



**POWHATAN COUNTY PLANNING COMMISSION**  
**AGENDA ~ MONTHLY MEETING**  
**Tuesday, February 2, 2016**  
**7:00 PM**  
**Powhatan Village Building Auditorium**

- A. Call to Order** – Karin Carmack, Chair
- B. Invocation**
- C. Organizational Meeting**
  - 1. Election for Chairman
  - 2. Election for Vice-Chairman (Chairman Elect)
  - 3. Adoption of Rules of Order 2016-2017 2
  - 4. Adoption of Meeting and Workshop Schedule (March 2016-February 2017) 5
- D. Approval of Planning Commission Minutes** 6
  - 1. December 5, 2015 – Revised Minutes 12
  - 2. January 5, 2016 Minutes
- E. Administrative Items** 24
  - 1. Monthly Activity Report – December 2014 - 2015
  - 2. Request to Postpone Action/Amend the Agenda
- F. Public Comment Period**

At this time, the Commission will hear citizen comments on unscheduled matters involving the services, policies, and affairs of the County government regarding planning or land use issues.
- G. Presentations**
  - 1. None
- H. Public Hearings**
  - 1. None
- I. Other Business**
  - 1. Sowers 29
- I. Workshop Meeting**
  - 1. Comprehensive Land Use Plan Update
- J. Adjournment**

**RULES OF ORDER  
FOR THE  
POWHATAN COUNTY PLANNING COMMISSION  
2016-2017**

**GENERAL RULES**

1. The rules contained in Roberts Rules of Order Newly Revised shall be the parliamentary authority in all cases not covered by these Rules of Order.
2. The Chairman and Vice Chairman shall be elected at the February meeting of each calendar year to serve a one-year term with re-election permitted. The Chairman shall be responsible for conducting the meetings and shall rule on the interpretation of the rules. The Vice Chairman shall preside in the absence of the Chairman.
3. The Director of Planning or a designee of the Commission shall be the Secretary.

**MEETINGS**

1. Regular meetings of the Commission shall be held in the Village Building<sup>1</sup> Auditorium or other location as designated by the Commission or Director of Planning on the first Tuesday of each month. If such meeting falls on any legal holiday, then it shall be held on another day designated by the Commission.
2. The time for regular meetings shall be 7:00 p.m. unless otherwise directed by the Commission. Public hearings shall be advertised for 7:00 p.m. If a majority of the Commission fails to attend within half an hour after the time appointed for any meeting, the Secretary shall enter into the minute book the names of the members present and note the adjournment for want of a quorum.
3. Meetings shall not extend beyond 10:00 p.m. unless extended by resolution of the Commission.
4. If the Chairman, or Vice-Chairman, if the Chairman is unable to act, finds and declares that the weather or other conditions are such that it is hazardous for Commission members and the public to attend a regular meeting, the meeting shall be postponed for a period of two (2) weeks to the same time; however, if the postponement would be a County holiday or the day before a County holiday, the meeting shall be postponed two (2) days before the County holiday. Commission members and the media will be notified as promptly as possible, and notice will be posted on the front doors of the Commission's meeting place. All hearings and other matters previously advertised will be conducted at the continued meeting, and no further advertisement or notice is required.<sup>2</sup>
5. Special meetings of the Commission and Commission work sessions to discuss planning and land use issues may be called by the Commission or by the Chairman and held at times and places designated at the time of the call of such meetings. All parties having requested notification of meetings pursuant to the Virginia Freedom of Information Act shall be notified of any special meeting.
6. All questions submitted to the Commission shall be determined by oral vote of the majority of the members voting on any such questions. After a tie vote on a motion to approve or deny, the matter shall be deferred without motion to the next scheduled monthly meeting of the

<sup>1</sup> Proposed Amendment – August 5, 2014

<sup>2</sup> Proposed Amendment – August 5, 2014

Commission for further consideration and vote. If the vote remains tied after the second meeting, the matter is defeated.<sup>3</sup>

7. A motion to reconsider may be made no later than the succeeding regularly scheduled monthly meeting of the Commission. Such motion can only be made by a member who voted with the majority when the matter was first decided.

## **CONDUCT OF MEETINGS**

1. Members shall address only the Chair, or address each other through the Chair. A member must be recognized by the Chair before he shall proceed. Upon being recognized, a member shall not be interrupted during the time allowed, except when a point of order is called or upon being requested to yield the floor by another member.
2. The applicant or their agent should sit in the front rows nearest the lectern in order to be available to discuss/answer questions concerning their application.
3. Individuals interested in addressing the Commission or staff shall only do so at the lectern in order for their comments to be recorded as part of the record of the meeting, and shall only address the Commission, not the audience or the applicants. Comments of each individual shall be limited to three (3)<sup>4</sup> minutes unless additional time is granted by the Chairman.
4. Neighborhoods should select a spokesperson to present their comments. The spokesperson should ask all persons supporting his or her comments to stand in lieu of repetitive comments.
5. Successive speakers for either the proponents or the opponents should address different issues and should not be repetitive.

## **AGENDAS**

1. The following is the standard agenda:
  - a. Call to Order 7:00 p.m.
  - b. Invocation
  - c. Adoption of minutes
  - d. Planning Director's Report
  - e. Public Comment Period
  - f. Public hearings for ordinance amendments
  - g. Public hearings for rezoning's and conditional use permits
  - h. Consideration of proposed private roads.
  - i. Commission matters and miscellaneous
2. Matters may be placed on the Agenda by Resolution of the Commission, by notification to the Secretary by any member of the Commission, or by the Director of Planning and Community Development.
  - a. Matters submitted within the prescribed filing deadline are automatically added to the agenda in order of date/time of application. Administrative matters not required to be filed by the prescribed filing deadline, but which are requested to be placed on the Commissions agenda, may be accepted for placement until the submission date of publication of advertisement for Commission public hearings. After this date, matters can only be placed on the agenda with the consent of the Chairman.

<sup>3</sup> Amended 6/5/2007.

<sup>4</sup> Amended 2/2/2010.

- b. The Director shall have the authority to delay the placement of an item on the Commission agenda if:
  1. The application is not, in the opinion of the Director, complete; or
  2. In the case of Applicant-initiated deferral requests as follows:
    - (a) For first submissions (those that have not previously been reviewed by the Planning Commission):
      - (1.) If the deferral request is made by the Applicant prior to the first Public Hearing advertisement, the Planning Director has the authority to place the case on a subsequent meeting agenda.
      - (2.) If the deferral request is made by the Applicant after the first Public Hearing advertisement, the deferral request must be approved or denied by the Planning Commission.
    - (b) For cases that have been previously reviewed by the Commission and have either been deferred by the Commission or remanded to the Commission from the Board of Supervisors, all deferral requests must be approved or denied by the Planning Commission.
    - (c) For cases that have been deferred indefinitely by the Commission at the request of the Applicant:

When the Applicant requests to end an indefinite deferral of a zoning case, the Planning Director shall place the case on the next available Planning Commission meeting agenda so long as written notice is filed with the Planning Director no less than five (5) business days prior to the due date of the first Public Hearing advertisement.
3. Agenda and information to be discussed shall be distributed to each member one week prior to the meeting.

### **COURTESY**

Those persons coming before the Commission shall be extended every courtesy by members of the Commission. Visitors at Commission meetings will be asked to extend the same courtesy. The Chairman of the Commission shall determine when the proper courtesies are not being demonstrated.

Planning Commission:

Karin Carmack  
David Van Gelder  
Jennifer Giovannitti  
Bill Cox  
Owen Walker

Director of Community Development

John M. Altman, Jr.



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## Planning Commission Meeting Schedule

2016-2017

February 2, 2016

March 1, 2016

April 5, 2016

May 3, 2016

June 7, 2016

July 5, 2016

August 2, 2016

September 6, 2016

October 4, 2016

November 1, 2016 – Election Day

December 6, 2016

January 3, 2017

February 7, 2017

**VIRGINIA: AT A REGULAR MEETING OF THE PLANNING COMMISSION HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, DECEMBER 1, 2015 AT 7:00 PM**

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<b>Planning Commissioners Present:</b>	Karin Carmack, District 1, Chairman Owen Walker, District 2 David Van Gelder, District 3, Vice-Chairman Bill Cox, District 4 Richard Ayers, District 5
<b>Planning Commissioners Absent:</b>	None
<b>Staff Members Present:</b>	March Altman, Deputy County Administrator Ed Howland, Planning & Zoning Manager David Dameron, Zoning Administrator
<b>Staff Members Absent:</b>	None

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**A. CALL TO ORDER:**

Ms. Carmack called the meeting to order at 7:00 PM.

**B. INVOCATION:**

Mr. Ayers gave the invocation.

**C. MINUTES:**

1. November 4, 2015 Meeting Minutes

No changes were requested to the minutes. Ms. Carmack motioned for approval.

Ms. Carmack, Mr. Walker, Mr. Van Gelder, Mr. Cox, Mr. Ayers voted AYE.

**VOTE 5-0**  
**MOTION Passed**

**D. ADMINISTRATIVE ITEMS:**

Mr. Altman asked if there were any questions on the Monthly Activity Report or Developmental Review Report. Mr. Altman updated the Planning Commission on the actions taken by the Board of Supervisors at the October 5, 2015 meeting. Mr. Altman informed the Planning Commission that both 15-05-REZC and 15-02-AZ were approved by the Board of Supervisors.

1. Monthly Activity Report - October 2014-2015

2. Development Review Report – October 2015
3. Request for Deferral/Amend the Agenda

There were no questions or comments in reference to the Administrative Items.

#### **E. PUBLIC COMMENT PERIOD**

Public comment period was opened by Ms. Carmack. Seeing as there were no speakers, the public comment period was closed by Ms. Carmack.

#### **F. PRESENTATIONS:**

There were no presentations.

#### **G. PUBLIC HEARINGS**

1. **15-11-CUP, Blanton and Debora Gordon (District 5, Smiths Crossroads/Pineville/Tobaccoville Electoral District** request a conditional use permit (CUP) to operate a country inn on two adjoining parcels in the A-10, Agricultural District per §83.162(49) of the Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject properties as Rural Preservation on the Countywide Land Use Plan Map. One property is located at 1660 Ballsville Road and is approximately 2.65 acres in size and the second property is approximately 43.8 acres in size and has not been assigned an address. Reference Tax Map Parcels #35-17B & #35-17.

Mr. Dameron presented an overview of the details of the case to the Planning Commission. Mr. Dameron stated there were no objections from any agencies and staff recommended approval of the request with the proffered conditions. Ms. Carmack asked if applicant wanted to address the Commission. Mr. Blanton Gordon spoke as the applicant. Ms. Carmack opened the public hearing. Seeing as there were no speakers, Ms. Carmack closed the public hearing. Ms. Carmack opened the floor for questions of staff from the Planning Commission. Mr. Ayers questioned which lot the new building will be on, if the picture received by the Commission from the applicant prior to the meeting is the conceptual design of the new building, and if this picture would be submitted with his application to the Board of Supervisors. Mr. Dameron advised the new building would be built on the larger lot. Mr. Gordon confirmed the picture shows the conceptual design of the new building and would be submitted as part of the application to the Board of Supervisors. Mr. Cox requested clarification of parcels – the large unnamed parcel surrounds the parcel addressed as 1660 which contains the farm house that will be used for overnight stays. Mr. Gordon clarified parcel addressed 1630 contains his residence and the parcel addressed 1660 contains the barn and farm house. Mr. Dameron clarified both structures are to be built as country inns and combined by staff under one CUP. Mr. Gordon confirmed the combination of both structures would not accommodate more than 20 overnight guests. Mr. Ayers questioned the adequacy of the water and sewer. Mr. Gordon stated there are two wells and three septic systems, the barn being on a separate system. Ms. Carmack asked Mr. Gordon if there are plans for a restaurant on site to which he replied no, all events are catered.

On the motion of Mr. Ayers, for the Planning Commission to recommend to the Board of Supervisors approval of 15-11- CUP Blanton and Debora Gordon, subject to the proffered conditions presented by staff.

Ms. Carmack, Mr. Walker, Mr. Van Gelder, Mr. Cox, Mr. Ayers voted AYE.

**VOTE 5-0**  
**MOTION Passed**

2. **15-12-CUP. Richard W. Dressler (District 2, Powhatan Station/Graceland Electoral District)** requests a conditional use permit (CUP) to operate a commercial landscaping operation in the A-10, Agricultural District per §83-162(50) of the Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Countywide Land Use Plan Map. The property is approximately 33.05 acres in size and is located east of Dorset Road (Rt. 622) north of its intersection with Stavemill Road (Rt. 634). Reference Tax Map Parcel #53-78.

Mr. Dameron presented an overview of the details of the case to the Planning Commission. Ms. Carmack asked if the applicant wanted to make a statement and was available for questions. The applicant declined. Ms. Carmack opened the public hearing. Seeing as there were no speakers, Ms. Carmack closed the public hearing. Mr. Walker stated he had not received any calls for or against this proposal and was ready for the motion. Mr. Cox questioned the zoning of the parcel and what would happen when the business moves off that parcel onto the A-10 parcel. Mr. Dameron stated the applicant plans to sell the parcel when he moves the business. Mr. Cox asked if the zoning of the parcel would remain commercial upon its sale with the surrounding parcels zoned A-10. Mr. Altman confirmed the zoning of the parcels and location of the wood yard. Mr. Dressler confirmed the commercial property is on three acres. Mr. Cox concerned the commercial property surrounded by A-10 zoning might offer a buy right use not compatible with surrounding neighborhood and that it is not an industrial area. A man from the audience advised it is an industrial area. Ms. Carmack asked the individual to come to the podium. Mr. Cox reminded her the public comment period was closed. Ms. Carmack thanked Mr. Dressler and stated the Commission's concerns were answered.

On the motion of Mr. Walker, for the Planning Commission to recommend to the Board of Supervisors approval of 15-12-CUP Richard W. Dressler, subject to the conditions presented by staff.

Ms. Carmack, Mr. Walker, Mr. Van Gelder, Mr. Cox, Mr. Ayers voted AYE.

**VOTE 5-0**  
**MOTION Passed**

3. **15-03-REZC. Riverton Associates (District 1, Subletts/Manakin/Flat Rock Electoral District)** request the rezoning from Residential-Utility (R-U) and Commercial (C) to Village Center Planned Development (VC-PD) and amendment of the zoning district map of approximately 50+ acres of land fronting 584 feet on the south side of Huguenot Trail and on the along Winterfield Road. Density and use will be controlled by zoning conditions or ordinance standards. The 2010 Long-Range Comprehensive Plan designates the subject properties as Village Center, Village Residential and Natural Conservation on the Route 711 Village Special Area Plan Map. Reference to Tax Map Parcels 32-58B, 32-44C, 32-45B1, 32-45B2, 32-46, 32-46A, 32-44A, 32-58B, 32D-1-1, 32D-1-3, 32C-2-1, 32C-2-2, 32C-2-3, 32C-2-4, 32C-2-5, 32C-2-6, and 32C-2-7.

Mr. Altman gave the details of the case to the Planning Commission, stating this case had been deferred from the November 4, 2015 meeting. Mr. Altman stated the applicant is aware if the rezoning results in 51 lots, a separate entrance will be required. Mr. Casey Sowers presented an overview and recap of the

rezoning request of approximately 50 acres from R-U and C to Village Center Plan Development. Changes to the proffered conditions include

- Number of lots changed from 27 to 22 (R-U zoning)
- Buffer clarification – 50ft. between multifamily buildings, 25 ft. building setback, natural vegetation to remain undisturbed
- 3-story maximum height and 1500 sf maximum footprint on buildings, 7500 sf maximum of commercial retail space
- Construction materials will be the same as Phase 1
- 1- and 2-bedroom apartments, adult oriented project with adult programming and recreational facilities
- Design to be integrated into present golf course
- Two new open spaces to be deeded to the HOA; sodded and irrigated green spaces
- Cash proffer for fire and safety

Ms. Carmack opened the public hearing.

- Mr. Craig Hughes opposed project and recommends disapproval based on his concerns for adequate potable water, costs to public services (fire, safety, schools), traffic safety.
- Mr. Tom Fletcher encouraged Commission to not approve until answers on water concerns are received.
- Mr. Paul Grossman asked Commission to disapprove, questioning the long-term effects on the corridor.
- Ms. Susan Rash asked Commission to reconsider the approval of the requested apartments.
- Mr. Bob Gibson, upon agreement with Eagle Construction, the project will maintain Founders Bridge concept.
- Ms. Rosanna McGowan asked the Commission to vote against the project primarily because of the proposed apartments.
- Mr. Tom Fletcher attempted to speak again but was advised by Ms. Carmack not permitted to speak twice.
- Mr. Phil Arnold expressed his concerns with adequate water, walkability, and the strain on EMS and Fire of the project.
- Mr. Dan Thompson expressed his concern with the curve on Winterfield Drive and possibility of increased accidents.
- Mr. Jack Dorminey encouraged the Commission to consider the population density of the apartments and the lack of potable water.

Seeing as there were no more speakers, Ms. Carmack closed the public hearing. Ms. Carmack asked for questions or comments from the Planning Commission. Ms. Carmack questioned where the project is with water. Mr. Casey Sowers advised the following:

- Peak usage per day in June, July, and August was approximately 126,000 gallons of the 180,000 gallons capacity
- Sharp decline in usage since 2006 when real crises on potable water usage occurred due to
  - Buildout
  - Homeowners use less water than developers

- Rate structure change
- Irrigation usage changed to well water
- Expensive to irrigate using public water
- Construction/site plans will address street design
- Request to redesign parking lot between buildings and Rt. 711 setback which Mr. Casey Sowers agreed to
- Proffer #12 should say Founders Bridge Golf Villas Association.
- Outline parcel

On the motion of Ms. Carmack,, for the Planning Commission to recommend to the Board of Supervisors approval of 15-03-REZC Riverton Associates, subject to the amendments to proffer 12.

Ms. Carmack, Mr. Walker, Mr. Van Gelder, Mr. Cox, Mr. Ayers voted AYE.

**VOTE 5-0  
MOTION Passed**

**H. Other Business**

1. None.

Ms. Carmack adjourned regular meeting at 8:55pm and opened workshop meeting.

**I. WORKSHOP MEETING**

1. Comprehensive Land Use Plan Update
  - Discussion of Revisions & Process

Commission and staff discussed revisions to the Comprehensive Land Use Plan to include:

- Chapter 1: Introduction
  - Demographic Fact Sheet
- Chapter 2: Planning Background
- Chapter 3: Vision & Goals
- Chapter 5: Housing
- Chapter 7: Natural & Cultural Resources
- Chapter 8: Land Use & Community Character

**J. ADJOURNMENT**

Ms. Carmack adjourned the meeting at 10:20 PM.

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Karin Carmack, Chairman

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John M. Altman, Jr., Deputy County Administrator

DRAFT

**VIRGINIA: AT A REGULAR MEETING OF THE PLANNING COMMISSION HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, JANUARY 5, 2016 AT 7:00 PM**

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<b>Planning Commissioners Present:</b>	Karin Carmack, District 1, Chairman Owen Walker, District 2 David Van Gelder, District 3, Vice-Chairman Bill Cox, District 4 Richard Ayers, District 5
<b>Planning Commissioners Absent:</b>	None
<b>Staff Members Present:</b>	March Altman, Deputy County Administrator Ed Howland, Planning & Zoning Manager David Dameron, Zoning Administrator Tom Lacheney, County Attorney
<b>Staff Members Absent:</b>	None

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**A. CALL TO ORDER:**

Ms. Carmack called the meeting to order at 7:02 PM.

**B. INVOCATION:**

Mr. Ayers gave the invocation.

**C. MINUTES:**

**1. December 1, 2015 Meeting Minutes**

Ms. Carmack stated before the discussion of the adoption of the previous meeting's minutes, the Commission would like to recognize Mr. Ayers' dedication and service as this was his last meeting on the Planning Commission (PC). All members expressed their gratitude and admiration to his tenure on the Commission. Two present Board of Supervisor (BOS) members, Mr. William Melton and Mr. Carson Tucker, and former BOS member Mr. Robert Cosby, spoke from the podium and expressed their gratefulness to Mr. Ayers for his dedicated service. Ms. Carmack presented Mr. Ayers a plaque from the PC in recognition of his 20 years of service.

Ms. Carmack asked the Commission to approve the prior meeting's minutes.

Mr. Ayers requested changes to the minutes to include:

- To reflect Mr. Ayers, not Mr. Cox, questioned the adequacy of the water and sewer on page 5.
- Minutes be changed on the following page to include he also questioned water issues concerning case **15-03-REZC**.

Ms. Carmack motioned for approval of minutes as amended.

Ms. Carmack, Mr. Walker, Mr. Van Gelder, Mr. Cox, Mr. Ayers voted AYE.

**VOTE 5-0**

## MOTION Passed

### D. ADMINISTRATIVE ITEMS:

Mr. Altman asked if there were any questions on the Monthly Activity Report and stated there were no administrative items. Ms. Carmack requested case #10 on the agenda be changed to case #2 place in order to hear all the proffer cases at one time. Mr. Cox stated the BOS switched their regular meetings to the fourth Monday of each month, meaning cases could move faster.

1. Monthly Activity Report - November 2014-2015
2. Request for Deferral/Amend the Agenda

There were no questions or comments in reference to the Administrative Items.

### E. PUBLIC COMMENT PERIOD

Public comment period was opened by Ms. Carmack. Seeing as there were no speakers, the public comment period was closed by Ms. Carmack at 7:14 PM.

### F. PRESENTATIONS:

There were no presentations.

### G. PUBLIC HEARINGS

1. **15-10-CUP. Virginia Solar LLC (Powhatan Courthouse/Mt. Zion Electoral District)** requests a conditional use permit (CUP) to operate a solar energy farm in the A-10, Agricultural District per §83-162(26) of the Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Countywide Land Use Plan Map. The subject property is 898.4 acres in size and is located west of Old Buckingham Road (Rt. 13) south of its intersection with Old Plantation Road (Rt. 644). The lot at 4325 Old Buckingham Road is also a part of the CUP, is 3.6 acres, and will serve as the access point for the use. Reference to Tax Map Parcels #38-28 and # 38-3-1.

Mr. Dameron presented an overview, with comparison pictures of the smaller solar site at Phillip Morris, of the details of the case to the Planning Commission (PC). Mr. Dameron stated there were no objections from any agencies and staff recommended approval of the request with the proffered conditions. Ms. Carmack asked if applicant wanted to address the Commission. Matthew Meares gave a presentation to the PC that included the following points:

- Mr. Scott Timber is the present owner of the land and will remain the land owner
- Panels do not generate heat as air flows around the solar panels with vegetation growing under the panels
- Minimal water will be used to keep dust down during construction process
- Construction – 50 ft. from property line; 150 ft. from existing residences; no more noise than a grass mower
- Operation – possible gentle hum

- Access to site will be from Old Buckingham Road; existing house will be removed and replaced with evergreens except in easements; plant low shrubs along fence
- Condition #4 is binding on Virginia Solar and all successors
- Condition #5 single owner of 180 acres; will submit maps for further clarification
- Approximate construction time line:
  - Five (5) weeks of clearing
  - Six (6) weeks of grubbing
  - Eight (8) weeks of pile driving
- Local noise ordinance will monitor noise levels
- Will not work on Sunday but do request allowance for work on Saturday
- Clarification of condition #12
  - Do not deliver electricity to the grid
  - Owned Dominion Power
  - Public service entity owns it; if sold, new entity will provide surety
- Clarify condition #14 to include educational opportunities

Ms. Carmack opened the public hearing.

- Mr. Richard Oberlander asked for clarification and/or landmark for the parcel. Mr. Ayers provided the parcel is located next to Plantation Road on Old Buckingham.
- Tracy Meador stated she actively talking with Virginia Solar but expressed her concerns with the view from her residence and effect on future property values.
- Mr. Stuart Edwards questioned the location of the access road and the planned nature (i.e. paved) of the road.
- Mr. David Burns stated he has nothing against solar but expressed concerns with buffer and increased traffic on Rt. 13.
- Ms. Susan Shepperson expressed her concerns on the effects on future property values and the need for more buffer.
- Ms. Maria Gwynn expressed her concerns with the second access and the lack of clarification.
- Mr. Mike Lonski questioned if the entire parcel was to be used and expressed concerns for the proposed buffer and proposed chain link fence around property.
- Mr. Raymond Crump expressed her concern for the possible degradation of property and questioned distribution lines.

Seeing as there were no more speakers, Ms. Carmack closed the public hearing and asked the PC if they had any questions of the staff or the applicant. Mr. Cox asked for clarification on the total acres addressed by the CUP. Mr. Dameron confirmed 180 acres and Mr. Altman stated a revised map would be submitted to reflect the 180-acre footprint.

Other items discussed and clarified included:

- Virginia Solar is the developer, Dominion Power will build and operate
- VS (VS) has developed wind farms since 1998 but legislation for solar power was recently passed in March; developed projects in Buckingham and King William
- Secondary access will be used until primary access is built then will remain as emergency access only
- July 1, 2016 construction start date

- Gravel access road
- Construction activities per PC to be Monday – Friday; VS requested work on Saturday
- 50-ft setback will be covered with low growing vegetation around property with 150-ft buffer from existing houses
- Fence will be around property, as far away from property line (into site) as possible to minimize visual impact
- Property owner is aware he is required to take panels down if solar farm is inactive as outlined in CUP
- There will be no new distribution lines off site
- Conditions in application reiterated by Mr. March Altman
  - #1 no change
  - #2 no change
  - #3 no change
  - #4 binding
  - #5 “farm shall consist of 380-acre parcel” with further clarification to be provided with map
  - #6 no change
  - #7 secondary access
  - #8 all grading, clearing, pile-driving to be performed between the hours of 8am to 6pm, Monday through Friday
  - #9 minimum 150-ft setback from any existing residence with fencing setback into property and away from adjoining properties
  - #10 security fencing shall follow around wetlands; plantings shall follow around wetlands
  - #11 lighting (Dark Sky)
  - #12 inactive/discontinue use for 2-year period, notice to staff must be provided; owner to remove panels within 6 months
  - #13 coordinate with safety
  - #14 Virginia Solar, LLC shall provide educational opportunities
  - #15 access roads to be marked

Mr. Cox moved for the Planning Commission to recommend to the Board of Supervisors approval of 15-10- CUP Virginia Solar LLC, subject to the referenced conditions presented by staff.

Ms. Carmack, Mr. Walker, Mr. Van Gelder, Mr. Cox, Mr. Ayers voted AYE.

**VOTE 5-0**  
**MOTION Passed**

Ms. Carmack called for a 5-minute break at 8:30 PM.

Ms. Carmack recalled the meeting to order at 8:41 PM.

2. **15-13-CUP. Shawn & Kelly Kerrigan (Bethesda/Lees Landing Electoral District)** request a conditional use permit (CUP) to operate a conference center in the A-10, Agricultural District per §83-162(34) of the Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Countywide Land Use Plan Map. The subject property

is approximately 16.7 acres in size and is located at 3630 Goodwyn Road. Reference to Tax Map Parcel #27-29A.

Mr. Dameron presented an overview of the details of the case to the Planning Commission. Ms. Carmack asked if the applicant wanted to make a statement and was available for questions. The applicant, Mr. Shawn Kerrigan and one of the joint owners, Ms. Pam Edwards, made a presentation.

- Two meetings to address concerns were conducted with the applicant, neighbors, and other interested citizens
- Propose lakeside wedding ceremonies
  - Sound barrier would be in place
  - Higher price point, elegant events
  - Owners and staff on site during events
  - Weekend packages
  - Traffic guide, including signage, to direct traffic from Rt. 60, to Academy Road, to Goodwyn Road
  - Decibel reader to be used during events for sound monitoring

Ms. Carmack opened the public hearing; advising citizens to limit their comments to 3-minutes, have a representative speak on behalf of majority, and to limit applause.

- Mr. Rudy Potter stated needed such a facility, not to defend or protest, but to maintain the property
- Ms. Carmack asked those wishing to speak to form a line behind the podium. A woman in the back of the room asked the PC to have those stand who are not in support of the CUP. Ms. Carmack then asked for those in support of the CUP to stand.
- Dr. Jonathan Brantly agreed with Mr. Potter this would be an asset to maintain and elevate property values.
- Mr. Bruce Freer asked the PC to follow the majority of the community and not approve
- Mr. James Sherron, NIMBY and asked the PC to delay until the site plan was submitted
- Ms. Claudia Hardy advised the PC she previously worked in a neighborhood wedding venue and opposes this CUP
- Mr. Buz Bireline expressed his concerns with noise decibels and urged the PC to deny the request
- Mr. Paul Gestwick expressed his traffic concerns
- Mr. Don Rissmeyer respectfully asked the PC to oppose
- Mr. Greg Bresson expressed his concerns for environmental impacts and opposed due to risk and liability
- Mr. B.J. Smith asked the PC to please not support
- Ms. Janet Willersdorf implored the PC do not pass
- Ms. Meghan Lamm asked the PC to oppose
- Mr. Ben Lamm encouraged the PC to deny
- Ms. Jennifer White asked the PC to really consider denying the CUP
- Mr. Rory Weber asked the PC at a minimum to delay the decision
- Mr. Kent McCurley asked the PC to turn the CUP down
- Mr. Doug Bradbury asked the PC to support this case

- Ms. Laura Majeskey expressed concern for cut-through traffic through Branchway Forest subdivision and asked the PC to deny the CUP
- Ms. Carolyn Denoon asked the PC to not pass the CUP expressing traffic concerns
- Mr. Steven Anderson expressed his concerns for increased traffic and his opposition to the case
- Mr. Gary Robinson asked the PC to consider the 80% opposition when making their decision
- Mr. Jeff Donahue, listing agent with Long and Foster Realty, expressed his support of the CUP noting the commitment of the applicant to maintain and preserve the property

Ms. Carmack addressed the PC to vote on continuing the hearing past 10: 00PM, based on the bylaws. Ms. Carmack, Mr. Walker, Mr. Van Gelder, Mr. Cox, Mr. Ayers voted AYE to continue the meeting.

- Mr. Wayne Vaughn expressed his concern with cut-through traffic and the alternate driveway becoming an alternate access to the site
- Ms. Young Giles expressed her opposition, including reference to frequent power outages caused by down trees at the end of the road and subdivision covenants
- Ms. Mary Jane Goodwyn Ransone stated she has absolutely no reservation of the purchase or CUP
- Mr. Archie Goodwyn stated the wedding venue will be monitored by the conditions of the CUP and would be the best use of the property because it will be controlled
- Ms. Mary Ann Goodwyn stated the applicant would preserve the property
- Mr. R.C. Goodwyn stated he sees the concern for noise levels but applicant is willing to compromise and hopes both sides are willing to work it out
- Mr. Reed Bresen (sp) who lives in Henrico stated his opposition based on information not being provided in a timely manner

Seeing as there were no more speakers, Ms. Carmack closed the public hearing and asked the PC if they had any questions of the staff or the applicant.

The following items were discussed:

- Conditions #5 and #15 conflict on facility close times
  - #5 states end time is 11:30 PM with the exception of New Year's Eve/New Year's Day at 1:00 AM
  - #15 states end time at 11:00 PM
- Conditions #5 and #10 are not compatible
  - Tent is not an indoor venue
- Would sound system violate condition #10
  - Condition states amplified music-public address system use only for accompaniment or for use of minister/pastor or other speakers as part of ceremony
  - Conditions could be amended to address concerns
- Sound study performed
  - Performed by applicant in the first part of December
  - County staff was not present
  - Decibel reading taken at various location on venue site
  - Proposed sound monitoring during all events
- Signage is governed by VDOT and would be addressed during site plan process

- Revision of condition #14 to clarify Friday as a weekday or weekend
- Clarification of outbuilding usage
  - Possible future use with applicant understanding requirement for new CUP
  - Zoned A-10 which allows for people to stay in house
- Concerns for noise levels which would be limited by conditions
- VDOT did not perform study but did send letter taking no exception to project
- Condition #11 refers to lighting
  - Would be address/submitted in site plan process
  - Dark Sky ordinance requirements
- Term proposed for CUP
  - Has been left up to PC to recommend previously
  - Board could recommend a term limit as condition
- Concerned neighbors received information late
- Project would require a lot of policing
- Conditions need work
- County has not received complaints on other similar venues

Mr. Van Gelder moved for the Planning Commission to recommend to the Board of Supervisors denial of 15-13- CUP Shawn & Kelly Kerrigan.

Ms. Carmack, Mr. Van Gelder, Mr. Cox, Mr. Ayers voted AYE.  
Mr. Walker voted NAY

**VOTE 4-1  
MOTION Passed**

Ms. Carmack called for a short break.  
Ms. Carmack recalled the meeting to order.

3. **15-15-REZC: Academy Park II, LLC (Bethesda / Lees Landing Electoral District)** request the rezoning from Residential–Commercial (R-C) to Village Center (VC) and amendment of the zoning district map of approximately 2.47± acres of land fronting 511 feet on the north side of Anderson Highway (U.S. Route 60). Density and use will be controlled by zoning conditions or ordinance standards. The 2010 Long-Range Comprehensive Plan designates the subject properties as Village Center on the Courthouse Village Special Area Plan Map. Reference to Tax Map Parcels 39C-2-2 and 39C-2-3.

Mr. Altman gave an overview of the case to the PC to include:

- Change in zoning to allow for one-story, 7200 sf building on out parcel
- 25-ft easement buffer along Rt. 60 and Academy Road fronting
- Staff recommends approve with one proffered condition
- Would connect to public water and sewer

Ms. Carmack asked to verify the request to change to VC zoning is

- Primarily because of setbacks

- Setbacks cumulative for edge of Rt. 60 (37 + 25 to building site)
- Adequate land existing for possible third lane in future
- Out parcels will be “self-sufficient” concerning parking requirements

Ms. Carmack asked if the applicant wanted to make a statement and was available for questions. Mr. David Anderson, representing the LLC, stated the rezoning request to VC (Village Center) in line with Comprehensive Plan.

Ms. Carmack opened the public hearing. Seeing as there were no speakers, Ms. Carmack closed the public hearing and asked the PC if they had any questions of the staff or the applicant.

Mr. Van Gelder moved for the Planning Commission to recommend to the Board of Supervisors approval of 15-15- REZC Academy Park II, LLC.

Ms. Carmack, Mr. Van Gelder, Mr. Cox, Mr. Ayers, Mr. Walker voted AYE.

**VOTE 5-0  
MOTION Passed**

Ms. Carmack discussed with the PC

- Deferring all rezoning cases due to late time
- Tom Lacheney advised
  - To expedite, open public hearing and leave open
  - Cases are separate

4. **15-08-REZC: Powhatan Properties, LLC (Powhatan Station/Graceland Electoral District)** requests the amendment of the proffer statement for Appomattox Trace Subdivision (Case #06-18-REZC) by reducing the cash proffer to \$2,000.00 per dwelling unit.

Mr. Altman gave an overview of the case to the PC.

Ms. Carmack asked if the applicant wanted to make a statement and was available for questions. Applicant did not wish to address PC.

Ms. Carmack opened the public hearing. Seeing as there were no speakers, the public hearing remained open, and Ms. Carmack asked the PC if they had any questions of the staff or the applicant.

Ms. Carmack explained the PC would like to investigate whole proffer reduction plan, including impact and benefits to the County and would like to defer to have workshop, possible with the BOS, to discuss Ms. Carmack moved to defer 15-08-REZC Powhatan Properties, LLC until the PC’s March meeting.

Ms. Carmack, Mr. Van Gelder, Mr. Cox, Mr. Ayers, Mr. Walker voted AYE.

**VOTE 5-0  
MOTION Passed**

5. **15-09-REZC: Powhatan Country Properties, LLC (Subletts/Manakin/Flat Rock Electoral District)** requests the amendment of the proffer statement for The Preserve at Huguenot Springs Subdivision (Case #05-12-REZC) by reducing the cash proffer to \$2,000.00 per dwelling unit.

Mr. Altman gave an overview of the case to the PC.

Ms. Carmack asked if the applicant wanted to make a statement and was available for questions. Applicant did not wish to address PC.

Ms. Carmack opened the public hearing. Seeing as there were no speakers, the public hearing remained open, and Ms. Carmack asked the PC if they had any questions of the staff or the applicant. Ms. Carmack moved to defer 15-09-REZC Powhatan Country Properties, LLC until the PC's March meeting.

Ms. Carmack, Mr. Van Gelder, Mr. Cox, Mr. Ayers, Mr. Walker voted AYE.

**VOTE 5-0**  
**MOTION Passed**

6. **15-10-REZC: Dumont Homes, LLC (Bethesda/Lees Landing Electoral District)** requests the amendment of the proffer statement for Oak Leaf Subdivision (Case #05-21-REZC) by reducing the cash proffer to \$1,880.00 per dwelling unit.

Mr. Altman gave an overview of the case to the PC.

Ms. Carmack asked if the applicant wanted to make a statement and was available for questions. Mr. Cameron Palmore, with Balzer and Associates, represented the applicant.

- Expressed opposition to deferring until March since already delayed by BOS to discuss process
- Understands PC desire to gather mre information
- Suggest joint workshop with BOS so everyone on same page

Ms. Carmack opened the public hearing. Seeing as there were no speakers, the public hearing remained open, and Ms. Carmack asked the PC if they had any questions of the staff or the applicant.

Ms. Carmack moved to defer 15-10-REZC Dumont Homes, LLC until the PC's March meeting.

Ms. Carmack, Mr. Van Gelder, Mr. Cox, Mr. Ayers, Mr. Walker voted AYE.

**VOTE 5-0**  
**MOTION Passed**

7. **15-11-REZC: HOCAV, LLC (Powhatan Courthouse/Mt. Zion Electoral District)** requests the amendment of the proffer statement for Mill Station Subdivision (Case #05-19-REZC) by reducing the cash proffer to \$1,880.00 per dwelling unit.

Mr. Altman gave an overview of the case to the PC.

Ms. Carmack asked if the applicant wanted to make a statement and was available for questions. Mr. Cameron Palmore, with Balzer and Associates, represented the applicant, with same concerns as above.

Ms. Carmack opened the public hearing.

- Mr. Rob Bowers voiced his opposition stating he paid the proffer and did not understand why new homeowners should be able to come in at reduction in proffer
- Mr. Chris Gary stated he is prepared to pay the proffer but he would support lowering the proffer

Seeing as there were no other speakers, the public hearing remained open, and Ms. Carmack asked the PC if they had any questions of the staff or the applicant.

Ms. Carmack moved to defer 15-11-REZC HOCAV, LLC until the PC's March meeting.

Ms. Carmack, Mr. Van Gelder, Mr. Cox, Mr. Ayers, Mr. Walker voted AYE.

**VOTE 5-0**  
**MOTION Passed**

8. **15-12-REZC: Hobson, LLC (Smiths Crossroads/Pineville/ Tobacconville Electoral District)** requests the amendment of the proffer statement for Walnut Creek Subdivision (Case #05-11-REZC) by reducing the cash proffer to \$1,880.00 per dwelling unit.

Mr. Altman gave an overview of the case to the PC.

Ms. Carmack asked if the applicant wanted to make a statement and was available for questions. Mr. Cameron Palmore, with Balzer and Associates, represented the applicant, had no comment.

Ms. Carmack opened the public hearing. Seeing as there were no more speakers, the public hearing remained open, and Ms. Carmack asked the PC if they had any questions of the staff or the applicant.

Ms. Carmack moved to defer 15-12-REZC Hobson, LLC until the PC's March meeting.

Ms. Carmack, Mr. Van Gelder, Mr. Cox, Mr. Ayers, Mr. Walker voted AYE.

**VOTE 5-0  
MOTION Passed**

9. **15-13-REZC: The Reeds Landing Corporation (Bethesda/ Lees Landing Electoral District)** requests the amendment of the proffer statement for Maple Grove Subdivision (Case #06-13-REZC) by reducing the cash proffer to \$1,880.00 per dwelling unit.

Mr. Altman gave an overview of the case to the PC.

Ms. Carmack asked if the applicant wanted to make a statement and was available for questions. Mr. Cameron Palmore, with Balzer and Associates, represented the applicant, had no comment.

Ms. Carmack opened the public hearing. Seeing as there were no more speakers, the public hearing remained open, and Ms. Carmack asked the PC if they had any questions of the staff or the applicant.

Ms. Carmack moved to defer 15-13-REZC The Reeds Landing Corporation until the PC's March meeting.

Ms. Carmack, Mr. Van Gelder, Mr. Cox, Mr. Ayers, Mr. Walker voted AYE.

**VOTE 5-0  
MOTION Passed**

10. **15-14-REZC: HPCPET, LLC (Smiths Crossroads/Pineville/ Tobacconville Electoral District)** requests the amendment of the proffer statement for The Paddock Subdivision (Case #06-09-REZC) by reducing the cash proffer to \$2,000.00 per dwelling unit.

Mr. Altman gave an overview of the case to the PC.

Ms. Carmack asked if the applicant wanted to make a statement and was available for questions. Mr. Cameron Palmore, with Balzer and Associates, represented the applicant, had no comment.

Ms. Carmack opened the public hearing. Seeing as there were no more speakers, the public hearing remained open, and Ms. Carmack asked the PC if they had any questions of the staff or the applicant.

Ms. Carmack moved to defer 15-14-REZC HPCPET, LLC until the PC's March meeting.

Ms. Carmack, Mr. Van Gelder, Mr. Cox, Mr. Ayers, Mr. Walker voted AYE.

**VOTE 5-0  
MOTION Passed**

11. **15-16-REZC: Aquest, LLC (Bethesda/Lees Landing Electoral District)** requests the amendment of the proffer statement for Westlake at Mill Mount Subdivision (Case #06-17-REZC) by reducing the cash proffer to \$1,880.00 per dwelling unit.

Mr. Altman gave an overview of the case to the PC.

Ms. Carmack asked if the applicant wanted to make a statement and was available for questions. Applicant did not wish to make a statement.

Ms. Carmack opened the public hearing. Seeing as there were no more speakers, the public hearing remained open, and Ms. Carmack asked the PC if they had any questions of the staff or the applicant.

Ms. Carmack moved to defer 15-16-REZC Aquest, LLC until the PC's March meeting.

Ms. Carmack, Mr. Van Gelder, Mr. Cox, Mr. Ayers, Mr. Walker voted AYE.

**VOTE 5-0**  
**MOTION Passed**

12. **15-17-REZC: Sparrows Landing, LLC (Powhatan Station/Graceland Electoral District)** requests the amendment of the proffer statement for Sparrows Landing Subdivision (Case #04-15-REZC) by reducing the cash proffer to \$1,880.00 per dwelling unit.

Mr. Altman gave an overview of the case to the PC.

Ms. Carmack asked if the applicant wanted to make a statement and was available for questions.

Ms. Carmack opened the public hearing. Seeing as there were no more speakers, the public hearing remained open, and Ms. Carmack asked the PC if they had any questions of the staff or the applicant.

Ms. Carmack moved to defer 15-17-REZC Sparrows Landing, LLC until the PC's March meeting.

Ms. Carmack, Mr. Van Gelder, Mr. Cox, Mr. Ayers, Mr. Walker voted AYE.

**VOTE 5-0**  
**MOTION Passed**

13. **15-18-REZC: Windswept Development (Smiths Crossroads/Pineville/Tobaccoville Electoral District)** requests the amendment of the proffer statement for Aston Subdivision (Case #06-12-REZC) by reducing the cash proffer to \$1,880.00 per dwelling unit.

Mr. Altman gave an overview of the case to the PC.

Ms. Carmack asked if the applicant wanted to make a statement and was available for questions.

Ms. Carmack opened the public hearing. Seeing as there were no more speakers, the public hearing remained open, and Ms. Carmack asked the PC if they had any questions of the staff or the applicant.

Ms. Carmack moved to defer 15-18-REZC Windswept Development until the PC's March meeting.

Ms. Carmack, Mr. Van Gelder, Mr. Cox, Mr. Ayers, Mr. Walker voted AYE.

**VOTE 5-0**  
**MOTION Passed**

## H. Other Business

1. None.

Ms. Carmack adjourned regular meeting and opened workshop meeting.

**I. WORKSHOP MEETING**

1. Rt. 60 East Corridor Study Update - Timmons
2. Comprehensive Land Use Plan Update
  - Discussion of Revisions & Process
  - Restructure and handle in workshop; dates to follow

**J. ADJOURNMENT**

Ms. Carmack adjourned the meeting at 11:38 PM.

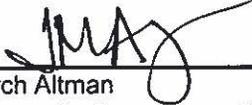
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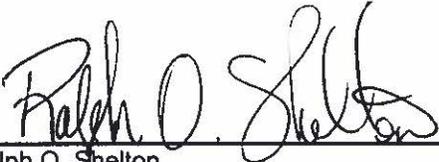
Karin Carmack, Chairman

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John M. Altman, Jr., Deputy County Administrator

**Powhatan County Monthly Report**  
**Building Inspections, Planning and Community Development Departments**

  
 \_\_\_\_\_  
 March Altman  
 Community Development Director

  
 \_\_\_\_\_  
 Ralph O. Shelton  
 Building Official

<b>Building Permit Fees:</b>	<u>December-14</u>	<u>December-15</u>
Administrative Fees: (Also Includes Septic Fees, Fire Code, Etc.)	<u>\$ 2,535.00</u>	<u>\$ 2,532.00</u>
Commercial: (New & Alterations)	<u>\$ 4,075.00</u>	<u>\$ 1,230.00</u>
Residential:	<u>\$ 21,023.37</u>	<u>\$ 25,977.00</u>
Proffers paid on New Construction	<u>\$ 23,730.99</u>	<u>\$ 46,782.87</u>
Residential: (Additions, Alterations, Demo, Pools, Etc.)	<u>\$ 3,496.00</u>	<u>\$ 5,562.16</u>
Trade Permit Fees: (Residential & Commercial)	<u>\$ 8,909.28</u>	<u>\$ 7,792.00</u>
State Levy:	<u>\$ 744.85</u>	<u>\$ 810.59</u>
Planning Department Fees:	<u>\$ 1,445.00</u>	<u>\$ 2,250.00</u>
<b>Total Fees for the Month:</b>	<u><b>\$ 65,959.49</b></u>	<u><b>\$ 92,936.62</b></u>
<b>Total Fees for Fiscal Year:</b>	<u><b>\$ 439,457.94</b></u>	<u><b>\$ 556,445.96</b></u>

<b>Building Permit Data:</b>	<u>December-14</u>	<u>December-15</u>
<b>Residential (New Construction):</b>		
District 1 Subletts/Manakin/Flatrock	<u>1</u>	<u>1</u>
District 2 Powhatan Station/Graceland	<u>2</u>	<u>0</u>
District 3 Bethesda/Lees Landing	<u>3</u>	<u>5</u>
District 4 Powhatan Courthouse/Ballsville	<u>2</u>	<u>4</u>
District 5 Smith's Crossroad/Pineville	<u>1</u>	<u>3</u>
Total for the Month:	<u>9</u>	<u>13</u>
Total for Fiscal Year:	<u>102</u>	<u>86</u>
<b>Commercial:</b>		
District 1 Subletts/Manakin/Flatrock	<u>1</u>	<u>2</u>
District 2 Powhatan Station/Graceland	<u>1</u>	<u>0</u>
District 3 Bethesda/Lees Landing	<u>1</u>	<u>1</u>
District 4 Powhatan Courthouse/Ballsville	<u>1</u>	<u>0</u>
District 5 Smith's Crossroad/Pineville	<u>0</u>	<u>0</u>
Total for the Month:	<u>4</u>	<u>3</u>
Total for Fiscal Year:	<u>32</u>	<u>16</u>
Residential Additions, Alterations, Pools, Etc.	<u>14</u>	<u>26</u>
Total for Fiscal Year:	<u>70</u>	<u>116</u>

December, 2015

TYPE	ADMIN FEE	BLDCOM	NEW HOMES	ADDITIONS/ALTER	TRADE PERMIT FEES	STATE LEVY	PLANNING DEPT FEES	CASH PROFFER	TOTAL
ADDRESS				5,116.16		102.32			
ADDRESS2								50.00	
ADMIN									
AMEND									
BLD COM		1,230.00				24.60			
BOND									
BUILD	120.00		25,977.00			519.54	650.00	46,782.87	
BURN									
COND									
COPY	7.00								
CUP									
DEMO				222.00		4.44			
E & S							1,400.00		
ELE					2,879.04	57.57			
ELE TMP									
ELE 2					40.00	0.80			
EXTEN									
EVENT									
FAM									
FIRE3									
GAS					960.00	19.20			
GAS 2					160.00	3.20			
GAS 3									
MAP									
MECH					1,874.80	37.49			
MECH 2									
MOBIL									
NSP							150.00		
PLUMB					1,838.16	36.15			
PLUMB 2					40.00	0.80			
POOL				224.00		4.48			
RE-INSPECT									
READY									
RESB1									
ROAD									
RZP									
SEPT	2,405.00								
SF									
SIGN									
SITE									
SO									
TENT									
TOWER									
VAR									
ZO									
ZOLTR									
ZONE									
TOTAL	2,532.00	1,230.00	25,977.00	5,562.16	7,792.00	810.59	2,250.00	46,782.87	92,936.62

# **ZONING ACTIVITY**

	<b><u>DEC FY2015</u></b>	<b><u>DEC FY2016</u></b>
<b>Rezoning requests approved (acreage)</b>		
Agricultural	<u>0</u>	<u>0</u>
First month Agricultural was added to report		
Residential	<u>0</u>	<u>0</u>
Commercial	<u>0</u>	<u>4.87</u>
Industrial	<u>0</u>	<u>0.21</u>
Conditional Use Permits approved	<u>0</u>	<u>2</u>
Business Licenses approved (zoning review)	<u>15</u>	<u>12</u>
Board of Zoning Appeals Cases		
Variances	<u>0</u>	<u>0</u>
Appeals	<u>0</u>	<u>0</u>
<b>Site Plans</b>		
Commercial		
Filed	<u>1</u>	<u>0</u>
Approved	<u>2</u>	<u>0</u>
Industrial		
Filed	<u>0</u>	<u>0</u>
Approved	<u>0</u>	<u>0</u>
Other		
Filed	<u>0</u>	<u>0</u>
Approved	<u>0</u>	<u>0</u>
Average Review Time (Days)	<u>29</u>	<u>N/A</u>
<b><u>Subdivision Activity</u></b>		
<b>Preliminary Plats - Number of Lots Approved</b>		
Residential	<u>0</u>	<u>0</u>
Commercial	<u>0</u>	<u>0</u>
Industrial	<u>0</u>	<u>0</u>
Average Review Time (Days)	<u>27</u>	<u>N/A</u>

**Final Plats - Number of Lots Approved**

Residential	<u>1</u>	<u>0</u>
Commercial	<u>1</u>	<u>0</u>
Industrial	<u>0</u>	<u>0</u>
Average Review Time (Days)	<u>25</u>	<u>N/A</u>

**Subdivision Exception Lots Approved**

Non-Subdivision	<u>8</u>	<u>3</u>
Single Cut	<u>2</u>	<u>0</u>
Charitable Exception	<u>0</u>	<u>0</u>
Family Division	<u>3</u>	<u>0</u>
Large Lot	<u>0</u>	<u>0</u>

**Erosion & Sediment Control****Land Disturbance Plans Approved**

Residential	<u>9</u>	<u>13</u>
Commercial	<u>1</u>	<u>1</u>
Industrial	<u>0</u>	<u>0</u>
Other	<u>0</u>	<u>0</u>
Average Commercial Review Time	<u>8</u>	<u>14</u>

**Private Road Review****Private Roads Approved**

Roads	<u>0</u>	<u>0</u>
Lots	<u>0</u>	<u>0</u>
<b>Family Private Roads Approved</b>		
Roads	<u>0</u>	<u>0</u>
Lots	<u>0</u>	<u>0</u>



## 15-03-PR, David J. Sowers

Staff Report prepared for the Planning Commission

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*This report is prepared by the County of Powhatan Department of Community Development Staff to provide information to the Planning Commission and Board of Supervisors to assist in making an informed decision on this matter.*

### I. PUBLIC HEARINGS:

Planning Commission	February 2, 2016	Action Item
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### II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Request:	Private Road approval to serve ten lots.
Existing Zoning:	A-10, Agricultural
Parcels Size:	259± acres
Parcel ID#	31-2
Owner:	David J. Sowers
Location of Property:	
Electoral District:	1 Subletts/Manakin/Flat Rock
2010 Land Use Plan Recommendation:	Rural Preservation & Natural Conservation
Zoning of Surrounding Property:	North: RR – Rural Residential South: A-10 - Agricultural East: A10 – Agricultural West: RR5 – Rural Residential

### III. EXECUTIVE SUMMARY:

The Applicant, David J. Sowers, is requesting approval to construct a ten (10) lot private road along a fifty-foot (50) wide access easement in the A-10 – Agricultural District per §6.2-2.0 & §6.2-3.0 of the Subdivision Ordinance. The Applicant owns approximately 259 acres referenced to Tax Map Parcel 31-2 located on the south side of Huguenot Trail (Rt. 711) approximately one mile west of Watkins Landing Rd. The proposed lots will

be at least 10+ acres in size which would qualify the development to be served by a private road in accordance with §6.2-2.0 of the Subdivision Ordinance.

The Applicant's Conceptual Plan shows a total of thirteen parcels. Parcel numbers 11, 12, and 13 will have direct access to Huguenot Trail. Parcels one through ten will access the proposed private road. In accordance with §5.4 of the Powhatan County Subdivision Ordinance, the lots would be created via the Large Lot subdivision exception.

The private road is required to be built to the six to ten-lot private road standard having twenty (20) foot gravel width six (6) inches in depth and shoulder and ditch improvements meeting VDOT standards. Per §6.2-5.8, a road maintenance agreement will be signed by all parties involved and shall be established and recorded in the deed and title of the newly created lots.

#### IV. APPLICABLE CODE SECTIONS:

The provisions of the Subdivision Ordinance that are germane to this private road request are as follows:

**6.2-2.0 Eligibility Criteria for Private Roads** – The Planning Commission may approve any private road under the following circumstances:

- A. No lot of a subdivision to be served by such road shall be less than ten (10) acres in land area; or
- B. A subdivision contains only two (2) lots and such private road serves only the lots in such subdivision; each lot is not less than two (2) acres in land areas; and is the sole and direct means of access to a road in the state highway system.

**6.2-3.0 Additional Eligibility Criteria for Private Roads** – In addition to the provisions of Article 6.2-2.0, the Planning Commission may approve a subdivision served by one or more private roads in any case in which the subdivider, in accordance with Article 6.2-7.0 of this chapter demonstrates to the reasonable satisfaction of the Planning Commission that:

- A. Approval of such roads will alleviate a clearly demonstrable danger of significant degradation to the environment of the site or adjacent properties which would be occasioned by the construction of public roads; or
- B. For a specific, identifiable reason, the general public interest, as opposed to the propriety interest of the subdivider, would be better served by the construction of such roads than by the construction of public roads. In the case of any such approval, the Planning Commission may require such assurances from the subdivider in a form acceptable to the County Attorney as it may determine to be necessary to protect the public interest with respect to such roads.

- C. In the case of any such approval, the Planning Commission may require such assurances or performance guarantees from the subdivider in a form acceptable to the County Attorney as it may determine to be necessary to protect the public interest with respect to such roads. Such assurances shall be held by the County for a period of one (1) year from the completion of the private road construction for maintenance purposes, including but not limited to road surface integrity and soil stabilization.
- D. A private road shall be deemed completed when Planning Staff has received all required documents from the Applicant's licensed professional engineer certifying compliance with 6.2-5.0 and any other requirements of Article 6.

**V. SUBJECT PROPERTY:**

The subject property is located along Huguenot Trail, approximately one mile west of Watkins Landing Rd. The property is zoned A10 - Agricultural (A-10) District and is approximately 259±, further identified as Tax Parcel 31-2. The parcel is heavily wooded and is bounded on the west by future sections of Norwood Creek Subdivision, zoned Rural Residential 5 (RR5). The properties to the north are zoned RR- Rural Residential (RR). Properties to the east and south are zoned A-10 - Agricultural.



**VI. LAND USE ANALYSIS:**

The current and proposed use of the property for single-family dwellings is permitted by-right in the zoning district. The proposed lots meet the 10-acre lot minimum required in the A10 - Agricultural zoning district. The development of a ten (10) lot private road is permitted by the provisions of the County's Subdivision Ordinance.

**VII. COMPREHENSIVE PLAN ANALYSIS:**

The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Preservation and Natural Conservation on the Countywide Land Use Plan Map. The Plan does speak to residential development in the Rural Preservation designation in that it should be accommodated on lots of ten (10) acres or more or on smaller lots in conservation subdivisions. The Applicant's request to create a ten lot ten (10) acre private road is generally consistent with the 2010 Long-Range Comprehensive Plan.

**VIII. PUBLIC SERVICE ANALYSIS:**

The reviewing agencies made no adverse comments on this request. The Virginia Department of Transportation (VDOT) commented that the entrance onto Huguenot Trail "*is subject to compliance with access management, sight distance, turn lanes and geometric design*". In 2009 the Applicant submitted construction plans to VDOT for an entrance to access the property from Huguenot Trail. The plans were approved on March 12, 2009, referencing construction plans dated February 2, 2009. According to an email from Brian Lokker (VDOT) they are valid until July 1, 2017. Confirmation that the approved plans meet the standards of VDOT and the County will be reviewed prior to the Applicant obtaining a permit to construct the entrance to the private road. A copy of the letter from VDOT approving the plans and correspondence regarding the approval is included in this report.

**IX. STAFF RECOMMENDATION:**

The proposed subdivision complies with the provisions of both the zoning and subdivision ordinances, therefore in accordance with public necessity, convenience, general welfare and good zoning practice, staff recommends approval of the request submitted by David J. Sowers to construct a ten (10) lot private road subject to the following conditions:

1. The design and construction of the road shall be in compliance with all applicable provisions of the Subdivision Ordinance. In this case the road will be constructed at a minimum to the six to ten-lot standard having twenty (20) foot wide gravel road surface six inches in depth, and shoulder and ditch requirement meeting the Virginia Department of Transportation's standards. (Staff)
2. This is a private road and there will be no public maintenance of it now or in the future. This requirement is specifically noted in Section 6.2-5.8 of the Subdivision Ordinance as attached. (Staff)
3. The deed and plat of each lot on the road shall carry a restrictive covenant specifying that the road will be private and that there will be no responsibility imposed on Powhatan County and/or the Virginia Department of Transportation

- to construct, maintain or repair the private road. (Staff)
4. A road maintenance agreement signed by the parties involved shall be established and recorded with the title of the new lots. This maintenance agreement shall include a statement stating that the maintenance of drainage easements beyond the public road right-of-way shall be the responsibility of the property owners. (Staff)
  5. If necessary, detailed road construction plans shall be submitted to the County showing road design, topography and drainage. The Applicant shall obtain a Land Disturbance Permit from the County before construction of the private road. (Staff)
  6. The Applicant shall conform to §83-471 of the Powhatan County Zoning Ordinance with regards to buffers and setbacks associated with streams and wetlands. (Staff)
  7. Secondary driveway culverts will need to be designed for any driveways that are crossing swales and streams. The crossing of any streams shall be at a right angle. (Staff)
  8. Prior to the issuance of a Powhatan County Land Disturbance Permit, the Applicant shall obtain any necessary permits from USACE and/or DEQ for impacts to wetlands and streams associated with the construction of the road. Copies of the documents granting permission for impacts and a map showing locations of allowable impacts shall also be submitted to the County prior to permit issuance. (Staff)
  9. Septic systems are to be placed outside of the buffers. (Staff)
  10. The plat shall show all surface water bodies and their buffers per County classification. (Staff)
  11. The HUD floodplain shall be shown on all lots, if applicable. Houses constructed on lots within a HUD floodplain shall be located outside of the floodplain horizontally 10 feet and vertically 1 foot. (Staff)
  12. The address numbers for these dwellings need to be a minimum of four (4) inches in height, reflective and located in two (2) locations. The address numbers need to be located where the private road meets the state road and needs to be highly visible from both directions. The address numbers also need to be located where the dwellings' driveway meets the private road so each dwelling site can be quickly identified in an emergency. (Fire)
  13. The private road shall be named and the street sign shall meet VDOT standards.
  14. The owner/developer must retain the services of an Authorized Onsite Soil Evaluator (AOSE) to provide adequate information to the Powhatan Health Department to determine if the lot contains suitable primary and reserve areas for septic systems and sites for private wells. Lot-specific soil information and a home site planning plat are to be submitted and approved by the Health Department. (Staff)

15. The connection of the proposed private road onto Huguenot Trail (State Route 711) shall meet the requirements of a low volume commercial entrance. Adequate intersection sight distances must be achieved along with any needed sight distance easements commensurate with the posted speed limit for Huguenot Trail. (VDOT)
16. The issuance of a VDOT Land Use Permit is required prior to any construction activity within the right-of-way limits of Huguenot Trail (State Route 711). A Land Use Permit may be obtained when construction plans are approved. (Staff)
17. Prior to the approval of a plat for the lots served by the road, a licensed surveyor shall certify and provide documentation to the Planning Department that the private road meets the construction standards of the Powhatan County Subdivision Ordinance. As an alternative, the Applicant(s) may furnish the County assurances or performance guarantees for the road's construction cost along with a letter establishing the proposed construction schedule. Such assurances shall be held by the County for a period of one (1) year from the completion of the private road for maintenance purposes, including but not limited to road surface integrity and soil stabilization. No building permits shall be issued prior to private road completion. (Staff)

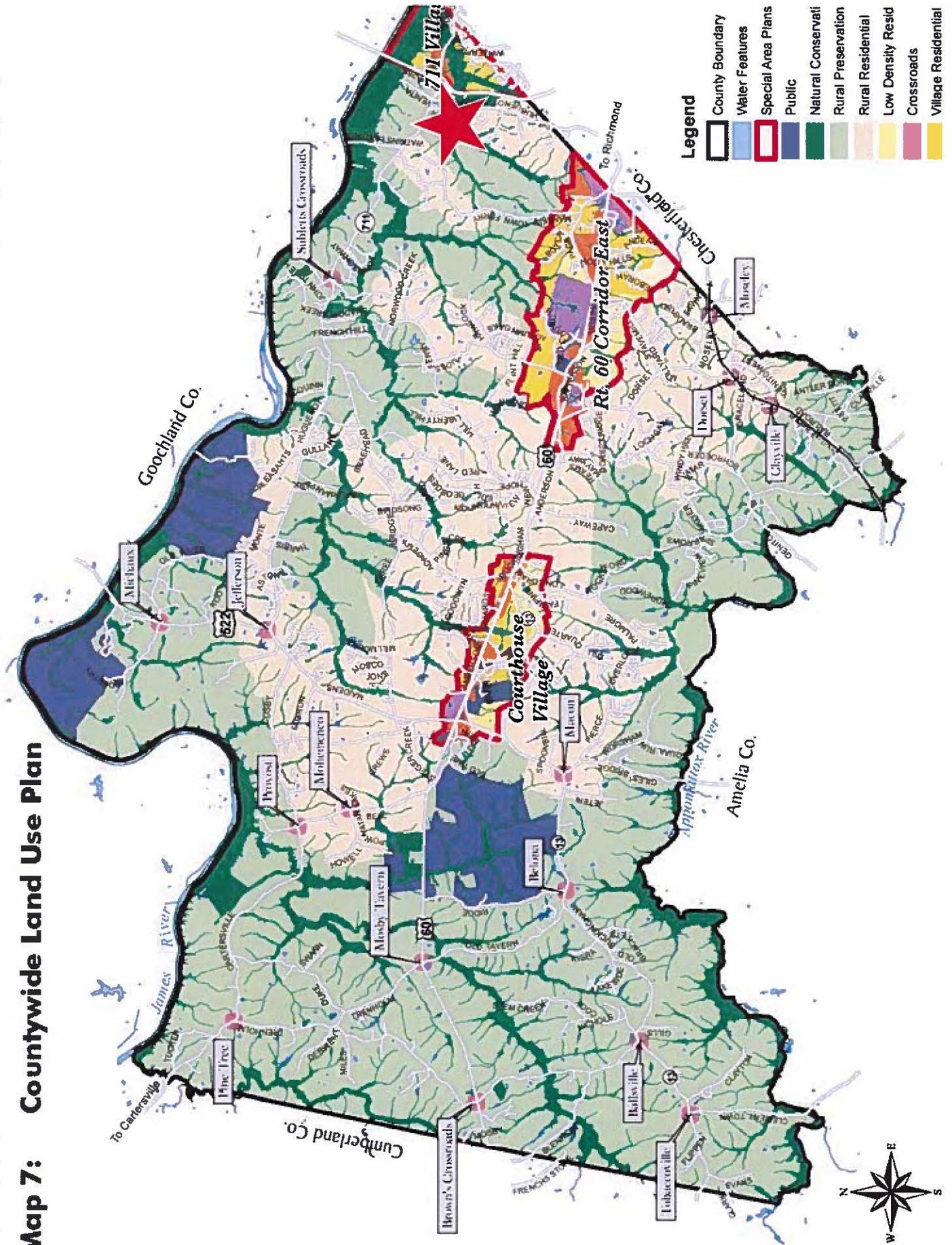
#### **X. PROPOSED RESOLUTION:**

In accordance with Sections 6.2-2.0 & 6.2-3.0, of the Powhatan County Subdivision Ordinance, and public necessity, convenience, general welfare and good zoning practice, the Planning Commission (*approves / denies / defers*) of the request submitted by David J. Sowers to construct a ten (10) lot private road subject to the conditions presented above.

#### Attachment(s):

1. Map of the General Area of Proposal
2. Subject Property Map
3. Zoning Map of Area
4. Application for Private Road approval
5. Proposed Plat
6. VDOT correspondence regarding the entrance onto Rt. 711

# Map 7: Countywide Land Use Plan



# Powhatan County Virginia

Legend  
○ Poles  
□ Parcels



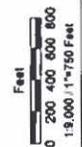
Title:

Date: 1/13/2016

IMST\_ADRS3.kaps and data are for display purposes only and are not intended for legal use. No warranty, expressed or implied, is made by the County of Powhatan as to the accuracy of the data.

# Powhatan County Virginia

- Legend**
- Places
  - Parcels
  - Zoning
  - ✂ Agriculture Forestal District
  - ✂ Agriculture A-1B
  - ✂ Agricultural/Animal Confinement
  - Commercial
  - Courthouse Square Center
  - Industrial - 1
  - Industrial - 2
  - Mining
  - Office
  - Residential - 2
  - Rural Residential 5
  - Residential Commercial
  - Residential Utility
  - Rural Residential



Date: 1/13/2016

Title:

IRSC LADDER Maps and Data are for display purposes only and are not intended for legal use. No warranty, expressed or implied, is made by the County of Powhatan as to the accuracy of this data.

THE COUNTY OF  
**POWHATAN**  
VIRGINIA

**PRIVATE ROAD APPLICATION FORM**

APPLICANT DAVID J. SOWERS TELEPHONE# 804 7944555  
ADDRESS 701-A SOUTHLAKE BLVD, N. CHESTERFIELD VA  
23236  
LANDOWNER DAVID J. SOWERS  
(If applicant is not the landowner, the landowner must sign a Limited Power of Attorney Form page 7)  
LANDOWNER ADDRESS SAME

Answer **either** question 1 **or** 2 below:

1. Are you adding a lot(s) to an **existing** private road? YES \_\_\_\_\_ NO
- (If Yes, answer items a – g.)
- a. Location of road: Tax Map N/A Off of Which Public Road? N/A
- b. Is there a recorded 50-foot wide right-of-way that provides direct access to a public road?  
Yes N/A No N/A  
If No, how wide is the right-of-way? N/A  
Can additional right-of-way be acquired? N/A
- c. Does the applicant have an unrestricted, **recorded** right to use such access? N/A Yes N/A No
- d. How many lots/parcels are on the private road? N/A
- e. Tax Map Parcel Numbers of lots/parcels on the private road: N/A
- f. What type of lot(s) are proposed, i.e. Large Lot, Single Cut? N/A  
- Size in acres of proposed lot(s) N/A
- g. What is the total number of lots served by the private road? N/A
2. Are the proposed lots creating a **new** private road? YES  NO \_\_\_\_\_
- (If Yes, answer items a – g)
- a. Tax Map Parcel Number 31-2 off of which Public Road? Anger's Trail
- b. Will a 50-foot right-of-way be recorded that provides direct access to a public road?  
YES  NO \_\_\_\_\_
- If no, why can't a 50' right-of-way be established? How wide is the proposed right-of-way?
-

c. Does the applicant have an unrestricted, **recorded** right to use such access?  Yes  No

d. Tax Map Parcel Number of parcel(s) the road will cross 31-2

e. Will the road only serve 2 lots (Single Cut Subdivision)? NO

- Size in acres of the two lots? N/A N/A

f. Large Lot Development. Number of new lot(s) proposed? 10

- Size in acres of the new lot(s)? (Minimum lot size 10 acres)  
10 AC MIN.

g. If three (3) or more lots are to be created, provide several alternative names for the road:

a. SELDEN DR.

b. JONES CREEK MILL DR

c. JONES MILL DR.

Case Number	<u>15-03-PP</u>	Submittal Date	<u>12/4/15</u>	P. C. Meeting	<u>2/2/16</u>
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**STATEMENT FOR VALIDITY OF INFORMATION**

Every applicant shall sign the following document to substantiate the validity of submitted information.

**State of Virginia**  
**County of Powhatan to wit**

I, DAVID J SOWERS, declare that I have familiarized myself with the rules and regulations pertaining to preparing and filing this application. I further declare that the foregoing statements and answers provided throughout the various sections of this application are in all respects true and correct to the best of my knowledge and belief.

Signed

David J. Sowers

Print Name

DAVID J. SOWERS

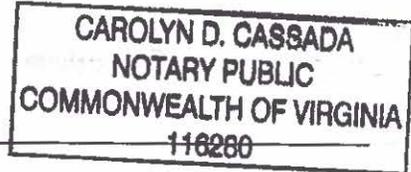
Subscribed and sworn to before me this 4th day of Dec, 2015.

Notary Public Signature

Carolyn D. Cassada

My Commission Expires on

1/31/2017



**APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY**

I, DAVID J. SOWERS, hereby grant access to the Planning Director, Zoning Administrator, or assigns thereof, to enter my property during reasonable hours without prior notice to make inspections as deemed necessary for the evaluation of my application for a private road.

12-3-15  
Date

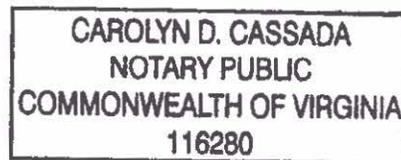
David J. Sowers Applicant's Signature

Subscribed and sworn to before me this

4th day of Dec, 2015.

Carolyn D. Cassada  
Notary Public's Signature

1/31/2017  
Commission Expiration Date



**OWNERSHIP DISCLOSURE**

Please list below the names and addresses of all owners or parties in interest of the land:

**NAME** **ADDRESS (Include Zip Code)**

DAVID J. SOWERS 781-A SOUTHLAKE BLVD  
N. CHESTERFIELD VA 23236

NOTE: If this request is in the name of a corporation, artificial person, joint venture, trust, or other form of ownership, all officers, directors, and any stock holders owning ten percent or more of such stock must be listed.

I, DAVID J. SOWERS, do hereby swear and affirm that to the best of my knowledge and belief, the above information is true and that I am the applicant for this request for parcel number(s) of tax map number(s) 31-2 requesting Private Road approval.

If the above information changes at any time while this case is being considered, I will provide the County with an updated list.

Signature David J. Sowers

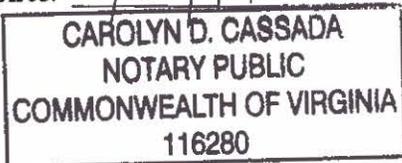
STATE OF VIRGINIA  
COUNTY OF POWHATAN, to wit:

This day 4th day of Dec 2015 personally appeared before me, Carolyn D. Cassada a Notary Public in and for the County and State aforesaid, and swore or affirmed that the matters stated in the foregoing Zoning Disclosure Affidavit are true to the best of his/her knowledge and belief.

Given under my hand this 4 day of Dec, 2015.

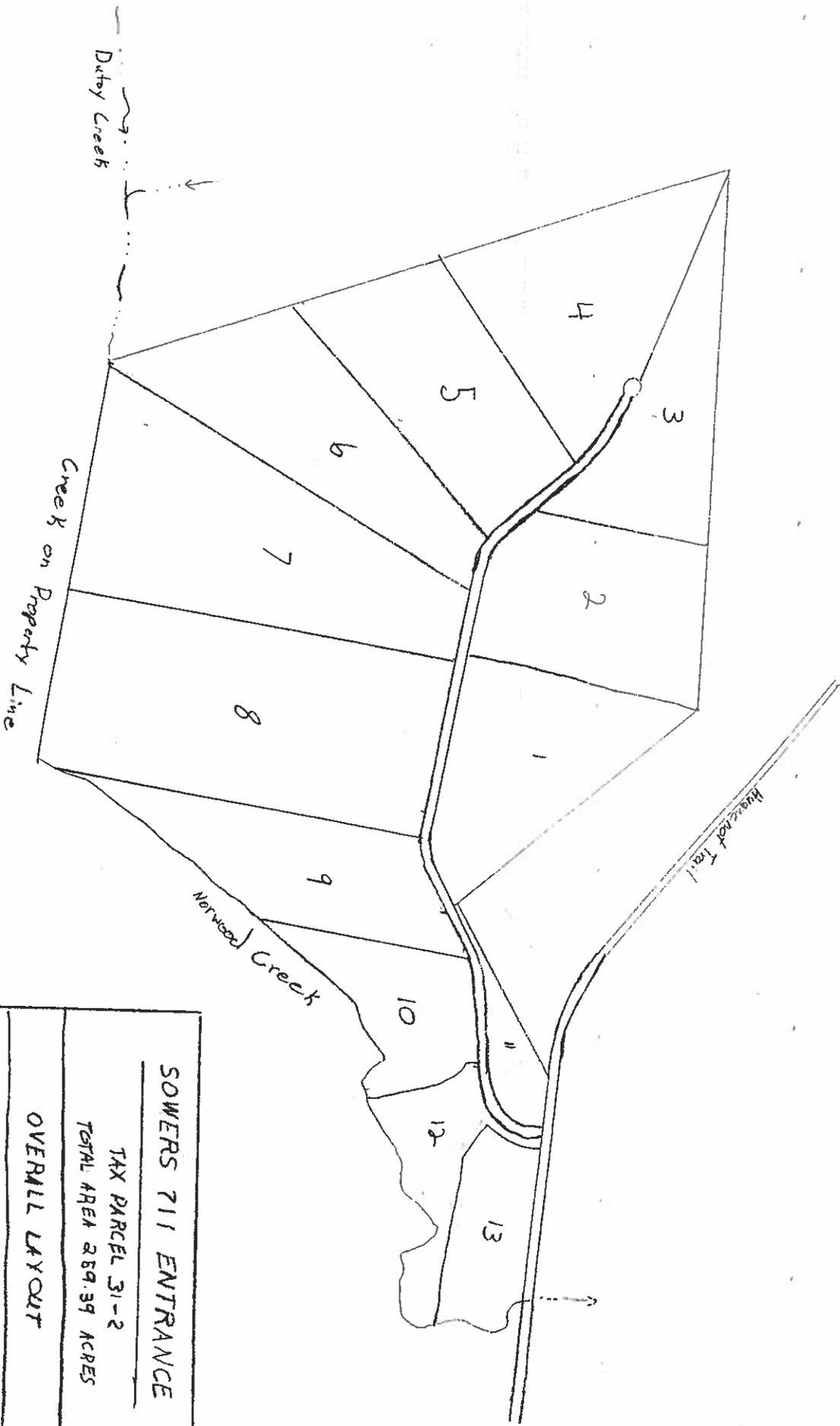
Carolyn D. Cassada  
Notary Public

My commission expires: 4/31/17



ADJACENT LANDOWNER LIST

<u>TAX MAP #</u>	<u>NAME</u>	<u>ADDRESS</u>
31-4-1A	Muminovic Almedin + Rebecca A.	1225 Huquenot Trail
31-4-2	Hughes Cory E.	2755 Happy Hollow Dr.
31-4-3	Tucker T. B.	PO Box 630
31-4-4	Tucker T. B.	PO Box 630
31-4-5	Tucker T. B.	PO Box 630
31-4-6	McGlure Wendy + Joseph L. Barnes	12060 Bridgforth Mill Rd.
31-4-7	Raymond Robert R.	5413 Patterson Ave Ste. 100
31-6-9	Holland Myrtle M.	PO Box 1049
31-3	Holland Myrtle M.	PO Box 1049
31-3A	Holland Russell E.	PO Box 520
30-27	Sowars David J.	701-A Southlake Blvd
19-61	Burd Jean C.	2808 Williamswood Rd
31-1A	Bruchbacher Nancy K. ET. AL.	1540 Huquenot Trail
31-1	Shuey Elizabeth K.	1754 Churchville Ave
31-19A	BLT 4 Me LLC.	10720 Ramshorn Rd
31-19B	Robertson Michael Keith	1359 Huquenot Trail
31-19	Seven-Eleven Club Inc.	C/O Bob Frick



<b>SOWERS 711 ENTRANCE</b>	
TAX PARCEL 31-2	
TOTAL AREA 289.39 ACRES	
<b>OVERALL LAYOUT</b>	
POWHEATAN COUNTY, VIRGINIA	

1" = 500'



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
RICHMOND DISTRICT  
2430 Pine Forest Drive  
COLONIAL HEIGHTS, VA 23834  
www.VDOT.Virginia.gov

Charles A. Kilpatrick, P.E.  
COMMISSIONER

January 11, 2016

Mr. Shaun Reynolds  
Environmental Coordinator  
Powhatan County Planning Department  
3834 Old Buckingham Road, Suite E.  
Powhatan, Virginia 23139

REFERENCE:       **15-03-PR David J Sowers**  
                          **(Subletts/Manakin/Flatrock Electoral District)**  
                          **Date VDOT Received:       12/12/15**  
                          **State Route 711 (Huguenot Trail)**

Dear Mr. Reynolds:

This request is for approval to construct a ten (10) lot private road in the A-1 Agricultural District per §6.2-2.0 of the Subdivision Ordinance. The 2010 long-Range Comprehensive Plan designates the subject property as Rural Preservation on the Countywide Land Use Map. The subject property is approximately 259 +/- acres in size and is located on the south side of Huguenot Trail (Rt. 711) approximately one mile west of Manakintown Ferry Road (Rt. 635). Reference Tax Map #31-2.

VDOT notes that access to the private roadway is subject compliance with Access Management Regulation (27VAC30-73) standards for spacing, sight distance, turn lanes and geometric design. It appears that adequate parcel frontage exists along Rt. 711 to comply with access location spacing standards. Verification of site distance, the geometric design of the access and the need for turn lanes will be evaluated through the Powhatan County site plan review process. Department land use permit issuance for construction of the access is subject to plan approval.

Please contact me at (804) 674-2560, if you have any questions or concerns regarding this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Lokker".

Brian Lokker, PE  
Central Area Land Use Engineer

WE KEEP VIRGINIA MOVING

## Shaun Reynolds

---

**From:** Lokker, Brian P.E. (VDOT) <Brian.Lokker@VDOT.Virginia.gov>  
**Sent:** Monday, January 11, 2016 9:56 AM  
**To:** stoneharborllc@yahoo.com  
**Cc:** Shaun Reynolds; Ed Howland; March Altman; Phillippe, Jonathan P.E., L.S. (VDOT); Bodie, Paul (VDOT)  
**Subject:** Plan Approval Duration - 711 Entrance -Powhatan County  
**Attachments:** 711 Entrance Letter.pdf

David –

Per the attached, VDOT concurs with the 3/12/09 approval of the subject Rt. 711 entrance plans (revised plans dated 2/2/09) being valid up to July 1, 2017, pursuant to Code of VA §15.2-2209.1.

**Be advise that should the plans be revised in an way, said approval is null and void.** VDOT will re-evaluate plan revisions through the Chesterfield County site plan approval process.

Brian

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**From:** Stone Harbor LLC [mailto:stoneharborllc@yahoo.com]  
**Sent:** Thursday, January 07, 2016 1:35 PM  
**To:** Lokker, Brian P.E. (VDOT)  
**Cc:** sreynolds@powhatanva.gov  
**Subject:** 711 Entrance -Powhatan County

Mr. Lokker:

Please confirm our conversation that the plan for the 711 Entrance is still approved based on the General Assembly law that extends plan approval until July 1, 2017.

As you know I am applying for a private road subdivision approval using this entrance. The private road subdivision is scheduled to be heard by the Powhatan County Planning Commission in February.

Thank you,  
David J. Sowers

Attached: State Law  
Approval letter