

**SPECIAL USE PERMIT-18-0011. 750 Blow Flats Road Borrow Pit Renewal**  
**SPECIAL USE PERMIT-18-0023. 700 Blow Flats Road Borrow Pit Renewal**

**Staff Report for the November 13, 2018, Board of Supervisors Public Hearing**

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**SUMMARY FACTS**

Applicant: Mr. Julian Lipscomb, Jr.

Land Owners: Branscome, Inc.  
USA Waste of Virginia, Inc.

Proposal: Continued operation of a borrow pit (i.e., surface mine for sand and clay).

Locations: 700 and 750 Blow Flats Road

Tax Map/Parcel Nos.: 6030100003, 6030100002, respectively

Project Acreage: +/- 281 acres (Branscome property) and approximately 139 acres (USA Waste of Virginia property), for a total of +/- 420 acres

Zoning: M-2, General Industrial

Comprehensive Plan: General Industrial

Primary Service Area: Inside

Staff Contact: Terry Costello, Deputy Zoning Administrator

**PUBLIC HEARING DATES**

Planning Commission: October 17, 2018, 6 p.m.  
Board of Supervisors: November 13, 2018, 5 p.m.

**FACTORS FAVORABLE**

1. With the recommended conditions, the proposal is compatible with surrounding zoning and development.
2. The proposal is consistent with the recommendations for commercial and industrial development in lands designated General Industry by the adopted Comprehensive Plan.
3. The Virginia Department of Mines, Minerals and Energy (DMME) monitors use of the site with more stringent monitoring and reporting requirements than what is required by the Special Use Permit (SUP).

**FACTORS UNFAVORABLE**

1. With the attached SUP conditions for each application, staff finds that there are no unfavorable factors.

**SUMMARY STAFF RECOMMENDATION**

Approval, subject to the conditions in the attached resolution.

**PLANNING COMMISSION RECOMMENDATIONS**

At its October 17, 2018 meeting, the Planning Commission recommended approval of these applications by a vote of 7-0.

**PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING**

None.

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**PROJECT DESCRIPTION**

Mr. Julian Lipscomb, Jr. has applied on behalf of Branscome Inc. and USA Waste of Virginia Inc. to permit the continued operation of a +/- 420-acre site to be used as a borrow pit.

The facility currently operates up to six days a week, during daylight hours. The total size of the project area is approximately 420 acres with previous SUP conditions limiting the amount of area that can be disturbed at any given time to 40 acres. However, with this renewal the applicant would like to increase this number to 60 acres. Utilizing the most current information available, staff has indicated the following:

- 182.09 acres are covered by the State Mining Permit (43.28 + 138.81).
- 36.00 acres are currently disturbed (1.57 + 34.43).
- 10.32 acres are currently being mined (0 + 10.32).
- 29.92 acres are to be mined in the near future (19.66 + 10.26).
- 56.00 acres are set aside to accommodate long-term goals (29.05 + 20.95).
- 14.72 acres have been reclaimed and associated bonds have been released since the last SUP renewal (14.72 + 0).

The applicant had previously proposed to create tidal wetlands on the three western peninsulas on the USA Waste of Virginia Landfills, Inc. property. The process of creating tidal wetlands would involve mining

to an elevation of -15 feet to mean sea level on portions of the peninsulas that would become inundated by water during high tide. The Stormwater and Resource Protection Division is receptive to the idea and would oversee and provide guidance set forth by conditions of the SUP. The largest peninsula to the south has not been previously mined and is set aside for future mining operations. The two other peninsulas have been previously mined and were both reclaimed and were released of their bonds by the state in 2001. In order to re-mine the two smallest peninsulas, the mine operators would have to apply for, and be approved for, an amendment to their current state mining permit. Per an existing SUP condition, the Office of Economic Development will aid the Stormwater and Resource Protection Division in delineating the limits of the tidal wetland to ensure that there will be viable land for future economic development. The limits of the tidal wetlands will be delineated over time to meet the demands of the market and possible changing environmental regulations.

There is an active mining permit from DMME for the borrow pit. All operational activities associated with the borrow pit are regulated by DMME. The borrow pit is being utilized as an area where sand and clay are mined for use as fill material in off-site building and roadway construction. The site is not open to the general public for the sale of materials. The Master Plan identifies the areas that are currently being mined, areas that have been released and areas that are currently under bond.

A Land Use Permit was required by the Virginia Department of Transportation (VDOT) that ran concurrently with the previous SUP. Since there is no new construction or changes proposed, a land use permit will not be required by VDOT as part of this proposal. If conditions change to warrant such a permit, VDOT has the ability to require it outside the County's process of obtaining an SUP.

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A condition was added to these renewals to require archaeological studies in accordance with the County's Archaeological Policy. This is in response to the applicant's request to increase the acreage of disturbed land.

**PLANNING AND ZONING HISTORY**

- The Board of Supervisors approved Case Nos. SUP-38-91 and SUP-39-91 on September 8, 1992. This allowed for the continued operation of these facilities. A five-year limit was placed on the permits as a condition of approval in order to provide staff the opportunity to reevaluate the impacts of the operation.
- The Board of Supervisors approved Case Nos. SUP-30-97 and SUP-31-97 on December 22, 1997. This was a renewal of the previous SUPs that were issued in 1992. A three-year limit was placed on the permits.
- The Board of Supervisors approved renewal Case Nos. SUP-8-00 and SUP-9-00 on October 10, 2000. A five-year limit was placed on the permits.
- The Board of Supervisors approved renewal Case Nos. SUP-19-05 and SUP-20-05 on October 10, 2000. A five-year limit was placed on the permits.
- The Board of Supervisors approved renewal Case Nos. SUP-0009-2010 and SUP-0010-2010 on June 8, 2010. An eight-year limit was placed on the permits.

**SURROUNDING ZONING AND DEVELOPMENT**

- The properties are located on Blow Flats Road, bordered on the east and south by Skiffes Creek while Wood Creek is located to the west of the site. Property to the north of the site is the Walmart Distribution Center.
- Surrounding Zoning Designations Include:
  - M-2, General Industrial to the north (Walmart Distribution Center), east (BASF), and west (Greenmount Property).
  - Residences along Blow Flats Road zoned M-2, General Industrial.

**COMPREHENSIVE PLAN**

- The properties are designated General Industrial on the 2035 Comprehensive Plan Land Use Map.
- Recommended uses for the General Industrial District include industrial operations with office and commercial as secondary uses.
- Staff finds that this proposal is consistent with Comprehensive Plan as a primary use and is compatible with surrounding properties and zoning.
- Surrounding Comprehensive Plan Designations Include:
  - General Industrial to the north (Walmart Distribution Center).

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- General Industrial to the east (BASF).
- General Industrial to the west (Green Mount Property).
- General Industrial and Mixed Use for the residences along Blow Flats Road.

**PUBLIC IMPACTS**

1. Anticipated Impact on Public Facilities and Services:

- a. *Traffic.* Access to the site is provided by a private road to the south-west of the Walmart Distribution Center. Trucks access this gravel road from an existing commercial entrance located at the end of Blow Flats Road. The applicant estimates that the site generates 90 truck trips on an average day and approximately 200 truck trips on a peak day. This is an increase from the data received at the last renewal which was 70 truck trips on an average day with 120 truck trips on a peak day. Historical data from the company has shown the busiest month generated 4,094 total trips and an average 152 daily trips. This number has slightly changed from the last renewal time that showed 4,000 total trips per month with an average 160 daily trips.
- b. *Schools/Fire/Utilities.* No impacts anticipated. The site is served by public water and sewer. Newport News Waterworks have been sent the proposal and staff has received no comments. James City Service Authority and the Fire Department have reviewed the proposals and have no comments.

- 2. Environmental: There is a Resource Protection Area (RPA) located on these properties. However, one condition of the SUP is that there is no encroachment in the RPA without written consent and only for the sole purpose of creating wetlands. The Stormwater and Resource Protection Division recommends including a time limit on the SUPs (proposed Condition No. 12) as has been included in past SUPs. The regulations regarding environmental protection change over time and having an opportunity to periodically review the conditions of the operation allows the County to address these changes, which is critical for the potential future redevelopment of the property for economic development purposes. DMME addresses environmental concerns associated with the borrow pit through the applicant's mining permit and operational plan; however, a condition is also proposed requiring the applicant to submit yearly progress reports to the County.

3. Nearby and Surrounding Properties:

- a. *Visual Impacts:* Access to the site is provided by a private road to the southwest of the Walmart Distribution Center. This road is approximately 5,300 feet in length and truck access to it is from an existing commercial entrance located at the end of Blow Flats Road. This site is not visible from any residential property and is surrounded by industrial sites.

**PROPOSED CONDITIONS**

- The full text of the proposed conditions is attached.

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**STAFF RECOMMENDATION**

Approval, subject to the conditions in the attached resolution.

TC/nb  
SUPs750-700BFRd

Attachments:

1. Resolution SUP-18-0011
2. Resolution SUP-18-0023
3. Location Map
4. Branscome Property Master Plan dated October 5, 2018
5. USA Waste of Virginia Property Master Plan dated October 5, 2018
6. Unapproved Minutes of the October 17, 2018, Planning Commission Meeting

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