

COUNTY OF ALBEMARLE

APPLICATION FOR A SPECIAL EXCEPTION

- Request for a waiver, modification, variation or substitution permitted by Chapter 18 = **523.12**
Application \$503 + Technology surcharge \$20.12
- Variation to a previously approved Planned Development rezoning application plan or Code of Development = **523.12**
Application \$503 + Technology surcharge \$20.12

OR

- Relief from a condition of approval = **523.12**
Application \$503 + Technology surcharge \$20.12

Provide the following

Provide the following

- 3 copies of a written request specifying the section or sections being requested to be waived, modified, varied or substituted, and any other exhibit documents stating the reasons for the request and addressing the applicable findings of the section authorized to be waived, modified, varied or substituted.
- 3 copies of the existing approved plan illustrating the area where the change is requested or the applicable section(s) or the Code of Development. Provide a graphic representation of the requested change.
- 1 copy of a written request specifying the provision of the plan, code or standard for which the variation is sought, and state the reason for the requested variation.

Project Name : S.L. Williamson Replacement Asphalt Plant

Current Assigned Application Number (HS, HO, CLE, SDP, SP or ZMA) SP2019-00009

Tax map and parcel(s): 88-18 and 88-13B

Applicant / Contact Person Valerie W. Long, Williams Mullen

Address 321 E. Main St., Suite 400 City Charlottesville State VA Zip 22902

Daytime Phone# (434) 951-5709 Fax# (_____) Email vlong@williams

Owner of Record Martin Marietta Materials, Inc. c/o Marc Kmec

Address 1 Park West Circle, Suite 207 City Midlothian State VA Zip 23114

Daytime Phone# 804) 671-7516 Fax# (_____) Email marc.kmec@martinmarietta.com

County of Albemarle
Community Development Department
401 McIntire Road Charlottesville, VA 22902 Voice: (434) 296-5832 Fax: (434) 972-4126

COUNTY OF ALBEMARLE

APPLICATION FOR A SPECIAL EXCEPTION

APPLICATION SIGNATURE PAGE

If the person signing the application is someone other than the owner of record, then a signed copy of the "CERTIFICATION THAT NOTICE OF THE APPLICATION HAS BEEN PROVIDED TO THE LANDOWNER" form must be provided in addition to the signing the application below. (page 3)

Owner/Applicant Must Read and Sign

By signing this application, I hereby certify that I own the subject property, or have the legal power to act on behalf of the owner of the subject parcel(s) listed in County Records. I also certify that the information provided on this application and accompanying information is accurate, true, and correct to the best of my knowledge. By signing this application, I am consenting to written comments, letters and or notifications regarding this application being provided to me or my designated contact via fax and or email. This consent does not preclude such written communication from also being sent via first class mail.

Valerie W. Long, Agent
Signature of Owner / Agent / Contract Purchaser

8-25-2021
Date

Valerie W. Long
Print Name

434-951-5709
Daytime phone number of Signatory

FOR OFFICE USE ONLY APPLICATION# _____ Fee Amount \$ _____ Date Paid _____

By who? _____ Receipt # _____ Clk# _____ By _____

COUNTY OF ALBEMARLE

APPLICATION FOR A SPECIAL EXCEPTION

CERTIFICATION THAT NOTICE OF THE APPLICATION HAS BEEN PROVIDED TO THE LANDOWNER

This form must accompany this zoning application if the application is not signed by the owner of the property.

I certify that notice of the application for, Critical Slope Waiver
[Name of the application type & if known the assigned application #]

was provided to Martin Marietta Materials, Inc. c/o Marc Kmec
[Name(s) of the record owners of the parcel]

the owner of record of Tax Map and Parcel Number 88-18 and 88-13 B

by delivering a copy of the application in the manner identified below:

Hand delivery of a copy of the application to _____
[Name of the record owner if the record owner is a person; if the owner of record is an entity, identify the recipient of the record and the recipient's title or office for that entity]
on _____
Date

Mailing a copy of the application to Martin Marietta Materials, Inc c/o Marc Kmec
[Name of the record owner if the record owner is a person; if the owner of record is an entity, identify the recipient of the record and the recipient's title or office for that entity]

on 8-26-2021 to the following address 1 Park West Circle, Suite 207
Date Midlothian, VA 23114
[A ddress; written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records satisfies this requirement].

Valerie W. Long, Agent for Applicant
Signature of Applicant

Valerie W. Long
Print Applicant Name

8-25-2021
Date

SE 2021-_____
Special Exception Application for
Critical Slope Waiver

to be associated with:
SP 2019-00009 S.L. Williamson Replacement Asphalt Plant

In connection with the above-referenced Special Use Permit Application, the Applicant requests a modification of Section 4.2.5 of the Zoning Ordinance.

Reason for the Request:

For a more detailed description of the project as a whole, please refer to the Narrative submitted with the Special Use Permit Application 2019-00009.

The Applicant proposes to replace its existing asphalt plant that has been operation since 1969 with a newer drum-mix plant that is more efficient, quieter, more protective of water resources, and far more protective of air resources, without disturbing additional land. As part of the replacement plant, there is a system of feed bins and a recycling bin that are used during the manufacture of the asphalt. The installation of the feed bins will impact an area of man-made critical slope areas that were created by the dumping of overburden material by the quarry operations. These man-made critical slopes are identified on the Concept Plan prepared by Roudabush, Gale & Associates dated August 19, 2019, last revised March 3, 2021, and submitted in connection with SP 2019-00009 (the "Concept Plan") as "Critical Slope Areas Created Thru Overburden Placement."

Section 4.2.3(b) of the Zoning Ordinance prohibits any structures, improvements or land disturbing activity to establish a structure or improvement to be located on any critical slope. Even though the critical slopes at issue are man-made piles of overburden, because the subject property is located in the Rural Area, they are not designated as "managed slopes" that may be disturbed by right subject to certain performance standards like they would be if the property were located in the designated development. Disturbance of critical slopes in the Rural Areas requires a critical slope waiver whether they are man-made or naturally occurring.

Specifically, the elements of the replacement plant that will disturb the critical slopes are:

- Six 10-foot by 14-foot Cold Feed Bin System (labeled #1 on sheet 4 of the Concept Plan)
- One 8-foot by 14-foot Recycle Bin (labeled #9 on sheet 4 of the Concept Plan)

The approximate size of the area of man-made critical slopes that will be disturbed in connection with the project is 1,200 square feet.

Please note that the 30-foot by 55-foot Aggregate Access Conveyor (labeled #2 on the Concept Plan) will not impact or disturb the critical slopes, for it is an aerial conveyor belt system that is not attached to the ground.

Because these improvements must be installed over these man-made critical slope areas, the Applicant hereby requests a waiver of Section 4.2.3(b) as follows:

4.2.5(a)(1) – The special exception application must also shall state the reason for the modification or waiver, explaining how the modification or waiver, if granted, would address the rapid and/or large-scale movement of soil and rock, excessive stormwater run-off, siltation of natural and man-made bodies of water, loss of aesthetic resources, and, in the event of septic system failure, a greater travel distance of septic effluent (collectively referred to as the “public health, safety, and welfare factors”) that might otherwise result from the disturbance of critical slopes.

Mitigating circumstances of the negative impacts associated with disturbance of the man-made critical slopes – there is an existing retaining wall that the existing feed bins sit on top of. As part of the replacement plant, that wall will be extended to meet the extents of the proposed improvements. This area is labeled “Ex. Ret. Wall to Be Extended for Additional Cold Feed Bins” on Sheets 4 and 5 of the Concept Plan. With the expansion of the retaining wall, there will be no potential for soil erosion, sedimentation and water pollution that might otherwise result from the disturbance of the man-made critical slopes.

4.2.5.3 Findings. The commission may grant a modification or waiver if it finds that the modification or waiver would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties; would not be contrary to sound engineering practices; and at least one of the following:

a. Strict application of the requirements of section 4.2 would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare;

The proposed replacement drum-mix plant will substantially improve the public health and safety through better air quality, reduced noise, added protection for water resources. The expansion of an existing retaining wall that will meet the extents of the proposed improvements, thus eliminating the risk of soil erosion, sedimentation and water pollution that might result from the disturbance of such man-made slopes. Strict application of the requirements of Section 4.2, in the form of not allowing the replacement plant to disturb these man-made slopes, will not allow the replacement plant, which will not forward the purposes of this chapter or otherwise serve the public health, safety or welfare.

b. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of section 4.2 to at least an equivalent degree;

By extending the existing retaining wall to accommodate the new feed bins, this extended wall will hold back the slope and prevent any erosion, thus satisfying the intent and purposes of Section 4.2 far better than existing conditions would.

d. Granting the modification or waiver would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived.

The replacement plant will substantially improve the public health and safety through better air quality, reduced noise, and the expansion of an existing retaining wall that will meet the extents of the proposed improvements, thus eliminating the risk of soil erosion, sedimentation, and water pollution that might otherwise result from the disturbance of such man-made slopes. And the waiver will permit the installation of the replacement plant.

For all of these reasons, we request the Board's approval of the waiver as part of the approval of SUP 2019-00009.