



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

SCHEDULED ORDINANCE

Meeting: 09/03/24 04:00 PM
Department: Planning & Zoning
Category: BOS CUP Ordinance
Prepared By: Tom Coleman
Department Head: MinuteTraq Admin

15.7

(ID # 6164)

DISTRICT 4 - CU-2024-00016 APPLICATION BY LUCK STONE CORPORATION D/B/A LUCK COMPANIES REQUESTING A CONDITIONAL USE PERMIT (CUP) FOR USES ACCESSORY TO A QUARRY ON 70.18 ACRES EAST OF ASHLAND ROAD ON TAX MAP NO. 48-1-0-73-E. THE PROPERTY IS ZONED AGRICULTURAL, LIMITED (A-2) AND INDUSTRIAL, GENERAL (M-2). THE CUP IS REQUIRED BY COUNTY ZONING ORDINANCE SECS. 15-112 AND 15-272 IN ACCORDANCE WITH SEC. 15-283.F. THE COMPREHENSIVE PLAN DESIGNATES THIS AREA AS FLEXIBLE USE.

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	X
Strat Goal 3	Excellence in Financial Management	
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

The Board is requested to hold a public hearing and consider the following conditional use permit application by Luck Stone Corporation.

Summary of Information

District 4

Application by Luck Stone Corporation d/b/a Luck Companies requesting a conditional use permit (CUP) for uses accessory to quarry operations: overburden stockpile and stone processing on 70.18 acres east of Ashland Road on Tax Map No. 48-1-0-73-E. The property is zoned Agricultural, Limited (A-2) and Industrial, General (M-2). The CUP is required by County Zoning Ordinance Secs. 15-112 and 15-272 in accordance with Sec 15-283.F. The Comprehensive Plan designates this area as Flexible use.

A quarry has been in operation on an adjacent property for approximately 60 years. Between 2011 and 2012, a series of rezoning and conditional use permit approvals were approved for the subject property and abutting properties. The zoning approvals supported borrow pit operations, ancillary stone processing, substantial buffers, and a new materials recycling facility for the neighboring quarry and construction and demolition debris landfill (CDD) and other activities. This application does not impact any previous approvals on abutting properties.

For the subject property, Luck is requesting to locate overburden placement on much of the property and to expand the area permissible for stone processing while maintaining substantial acreage to the east and south as buffers to adjoining properties.

More specifically, the applicant proposes the following changes for the subject property:

- 1) Borrow pit activities supplemented with overburden stockpiles;
- 2) Berm incorporated into overburden stockpile;
- 3) Permissible area for overburden placement (vs. area for borrow pit) would increase;
- 4) Permissible area for stone processing would increase.

Luck Companies hosted a community meeting on Wednesday, May 22, 2024, at their facility at 1950 Rockville Industrial Way. There were approximately 29 individuals from the community and 15 Luck Cos. associates in attendance. Those present included Goochland Board of Supervisors members Jonathan Lyles and Tom Winfree, Henrico County Board of Supervisors member Misty Whitehead, and Goochland County Planning Commissioner Dwain Cosby.

See COMMUNITY MEETING section of the staff report for a more detailed synopsis of the community meeting. In summary, the majority of attendees were from residential neighborhoods in very close proximity to the Luck Cos. property. They expressed a number of concerns about the potential impacts of this proposal to their homes and neighborhoods.

At their July 18, 2024, public hearing, the Planning Commission recommended approval with a 5-0 vote. Three citizens and one Supervisor from Henrico expressed concerns with a lack of information regarding the application and requested the Commission defer the case to allow time for citizens of Henrico to meet with the applicant to discuss and better understand the request.

Draft Motions

- **Approve:** I move that the Board grant conditional use permit CU-2024-00016 subject to the imposed conditions as presented.
- **Approve as amended:** I move that the Board grant conditional use permit CU-2024-00016 subject to the imposed conditions, with the following amendments:_____.
- **Defer:** I move that the Board defer consideration of conditional use permit CU-2024-00016 to _____(date)_____.
- **Deny:** Based on the information in the staff report and from the public hearing, I move that the Board deny conditional use permit CU-2024-00016 on the grounds that:
 - it is not in keeping with public necessity, convenience, general welfare, and good zoning practice;
 - and _____.

ATTACHMENTS:

- CU-2024-00016 - Conceptual Master Plan (Exhibit A) (PDF)
- CU-2024-00016 - Landscape Buffer Notes (Exhibit B) (PDF)
- CU-2024-00016 - Berm Cross-section (Exhibit C) (PDF)
- CU-2024-00016 - Phasing and Stabilization Plan (Exhibit D) (PDF)

Ordinance

- CU-2024-00016 - PC Resolution (PDF)
- CU-2024-00016 - Staff Report (DOCX)
- CU-2024-00016 - Application (PDF)

Meeting of September 3, 2024

✓ Vote Record - Ordinance 6164						
☐ Adopted ☐ Adopted as Amended ☐ Defeated ☐ Tabled ☐ Withdrawn ☐ Meeting Cancelled ☐ Deferred ☐ Denied ☐ Approved ☐ Consensus of the Board ☐ Tabled by Consensus ☐ Approved as Amended ☐ Referred ☐ Public Hearing Held ☐ Return to PC on Tie Vote ☐ Recommended for Approval (Defeated)						
			Yes/Aye	No/Nay	Abstain	Absent
	Neil Spoonhower		☐	☐	☐	☐
	Charlie Vaughters		☐	☐	☐	☐
	Jonathan Lyle		☐	☐	☐	☐
	Jonathan Christy		☐	☐	☐	☐
	Thomas Winfree		☐	☐	☐	☐

AT A MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON SEPTEMBER 3, 2024, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Ordinance granting conditional use permit CU-2024-00016 for uses accessory to a quarry on 70.18 acres east of Ashland Road on Tax Map No. 48-1-0-73-E

WHEREAS, Virginia Code §15.2-2286(A)(3) enables the Goochland County Board of Supervisors to grant conditional use permits under suitable regulations and safeguards; and

WHEREAS, Luck Companies filed an application requesting a conditional use permit (CUP) for uses accessory to a quarry on 70.18 acres east of Ashland Road on Tax Map No. 48-1-0-73-E in Election District 4; and

WHEREAS, the subject property was rezoned on January 4, 2011, to Agricultural, Limited (A-2) with 2 proffers through Case Nos. RZ-2010-00001; and Industrial, General (M-2) with 5 proffers through RZ-2010-00002; and

WHEREAS, the subject property is zoned Agricultural, Limited (A-2) and Industrial, General (M-2) and the proposed activity is permitted in those districts with a CUP under Zoning Ordinance §§ 15-112 and 15-272 in accordance with § 15-283.F; and

WHEREAS, case CU-2009-00004 was approved for the subject property on January 4, 2011, for borrow pit activities, however, the pending CUP and its conditions, if approved, would supersede case CU-2009-00004; and

WHEREAS, the conditions imposed below represent suitable regulations and safeguards to protect the neighboring properties from the impact of the CUP; and

WHEREAS, the Comprehensive Plan designates this area as Flexible; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Planning

Ordinance

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Commission advertised as required by law and held a public hearing on this application on July 18, 2024, and voted 5-0 to recommend approval of this request; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Board of Supervisors advertised as required by law and held a public hearing on this application on September 3, 2024.

NOW, THEREFORE, BE IT ORDAINED, the Goochland County Board of Supervisors is empowered to grant this application pursuant to Zoning Ordinance § 15-60, has considered each of the applicable standards in Zoning Ordinance § 15-60.B, and hereby finds that granting this request is a matter of public necessity, convenience, general welfare, or good zoning practice; and

BE IT FURTHER ORDAINED, this 3rd day of September, 2024, the Goochland County Board of Supervisors hereby grants conditional use permit CU-2024-00016 for uses accessory to a quarry on 70.18 acres east of Ashland Road on Tax Map No. 48-1-0-73-E in Election District 4, subject to the following imposed conditions:

1. Use. Uses accessory to a quarry operation (CUP Activity) may be operated on the Property subject to these conditions.
2. Proffers and CUP conditions.
 - a. Proffers approved for the subject property for rezoning cases RZ-2010-00001 and RZ-2010-00002 shall remain in effect.
 - b. This CUP and its conditions supersede case CU-2009-00004.
3. Conceptual plan. CUP Activity shall generally conform to the conceptual plan entitled "Rockville GDP" dated 4/17/2024 attached as Exhibit A.
4. Signage. "No Trespassing" signs shall be posted and perpetually maintained around the perimeter of the areas designated Stone Processing and Overburden Placement on the Conceptual Master Plan. Signs will be no more than 200 feet apart.
5. State and Federal Regulations. The applicant shall comply with all state and federal regulations regarding CUP Activity.
6. Permits. All necessary environmental permits shall be obtained (i.e., wetland disturbance, point source discharge, stormwater) from applicable regulating agencies (i.e., U.S. Army Corps. of Engineers, Virginia Department of Environmental Quality). Prior to initiating any CUP Activity, the applicant must submit a copy of all approved state and federal permits to the Community Development Department. Applicant shall maintain onsite copies of all Federal and State records pertaining to permits and approvals and shall make copies of permits and approvals available to the Zoning Administrator upon request.
7. State Requirements. All state permit requirements shall be met including, but not limited to, the following:
 - a. Offsite Trash. No trash and/or debris will be allowed to accumulate on-site;
 - b. VDE Permits. Prior to any land disturbance associated with this CUP Activity, the applicant shall obtain the required permit(s) from the Virginia Department of Energy (VDE). This permit shall address all relevant issues including soil erosion, stormwater management, and reclamation (including bonding). If requested, the County shall have the opportunity to examine said reclamation plan prior to approval by VDE.
 - c. Access. Permanent access to the areas included within this CUP Activity shall be limited

- to the existing Luck Stone Plant entrance on Rte. 623 (Ashland Road).
- d. Drainage ways. No impacts to natural drainage ways or wetlands shall be allowed unless approved by the Virginia Department of Mines, Minerals, and Energy (“DMME”), and/or Virginia Department of Environmental Quality, U.S. Army Corps of Engineers and/or any other appropriate state or federal agency as deemed appropriate. All intermittent or perennial streams shall be protected from spoil by natural or constructed barriers. Buffer zones will be maintained in addition to proper sediment control. Maintain 100 foot vegetated buffers along perennial streams and 50 foot vegetated buffers along intermittent streams.
 - e. Screening. Site screening shall be achieved by the following methods:
 - i. Berms and buffers. Berms and buffers shall be constructed and maintained in general conformance as shown on the plans entitled “Landscape Buffer Notes and Details” dated 4/2/2024 attached as Exhibit B, “350' Eastern Buffer Typical Berm Cross-Section” dated 4/2/2024 attached as Exhibit C, and “Phasing and Stabilization Plan” dated 4/2/2024 attached as Exhibit D.
 - ii. Buffer. An undisturbed 50 ft. buffer will be maintained along the eastern property line which borders Henrico County. The western limit of the buffer will be marked between the north and south property lines with signs stating, “Protective 50 ft. Undisturbed Buffer Area”. Signs must be perpetually maintained and be no more than 200 ft. apart.
 - iii. Berm. Abutting the 50 ft. buffer, a berm with a minimum width of 300 ft. will be constructed and maintained.
 - f. Mining Method, Topsoil Storage, and Drainage Control. Prior to any land disturbing activities, temporary sediment control will be properly installed where necessary around the perimeter of the area to be disturbed.
 - g. Closure of Roads or Openings. Upon abandonment of the mine, the operator shall effectively close or fence all roads, openings, and pits where hazardous conditions exist; and
 - h. Groundwater Protection Plan. The applicant shall prepare a Groundwater Protection Plan.
8. Groundwater Protection. In addition to state requirements, the applicant shall include in their groundwater management plan additional information to address the potential for acid mine drainage (due to sulfurous deposits) and possible mercury, cyanide, or other similar contaminants from previous quarry operations. If such issues exist, a mitigation plan will be required.
 9. Topsoil and Overburden Storage Area. Storage areas shall be limited to one-hundred fifty (150) feet in height.
 10. Dust. Fugitive dust generated onsite shall be controlled by wet suppression. Fugitive dust generated by vehicular traffic shall be controlled by the application of water to roadways and other traveled surfaces on the property.
 11. Lighting. A lighting plan covering both temporary and permanent exterior lighting must be submitted and approved prior to any exterior lighting being installed or used on the Property. Once approved, all exterior lighting shall comply with the approved plan. All lighting shall be dark sky compliant.
 12. Setback. The area designated for Stone Processing shall be no closer than six hundred and fifty (650) feet from the eastern property boundary.
 13. Parcel Boundary. The eastern boundary (adjacent to Henrico County jurisdictional boundary)

Ordinance

Meeting of September 3, 2024

and southern boundary (adjacent to Parcel 48-1-0-73-B) shall be clearly delineated in a manner approved by the Zoning Administrator and maintained throughout the CUP Activity operation.

14. Stone Crushing Prohibition. No primary stone crushing equipment shall be employed on the site. This shall not prevent employing secondary and/or tertiary or crushing, conveyors, screening, and similar equipment. Secondary and tertiary crushing and screening equipment shall be within a fully enclosed structure and located as far west as possible.
15. No Toxic Chemicals or Hazardous Substances. No chemicals or hazardous materials, other than fuel and equipment service products, shall be stored or allowed on-site.
16. No Blasting. There shall be no blasting on site.
17. Hours of Operation. The operating hours for the tree removal and overburden placement are limited to between 7:00 a.m. and 5:00 p.m. Monday through Saturday.
18. Transfer or lease. Prior to the transfer or lease of the Property, the property owner(s) shall notify, in writing, (a) the Department of Community Development of the planned transfer or lease, and also (b) the new owner or lessee of this CUP and its conditions, with a copy to the Department of Community Development.

A COPY ATTEST:

County Administrator or Designee
Goochland County Board of Supervisors



LUCK STONE CORPORATION

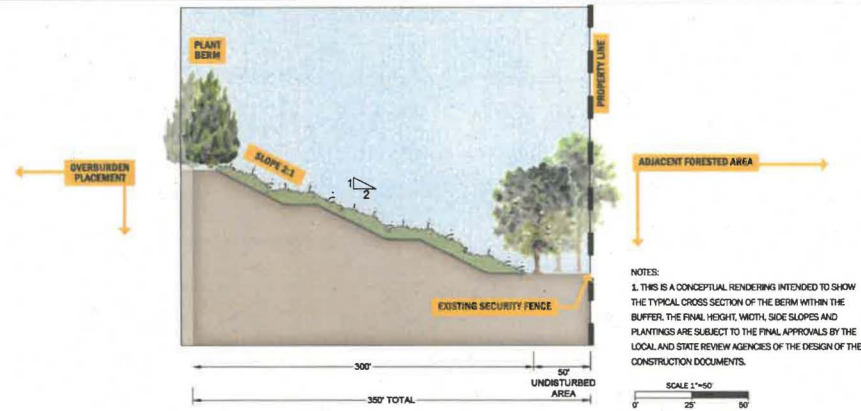
RICHMOND, VIRGINIA

Title:

Rockville GDP

Date:	04/17/2024	Photo / Topo Date:	ESRI
Scale:	1" = 600'	Drawn By:	Baxter Jon

While every effort has been made to ensure accuracy, correctness and timeliness of materials presented, the areas depicted by these maps, photos, and data are approximate and are not to be used for engineering or construction purposes.



7 350' EASTERN BUFFER TYPICAL BERM SECTION
1" = 20'

GENERAL NOTES

PRE-CONSTRUCTION

- CONTRACTOR IS RESPONSIBLE FOR CONTACTING VIRGINIA 811 AT 1.800.553.3120 FOR LOCATION OF ALL UTILITY LINES. TREES SHALL BE LOCATED A MINIMUM OF 5 FEET FROM SEWER/WATER CONNECTIONS. NOTIFY LANDSCAPE ARCHITECT OF CONFLICTS.
- VERIFY ALL PLANT MATERIAL QUANTITIES ON THE PLAN PRIOR TO BIDDING. PLANT LIST TOTALS ARE FOR CONVENIENCE ONLY AND SHALL BE VERIFIED PRIOR TO BIDDING.
- PROVIDE PLANT MATERIALS OF QUANTITY, SIZE, GENUS, SPECIES, AND VARIETY INDICATED ON PLANS. ALL PLANT MATERIALS AND INSTALLATION SHALL COMPLY WITH RECOMMENDATIONS AND REQUIREMENTS OF ANSI Z60.1 "AMERICAN STANDARD FOR NURSERY STOCK". IF SPECIFIED PLANT MATERIAL IS NOT OBTAINABLE, SUBMIT PROOF OF NON AVAILABILITY TO THE LANDSCAPE ARCHITECT, TOGETHER WITH PROPOSAL FOR USE OF EQUIVALENT MATERIAL.
- PROVIDE AND INSTALL ALL PLANTS AS IN ACCORDANCE WITH DETAILS AND CONTRACT SPECIFICATIONS.
- SOIL TESTS SHALL BE PERFORMED TO DETERMINE SOIL CHARACTER AND QUALITY. NECESSARY SOIL AMENDMENTS SHALL BE PERFORMED PER TEST RESULTS TO ENSURE PLANT HEALTH.

CONSTRUCTION/INSTALLATION

- LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY PLANTS AND MATERIALS THAT ARE IN AN UNHEALTHY OR UNSIGHTLY CONDITION, AS WELL AS PLANTS AND MATERIALS THAT DO NOT CONFORM TO ANSI Z60.1 "AMERICAN STANDARD FOR NURSERY STOCK". LABEL AT LEAST ONE TREE AND ONE SHRUB OF EACH VARIETY AND CALIPER WITH A SECURELY ATTACHED, WATERPROOF TAG BEARING THE DESIGNATION OF BOTANICAL AND COMMON NAME.
- INSTALL LANDSCAPE PLANTINGS AT ENTRANCES/EXITS AND PARKING AREAS ACCORDING TO PLANS SO THAT MATERIALS WILL NOT INTERFERE WITH SIGHT DISTANCES.
- CONTRACTOR IS RESPONSIBLE FOR WATERING ALL PLANT MATERIAL DURING INSTALLATION AND UNTIL FINAL INSPECTION AND ACCEPTANCE BY OWNER. CONTRACTOR SHALL NOTIFY OWNER OF CONDITIONS WHICH AFFECTS THE GUARANTEE.

INSPECTIONS/GUARANTEE

- UPON COMPLETION OF LANDSCAPE INSTALLATION, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE GENERAL CONTRACTOR WHO WILL VERIFY COMPLETENESS, INCLUDING THE REPLACEMENT OF ALL DEAD PLANT MATERIAL. CONTRACTOR IS RESPONSIBLE FOR SCHEDULING A FINAL INSPECTION BY THE LANDSCAPE ARCHITECT.
- ALL EXTERIOR PLANT MATERIALS SHALL BE GUARANTEED FOR ONE FULL YEAR AFTER DATE OF FINAL INSPECTION AGAINST DEFECTS INCLUDING DEATH AND UNSATISFACTORY GROWTH. DEFECTS RESULTING FROM NEGLIGENCE BY THE OWNER, ABUSE OR DAMAGE BY OTHERS, OR UNUSUAL PHENOMENA OR INCIDENTS WHICH ARE BEYOND THE CONTRACTORS CONTROL ARE NOT THE RESPONSIBILITY OF THE CONTRACTOR.
- PLANT MATERIAL QUANTITIES AND SIZES WILL BE INSPECTED FOR COMPLIANCE WITH APPROVED PLANS BY A SITE PLAN REVIEW AGENT OF THE PLANNING DEPARTMENT PRIOR TO THE RELEASE OF THE CERTIFICATE OF OCCUPANCY.
- REMOVE ALL GUY WIRES AND STAKES 12 MONTHS AFTER INSTALLATION.

RECOMMENDED BUFFER PLANT LIST

EVERGREEN TREES

BOTANICAL NAME / COMMON NAME

ILEX OPACA 'GREENLEAF' / AMERICAN HOLLY
JUNIPERUS VIRGINIANA 'BRODIE' / EASTERN RED CEDAR
THUJA OCCIDENTALIS 'TECHN' / ARBORVITAE
ILEX X 'CONIF' / OAKLEAF HOLLY
ILEX X 'MARY NELL' / MARY NELL HOLLY

FLOWERING TREES

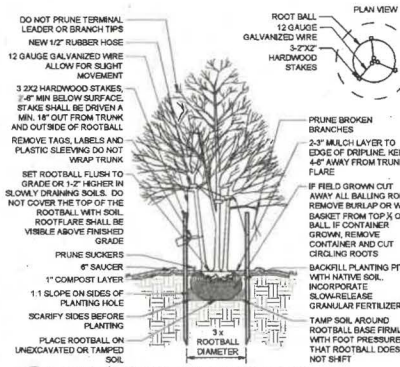
BOTANICAL NAME / COMMON NAME

AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE' / DOWNY SERVICEBERRY
CERCIS CANADENSIS 'FOREST PANSY' / EASTERN REDBUD
CHIONANTHUS VIRGINICUS / WHITE FRINGETREE
CRATAEGUS VIRIDIS 'WINTER KING' / HAWTHORN

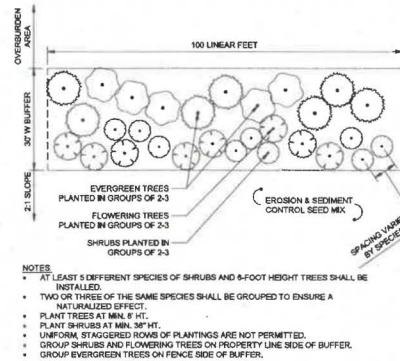
SHRUBS

BOTANICAL NAME / COMMON NAME

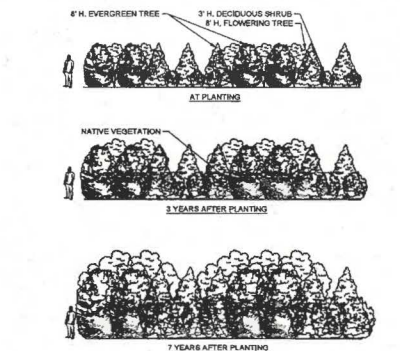
CORNUS SERICEA 'BAILEY' / RED TWIG DOGWOOD
LINDERA BENZOIN / SPICEBUSH
VIBURNUM DENTATUM 'SYNNESTVEDT' / CHICAGO LUSTRE ARROWWOOD
VIBURNUM



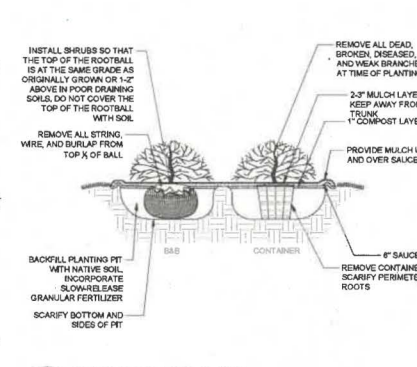
4 MULTI-STEM TREE PLANTING DETAIL
NTS



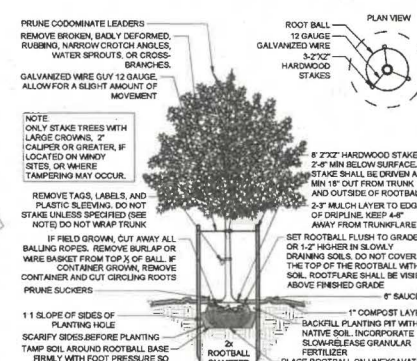
5 VEGETATIVE BUFFER PLANTING
NTS



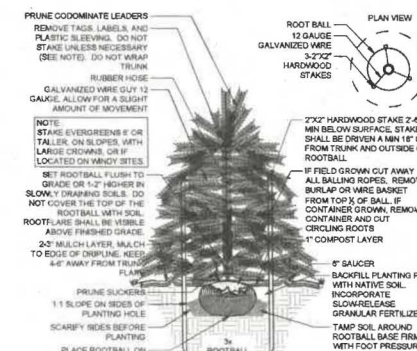
6 VEGETATIVE BUFFER PLANTING ELEVATION
NTS



1 SHRUB PLANTING DETAIL
NTS



2 DECIDUOUS TREE PLANTING DETAIL
NTS



3 EVERGREEN TREE PLANTING DETAIL
NTS



FOR REVIEW PURPOSES ONLY

THIS DOCUMENT IS THE PROPERTY OF THE LANDSCAPE ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE LANDSCAPE ARCHITECT.

DATE: 04/02/2024
DESIGNED BY: B. KOCZKA
CHECKED BY: C. LY
SCALE: 1" = 20'

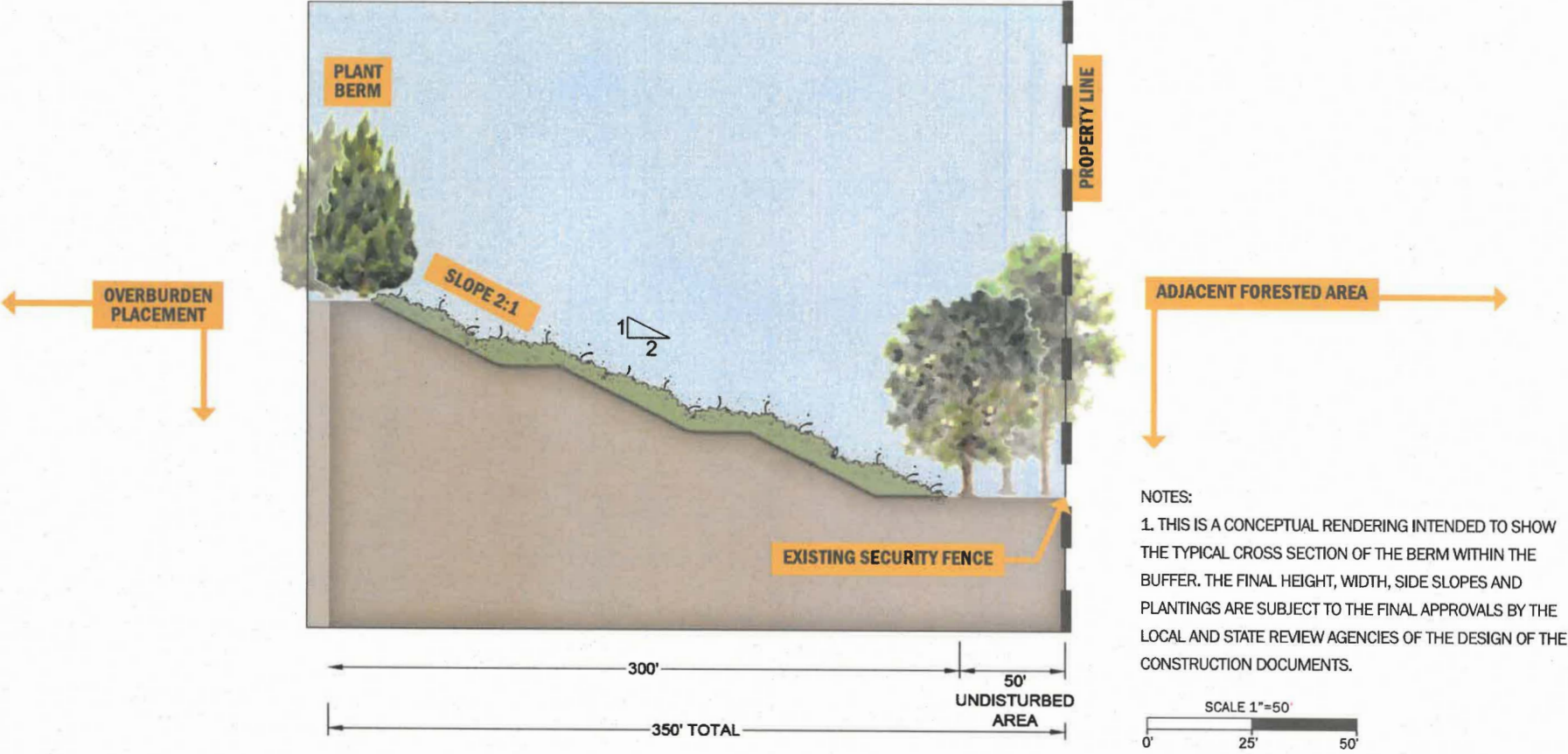
YOUR DESIGN AGREEMENT THROUGH OURS.

LUCK STONE - ROCKVILLE
DOVER DISTRICT - GORDON COUNTY - VIRGINIA

208 REC
6405
SHEET
L2.01

LUCK STONE-ROCKVILLE LANDSCAPE PLAN

350' EASTERN BUFFER TYPICAL BERM CROSS-SECTION



LUCK STONE BUFFER
TIMMONS GROUP | APRIL 02, 2024

✓ Vote Record - Resolution 6121						
☐ Approved ☒ Recommended for Approval ☐ Recommended for Denial ☐ Deferred ☐ Denied ☐ Withdrawn ☐ Recommended for Approval as Am ☐ Adopted ☐ Adopted as Amended ☐ Defeated ☐ Consensus of the Board ☐ Tabled by Consensus ☐ Approved as Amended ☐ Send to BOS with Report of Tie Vote ☐ Return to PC on Tie Vote ☐ Recommended for Approval (Defeated)						
			Yes/Aye	No/Nay	Abstain	Absent
	Guy Kemmerly	Voter	☒	☐	☐	☐
	Amanda Kowalski	Voter	☒	☐	☐	☐
	Jess McLaughlin	Voter	☒	☐	☐	☐
	Curt Pituck	Mover	☒	☐	☐	☐
	Dwain Cosby	Seconder	☒	☐	☐	☐

AT A MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON JULY 18, 2024, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Resolution recommending approval of CU-2024-00016 for uses accessory to a quarry on 70.18 acres east of Ashland Road on Tax Map No. 48-1-0-73-E

WHEREAS, Virginia Code § 15.2-2286(A)(3) enables the Goochland County Board of Supervisors to grant conditional use permits under suitable regulations and safeguards; and

WHEREAS, the Goochland County Planning Commission is authorized and required, by Virginia Code § 15.2-2285(A), to consider, hold a public hearing, and make a recommendation to the Board of Supervisors on all land use applications filed with the County; and

WHEREAS, Luck Companies filed an application requesting a conditional use permit (CUP) for uses accessory to a quarry on 70.18 acres east of Ashland Road on Tax Map No. 48-1-0-73-E in Election District 4; and

WHEREAS, the subject property was rezoned on January 4, 2011, to Agricultural, Limited (A-2) with 2 proffers through Case Nos. RZ-2010-00001; and Industrial, General (M-2) with 5 proffers through RZ-2010-00002; and

WHEREAS, the subject property is zoned Agricultural, Limited (A-2) and Industrial, General (M-2) and the proposed activity is permitted in those districts with a CUP under Zoning Ordinance §§ 15-112 and 15-272 in accordance with § 15-283.F; and

WHEREAS, case CU-2009-00004 was approved for the subject property on January 4, 2011, for borrow pit activities, however, this CUP and its conditions would supersede case CU-2009-00004; and

WHEREAS, the conditions imposed below represent suitable regulations and safeguards

Attachment: CU-2024-00016 - PC Resolution (6164 : District 4 CU-2024-00016 Luck Stone Corporation d/b/a Luck Companies)

to protect the neighboring properties from the impact of the CUP; and

WHEREAS, the Comprehensive Plan designates this area as Flexible; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Planning Commission advertised as required by law and held a public hearing on this application on July 18, 2024.

NOW, THEREFORE, BE IT RESOLVED, the Goochland County Planning Commission is empowered to make recommendations to the Board of Supervisors regarding this application pursuant to Zoning Ordinance § 15-60, has considered each of the applicable standards in Zoning Ordinance § 15-60.B, and hereby finds that granting this request is a matter of public necessity, convenience, general welfare, or good zoning practice; and

BE IT FURTHER RESOLVED, this 18th day of July, 2024, the Goochland County Planning Commission hereby recommends that the Goochland County Board of Supervisors grant conditional use permit CU-2024-00016 for uses accessory to a quarry on 70.18 acres east of Ashland Road on Tax Map No. 48-1-0-73-E in Election District 4, subject to the following imposed conditions:

1. Use. Uses accessory to a quarry operation (CUP Activity) may be operated on the Property subject to these conditions.
2. Proffers and CUP conditions.
 - a. Proffers approved for the subject property for rezoning cases RZ-2010-00001 and RZ-2010-00002 shall remain in effect.
 - b. This CUP and its conditions supersede case CU-2009-00004.
3. Conceptual plan. CUP Activity shall generally conform to the conceptual plan attached as Exhibit A.
4. Signage. "No Trespassing" signs shall be posted and perpetually maintained around the perimeter of the areas designated Stone Processing and Overburden Placement on the Conceptual Master Plan. Signs will be no more than 200 feet apart.
5. State and Federal Regulations. The applicant shall comply with all state and federal regulations regarding CUP Activity.
6. Permits. All necessary environmental permits shall be obtained (i.e., wetland disturbance, point source discharge, stormwater) from applicable regulating agencies (i.e., U.S. Army Corps. of Engineers, Virginia Department of Environmental Quality). Prior to initiating any CUP Activity, the applicant must submit a copy of all approved state and federal permits to the Community Development Department. Applicant shall maintain onsite copies of all Federal and State records pertaining to permits and approvals and shall make copies of permits and approvals available to the Zoning Administrator upon request.
7. State Requirements. All state permit requirements shall be met including, but not limited to, the following:
 - a. Offsite Trash. No trash and/or debris will be allowed to accumulate on-site;
 - b. VDE Permits. Prior to any land disturbance associated with this CUP Activity, the applicant shall obtain the required permit(s) from the Virginia Department of Energy (VDE). This permit shall address all relevant issues including soil erosion, stormwater

- management, and reclamation (including bonding). If requested, the County shall have the opportunity to examine said reclamation plan prior to approval by VDE.
- c. Access. Permanent access to the areas included within this CUP Activity shall be limited to the existing Luck Stone Plant entrance on Rte. 623 (Ashland Road).
 - d. Drainage ways. No impacts to natural drainage ways or wetlands shall be allowed unless approved by the Virginia Department of Mines, Minerals, and Energy (“DMME”), and/or Virginia Department of Environmental Quality, U.S. Army Corps of Engineers and/or any other appropriate state or federal agency as deemed appropriate. All intermittent or perennial streams shall be protected from spoil by natural or constructed barriers. Buffer zones will be maintained in addition to proper sediment control. Maintain 100 foot vegetated buffers along perennial streams and 50 foot vegetated buffers along intermittent streams.
 - e. Screening. Site screening shall be achieved by the following methods:
 - i. Berms and buffers. Berms and buffers shall be constructed and maintained in general conformance as shown on the Landscape Buffer Notes and Details (Exhibit B), 350' Eastern Buffer Typical Berm Cross-Section (Exhibit C), and Phasing and Stabilization Plan (Exhibit D).
 - ii. Buffer. An undisturbed 50 ft. buffer will be maintained along the eastern property line which borders Henrico County.
 - iii. Berm. Abutting the 50 ft. buffer, a berm with a minimum width of 300 ft. will be constructed and maintained.
 - f. Mining Method, Topsoil Storage, and Drainage Control. Prior to any land disturbing activities, temporary sediment control will be properly installed where necessary around the perimeter of the area to be disturbed.
 - g. Closure of Roads or Openings. Upon abandonment of the quarry, the operator shall effectively close or fence all roads, openings, and pits where hazardous conditions exist; and
 - h. Groundwater Protection Plan. The applicant shall prepare a Groundwater Protection Plan.
8. Groundwater Protection. In addition to state requirements, the applicant shall include in their groundwater management plan additional information to address the potential for acid mine drainage (due to sulfurous deposits) and possible mercury, cyanide, or other similar contaminants from previous quarry operations. If such issues exist, a mitigation plan will be required.
 9. Topsoil and Overburden Storage Area. Storage areas shall be limited to one-hundred_fifty (150) feet in height.
 10. Dust. Fugitive dust generated onsite shall be controlled by wet suppression. Fugitive dust generated by vehicular traffic shall be controlled by the application of water to roadways and other traveled surfaces on the property.
 11. Lighting. A lighting plan covering both temporary and permanent exterior lighting must be submitted and approved prior to any exterior lighting being installed or used on the Property. Once approved, all exterior lighting shall comply with the approved plan.
 12. Setback. The area designated for Stone Processing shall be no closer than six hundred and fifty (650) feet from the eastern property boundary.
 13. Parcel Boundary. The eastern boundary (adjacent to Henrico County jurisdictional boundary) and southern boundary (adjacent to Parcel 48-1-0-73-B) shall be clearly delineated in a

Resolution

Meeting of July 18, 2024

manner approved by the Zoning Administrator and maintained throughout the CUP Activity operation.

14. Stone Crushing Prohibition. No primary stone crushing equipment shall be employed on the site. This shall not prevent employing secondary and/or tertiary or crushing, conveyors, screening, and similar equipment. Secondary and tertiary crushing and screening equipment shall be within a fully enclosed structure and located as far west as possible.
15. No Toxic Chemicals or Hazardous Substances. No chemicals or hazardous materials, other than fuel and equipment service products, shall be stored or allowed on-site.
16. No Blasting. There shall be no blasting on site.
17. Hours of Operation. The operating hours for the CUP Activity are limited to between 7:00 a.m. and 7:00 p.m. Monday through Saturday. The use is not permitted to operate on Sunday.
18. Transfer or lease. Prior to the transfer or lease of the Property, the property owner(s) shall notify, in writing, (a) the Department of Community Development of the planned transfer or lease, and also (b) the new owner or lessee of this CUP and its conditions, with a copy to the Department of Community Development

A COPY TESTE:


Tom Coleman, Principal Planner 7/24/2024

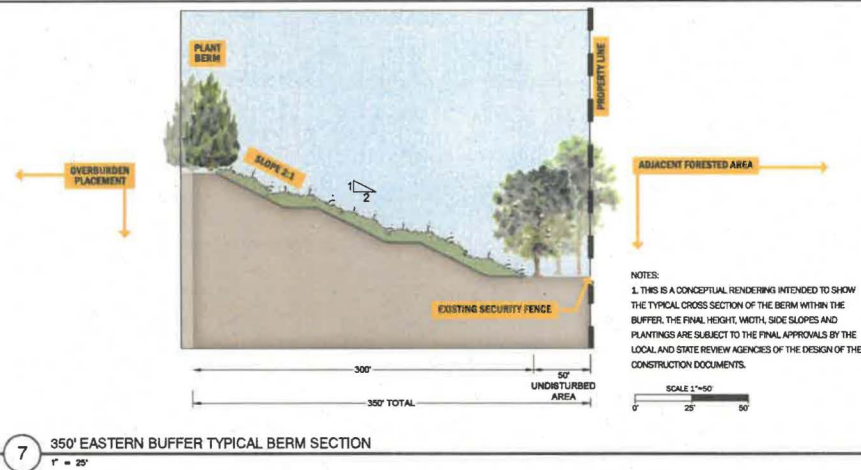


LUCK STONE CORPORATION

RICHMOND, VIRGINIA

Title: Rockville GDP

Date:	04/17/2024	Photo / Topo Date:	ESRI
Scale:	1" = 600'	Drawn By:	Baxter Jon
While every effort has been made to ensure accuracy, correctness and timeliness of materials presented, the areas depicted by these maps, photos, and data are approximate and are not for engineering purposes.			



GENERAL NOTES

PRE-CONSTRUCTION

- CONTRACTOR IS RESPONSIBLE FOR CONTACTING VIRGINIA 811 AT 1.800.553.3120 FOR LOCATION OF ALL UTILITY LINES. TREES SHALL BE LOCATED A MINIMUM OF 5 FEET FROM SEWER/WATER CONNECTIONS. NOTIFY LANDSCAPE ARCHITECT OF CONFLICTS.
- VERIFY ALL PLANT MATERIAL QUANTITIES ON THE PLAN PRIOR TO BIDDING. PLANT LIST TOTALS ARE FOR CONVENIENCE ONLY AND SHALL BE VERIFIED PRIOR TO BIDDING.
- PROVIDE PLANT MATERIALS OF QUANTITY, SIZE, GENUS, SPECIES, AND VARIETY INDICATED ON PLANS. ALL PLANT MATERIALS AND INSTALLATION SHALL COMPLY WITH RECOMMENDATIONS AND REQUIREMENTS OF ANSI Z60.1 "AMERICAN STANDARD FOR NURSERY STOCK". IF SPECIFIED PLANT MATERIAL IS NOT OBTAINABLE, SUBMIT PROOF OF NON AVAILABILITY TO THE LANDSCAPE ARCHITECT, TOGETHER WITH PROPOSAL FOR USE OF EQUIVALENT MATERIAL.
- PROVIDE AND INSTALL ALL PLANTS AS IN ACCORDANCE WITH DETAILS AND CONTRACT SPECIFICATIONS.
- SOIL TESTS SHALL BE PERFORMED TO DETERMINE SOIL CHARACTER AND QUALITY. NECESSARY SOIL AMENDMENTS SHALL BE PERFORMED PER TEST RESULTS TO ENSURE PLANT HEALTH.

CONSTRUCTION/INSTALLATION

- LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY PLANTS AND MATERIALS THAT ARE IN AN UNHEALTHY OR UNSIGHTLY CONDITION, AS WELL AS PLANTS AND MATERIALS THAT DO NOT CONFORM TO ANSI Z60.1 "AMERICAN STANDARD FOR NURSERY STOCK". LABEL AT LEAST ONE TREE AND ONE SHRUB OF EACH VARIETY AND CALIPER WITH A SECURELY ATTACHED, WATERPROOF TAG BEARING THE DESIGNATION OF BOTANICAL AND COMMON NAME.
- INSTALL LANDSCAPE PLANTINGS AT ENTRANCES/EXITS AND PARKING AREAS ACCORDING TO PLANS SO THAT MATERIALS WILL NOT INTERFERE WITH SIGHT DISTANCES.
- CONTRACTOR IS RESPONSIBLE FOR WATERING ALL PLANT MATERIAL DURING INSTALLATION AND UNTIL FINAL INSPECTION AND ACCEPTANCE BY OWNER. CONTRACTOR SHALL NOTIFY OWNER OF CONDITIONS WHICH AFFECTS THE GUARANTEE.

INSPECTIONS/GUARANTEE

- UPON COMPLETION OF LANDSCAPE INSTALLATION, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE GENERAL CONTRACTOR WHO WILL VERIFY COMPLETENESS, INCLUDING THE REPLACEMENT OF ALL DEAD PLANT MATERIAL. CONTRACTOR IS RESPONSIBLE FOR SCHEDULING A FINAL INSPECTION BY THE LANDSCAPE ARCHITECT.
- ALL EXTERIOR PLANT MATERIALS SHALL BE GUARANTEED FOR ONE FULL YEAR AFTER DATE OF FINAL INSPECTION AGAINST DEFECTS INCLUDING DEATH AND UNSATISFACTORY GROWTH. DEFECTS RESULTING FROM NEGLIGENCE BY THE OWNER, ABUSE OR DAMAGE BY OTHERS, OR UNUSUAL PHENOMENA OR INCIDENTS WHICH ARE BEYOND THE CONTRACTORS CONTROL ARE NOT THE RESPONSIBILITY OF THE CONTRACTOR.
- PLANT MATERIAL QUANTITIES AND SIZES WILL BE INSPECTED FOR COMPLIANCE WITH APPROVED PLANS BY A SITE PLAN REVIEW AGENT OF THE PLANNING DEPARTMENT PRIOR TO THE RELEASE OF THE CERTIFICATE OF OCCUPANCY.
- REMOVE ALL GUY WIRES AND STAKES 12 MONTHS AFTER INSTALLATION.

RECOMMENDED BUFFER PLANT LIST

EVERGREEN TREES

BOTANICAL NAME / COMMON NAME

ILEX OPACA 'GREENLEAF' / AMERICAN HOLLY
JUNIPERUS VIRGINIANA 'BRODIE' / EASTERN RED CEDAR
THUJA OCCIDENTALIS 'TECHNI' / ARBORVITAE
ILEX X 'CONIF' / OAKLEAF HOLLY
ILEX X 'MARY NELL' / MARY NELL HOLLY

FLOWERING TREES

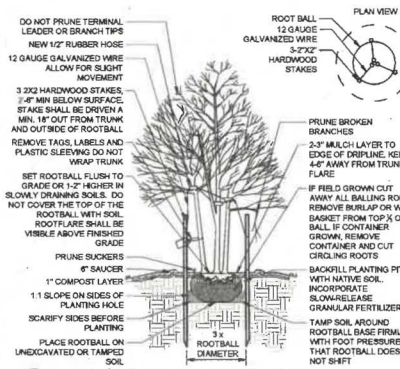
BOTANICAL NAME / COMMON NAME

AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE' / DOWNY SERVICEBERRY
CERCIS CANADENSIS 'FOREST PANSY' / EASTERN REDBUD
CHIONANTHUS VIRGINICUS / WHITE FRINGETREE
CRATAEGUS VIRIDIS 'WINTER KING' / HAWTHORN

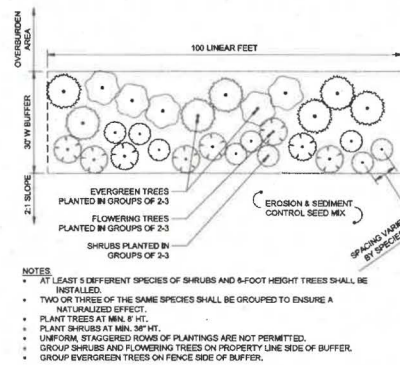
SHRUBS

BOTANICAL NAME / COMMON NAME

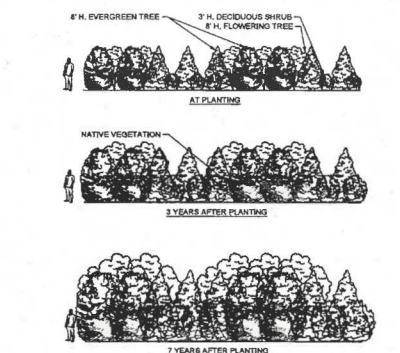
CORNUS SERICEA 'BAILEY' / RED TWIG DOGWOOD
LINDERA BENZOIN / SPICEBUSH
VIBURNUM DENTATUM 'SYNNESTVEDT' / CHICAGO LUSTRE ARROWWOOD
VIBURNUM



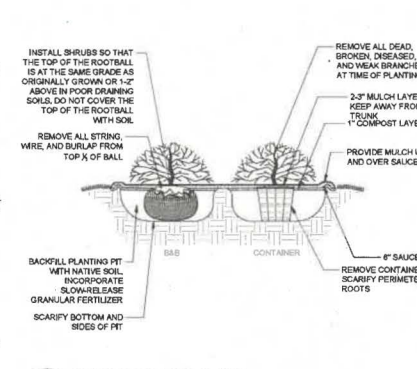
4 MULTI-STEM TREE PLANTING DETAIL



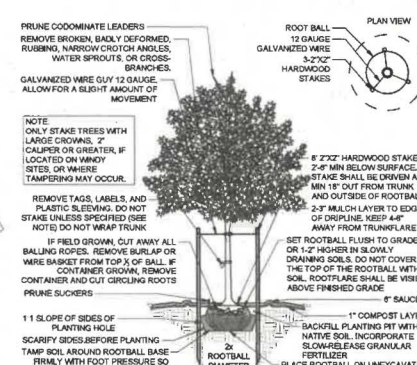
5 VEGETATIVE BUFFER PLANTING



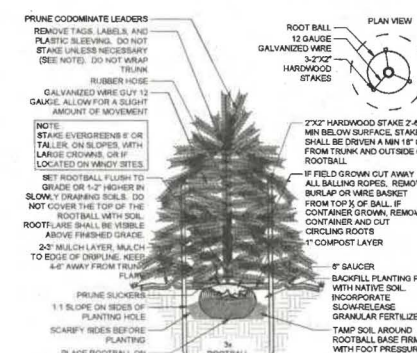
6 VEGETATIVE BUFFER PLANTING ELEVATION



1 SHRUB PLANTING DETAIL



2 DECIDUOUS TREE PLANTING DETAIL



3 EVERGREEN TREE PLANTING DETAIL



FOR REVIEW PURPOSES ONLY

THE COMPANY AND/OR THE PROJECT OFFICE
1001 Boulders Parkway, Suite 300 | Farmville, VA 22425
TEL: 804-360-0016 FAX: 804-360-0017 www.timmons-group.com

REVISION DESCRIPTION

DATE

04/02/2024

DESIGNED BY

B. KOCIA

CHECKED BY

C. LY

SCALE

1" = 20'

SHEET NO.

6405

SHEET NO.

L2.01

TIMMONS GROUP

LUCK STONE - ROCKVILLE

DOVER DISTRICT - GOODLAND COUNTY - VIRGINIA

JUN 2024

6405

SHEET NO.

L2.01

TIMMONS GROUP

LUCK STONE - ROCKVILLE

DOVER DISTRICT - GOODLAND COUNTY - VIRGINIA

JUN 2024

6405

SHEET NO.

L2.01

TIMMONS GROUP

LUCK STONE - ROCKVILLE

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JUN 2024

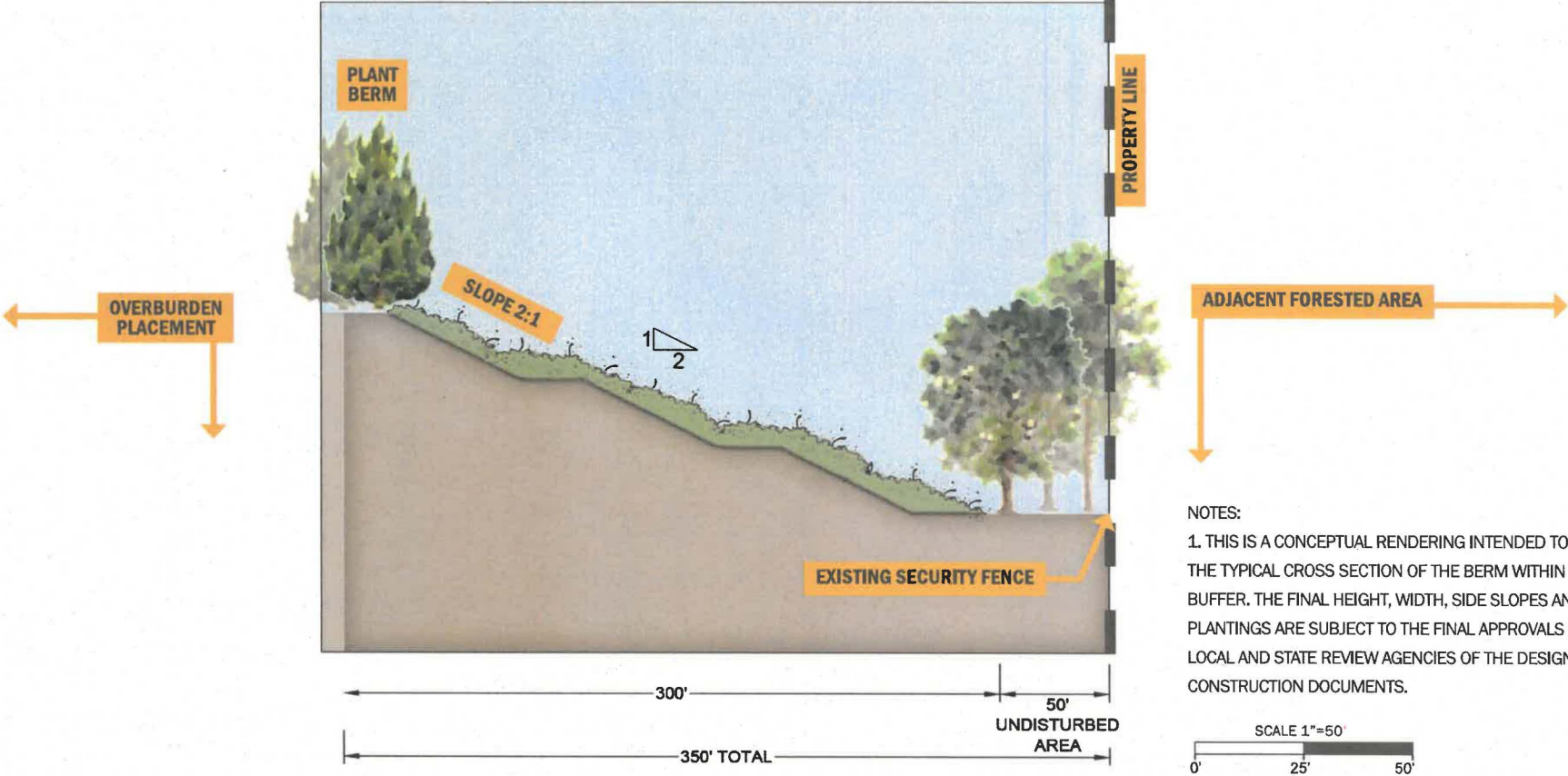
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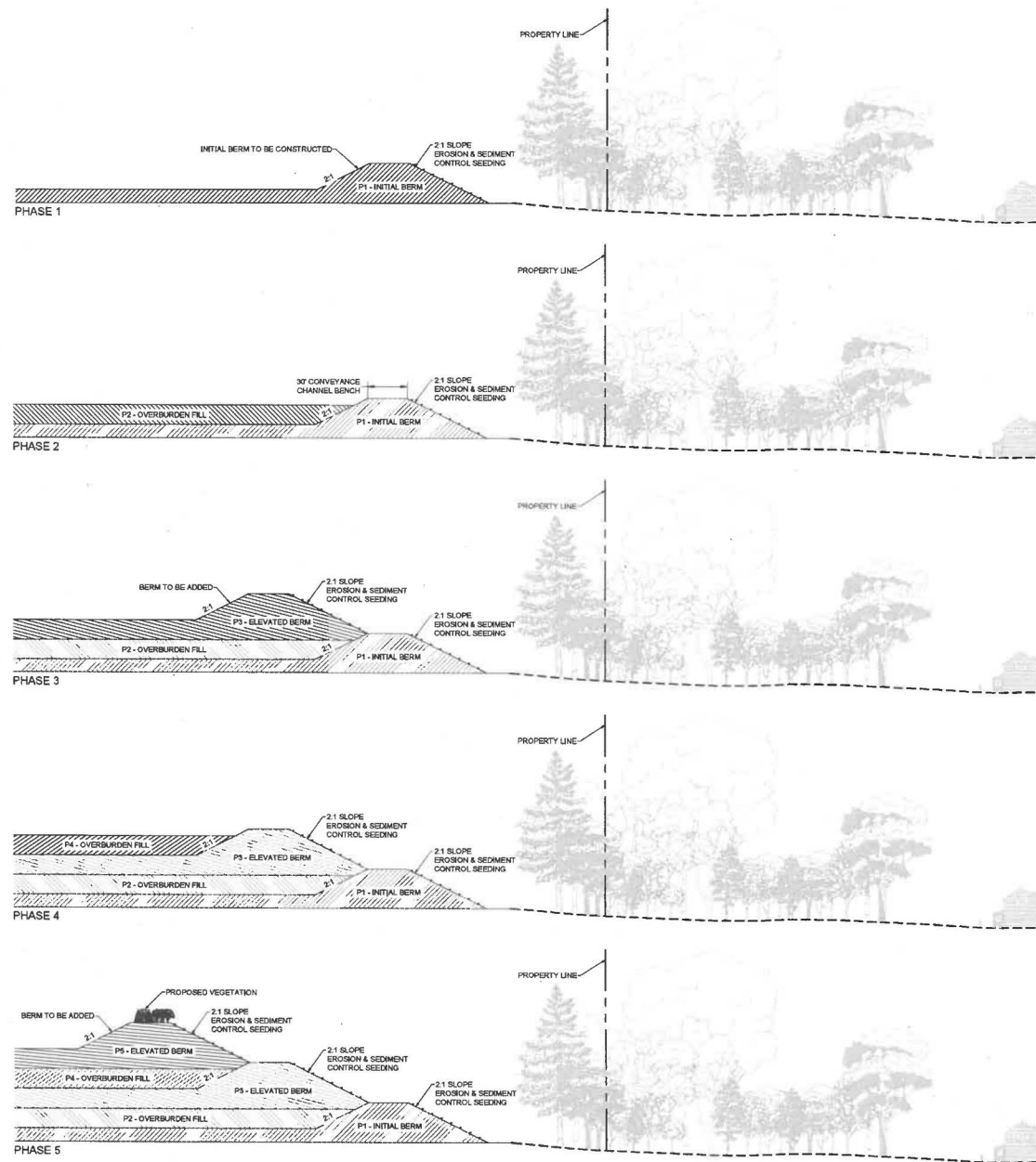
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LUCK STONE-ROCKVILLE LANDSCAPE PLAN

350' EASTERN BUFFER TYPICAL BERM CROSS-SECTION



NOTES:
1. THIS IS A CONCEPTUAL RENDERING INTENDED TO SHOW THE TYPICAL CROSS SECTION OF THE BERM WITHIN THE BUFFER. THE FINAL HEIGHT, WIDTH, SIDE SLOPES AND PLANTINGS ARE SUBJECT TO THE FINAL APPROVALS BY THE LOCAL AND STATE REVIEW AGENCIES OF THE DESIGN OF THE CONSTRUCTION DOCUMENTS.



FOR REVIEW PURPOSES ONLY

THIS DRAWING PREPARED AT THE
CORPORATE OFFICE
Henders Parkway, Suite 300 | Richmond, VA 23225
800.6500 FAX 804.560.1016 www.bimmore.com

YOUR VISION ACHIEVED THROUGH OURS.

REVISION DESCRIPTION

DATE _____

DATE _____

04/02/20
DRAWING

B. KOCIA

DESIGNED

C. LY

CHECKED 1
C. L. K.

C. LF
SCALE

$I'' = 80$

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TIMMONS GROUP 

LUCK STONE - ROCKVILLE
DOVER DISTRICT - GOOCHLAND COUNTY - VIRGINIA

JOB NO.
6405
SHEET NO.
L3.01



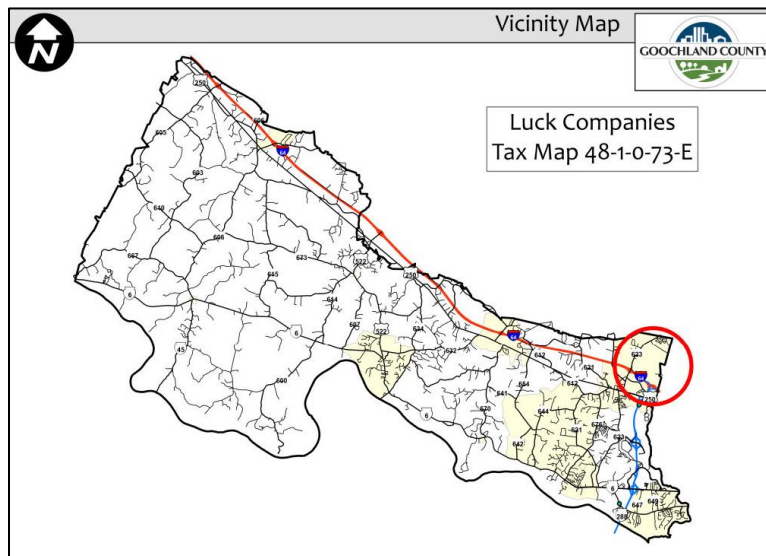
GOOCHLAND COUNTY
Department of Community Development
 Staff Report for Board of Supervisors
 August 13, 2024

CU-2024-00016 – Luck Companies

Voting District:	4	
Application Date:	6/3/2024	
Community Meeting Date:	5/22/2024	
Planning Commission Public Hearing:	7/18/2024	Recommend for approval
Board of Supervisors Public Hearing:	9/3/2024	Pending

OVERVIEW:

Request	Uses accessory to quarry operations
Location	One mile east of Ashland Road
Subdivision	n/a
Tax Map No.	48-1-0-73-E
Acreage	70.18
Current Zoning	Agricultural, Limited (A-2); Industrial, General (M-2)
Comprehensive Plan	Northeast Quadrant Land Use Map Flexible
TCSD	Yes
Overlay District/Village	n/a
Staff Contact	Tom Coleman: 804-556-5865 / tcoleman@goochlandva.us



APPLICATION SUMMARY

CU-2024-00016 Application by Luck Stone Corporation d/b/a Luck Companies requesting a conditional use permit (CUP) for uses accessory to quarry operations: overburden stockpile and stone processing on 70.18 acres east of Ashland Road on Tax Map No. 48-1-0-73-E. The property is zoned Agricultural, Limited (A-2) and Industrial, General (M-2). The CUP is required by County Zoning Ordinance Secs. 15-112 and 15-272 in

accordance with Sec 15-283.F. The Comprehensive Plan designates this area as Flexible use. The subject property is located in the Tuckahoe Creek Service District.

A quarry has been in operation on an adjacent property for approximately 60 years. Between 2011 and 2012, a series of rezoning and conditional use permit approvals were approved for the subject property and abutting properties. The zoning approvals supported borrow pit operations, ancillary stone processing, substantial buffers, and a new materials recycling facility for the neighboring quarry and construction and demolition debris landfill (CDD) and other activities. This application does not impact any previous approvals on abutting properties.

For the subject property, Luck is requesting to locate overburden placement on much of the property and to expand the area permissible for stone processing while maintaining substantial acreage to the east and south as buffers to adjoining properties.

More specifically, the applicant proposes the following changes for the subject property:

- 1) Borrow pit activities supplemented with overburden stockpiles;
- 2) Berm incorporated into overburden stockpile;
- 3) Permissible area for overburden placement (vs. area for borrow pit) would increase;
- 4) Permissible area for stone processing would increase.

At their July 18, 2024, public hearing, the Planning Commission recommended approval with a 5-0 vote. Three citizens and one Supervisor from Henrico expressed concerns with a lack of information regarding the application and requested the Commission defer the case to allow time for citizens of Henrico to meet with the applicant to discuss and better understand the request.

EVALUATION

- As currently conditioned, the uses would generally be consistent with the Comprehensive Plan.
- Luck Companies hosted a community meeting on Wednesday, May 22, 2024, at their facility at 1950 Rockville Industrial Way. There were approximately 29 individuals from the community and 15 Luck Cos. associates in attendance. Those present included Goochland Board of Supervisors members Jonathan Lyle and Tom Winfree, Henrico County Board of Supervisors member Misty Whitehead, and Goochland County Planning Commissioner Dwain Cosby.

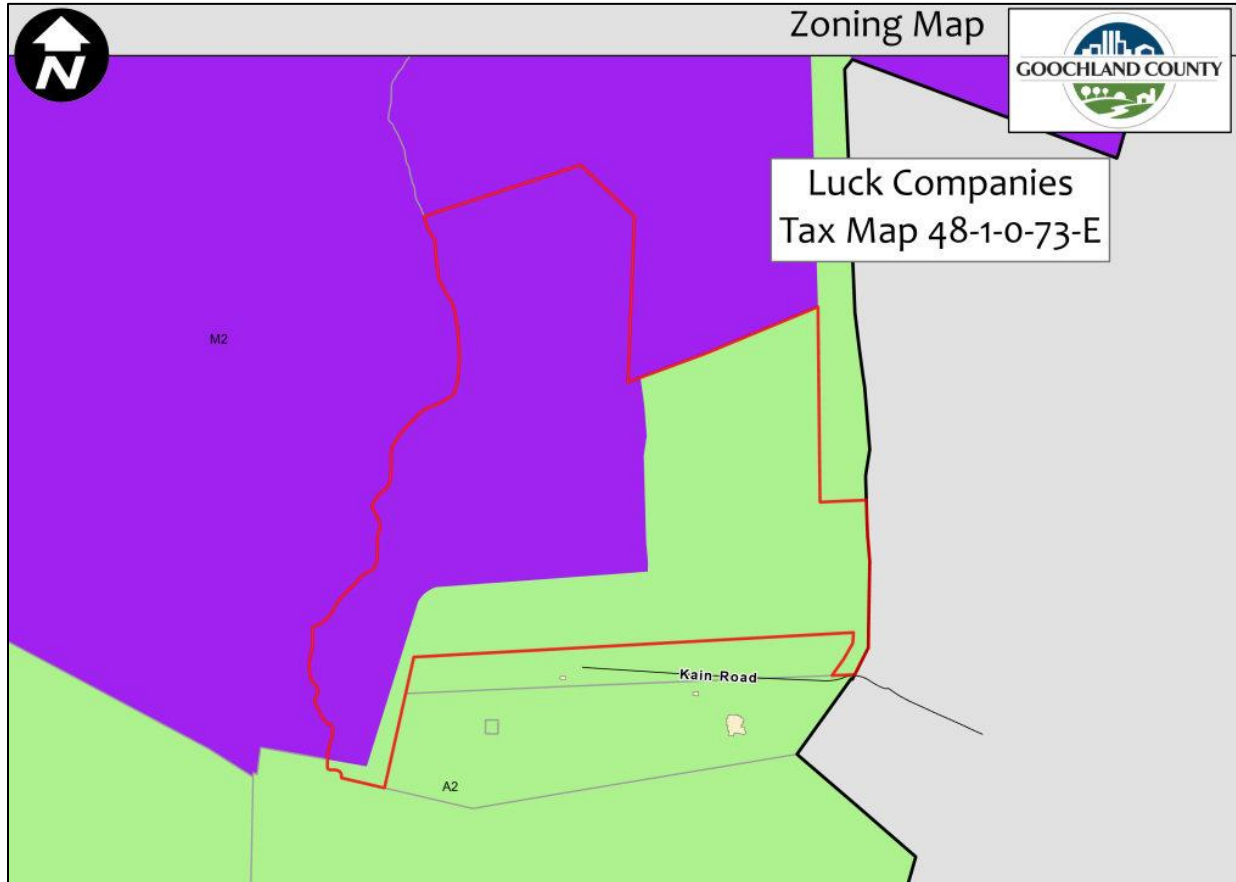
See COMMUNITY MEETING section of this report for a more detailed synopsis of the community meeting. In summary, the majority of attendees were from residential neighborhoods in very close proximity to the Luck Cos. property. They expressed a number of concerns about the potential impacts of this proposal to their homes and neighborhoods.

- The subject property is located in Goochland County. However, the residential communities potentially impacted are located in Henrico County. Minimizing impacts to residential neighborhoods, especially from non-residential activities, is a very important consideration.

EXISTING LAND USE/COMPREHENSIVE PLAN	
Zoning	Agricultural, Limited (A-2); Industrial, General (M-2)
Existing Land Use	Undeveloped
Comprehensive Plan	Flexible

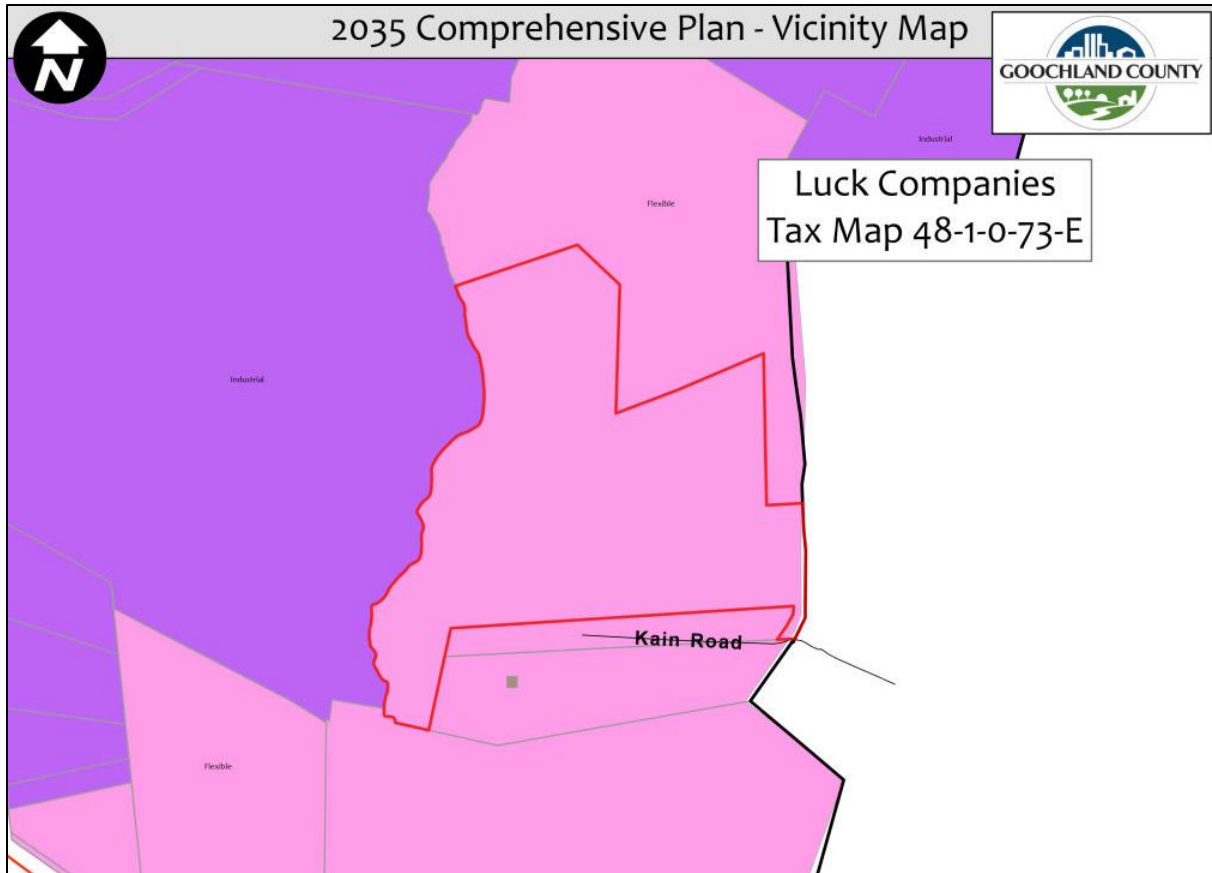
Luck Companies
CU-2024-00016

ADJACENT PROPERTY INFORMATION				
	West	North	South	East
Adjacent Zoning	M-2	M-2	A-2	Henrico County
Adjacent Land Use	CDD Landfill	Undeveloped	Residential	Residential



Attachment: CU-2024-00016 - Staff Report (6164 : District 4 CU-2024-00016 Luck Stone Corporation d/b/a Luck Companies)

Luck Companies
CU-2024-00016



2011 CasesRZ-2010-00001 (A-2 District)

(Master Plan – Light green, dark green (x2), and pink)

- Requires buffer adjoining residential property in Henrico Co. to the east, which may be reduced with berm.
- Requires buffers to adjoining property in Goochland to the south.

RZ-2010-00002 (M-2 District)

(Master Plan - Yellow and purple)

- Mirrors buffers set forth in RZ-2010-00001.

CU-2009-00004

(Master Plan – Yellow)

- Allows borrow pit activities
- Includes phasing plans and setbacks

2012 Case

The following approval does not govern the subject property; however, stone processing operations proposed for the subject property are intended to come in line with operations permitted pursuant to CU-2012-00004 and are to generally be operated and regulated the same.

CU-2012-00004

(Master Plan – Yellow: Limited to northwest corner)

- Allows tertiary stone crushing operations
- 650' setback from eastern property line

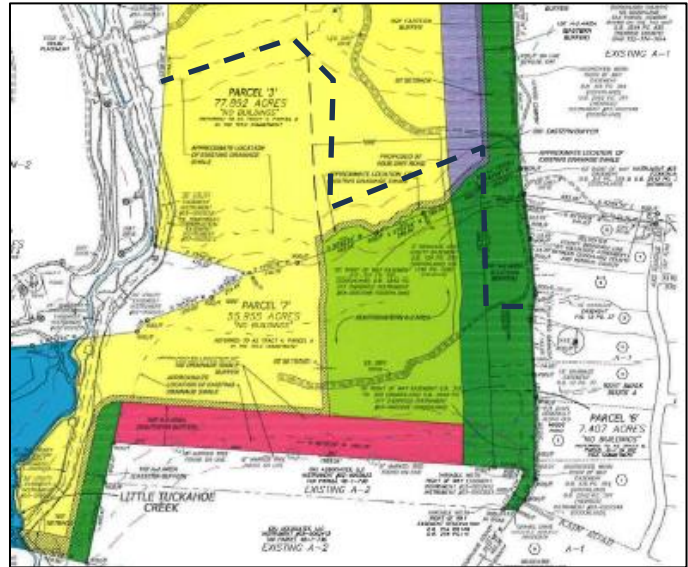
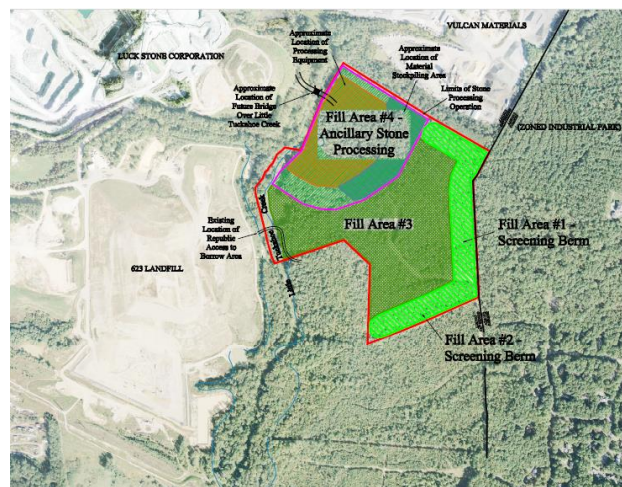
Existing Uses

The subject property is located in the northeast corner of the County. The property is currently undeveloped and features stands of mature trees.

Primary access to the subject property is provided across the applicant's existing property to Ashland Road (Rte. 623). No access to and from the subject property is permitted from Kain Road. Access to and from the property from Axe Handle Lane may be used only as an emergency access.

In Goochland County, nearby land uses include undeveloped property; heavy industrial-type operations such as stone quarries, a construction and demolition debris (CDD) landfill; a material recycling facility; and an asphalt plant. The western border abuts the CDD landfill. The northern border abuts undeveloped Luck Stone property. The southern border abuts rural residential parcels that abut Interstate 64 further to the south.

The property is bounded by the Henrico County line to the east. Land use in Henrico County is predominantly suburban, single family residential in character, featuring Westin

2012 CUP - General Development Plan

Estates and West Ridge subdivisions. Lots in West Ridge were platted in 1977, and lots in Westin Estates were platted circa 2012-2015. Access to the residential properties in Henrico is provided from Axe Handle Road and Kain Road which run easterly to Pouncey Tract Road (Rte. 271).

The residential property lines in Henrico abut the Luck Stone property, and the closest dwellings are within approximately 70 ft. of the property line. Zoning proffers and CUP conditions were approved to offer protection to the neighboring residences.

Zoning (Selected Proffer Regulations)

The following items are addressed by zoning proffer via cases RZ-2010-00001 and RZ-2010-00002:

Uses

- A-2 area (shown as light green area on Conceptual Master Plan) not approved for any CUP activities in the approvals of 2012 is now proposed for CUP activities.

Buffers

- 350' wide buffer along eastern property line
 - May be reduced with berm option adjacent to M-2 zoning (purple area on exhibit)
 - May be reduced with approval of Director of Community Development adjacent to A-2 zoning (light green area on Conceptual Master Plan (2011) exhibit)

Emergency Access

- No access is permitted to Kain Road, and access to Axe Handle Lane is restricted to emergency access only.

PROPOSED USES

Overburden stockpiles and stone processing are accessory uses to a quarry activity; therefore, a CUP is appropriate. The 1,000 ft. setback set forth in Zoning Ord. Sec 15-283.F is applied to location of the quarry (i.e., extraction of minerals from the earth), but the 1,000 ft. setback is not applied to buffer areas and does not apply to overburden placement or secondary stone processing. Similarly, the 1,000 ft. setback does not apply to borrow activities.

Overburden Placement

Property will be used to retain overburden material currently located within the adjacent quarry permitted area. The placement of the overburden will serve as a visual screen for the stone processing area and quarry operations and will provide sound attenuation.

Stone Processing

The area for stone processing would be limited to the area south of and adjacent to the previously approved processing plant area (Tax Parcel No.# 48-1-0-72-0: CU-2012-00004). Activities may potentially include a secondary processing operation, including screen bins, conveyors, and stockpile areas. On this property, structures for storage of materials or equipment may also be included.

The applicant indicated that relocating overburden and stone processing equipment from the existing quarry permitted area onto the subject property will open up additional areas for stone mining.

Proposed Changes from Previous CUP/Zoning Approvals

With this application, the applicant proposes the following changes to uses and buffers:

- Borrow pit activities are supplemented with overburden stockpiles;
- Overburden stockpiles would be permitted in A-2 zoned area (light green area) previously excluded from CUP-related activity;
- Berm with min. 35 ft. in height now incorporated into overburden stockpile;
 - Generally represented as Phase 1 in Phasing Plan (see Phasing Plan graphic);
 - Maximum 150 ft. in height;
 - Phasing plan increases height of overburden stockpile as it builds in a westerly direction.
- Area for stone processing would increase;
 - Location along western boundary of subject property.
- Area for overburden placement (vs. area for borrow pit) would increase;
 - Additional A-2 zoned area (light green) to be developed.

Conceptual Master Plan (Exhibit A)

350 ft. Buffer with 50 ft. Undisturbed

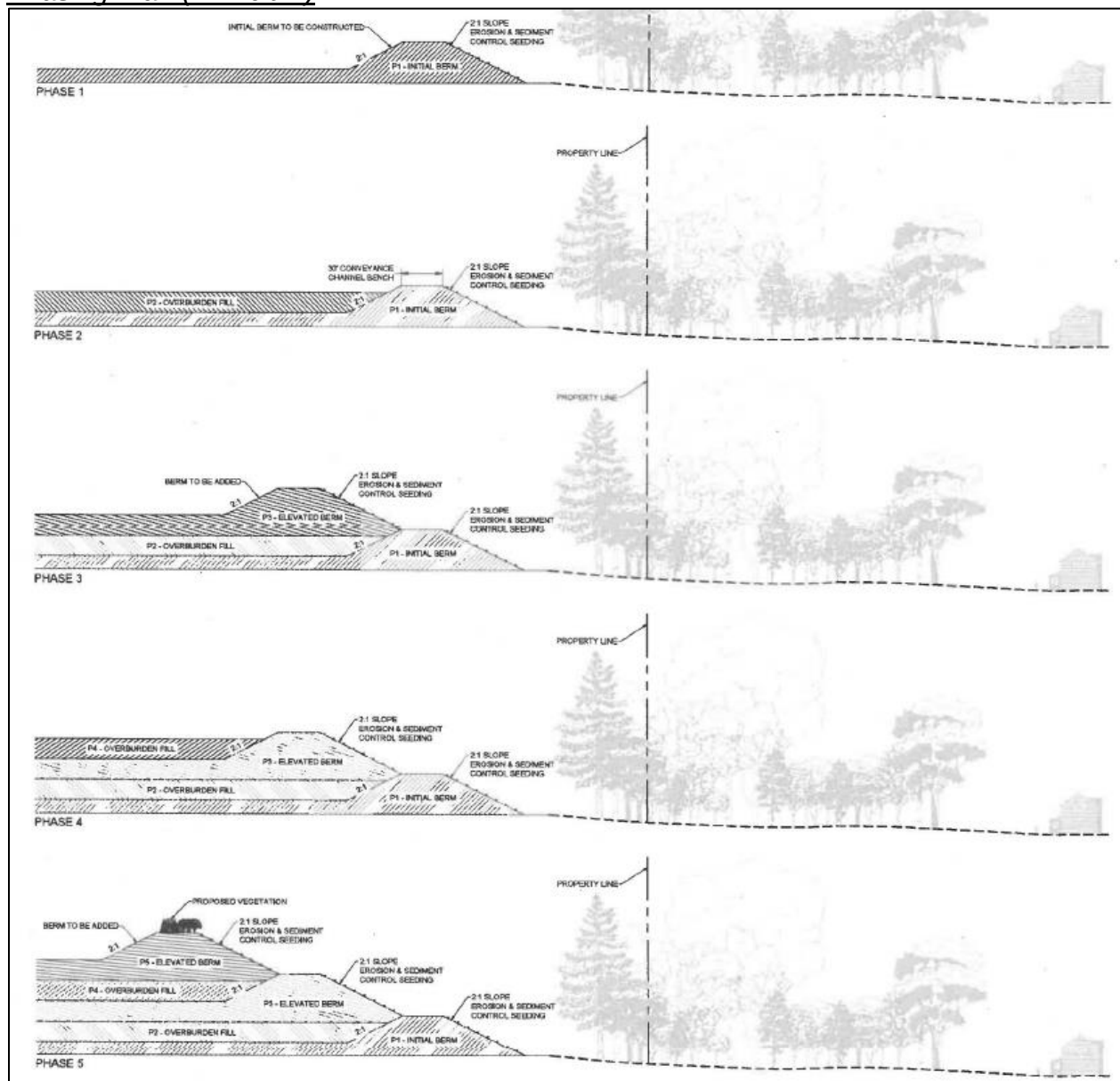
- This buffer would continue a buffer approved via RZ-2010-00001 on the abutting property to the north.
 - 50 ft. of undisturbed existing vegetation along eastern property line bordering Henrico Co.
 - West of the 50 ft. buffer described above, a 300 ft. wide berm at a 2-to-1 slope is proposed to be planted with ground cover, seeded, and stabilized.

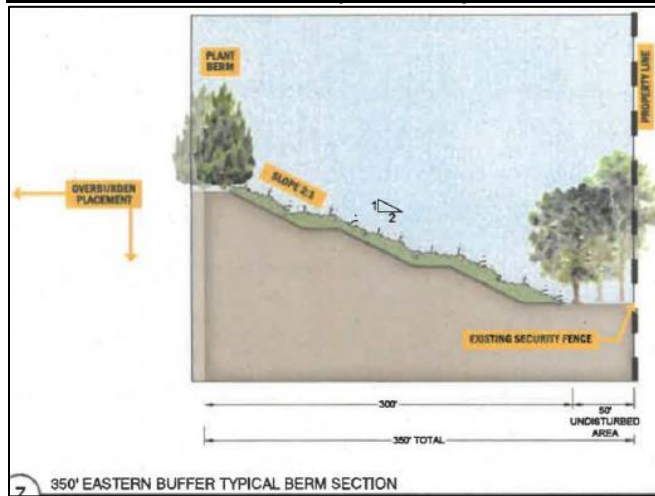
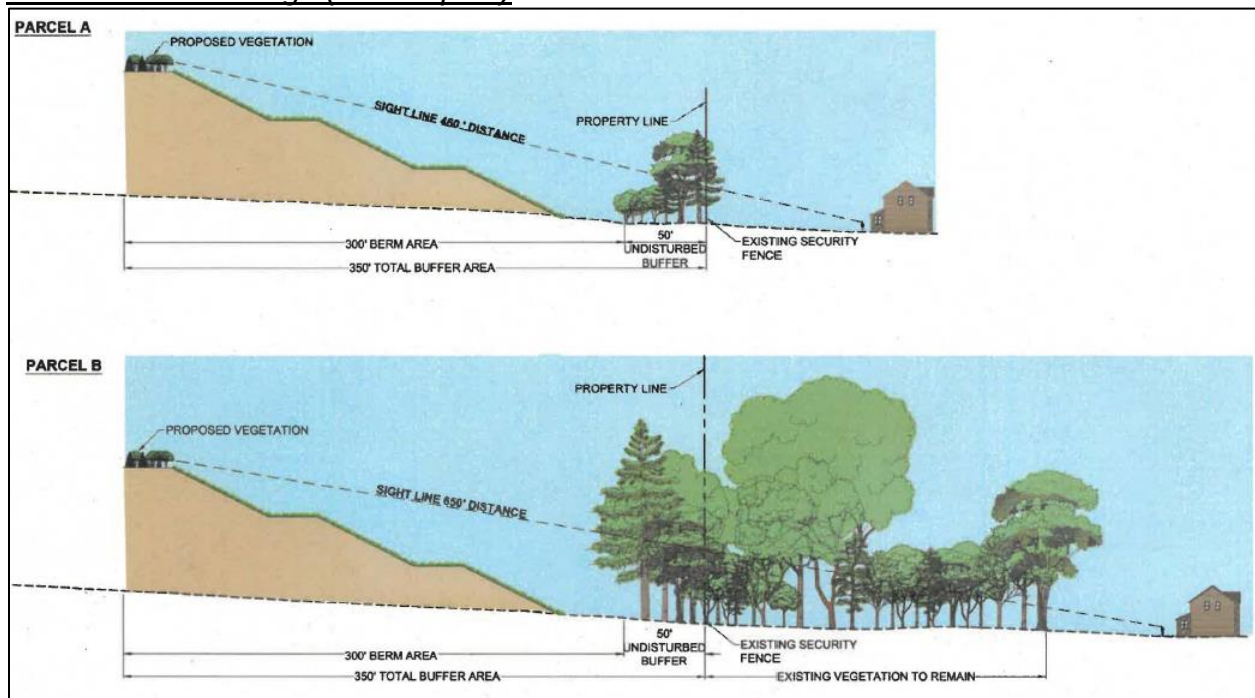
200 ft. Undisturbed Buffer

- Undisturbed existing vegetation area along the southern project boundary to remain per case RZ-2010-00001, proffer no. 1(a)(2)(i)

Stone Processing

- Adjacent to location as approved per CU-2012-00004 for ancillary stone processing which lies immediately to the north (Parcel no. 48-1-0-72-0).

Phasing Plan (Exhibit D)

Eastern Buffer Landscape Plan (Berm Planting Plan) (Exhibit B)Viewshed Renderings (2 examples)Site Plans and Code Compliance

Conceptual plans submitted with the application do not fully demonstrate compliance with plan of development and other requirements, especially land disturbance regulations. Additional details as well as confirmation of compliance with applicable Federal, State, and County codes will be required as part of site plan (POD) review and other permit reviews.

Comprehensive Plan

The 2035 Comprehensive Plan designates the subject property for Flexible use. Adjoining properties in Goochland County either share the Flexible designation or are recommended for Industrial use. Generally, the Flexible designation supports office, commercial, office/service, and light industrial uses, and generally excludes single-family residential and heavy industrial uses.

To comply with the Comprehensive Plan, the CUP conditions are recommended to mitigate impacts to nearby residential properties; to minimize impacts to public roads; to ensure concerns regarding matters of public safety are adequately addressed; and to otherwise fully meet zoning, building, health, and other code requirements.

As currently conditioned, the uses would generally be consistent with the Comprehensive Plan.

ENVIRONMENTAL

- Streams bisect the property and flow into Little Tuckahoe Creek.
- All necessary federal and state permits must be obtained prior to beginning land disturbance activities.
- Wetlands are delineated and flagged prior to conducting activities. If disturbance to wetlands cannot be avoided, the applicant must obtain the necessary Federal and State permits to mitigate impacts to wetland areas.
- Sediment and erosion control plans will be required. Stormwater management will be required to control the quantity and quality of stormwater discharge.
- Applicant will need to comply with all FEMA and County requirements for floodplains.

REVIEW BY COUNTY AGENCIES/DEPARTMENTS	
Building	Emergency vehicle access in accordance with the SFPC shall be provided
Fire/Rescue	All roads need to meet Fire Code for access roads: 20 ft. wide and support 75,000 lbs.
Utilities	No comments.
Transportation	No comments.
Schools	No comments.
Public Safety	No comments.
Environmental	• The “berm” project will likely go on for many years, and as they are regulated under Virginia Energy, County staff will verify compliance through processes such as a POD. • Viewshed study to be conducted, and plans to show build out phases over the approx. 15 yr. life cycle of the operation.
Economic Development	Approval of this CUP would allow for an existing business to expand and continue operations in the County
Historic/Cultural Resources	None identified

REVIEW BY STATE AGENCIES/DEPARTMENTS	
Health	No comments
VDOT	No comments

TRANSPORTATION

The property is located approximately one mile east of Ashland Road (Rte. 623). The property has access to Ashland Road via the existing entrance to the Luck Stone Rockville Quarry. Construction and operation related traffic will be internal to the site, and approval of this application would likely not add additional traffic to the road network.

No access to and from the subject property is permitted from Kain Road. Access to and from the property from Axe Handle Lane may be used only as emergency access.

Traffic Counts

Roadway	From	To	Segment (Miles)	*AADT (2022)
Ashland Road (Rte. 623)	I-64	Hanover County Line	6.52	6,584

(*VDoT Jurisdiction Report, Daily Traffic Volume Estimates, Goochland County -2022)

Major Thoroughfare Plan (MTP)

Ashland Road is a two-lane, undivided roadway with a right-of-way width of 50 ft. The Major Thoroughfare Plan identifies this portion of Ashland Road as a Minor Arterial and recommends an ultimate right-of-way width of 84 ft.

CODE ENFORCEMENT/MAINTENANCE ISSUES

None identified by staff.

COMMUNITY MEETING

Luck Companies hosted a community meeting on Wednesday, May 22, 2024, at their facility at 1950 Rockville Industrial Way. There were approximately 29 individuals from the community and 15 Luck Cos. associates in attendance. Those present included Goochland Co. Board of Supervisor members Jonathan Lyles and Tom Winfree, Henrico Co. Board of Supervisors member Misty Whitehead, and Goochland Co. Planning Commissioner Dwain Cosby.

In lieu of a presentation, Luck Cos. set up a number of presentation boards which focused on conceptual plans, aerial photos, berms and buffers, project phasing, setbacks, and other elements which facilitated responding to questions, concerns, and comments in small group settings.

A number of items were discussed, including:

- Proposed uses including stone processing and overburden placement
- Luck's development plans for the property
- Necessity for Conditional Use Permit (CUP)
- Review of construction process and estimated timeline associated with the CUP
- Berms and landscaping and viewshed analysis
- Setbacks associated with the project including distances from selected dwellings in Henrico
- Review of approved 2012 CUP on the northern portion of property and associated CUP conditions

A number of concerns were discussed, including:

- Noise concerns during initial construction of the proposed berm and relating to the secondary and tertiary stone processing
- Conveyor belts running outside of hours of operation
- Noise generated from Lee Hy paving facility
- Stormwater management and efforts to ensure stormwater controls are addressed and monitored
- Wetlands impacts
- Impacts to indigenous animals
- Better understanding of how air quality is monitored and how this project could affect air quality in nearby neighborhoods, especially related to dust
- Height of berms within the buffer and height of overburden placement
- Concerns around approved 2012 CUP pertaining to lack of height restrictions and setbacks

- Buffer width and plantings within buffer
- Potentially providing amenities within buffer
- Questions on the viewshed analysis in correlation to the existing homes
- Concerns with misinformation disseminated about project prior to community meeting
- Other comparable Luck Cos. operations in close proximity to residential neighborhoods
- Prohibiting access from Kain Road/Axe Handle Lane area

Luck proposed changes to the project:

- To keep design standards consistent on both the northern property (approved in 2012 with no height restriction and a 15' undisturbed setback) and southern property, Luck will maintain an undisturbed vegetative setback of 50' as well as a maximum height for overburden placement of 150', on both properties.
- Luck requests to mirror the existing approved 2012 CUP conditions and apply those to this CUP request.

FISCAL IMPACT

- This proposal offers a fiscal benefit to the County.
 - Approval of this application would support Luck Stone continuing to generate sales tax and may add additional machine and tools, personal property, and real estate taxes.
 - Approval of this application would support Luck Stone in maintaining current staff and provide construction jobs to contractors for excavation and berm construction.
- Approval of this CUP would support a local, longstanding business operation and continued investment in the property by the property owners.
- Generally, property assessments in Goochland County are not impacted by close proximity to a CUP-approved special exception. However, potential impacts, if applicable, would have to be reviewed case-by-case.

CUMULATIVE PLANNING IMPLICATIONS

- Safe and orderly operations. In addition to local ordinances and regulations, the quarry is regulated by Federal and State authorities which serve to ensure safe and responsible operations.
- Berm/buffer benefit. The proposed berm and overburden placement offer some benefit to mitigate impacts from quarry operations. Together they offer a visual buffer and would provide better sound attenuation than currently exists or would be provided by solely by vegetation.
- Existing quarry This application allows for the continued access to resources necessary to justify the location of the operation. It is logical to locate the overburden and stone processing operations in close proximity to quarry operations.

CUP CONDITIONS

County staff met with Luck Companies on August 6 to continue discussion of the CUP conditions. At that meeting, representatives from Luck indicated to County staff that Luck personnel held additional meetings with Henrico County residents to discuss their concerns. Based on the August 6 meeting and additional correspondence received from the applicant on August 8, changes to the CUP conditions are recommended by staff. CUP conditions are blacklined to show changes from Planning Commission recommendations.

If the Board of Supervisors approves this application, the Planning Commission recommends the following CUP conditions, as amended by staff:

1. Use. Uses accessory to a quarry operation (CUP Activity) may be operated on the Property subject to these conditions.
2. Proffers and CUP conditions.
 - a. Proffers approved for the subject property for rezoning cases RZ-2010-00001 and RZ-2010-00002 shall remain in effect.
 - b. This CUP and its conditions supersede case CU-2009-00004.
3. Conceptual plan. CUP Activity shall generally conform to the conceptual plan entitled "Rockville GDP" dated 4/17/2024 attached as Exhibit A.

Staff Comment: *Clarifies obligation to comply with conceptual plan.*

4. Signage. "No Trespassing" signs shall be posted and perpetually maintained around the perimeter of the areas designated Stone Processing and Overburden Placement on the Conceptual Master Plan. Signs will be no more than 200 feet apart.
5. State and Federal Regulations. The applicant shall comply with all state and federal regulations regarding CUP Activity.
6. Permits. All necessary environmental permits shall be obtained (i.e., wetland disturbance, point source discharge, stormwater) from applicable regulating agencies (i.e., U.S. Army Corps. of Engineers, Virginia Department of Environmental Quality). Prior to initiating any CUP Activity, the applicant must submit a copy of all approved state and federal permits to the Community Development Department. Applicant shall maintain onsite copies of all Federal and State records pertaining to permits and approvals and shall make copies of permits and approvals available to the Zoning Administrator upon request.
7. State Requirements. All state permit requirements shall be met including, but not limited to, the following:
 - a. Offsite Trash. No trash and/or debris will be allowed to accumulate on-site;
 - b. VDE Permits. Prior to any land disturbance associated with this CUP Activity, the applicant shall obtain the required permit(s) from the Virginia Department of Energy (VDE). This permit shall address all relevant issues including soil erosion, stormwater management, and reclamation (including bonding). If requested, the County shall have the opportunity to examine said reclamation plan prior to approval by VDE.
 - c. Access. Permanent access to the areas included within this CUP Activity shall be limited to the existing Luck Stone Plant entrance on Rte. 623 (Ashland Road).
 - d. Drainage ways. No impacts to natural drainage ways or wetlands shall be allowed unless approved by the Virginia Department of Mines, Minerals, and Energy ("DMME"), and/or Virginia Department of Environmental Quality, U.S. Army Corps of Engineers and/or any other appropriate state or federal agency as deemed appropriate. All intermittent or perennial streams shall be protected from spoil by natural or constructed barriers. Buffer zones will be maintained in addition to proper sediment control. Maintain 100 foot vegetated buffers along perennial streams and 50 foot vegetated buffers along intermittent streams.
 - e. Screening. Site screening shall be achieved by the following methods:

- i. Berms and buffers. Berms and buffers shall be constructed and maintained in general conformance as shown on the plans entitled "Landscape Buffer Notes and Details" dated 4/2/2024 attached as Exhibit B, "350' Eastern Buffer Typical Berm Cross-Section" dated 4/2/2024 attached as Exhibit C, and "Phasing and Stabilization Plan" dated 4/2/2024 attached as Exhibit D.

Staff Comment: Clarifies obligation to comply with details submitted with application describing berms and buffers.

- ii. Buffer. An undisturbed 50 ft. buffer will be maintained along the eastern property line which borders Henrico County. The western limit of the buffer will be marked between the north and south property lines with signs stating, "Protective 50 ft. Undisturbed Buffer Area". Signs must be perpetually maintained and be no more than 200 ft. apart.

Staff Comment: Provides additional delineation to protect buffer. Buffer also requires fence along eastern limit.

- iii. Berm. Abutting the 50 ft. buffer, a berm with a minimum width of 300 ft. will be constructed and maintained.
- f. Mining Method, Topsoil Storage, and Drainage Control. Prior to any land disturbing activities, temporary sediment control will be properly installed where necessary around the perimeter of the area to be disturbed.
- g. Closure of Roads or Openings. Upon abandonment of the mine, the operator shall effectively close or fence all roads, openings, and pits where hazardous conditions exist; and
- h. Groundwater Protection Plan. The applicant shall prepare a Groundwater Protection Plan.
8. Groundwater Protection. In addition to state requirements, the applicant shall include in their groundwater management plan additional information to address the potential for acid mine drainage (due to sulfurous deposits) and possible mercury, cyanide, or other similar contaminants from previous quarry operations. If such issues exist, a mitigation plan will be required.
9. Topsoil and Overburden Storage Area. Storage areas shall be limited to one-hundred fifty (150) feet in height.
10. Dust. Fugitive dust generated onsite shall be controlled by wet suppression. Fugitive dust generated by vehicular traffic shall be controlled by the application of water to roadways and other traveled surfaces on the property.
11. Lighting. A lighting plan covering both temporary and permanent exterior lighting must be submitted and approved prior to any exterior lighting being installed or used on the Property. Once approved, all exterior lighting shall comply with the approved plan. All lighting shall be dark sky compliant.

Staff Comment: Reinforces requirement for dark sky compliant lighting.

12. Setback. The area designated for Stone Processing shall be no closer than six hundred and fifty (650) feet from the eastern property boundary.
13. Parcel Boundary. The eastern boundary (adjacent to Henrico County jurisdictional boundary) and southern boundary (adjacent to Parcel 48-1-0-73-B) shall be clearly

delineated in a manner approved by the Zoning Administrator and maintained throughout the CUP Activity operation.

14. Stone Crushing Prohibition. No primary stone crushing equipment shall be employed on the site. This shall not prevent employing secondary and/or tertiary or crushing, conveyors, screening, and similar equipment. Secondary and tertiary crushing and screening equipment shall be within a fully enclosed structure and located as far west as possible.
15. No Toxic Chemicals or Hazardous Substances. No chemicals or hazardous materials, other than fuel and equipment service products, shall be stored or allowed on-site.
16. No Blasting. There shall be no blasting on site.
17. Hours of Operation. The operating hours for ~~the tree removal and overburden placement CUP Activity~~ are limited to between 7:00 a.m. and 5:00 ~~7:00~~ p.m. Monday through Saturday.

Staff Comment: *Brings hours of operation CUP condition into compliance with hours of operation approved on adjacent property via CU-2012-0004.*

18. Transfer or lease. Prior to the transfer or lease of the Property, the property owner(s) shall notify, in writing, (a) the Department of Community Development of the planned transfer or lease, and also (b) the new owner or lessee of this CUP and its conditions, with a copy to the Department of Community Development.

PLANNING COMMISSION RECOMMENDATION

At their July 18, 2024, public hearing, the Planning Commission recommended approval with a 5-0 vote. Three citizens and one Supervisor from Henrico expressed concerns with a lack of information regarding the application and requested the Commission defer the case to allow time for citizens of Henrico to meet with the applicant to discuss and better understand the request.