

**HEIGHT WAIVER-4-05. TITAN READY MIX CONCRETE BATCH PLANT**

**Staff Report for November 8, 2005, Board of Supervisors Public Hearing**

*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

**PUBLIC HEARING**

Board of Supervisors:

**Building F Board Room; County Government Complex**

November 8, 2005, 7:00 p.m.

**SUMMARY FACTS**

Applicant: G. Archer Marston, AES Consulting Engineers on behalf of Titan Virginia Ready Mix, LLC/Titan America

Land Owner: Gary Massie/Massie Corporation

Proposal: Height waiver from Section 24-444 of the Zoning Ordinance, to construct up to two aggregate (stone) silos, each individually not to exceed 80 feet in height.

Location: 7722 Richmond Road, Williamsburg, VA 23188; Stonehouse District

Tax Map/Parcel Nos.: (13-3) (1-1)

Parcel Size: 17.29 acres

Existing Zoning: M-1, Limited Business Industrial and M-2, General Industrial (Note: proposed silos, if approved, will be located in M-2 section of parcel.)

Proposed Zoning: (No change in zoning proposed.)

Comprehensive Plan: General Industrial

Primary Service Area: Inside

**STAFF RECOMMENDATION**

Given the quantity and quality of additional and established vegetative screening at the site, staff finds that the two proposed silos should present a negligible visual impact to surrounding properties and uses. In addition, staff finds the proposal consistent with the requirements stated under Section 24-444 of the Zoning Ordinance. Staff recommends that the Board of Supervisors approve this application.

Staff Contact: David W. German Phone: (757) 253-6685

## **PROJECT DESCRIPTION**

G. Archer Marston of AES Consulting Engineers, on behalf of Titan Virginia Ready Mix, LLC/Titan America, has requested a height limitation waiver from the Board of Supervisors. On property zoned M-2, structures may be constructed up to 60 feet; however, structures in excess of 60 feet may be constructed only if specifically approved by the Board. The applicant has specifically requested that a height limitation waiver be granted to allow for the construction of up to two aggregate (stone) silos, each not to individually exceed 80 feet in height. The two silos would stand together in a line perpendicular to Massie Lane and be well screened from adjacent properties by existing vegetation maintained for this purpose. The silo structures would be painted a very neutral and muted light beige color. Aggregate silos of this type are predesigned components necessary for the construction and operation of ready mix concrete plants. The proposed use (ready mix concrete batch plant) has been previously approved for this site with SUP-46-89 and Z-17-89, so all that is in question with this application is the height of the two proposed silos for this facility.

## **ANALYSIS**

Section 24-444 of the James City County Zoning Ordinance states that structures in excess of 60 feet in height may be erected only upon the granting of a height limitation waiver by the Board of Supervisors and upon finding that:

1. Additional setbacks have been provided; however the Board may waive additional setbacks for structures in excess of 60 feet.

**Staff comment:** Because part of the subject lot is adjacent to property that is zoned R-1, and that is designated for Residential Use in the Comprehensive Plan, the Zoning Ordinance requires a 98-foot front, side, and rear setback for an 80-foot tall structure. The proposed silos, if approved, would be placed more than 200 feet from the closest property line and nearly 500 feet from the front property line; the setbacks are well in excess of those required by the Zoning Ordinance.

2. Such structure will not obstruct light from adjacent property.

**Staff comment:** Given the distances to the property lines, and the relatively small mass of the new structures in relation to the overall site and operation, staff finds that the proposed silos will not obstruct light from adjacent properties.

3. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments.

**Staff comment:** The tops of the two proposed silos may be visible above the tree line in some sections of the Mirror Lakes subdivision, and from other surrounding properties, but during onsite inspections of the proposed silo site, a mock-up of the silos (done using a crane) was hardly noticeable from any direction. Additionally, an existing approximately 70-foot-tall silo and a 210-foot-tall communications tower on the parcel adjacent to the subject site are well hidden and unobtrusive. When viewed from public right-of-ways in the Mirror Lakes Subdivision, the existing silo, communications tower, and crane mock-up could not be seen, further leading staff to the conclusion that any additional negative sight-impact on this subdivision and on other surrounding properties will be minimal. To the north of the subject site is a long parcel that is zoned both A-1 and R-1. This property, owned by Jack L. Massie, was dedicated in the proffers for the Rezoning (Z-17-89) of the subject lot as permanent open space. According to the proffers, the trees on this lot may not be cleared for any purpose except to use part of the lot for a water impoundment area (BMP). If a water containment BMP is constructed, however, the proffers go on to indicate that the tree clearance must be kept to a minimum, and that all plans for clearance must first be approved by the Development Review Committee (DRC), before any actual clearing takes place. These proffered

restrictions are designed to ensure the continued and perpetual use of this property as a buffer between the subject site and nearby residential areas, most notably the Mirror Lakes Subdivision.

While the silos will be more visible in the winter months when there are no leaves on the trees, it should be noted that even the bare trees will provide some visual separation, due to their substantial number and density. The silos will be visible to passing motorists on Richmond Road at the intersection with Massie Lane, but there is substantial screening at this location, including trees and a high landscaped berm, which does minimize the negative impact. Further, considering that this is an industrial operation properly located on a site zoned for such use, it is staff's opinion that the silos are not out of character or unpleasant to look at. The lot that the proposed silos would be located on features well manicured and landscaped grounds, demonstrating appropriate consideration for neighboring uses and property owners. Based on these observations, staff finds that the proposed silos will not impair the enjoyment of nearby historic attractions or areas of significant historic interest.

4. Such structure will not impair property values in the area.

**Staff comment:** The Real Estate Assessments department indicated that the region immediately adjacent to the subject site has experienced marked increases in property values, even with the presence of the approximately 70-foot-tall silo and the 210-foot-tall communications tower that are on the adjoining property. Thus, there is no prior indication that the construction of the two proposed silos on this site will have a detrimental effect on surrounding property values.

5. Such structure is adequately designed and served from the standpoint of safety and that the County fire chief finds the fire safety equipment installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property.

**Staff comment:** The silos will require proper building permits and inspections from the County, which should ensure that the structures are adequately designed from a safety and structural soundness standpoint. The silos are designed and prefabricated offsite, and then assembled to specific standards onsite. The components of the plant must be assembled onsite in a prescribed manner to ensure an operational facility, so the possibility of deviation from proper layout and construction of the silos is minimized. In the event of an emergency, basic fire and rescue services would be provided from Fire Station No.1, with backup from the other James City County fire stations, as needed. The Fire Department indicated no concerns with the anticipated design of the two proposed silos.

6. Such structure will not be contrary to the public health, safety and general welfare.

**Staff comment:** Based on the current proposal and supporting information submitted by the applicant, staff believes the silos, if constructed as proposed, will not unduly or adversely affect the public health, safety, or general welfare.

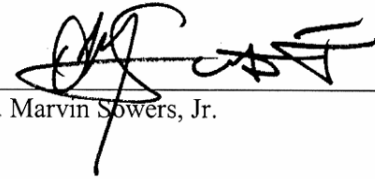
## **RECOMMENDATION**

Given the quantity and quality of additional and established vegetative screening at the site, staff finds that the two proposed silos should present a negligible visual impact to surrounding properties and uses. In addition, staff finds the proposal consistent with the requirements stated under Section 24-444 of the Zoning Ordinance. Staff recommends that the Board of Supervisors approve this application.

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David W. German

CONCUR:

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O. Marvin Sowers, Jr.

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ATTACHMENTS:

1. Location and Zoning Map
2. Photographs
3. Diagram of Silos (under separate cover)
4. Resolution