses. The location of several commercial and manufacturing operations to include intensive agricultural activities in the vicinity of this location attest to that desirability.

The request is consistent with the County's Comprehensive Plan, which states the Route 460 corridor west of Farmville is a commercial corridor, and that the retention and growth of existing County businesses and the location of new business in the County is a primary objective to help achieve the goal of stabilizing, balancing and strengthening the economy of Prince Edward County. Another objective to help that goal is to diversify the economic base of the County. This rezoning and the proposed SUP will assist the County in achieving that goal.

Chairman Porterfield stated the two public hearings are for the same project; the property needs to be rezoned to allow the concrete and asphalt plants to move forward.

Mr. Bartlett said he received three telephone calls from neighboring landowners and once the project was explained, they had no objection. There were concerns about the cemetery; it is identified on the maps and the developers do not plan to disturb the cemetery.

Chairman Porterfield opened the public hearing.

Robert Atkinson, owner of W.C. Newman, presented an overview of his company, stating that he has outgrown his current site and the current plant is in constant need of repair. He said a new plant would allow his business to grow and would be more efficient with fewer emissions. He then reviewed the process of how he and Adams Construction determined the site chosen and the benefits of that particular site. He stated the Appomattox – Prince Edward Presbyterian Church pastor and congregation were contacted and they have no objections to the business locating at that site.

Rick James, Adams Construction Company, reviewed the asphalt plant business history and operations of the asphalt plant. He stated they serve the Farmville area from locations in Lynchburg and Petersburg; VDOT is their main customer. The asphalt plant would employ three to five people and another 10 to 13 employees would be hired for a paving crew. A decision to garage trucks and hire truck drivers will be made after the plant is operational.

Chairman Porterfield questioned EPA restrictions placed on the type of plants being discussed.

Mr. James stated there are two pieces of legislation that changed the way business is done in the asphalt business – the Clean Air Act and the Clean Water Act – that govern exactly what must be done. If approved, Adams Construction Company will have to apply to VDEQ to apply for a State Air Permit. EPA has delegated their authority and enforcement to the DEQ; it goes through all the criteria for the possible pollutants. All of those are spelled out in the Ambient Air Quality Standard of the Clean Air

Act. The numbers for asphalt plants fall far below the standards for Ambient Air Quality. Prescribed hourly, daily limits are listed on the permit; tests must be done to ensure the plant complies and is inspected as well.

Rob Maxey, Maxey & Associates, reviewed the plan and topography of the proposed site; he said it is well graded and there is positive drainage. The entrance to the site, which will have to be approved by VDOT, is near an existing crossover. There are few environmental concerns and criteria will be examined throughout the project. There will need to be a significant amount of grading. There will be a 60' vegetative buffer on the side of the church, and they could add two rows of Leland cypress, staggered, unless there is enough natural existing buffer. The Zoning Ordinance is very specific about the buffer; there will be extra done on the side where the church stands. Once the County would approve the project, the water permit, sewer permit, VDOT entrance permit, stormwater permit, Corp of Engineering permit would need to be obtained, among others, and then the plant owners need to get permits for their different sites. This site and its development meet with the County's Comprehensive Plan and the proposed uses fit with the neighborhood.

Chairman Porterfield asked about the vegetative buffer in the map and if it is intended to remain. Mr. Maxey stated the Code is very specific in this, and the development will meet with the Code. He said they are going above and beyond on the western side for the church.

Mr. Atkinson stated mention was made of the cemetery; it is delineated on site and it is not in any part of the developed area.

Cornell Walker, Prospect District, stated his concerns about the rezoning and Special Use Permit of this parcel; he said to this point everything stated has been on from the perspective of the [Route] 460 side but he will speak about the Tuggle side. He said all businesses don't have to be in the Tuggle area. Mr. Walker stated there will be an open view of both plants from Tuggle Road as there is no screening on that side of the property and there needs to be a plat and a more specific plan. He then questioned how much of an increase in the tax base will there be, and how many new employees will be needed. Mr. Walker then questioned the noise and asked the Commission to delay their decision until concrete information can be presented.

Chairman Porterfield asked if the questions could be addressed.

Mr. Maxey stated the buffer will be on all sides to meet the County Zoning Ordinance requirements. There will be more on the church side, and the church itself will sit 40' higher than the concrete plant and 50' higher than the asphalt plant.

Mr. Atkinson stated the tower will be 80' tall, maximum; primarily there will be no increase in employment for the concrete plant, and the tax base will consist of the Machinery & Tools tax, property tax, and the like. He was unsure of the exact increase in taxes to be paid but he would pay more taxes.

Mr. James said the asphalt plant would employ three to five employees to run the plant; there would be additional employees needed for the road crew, about 10-13 employees. He added that while the tax base was not researched, there would be a large investment made in Prince Edward County. He then added the Zoning Ordinance does require buffering on three sides, and advised those present that the noise from the plant is a common misconception and in a study done on a similar site, the decibel level at the property line that had been tested (74dB) is slightly less than the decibel level of a normal conversation (75dB). He said the level has been recorded as low as 62dB. In comparison, the decibel level of normal road traffic is approximately 80-85dB. Hours of operation are normally from 7:00 a.m. to 6:00 p.m.

Commissioner Jones asked if the trucks will be housed in Prince Edward County. Mr. James said he was unsure at this time. Mr. James added the asphalt is normally sold to VDOT, and their plant is operational, typically, from 7:00 a.m. until 5:00 p.m., perhaps 6:00, and keeping in mind that it is seasonal, meaning that they are in operation normally from April through December. If it is raining, there is usually no activity at the plant. Mr. James stated the lighting must be to OSHA standards; he said the entire lot is not lit, there will be security lighting and he is sensitive to downdraft lighting.

Jennifer Jones, Prospect District, stated she lives on the Tuggle Road side and questioned the proximity of the site to the power line and asked how much of the property must be used to operate. Mr. Atkinson stated 9.5 acres for the concrete plant and approximately 12 acres for the asphalt plant. There are two other plots for possible development in the future; the low areas weren't disturbed

Ms. Jones then asked about the proximity to the slave graveyard. Mr. Atkinson said they are aware of it and it will not be disturbed. Mr. James stated the Environmental field representative has verified the location. Mr. Maxey echoed his statement and added if there are more discovered, they will not be disturbed.

Chairman Porterfield said it is now Agricultural Conservation and the Zoning Ordinance states that for this project is to be considered, the zoning designation must be changed first. The Commission is holding two public hearings; the first vote will be on the zoning of the parcel to see if it is even possible to consider the Special Use, and should the area be re-designated, then what conditions are to be placed on the construction, such as buffering and that sort of thing.

Ms. Jones emphasized that she would prefer it not to be passed.

Malcolm Tillerson, Prospect District, expressed his opposition and questioned if there is a good working relationship in the Town of Farmville, why would he wish to move it. He stated he is in a rural area for the peace and quiet; he then questioned smoke from the plants and requested the area be left as residential.

Chairman Porterfield stated the emissions from these plants are tightly regulated, there could not be much smoke or creosote emissions, if any.

Richard Stockton, Prospect District, stated he lives one-quarter mile from the proposed site and is concerned about the construction near his home. He stated the developers should consider building on or nearer to the rock quarry, and asked the Commission to delay consideration until more information is obtained regarding the water usage, buffers, the odor from the asphalt, and the hours of operation. He also asked the Commission to consider the traffic and congestion from this business.

Wayman Jones, Prospect District, questioned the location of this project and why it isn't in the quarry grounds or on another site.

Mr. Atkinson stated that locating the business on the quarry property, it would be similar to building a house on a neighbor's property. He stated his investment is approximately \$1 million and to put it on land he does not own would not be a good investment. Mr. Atkinson stated that under normal circumstances, when there is a plant on quarry property, it is owned by the quarry. Most of these also have multiple plants. He stated he owns one plant on one site. He then reviewed his process of elimination of other sites considered for this project. Mr. Maxey and Mr. James also commented on the process.

Mr. James added that a sizeable investment such as this would not be built upon leased property; the access to capital would not be available due to it being compromised by the lease. He stated the asphalt plant is in the “rock drying” business, and glue is added to the rock. There is no smoke but there will be a steam plume that may be visible. Mr. James then stated the odor from asphalt used to be worse and comes from the glue, which had to be mixed at high temperature. Now it can be mixed at much lower temperatures and there is an additive to reduce the odor. Mr. James then stated his plant does not require water except for lab work and would only require a residential type well.

Mr. Atkinson stated his operation recycles water whenever possible and he uses approximately 2500 gallons of water per day. His usage would be variable. In preparation of this relocation, he stated he made an investment of a hot water heater with a 10,000 gallon tank for storage; a 1,500 to 3,000 gallon cistern would be installed in the ground. Currently he operates from a well that puts out 30 gallons per minute.

Mr. Bartlett asked how many trucks would be entering or exiting the property per day. Mr. Atkinson stated on an average day, there may be four trucks. He said some days they will just haul stone, on which days the mixer trucks would not be running. He added that the concrete trucks are sent out and do not return for two hours. Currently on average, he said four to six trucks are running daily.

Mr. Tillerson asked if there is depreciation of surrounding properties when a plant is nearby and requested more information on the buffers.

Mr. Atkinson said there is open and forested land surrounding the site; the field will not be impacted.

Mr. James stated that in March 2009, a study was commissioned and the Virginia Certified General Appraisal’s Executive Summary report states, “To summarize, I cannot quantify any reduction or diminution in the value of the residential real estate simply because it is located near an asphalt plant.”

Jimmy Smith, Prospect District, questioned the boundary lines as it has not yet been surveyed, and reported that rainwater flows off Tuggle Road towards Route 460 and washes out in Hudsons Bottom. He said the normally dry creek turns into a river, and there is an issue with it going to Mottley Lake and then on to the Appomattox River. He also expressed his concern regarding traffic, congestion, and the noise from the trucks.

Chairman Porterfield stated the traffic would increase perhaps 1%; he asked Mr. Maxey about the information gathered on the stormwater drainage.

Mr. Maxey stated the stormwater regulations address what has to leave the site. It addresses both quality and quantity of water that may leave the property. After the proposed construction, less water would leave the property than what runs off currently because of certain BMPs or practices on-site that have to bottle up that water.

Mr. Walker questioned the impact on the residents’ wells and the water table. Mr. Atkinson stated again that he does not require a high volume well, it would be the same as a farmer would use.

There being no one further wishing to speak, Chairman Porterfield closed the public hearing.

Chairman Porterfield repeated that this is for the Zoning issue and any actions taken would not have to include conditions to be set. Any conditions would apply to the Special Use Permit.

Commissioner Jones made a motion to recommend to the Board of Supervisors approval of the rezoning request from High Bridge Realty, LLC, from Agricultural Conservation (A-1) to Agricultural Residential (A-2) the 50-acre portion of Tax Map Parcel #21-A-83B; the motion carried unanimously:

Aye:	Donald Gilliam Preston C. Hunt Mark Jenkins Robert M. Jones Clifford Jack Leatherwood Chris Mason W. W. Porterfield W. Parker Terry, Jr. John Townsend, III Cannon Watson	Nay:	(None)
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Public Hearing – Special Use Permit – High Bridge Realty

This is the time and date advertised for a Public Hearing to receive citizen input prior to considering a request from High Bridge Realty, LLC, for a Special Use Permit to construct and operate a concrete plant and an asphalt plant on a 50-acre parcel currently part of Tax Map # 21-A-83B which totals 156.57 acres, owned by Leon G. Hudson and Lynette H. Pope. The purpose is to allow an existing business to relocate and allow the siting of a new business (asphalt plant) to the county. In addition, High Bridge Realty’s site plans for the property include the construction of two smaller pads (4.3 and 2.32 acres) both with no proposed uses at this time but would allow the location of additional businesses in the future. Any future uses not allowed by right in the proposed zone of A-2 would require a Special Use Permit (SUP) with the corresponding advertising and public hearings.

As previously stated, the proposed rezoning would allow an existing business, concrete plant, to relocate from a location that is poorly suited to house such an activity. The current location is predominately residential/commercial and is adjacent to the High Bridge Trail State Park and the Historic Farmville Train Station. The operation of the plant is not conducive to the character of the surrounding properties and does not represent the highest and best use of the site. Traffic entering and exiting the plant must cross over the High Bridge Trail and sight distances are poor for the concrete trucks to enter onto Third Street. Both items are safety hazards that would be resolved with the relocation.

The location requested for a SUP is adjacent to Highway 460 East immediately to the East of the Appomattox-Prince Edward Presbyterian Church. The site is within two miles of the intersection of Highway 460 and Highway 15 and the location will be in close proximity of the proposed Luck Stone Quarry. Intersections of major transportation arteries are desirable locations for the placement of businesses. The location of several commercial and manufacturing operations to include intensive agricultural activities in the vicinity of this location attest to that desirability.

The Zoning Ordinance only requires special consideration of an area 1,000 feet from the Asphalt plant, not the entire property; the 1,000 foot property line offset shown on the grading plan displays the 1,000 foot offset from the property lines of the land after the division of the property. Applying a 1,000 foot area from the boundaries of the building pad where the asphalt plant will be located reveals only one residential structure within that 1,000 foot area.

The request is consistent with the County's Comprehensive Plan, which states the Route 460 corridor west of Farmville is a commercial corridor, and that the retention and growth of existing County businesses and the location of new business in the County is a primary objective to help achieve the goal of stabilizing, balancing and strengthening the economy of Prince Edward County. Another objective to help achieve that goal is to diversify the economic base of the County. This SUP will assist the County in achieving that goal.

Chairman Porterfield stated that given the valuable information gleaned from the previous public hearing, he suggested a motion to recommend this to the Board of Supervisors with conditions to include buffers maintained in the existing mature trees, to the greatest extent, with mature cypress added if necessary; and any necessary lighting to be shielded downward.

Mr. Bartlett stated the Zoning Ordinance states that they would need an "Option C Buffer." This could be waived because of the adjoining property, but he would not recommend it. Some of the land is cleared behind it. Chairman Porterfield stated he would like the buffer to be existing mature trees to the greatest possible extent; in places where there is none, Leland Cypress must be put in.

Discussion followed.

Commissioner Watson stated every project before the Commission has residents nearby. This project is along Route 460, a U. S. Highway. This is a greater-good issue and every issue must be weighed. This type of project is always very emotional. Further discussion followed.

Mr. Bartlett stated before they can be issued a permit to continue, the Stormwater Plan will have to be reviewed by the County's consulting engineers, it will have to meet all of the DEQ regulations, which will be the next step, assuming that it's approved by the Board of Supervisors.

Commissioner Jones stated half a dozen regulatory agencies must look into the project as well.

There being no one further wishing to speak, Chairman Porterfield closed the public hearing.

Chairman Porterfield made a motion to recommend the Special Use Permit from High Bridge Realty to allow the existing business (concrete plant) to relocate and allow the siting of a new business (asphalt plant) to the Board of Supervisors for approval, with the following conditions: to include buffers maintained to the greatest possible extent by the existing mature trees, with Leland cypress added if necessary; and any necessary lighting to be shielded downward; the motion carried:

Aye:	Donald Gilliam	Nay:	(None)
	Preston C. Hunt		
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Chris Mason		
	W. W. Porterfield		
	W. Parker Terry, Jr.		
	John Townsend, III		
	Cannon Watson		

Chairman Porterfield stated this issue will be before the Board of Supervisors at their November 18th meeting; there will be a public hearing at that meeting.

Review of Board of Supervisors Actions

Mr. Bartlett reported the Board of Supervisors set the November meeting date for Tuesday, November 18th; the Planning Commission will need to set a date for their November meeting. After some discussion, the Planning Commission meeting date was set provisionally for Wednesday, November 19th at 7:30 p.m.

Mr. Bartlett stated the Board of Supervisors held the public hearings on the two cell towers; both were approved.

Mr. Bartlett then stated the Board of Supervisors held a public hearing on the Neathery's military simulation complex; the Board voted unanimously to deny the Special Use Permit request.

Old Business

(None)

New Business

Mr. Bartlett stated the advertisement for the expiring terms of the Commissioners will be advertised approximately 30 days before the expiration of the term, which is the State requirement. Four commissioners' terms expire December 31. Application forms are available online and also in the Administrator's Office.

Mr. Bartlett stated Wilck's Lake Sheds wishes to construct another building on their property; the use was approved with little conditions. He asked if there is a need to have another Special Use Permit public hearing or does the first approval cover all expansions. After some discussion, it was determined that since it is the same existing use, and no specific site plan was approved, another permit would not be required.

Chairman Porterfield declared the meeting adjourned at 9:14 p.m.

Next Meeting: November 19, 2014 at 7:30 p.m.