

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS
FOR SDP 2018-67 NORTHSIDE MATERIALS RECOVERY FACILITY**

WHEREAS, the owner of Tax Map Parcels 03200-00-00-022C30, 03200-00-00-07000, 03200-00-00-07100, 03200-00-00-07200, and 03200-00-00-07300 filed a request for special exceptions to modify or waive requirements of the following Zoning Ordinance requirements in conjunction with SDP 2018-67 Northside Materials Recovery Facility as depicted on the pending plans under review by the County's Department of Community Development:

Supplementary regulations:

- § 18-5.1.51(a) and (b) – Outdoor Activities in Industrial Districts
- § 18-5.1.52 (a), (c), (e) – Outdoor Storage in Industrial Districts

Industrial District – Generally:

- § 18-26.5(c) – Buffer requirements

General Regulations – Noise:

- § 18-4.18.04; and

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum and Staff Analysis prepared in conjunction with the application, all of the factors relevant to the special exceptions in County Code §§ 18-5.1.51, 18-5.1.52, 18-26.5(c), 18-4.18.04, 18-4.18.07, and 18-33.49, and the information provided at the Board of Supervisors' meeting, the Albemarle County Board of Supervisors hereby approves the special exceptions to authorize the modification and waiver of the County Code sections set forth above, subject to the conditions attached hereto.

* * *

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of ____ to ____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Dill	_____	_____
Mr. Gallaway	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____

SDP 2018-67 Northside Materials Recovery Facility Special Exception Conditions

1. **MATERIALS (18-5.1.52):** The recycling processing center use shall be limited to recycling asphalt, concrete, dirt and materials associated with recycling these inert materials such as rebar. The recycling center shall not process trash, paper, glass, plastic, electronics, wood, or any other material not specified. A recycling collection station is prohibited.
2. **IMPORT OF ADDITIONAL MATERIALS:** No additional import of recyclable or recycled materials to the site is allowed until the existing stockpiles have been reduced to the allowable maximum heights specified on Sheet C5 of the plan titled "Initial Site Development Plan for Northside Material Recovery Facility" prepared by Shimp Engineering, P.C., last revised 4/10/2019 (the "Plan"). This requirement will be in effect on the date of the Special Exception approval. Once the stockpiles comply with the height restrictions the stockpiles must remain below the limits at all times.
3. **TIMING:** After the approval of the Special Exception (SE), the applicant must meet the following schedule for review and approval process to ensure that the site is brought into compliance with the special exceptions, ordinances and standards:
 - a. A VSMP application must be submitted within 30 days of the SE approval.
 - b. The final site plan must be submitted within 30 days of the SE approval.
 - c. The final site plan must be approved within 6 months of its first submittal. If it is not approved by that deadline *the recyclable and recycled materials must be removed and the site stabilized.*
 - d. The site must comply with the final site plan within 120 days of the final site plan approval with the exception of the tree buffer adjacent to the entrance and south of the stockpile of reclaimed material (shown on sheet C4 as "existing tree buffer (to remain)"). Site compliance in this area is extended for an additional 60 days to allow removal of material from this tree buffer. If it is not in compliance by that deadline *the materials must be removed and the site stabilized.*
 - e. The following improvements shall be installed prior to commencement of use:
 - i. The berm and landscaping
 - ii. Any tree conservation measures
 - iii. Security fence
 - f. Height of stockpiles visible markers must be certified by a registered surveyor prior to commencement of use and upon request by the Zoning Administrator.
4. **LOCATION AND HEIGHT OF STOCKPILES:** Storage of recycled or reclaimed materials shall be in accord with the exhibit shown on Sheet C4 of the Plan . Additionally, the following specific criteria must also be met:
 - a. The maximum height of stockpiles, 28 and 24 feet, shall be in accord with Sheet C5 of the Plan . Sheet C5 is used for stockpile heights only.
 - b. Visible markers shall be utilized to measure and limit the height of stockpiles according to this condition.
 - c. Stockpiles are not allowed within the 50-foot Outdoor Storage Setback.
 - d. A tree preservation plan must be submitted with the final site plan and must be in general accord with Sheet C4 of the Plan.
 - e. The horizontal location of stockpiles and stockpile management activities shall be in general accord with Sheet C4 and dimensioned on the final site plan.
 - i. Stockpiles and the stockpile activity may be no closer than the dripline of any tree shown as being preserved on Sheet C4 of the Plan , and the dripline shall be demarcated by a permanent tree protection fence or other physical barrier, the design of which shall be approved with the final site plan.

- ii. Stockpiles shall not be located closer than 70 feet to the property line with TMP 32-73 and shall not be any closer than 10 feet to the property line with TMP 32-22C1 unless a barrier is installed in which case stockpiles shall not be located closer than 5 feet.
5. LOCATION AND HEIGHT OF EQUIPMENT: The location of the equipment required to process the approved recyclable materials shall be in general accord with the exhibit shown on Sheet C4 of the Plan . The height of the equipment shall be as specified in the Certified Engineers Report dated March 1, 2019 prepared by Shimp Engineering, P.C. Additionally, the following specific criteria must also be met:
- a. No processing equipment or conveyors shall be more than 31' feet in height and shall be lowered when not in use.
 - b. The conveyors, crusher, and screen plant shall not be located within the Entrance Corridor overlay district, as depicted on the final site plan.
 - c. Stockpiles and equipment utilized to move and maintain stockpiles shall never be within the first 50-foot adjacent to residential parcel TMP 32-22I.
6. SOUND (18-4.18.04): The zoning administrator may require a new zoning clearance, Certified Engineers Report, and sound study if operations, equipment, and/or equipment locations are changed from the Certified Engineers Report dated March 1, 2019, prepared by Shimp Engineering, P.C.
7. USES WITHIN THE OUTDOOR ACTIVITY SETBACK (18-5.1.51 b): The only use allowed within the portion of the property between the 50-foot outdoor storage setback and the 100-foot outdoor activity setback adjacent to TMP 32-22I is storage of the allowed recycled materials and activities associated with the storage.
8. FENCE (18-5.1.51 a & 18-5.1.52 a): A minimum 7 foot tall security fence shall be provided in general accord with the location shown on Sheet C4 of the Plan . The fence shall connect up to the existing fence within TMP 32-67. The segment of fencing located on TMP 32-67 shall be opaque unless the Planning Director finds that a berm or landscaping provides adequate screening.
9. LANDSCAPING: A landscape plan according to County Code §18- 32.7.9.4 and subject to Architectural Review Board (“ARB”) approval must be provided and no ordinance minimums (parking lot trees, street trees, etc.) of this section are waived. The landscape plan must be provided with final site plan and must include:
- a. Screening must be provided in compliance with County Code §18-32.7.9.7(d) where existing vegetation does not provide adequate screening on TMP 32-73. If deemed necessary by the Planning Director, a landscape preservation easement on TMP 32-73 must be recorded prior to approval of the final site plan to preserve the trees designated as “existing trees to be preserved for screening” as shown on Sheet C4 of the Plan .
 - b. Supplemental landscaping for screening is subject to ARB review and approval on the final site plan. Such screening shall include, but not be limited to, landscaping to compensate for trees in the drainage easement that are not under the control of the property owner.
 - c. Screening along the property line with TMP 32-22I shall include an 8 foot tall earthen berm with a double staggered row of evergreen trees planted on the top of the berm ten (10) feet on center as shown on Sheet C4 of the Plan.
 - d. The quantity and species of landscaping screening trees will be determined during the final site plan and ARB review process. However the minimum height of the evergreen screening trees on the berm adjacent to TMP 32-22I shall be 6 feet.
10. Final Site Plan: Anything not explicitly approved with this special exception, must satisfy all applicable Ordinance and Design requirements prior to final site plan approval.