

Index File

UP-862-15

The Digges Company – Recycling Plant

Assessor's Parcel Nos. 11-95 and 11-98

Application No. UP-862-15, The Digges Company: Request for a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 15, No. 13), to authorize a recycling plant on an 11-acre portion of 21 acres of land located at 1540 and 1558 Penniman Road (Route 641). The parcels, further identified as Assessor's Parcel Nos. 11-95 and 11-98, are zoned IL (Limited Industrial) and designated Economic Opportunity in the Comprehensive Plan.

Attachments:

- Staff Memorandum
- Zoning Map
- Narrative
- Sketch Plan
- Proposed Resolution No. PC15-10

COUNTY OF YORK

MEMORANDUM

DATE: May 5, 2015 (PC Mtg. 5/13/15)
TO: York County Planning Commission
FROM: Earl W. Anderson, AICP, Senior Planner
SUBJECT: Application No. UP-862-15, The Digges Company (Recycling Plant)

ISSUE

Request for a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 15, No. 13), to authorize a recycling plant on an 11-acre portion of a 21-acre parcel of land located at 1540 and 1558 Penniman Road (Route 641). The parcels, further identified as Assessor's Parcel Nos. 11-95 and 11-98, are zoned IL (Limited Industrial) and designated Economic Opportunity in the Comprehensive Plan.

DESCRIPTION

- Property Owner: The Digges Company
- Location: 1540 and 1558 Penniman Road (Route 641)
- Area: 11-acre portion of a 21-acre parcel
- Frontage: Approximately 230 feet (1540 Penniman Road) and 107 feet (1558 Penniman Road) on Penniman Road
- Utilities: Public water and sewer
- Topography: Relatively flat along Penniman Road to approximately 1,000 feet into the site then dropping to the northwest, with an existing stormwater pond along the western property line
- 2035 Land Use Map Designation: Economic Opportunity
- Zoning Classification: IL – Limited Industrial
- Existing Development: Three warehouses with various uses
- Surrounding Development:

North: U.S. Naval Weapons Station Yorktown – Cheatham Annex

East: Bennett's Creek Nursery

South: Nonconforming single-family detached home and Williams Landscaping

West: Nonconforming single-family detached home

- Proposed Development: Recycling Plant

CONSIDERATIONS/CONCLUSIONS

1. The applicant is requesting a Special Use Permit to establish a recycling plant on an 11-acre portion of two parcels totaling 21 acres on the north side of Penniman Road (outlined in red on the sketch plan). The Zoning Ordinance defines recycling plant as, “a facility that is not a junkyard and in which recoverable resources, such as newspaper products; glass; metal cans; wood; rubber; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be use for production.” According to the applicant’s narrative, the proposed recycling plant would process clean “wood waste material, primarily from commercial land clearing,” into mulch. Recycling plants under the terms of the Zoning Ordinance require authorization by Special Use Permit in IL (Limited Industrial) and are permitted as a matter of right in IG (General Industrial).
2. The subject properties are zoned IL and most of the surrounding properties are zoned IL or EO (Economic Opportunity). The subject property at 1540 Penniman Road, owned by the applicant, has three warehouses being used by a variety of businesses. The other subject property, at 1558 Penniman Road, is proposed to be developed as an indoor firing range on a 1.8 acre portion of the property (see separate Special Use Permit application No. UP861-15). The Bennett’s Creek Nursery property to the east, a nonconforming single-family detached home to the south, and the Williams Landscaping company’s warehouse are zoned IL. To the north of the proposed recycling plant is the Cheatham Annex Jones Pond property, which is zoned RC (Resource Conservation). Also, to the north and the west is the site of the future Whittaker’s Mill residential development, which is zoned PDR (Planned Development Residential), except for a 50-foot strip along its eastern boundary, which is zoned EO. Across Penniman Road to the south is an undeveloped 32-acre parcel that was the subject of a rezoning from EO to conditional EO in November 2014 and is linked with the Whittaker’s Mill Planned Development approval through various sequencing requirements.
3. According to the applicant’s narrative, the proposed recycling plant would “recover and reuse wood waste material, primarily from commercial land clearing operations.” The wood would then be ground once or multiple times to create the final product. Raw materials would be brought into the site and be stored on the western side of the property. The finished product would be placed in bins along the southern property line shared with Williams Landscaping company. Northeast of the finished product area would be a fuel storage area, a four-bay truck storage area, and east of that area a parking lot for equipment and storage. A gravel-surfaced driveway would run along the eastern property line to a storage area for trucks and equipment. No office building is proposed since the vast majority of sales would be business-to-business with a pre-arranged purchase. Some limited retail sales may occur but would be conducted from the site manager’s truck. The narrative states that deliveries would be by appointment only, Monday through Friday between 7:00 am and 7:00 pm. Mulch production (i.e., use of the grinder) would be limited to the hours of 8:00 am to 4:00 pm on weekdays. No use of the grinder would occur on weekends or major holidays.

Sales would occur Monday through Saturday between 8:00 am and 4:00 pm. The applicant has indicated that these hours and days of operation could potentially be expanded in the event of a major storm or other natural disaster necessitating significant post-disaster debris removal and management.

4. Recycling plants are subject to the various performance standards set forth in Sections 24.1-485 and 488 of the Zoning Ordinance pertaining to all limited industrial uses and specifically for recycling plants. One of the standards applicable to recycling plants prohibits the permanent or semi-permanent installation of large processing equipment within 200 feet of any adjoining property within a residential zoning district. The applicant's sketch plan notes that no mechanical motorized equipment, except for occasional trucks, loading, or moving equipment would be allowed within 200 feet of the residentially zoned (PDR) portion of the adjoining Whittaker's Mill property. The approved Whittaker's Mill Planned Development master plan includes a 50-foot buffer, zoned EO, abutting the subject property and a 12-acre passive-use park that will serve as an additional buffer between the recycling plant and the single-family detached homes. The Whittaker's Mill townhomes to be located on the eastern side of the project, adjacent to the 50-foot buffer, will be a little closer, however; the nearest townhouse lot will be approximately 300 feet from the recycling plant operation. Most of the noise associated with the recycling plant would be generated by the grinder, which is the type of equipment that is subject to 200-foot setback requirement. Additionally, staff has proposed a condition to require a noise buffer along the subject property's western boundary in the 10-foot landscape yard consisting of an opaque fence supplemented with evergreen trees that at maturity would reach a height of 20-25 feet and a spread of 10 feet.
5. Access to the proposed recycling plant would be via the existing entrance to the property at 1540 Penniman Road and further access could be established through the 1558 Penniman Road property. According to published traffic volume data from the Virginia Department of Transportation (VDOT) this segment of Penniman Road carries an average of approximately 2,300 vehicles per day, and the traffic impact analysis submitted for the Whittaker's Mill development indicated that even with the full build-out of that project and the adjacent 32-acre commercial parcel, the intersection of Penniman Road and Route 199 will operate at Level of Service A. The recycling plant will not generate enough additional trips to significantly reduce the Level of Service. VDOT reviewed this application and recommended that the entrance at 1558 Penniman Road be shifted slightly in order to meet VDOT Access Management standards, and the applicant has revised the sketch plan accordingly. VDOT also noted the benefit of the proposed shared entrance.
6. Since no office building is proposed and retail sales of mulch to individuals would be limited, the amount of on-site parking would also be somewhat limited. Section 24.1-606(o) of the Zoning Ordinance requires one (1) space for every 350 square feet of office area, plus one (1) space for every 700 square feet of production or work floor area, plus one (1) space for every 5,000 square feet of storage area. The two storage areas have a combined area of approximately 100,000 square feet, which would require twenty (20) parking spaces. However, this section does allow – with appropriate documentation and approval by the Zoning Administrator – parking to be

calculated at a ratio of 1.3 spaces for every employee on the largest shift. The applicant's sketch plan shows approximately 12 proposed parking spaces along the eastern property line, which would equate to 15-16 employees, and could be approved subject to verification by the applicant that the number of employees will not exceed that number.

7. Staff notified the Naval Weapons Station of this application in accordance with Section 15.2-2204.D of the *Code of Virginia*, which requires that military installations be notified of any Special Use Permit proposed for a site within three thousand feet (3,000'). The Weapons Station reviewed the application and indicated that it has no concerns about the proposed facility.

RECOMMENDATION

The proposed recycling plant layout appears to have been designed with the objective of making it as compatible as possible with the surrounding uses and the design meets or exceeds the minimum requirements set forth in the Zoning Ordinance for such facilities. The applicant has taken steps to reduce the impact of noise on the adjacent properties through limiting the hours and days of operation and locating any nuisance-causing equipment as far as possible from existing and future residential development. Furthermore, the proposed condition addressing landscaping and fencing will provide additional mitigation of any noise impacts on residences in the area. Additionally, Penniman Road is capable of accommodating the additional traffic generated by the development, which and will not be significant. Therefore, based on the considerations and conclusions outlined above, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval, subject to the conditions set forth in proposed Resolution No. PC15-10.

EWA

Attachments:

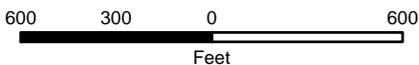
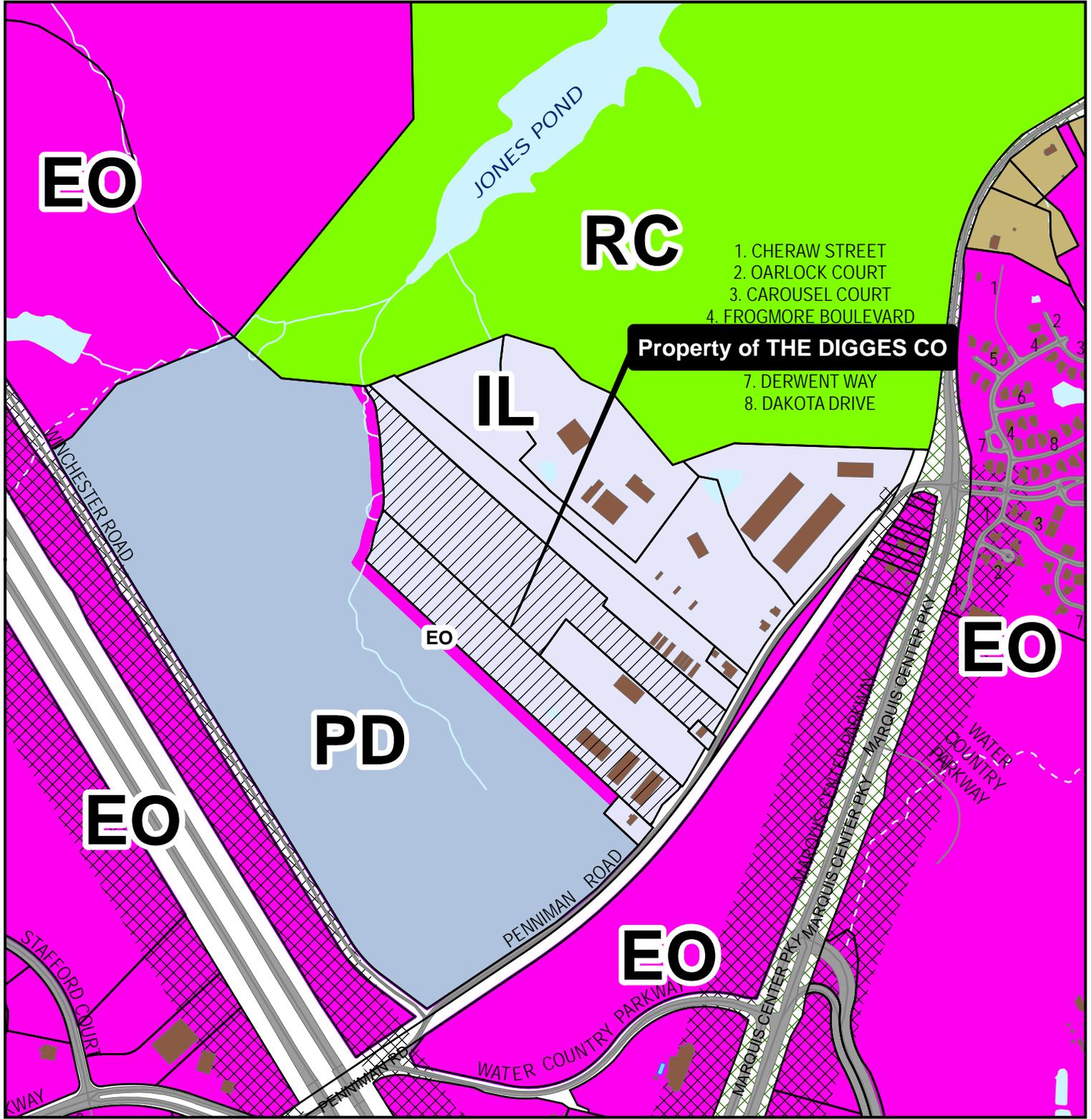
- Zoning Map
- Narrative Statement
- Sketch Plan
- Proposed Resolution No. PC15-10

APPLICANT

The Digges Company
Special Use Permit request for a Recycling Plant.
1540 and 1558 Penniman Road

ZONING MAP

APPLICATION NUMBER: UP-862-15



Printed on April 2, 2015

SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes. It is not
suitable for detailed site planning.

Penniman Recycling Plant (Woody Vegetation Only)

On the Lands of The Digges Company

1540 & 1558 Penniman Road (Tax Map 11, Portion of Parcels 95 & 98)

The Applicant had been working over the past several years with an interested third party recycling plant operator who considered establishing an operation at this site; that entity eventually found a location in Newport News that was a better fit for its defined market area. After expending significant effort and expense working with this third party operator, the Applicant ultimately determined that the Upper York Co./Williamsburg market area supported proposing the project for its own development and operation.

The Applicant intends to utilize the subject property and facility to recover and reuse wood waste material, primarily from commercial land clearing operations in the surrounding area. Such wood waste material will be recycled into mulch by grinding and processing one or more times. The Applicant developed and has operated a similar facility in Charles City Co. since 2007, without incident or complaint. The proposal specifically excludes compost creation on the property.

Production Process

Raw material will be brought to the site by tractor trailer or dump truck from third parties and by the Applicant's own forces performing construction work throughout the region. Off-site material from third parties will only be accepted on a pre-approved basis with the conditions of acceptance agreed upon in advance. No material other than clean wood waste will be accepted; there will be no tolerance for contaminants (i.e., no metals, no treated materials, etc.) and a physical inspection of each load will be made prior to acceptance on site.

Deliveries to the site will be by appointment only, Monday through Friday during the hours of 7 a.m. to 7 p.m., major holidays excepted. Mulch production will be limited to the hours of 8 am to 4 pm weekdays; no mulch production work will be done on weekends or major holidays. Accessory retail sales will be limited to the hours of 8 am to 4 pm Monday through Saturday, major holidays excepted.

All material will be off-loaded in a receiving/processing area. Material of an acceptable size will then be picked up by various pieces of equipment maintained on the site and transferred to the grinder area. Material that is too large, will first be handled by an excavator with a stump splitter attachment and then moved to the grinder area. An excavator with a grapple will then feed the material into the grinder. A chip trailer may sit at the exiting conveyor belt of the grinder to collect the material after it is processed or heavy equipment may be used to manage the material. This material is considered "first stage" processed and may be used as erosion control material on the property, directly removed from site or taken to a lay down area on-site

to await further processing. Material from the "first stage" process can be used for coarse ground cover, environmental erosion control, sediment buffers, walking paths, temporary roads, etc. Once in the laydown area the material may be further processed in a number of ways, beginning with screening to sort by size. Some material may be reground to achieve a smaller sized finished product.

The following is a list of equipment types that will be used in the material receiving and mulch production process:

- Rubber Tire Wheel Loaders – move and load mulch product
- Tractors – including farm attachments for discing, mowing and trimming, clearing land, supplying raw material for processing, stockpile finished raw material
- Dozers - clearing land, supply raw material for processing, stockpile management finished raw material
- Over the road Tractor w/55 ton LowBoy trailer for moving equipment when needed for off-site grinding operations or to be brought to another location for repairs.
- CBI 6800T Track Mounted Horizontal Grinder (or comparable) – primary grinding equipment
- Hydraulic Excavator w/Stump Splitter Attachment, used to reduce the size of raw material
- Hydraulic Excavator w/grapple used to transfer raw material to grinder
- Trommel Tumbler, used to sort/screen finished product
- Mulch Colorizer
- Low Ground Pressure Track Dump Truck(s) used to move mulch to various site laydown areas
- Over the road Tractor w/Dump Trailer used to deliver finished product off-site
- Over the road Tractor w/walking bottom Mulch Trailer used to deliver finished product
- Truck w/1500 gallon water tank – supplemental dust control and fire prevention beyond that provided by water available from the existing on-site water system
- Service Vehicle(s)- To service on-site equipment involved in site operations

Specific operations procedures vary from machine to machine; however, each includes an inspection, start up, warm-up, periodic checks during operations, shut down and cool-down. All equipment is outfitted with its own fire extinguisher. The area will be monitored during operational activities to insure that dust in the work area is minimized and that mud is not allowed on the roadways. Water will be made available to the site to ensure that all finished mulch products maintain consistent moisture content to minimize fire hazard or dust generation.

Site/Locational Considerations

Significant planned and likely future construction is expected in the general area surrounding the subject site. Burning of wood waste is often either not possible or undesirable depending on regulations and/or neighboring site conditions. This central location for processing large volumes of material into a much more compact size will save travel costs and disposal costs for various greater Williamsburg and northern Newport News construction entities. Wood waste material can be reduced into an effective and affordable ground cover and erosion control product which may encourage recycling rather than disposal in landfills and therefore reduce the environmental issues of dumping in landfills and preserve landfill capacity.

The recycling plant is proposed to be located within a longstanding Upper County industrial district, on property previously developed for industrial use by the Applicant. The site is over 800 feet from the nearest public road and is not visible from public rights-of-way. The proposed recycling operation is far removed from the nearest homes; two legally nonconforming residences are located approx. 800 feet each from the nearest point of the proposed operations. Nearby businesses specializing in wholesale plant and garden materials and landscape installation and maintenance can benefit from a convenient and reliable source of quality mulch products.

In a much larger sense, the property and the proposed recycling operation could be a significant contributor to managing both VDOT and Upper County post-natural disaster debris management and debris reduction needs, such as occurred at various impromptu and somewhat uncontrolled locations following the 1998 Christmas Eve ice storm and the 2003 Hurricane Isabel events. The Applicant would be able to accept storm debris should an emergency arise and understands that special circumstances at those times could require additional approvals outside of the scope of the original operations approval process currently under consideration.

The Applicant understands that noise from recycling plant facility operations is a potential issue of concern. While located squarely in one of the County's longstanding industrial areas, far removed from existing residential dwellings and abutting existing noise generating operations on neighboring properties, the operation must still conform to the County's "noise ordinance", the standards of which are contained in Section 16-19, et seq. of the County Code. The Applicant has familiarized itself with the provisions of the code in this respect, and confirms that it will fully comply with the requirements thereof. Specific reference is hereby made to Section 16-19.2 (e) and (j) and Section 16-10.5 (l).

Employee parking will be provided in the proposed spaces shown along the northern property line of Parcel 98. Short-term parking for limited accessory retail sales customers will also be accommodated at this location; accessory retail loading of mulch product will occur at the four (4) proposed bins shown on the conceptual plan. Sanitary facilities for employees will be provided in one of the existing flex-warehouse spaces currently located on Parcel 95 and owned by the Applicant.

Safety Plan

A fire control buffer zone (minimum 30') will be established around all mulch storage areas on the site and maintained without ground cover to prevent uncontrolled spread of fire should it occur. The following policies and procedures will also be followed:

- No open burning of any kind is allowed.
- All incoming loads will be screened and equipment operators will be on alert for signs of burning such as smoke, steam, or heat being released from incoming loads.
- Fuel spills will be contained and cleaned up immediately and contaminated soils will be excavated and removed using appropriate hazard control procedures.
- Equipment will not remain in the vicinity of exposed material overnight.
- Equipment will be routinely cleaned to remove combustible material which can cause equipment overheating and increase fire potential.
- Dead trees, brush, or vegetation adjacent to the area will be removed immediately, and grass and weeds mowed so that fire cannot spread to the area or off-site.
- Stored mulch will be routinely monitored for consistent minimum moisture content for both fire hazard mitigation and dust control, and wetting performed as necessary to maintain a safe storage site.

Legal/Risk Management

The Digges Company itself, or an entity organized and registered in the State of Virginia for the purposes of operating the facility, will obtain the and maintain all necessary business licenses and County permits to perform the intended operations. Given the nature and scale of the proposed operation, no State or federal permits are required. The entity operating the facility will maintain in place, throughout the life of the facility, property and equipment insurance.

Personnel

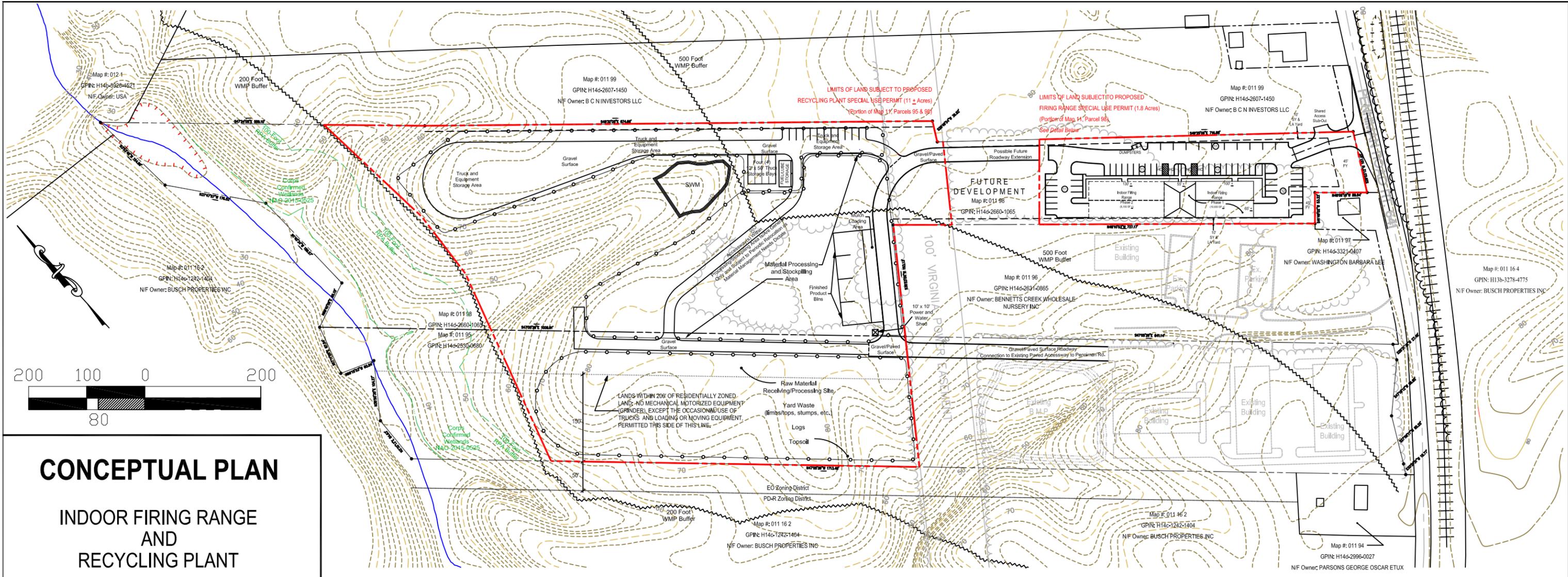
The Applicant's construction operations employees are already employed in the construction/land clearing operations and mulch business and are trained in the use and operation of all equipment proposed at the site. These employees will be used in the operation of the proposed facility. All employees have many years of experience in heavy equipment, land clearing and mulch production activities and regularly receive additional training on both equipment and safety issues. All employees are required to attend an OSHA training class at the required minimum frequency. Essential training is conducted regularly to ensure that each employee is aware of the dangers involved in operating and servicing the equipment being used. Specific emphasis is placed on violations of company policy with regard to removal or disarming of equipment safety features, proper start up and shutdown procedures when making repairs and storing equipment, proper maintenance and respect of danger zones as established on each

job and the importance of respecting the material spotters used during operations. Depending on any given day's projected workload, the Applicant projects as few as one or two to as many as six to eight employees will be on site during daily operations.

Inventory

The Applicant's proposed use will turn clean wood waste into mulch. DEQ regulations require that the mulch so created not remain on the property for more than one year, unless a waste management permit is obtained from the State. The Applicant will manage the export of its finished product through both its own commercial contracts (paper mill fuel source, commercial bagged mulch distributors and area site contractors) as well as through accessory retail sales from the site during limited hours such that no mulch remains on the site for more than one year.

The Digges Company Principals include Mary L. Digges (President), John J. Digges (Vice President) and Thomas R. O'Rourke, Jr. (Sect./Treasurer).



CONCEPTUAL PLAN

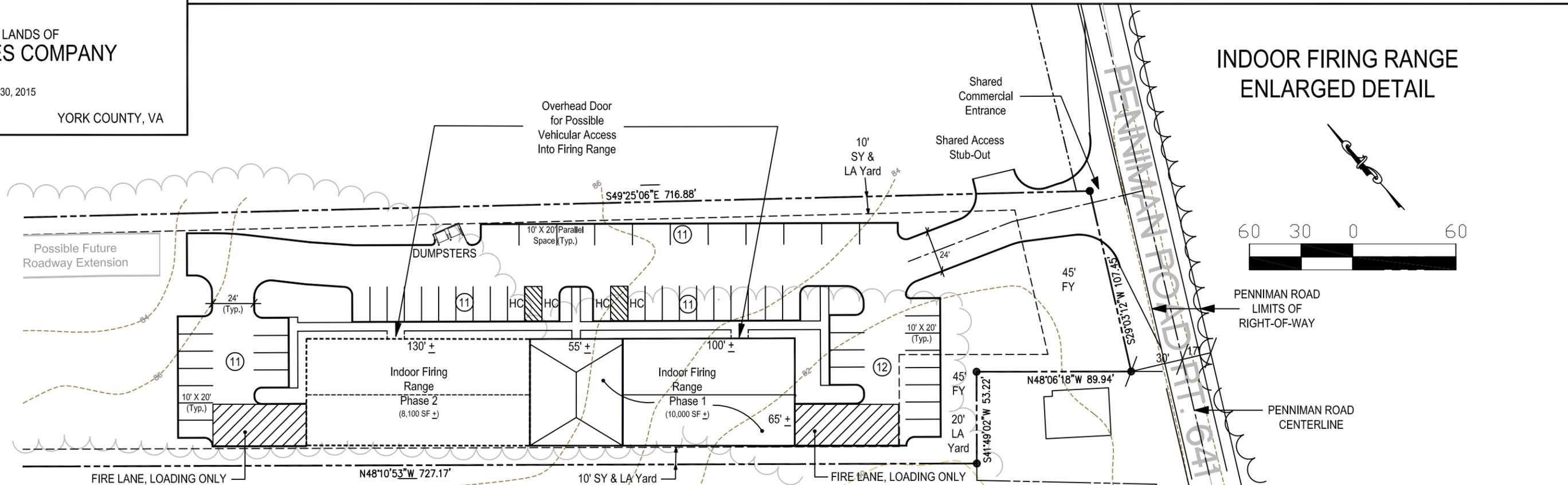
INDOOR FIRING RANGE AND RECYCLING PLANT

ON THE LANDS OF THE DIGGES COMPANY

April 30, 2015

DISTRICT 1 YORK COUNTY, VA

INDOOR FIRING RANGE ENLARGED DETAIL



PLANNING COMMISSION
 COUNTY OF YORK
 YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of _____, 2015:

Present

Vote

Melissa S. Magowan, Chair
 Timothy D. McCulloch, Vice Chair
 Montgoussaint E. Jons
 Glenn A. Brazelton
 Todd H. Mathes
 Richard M. Myer, Jr.
 Mark B. Suiter

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A RECYCLING PLANT AT 1540 AND 1558 PENNIMAN ROAD

WHEREAS, The Digges Company has submitted Application No. UP-862-15, which requests a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 15, No. 13), to authorize the establishment of a recycling plant on an 11-acre portion of a 21-acre parcel of land located at 1540 and 1558 Penniman Road (Route 641) and further identified as Assessor’s Parcel Nos. 11-95 and 11-98 (GPIN H14d-2660-1065 and H14d-2530-0680); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of _____, 2015 that Application No. UP-862-15 be, and it is hereby, transmitted to the York County Board of Supervisors with a

recommendation of approval to authorize the establishment of a recycling plant on an 11-acre portion of a 21-acre parcel of land located at 1540 and 1558 Penniman Road (Route 641) and further identified as Assessor's Parcel Nos. 11-95 and 11-98 (GPIN H14d-2660-1065 and H14d-2530-0680) subject to the following conditions:

1. This use permit shall authorize the establishment of a recycling plant on an 11-acre portion of a 21-acre parcel of land located at 1540 and 1558 Penniman Road (Route 641) and further identified as Assessor's Parcel Nos. 11-95 and 11-98 (GPIN H14d-2660-1065 and H14d-2530-0680).
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the Division of Development Services prior to the commencement of any land clearing or development activities on the site. Said site plan shall be in substantial conformance with the sketch plan prepared by the applicant, titled "Conceptual Plan, Indoor Firing Range and Recycling Plant, on the Land of The Digges Company", and dated April 1, 2015, except as modified herein, a copy of which shall remain on file in the office of the Planning Division. Features and operations of the use shall be as described in and consistent with the applicant's narrative statement filed with this application.
3. The site plan shall include a landscape plan prepared in accordance with the provisions set forth in Section 24.1-241 of the York County Zoning Ordinance. Said landscape plan shall incorporate such additional landscaping along the Special Use Permit boundary, as depicted on the referenced sketch plan, of the western property line's 10-foot landscape yard to create a buffer of evergreens that at maturity will reach a height of twenty to twenty-five feet (20'-25') and spread of ten to fifteen feet (10'-15'), with a planting height of 5-6 feet and a separation of 10-feet on center. An eight-foot opaque fence shall be installed on the interior side of the 10-foot landscape yard along the Special Use Permit boundary along the western property line.
4. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to the approval of a site plan for the development.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.