



POWHATAN COUNTY PLANNING COMMISSION
AGENDA ~ MONTHLY MEETING
Tuesday May 3, 2016
7:00 PM
Powhatan Village Building Auditorium

- A. **Call to Order** – Karin Carmack, Chair
- B. **Invocation** – David Van Gelder
- C. **Approval of Planning Commission Minutes**
1. April 5, 2016 Meeting Minutes 2
- D. **Administrative Items** 7
1. Monthly Activity Report – March 2015-2016
2. Request to Postpone Action/Amend the Agenda
- E. **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.
- F. **Presentations** – None
- G. **Public Hearings**
1. **16-01-AZ:** An Ordinance amending and reenacting provisions contained in Section 83-220-C, Intensity and Dimensional Standards, for the Village Residential (VR) District, Section 83-230-C, Intensity and Dimensional Standards, for the Village Center (VC) District, and Section 83-240-C, Intensity and Dimensional Standards, for the Commerce Center (CC) District, of Article IV, Village Growth Area Districts, of the Zoning Ordinance of the County of Powhatan increasing the front setbacks for principal and accessory uses and parking lots to 75', and increasing the maximum gross floor area in the VC District to 15,000 square feet. 13
2. **16-03-REZ:** **County of Powhatan (Powhatan Courthouse/Mt. Zion Electoral District)** request the rezoning from Agricultural-10 (A 10), Residential-Commercial (R-C), and Commercial (C) to Village Center (VC) and the amendment of the zoning district map of 7.3 ± acres of land located at 3975 and 3977 Old Buckingham 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 on the Courthouse Village Special Plan Area Map. Reference to Tax Map Parcels 26B2-1-9 and 26B2-1-24. 21
3. **16-01-SA:** **County of Powhatan (Powhatan Courthouse/Mt. Zion Electoral District)** requests a substantial accord determination to permit a vehicle maintenance facility and amendment of the zoning district map in Agricultural-10 (A-10), Residential-Commercial (R-C), and Commercial (C) Districts on 7.3 acres located at 3975 and 3977 Old Buckingham 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 on the Courthouse Village Special Plan Area Map. Reference to Tax Map Parcels 26B2-1-9 and 26B2-1-24. 61
- H. **Other Business** – None

I. Workshop Meeting –

1. Large Lot Development
2. Comprehensive Land Use Plan Update Discussion – Chapter 5: Housing

J. Adjournment

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

Planning Commissioners Present:	Karin Carmack, District 1, Chairman Owen Walker, District 2 Jennifer Giovannitti, District 3 Bill Cox, District 4 David Van Gelder, District 5, Vice-Chairman
Planning Commissioners Absent:	None
Staff Members Present:	March Altman, Deputy County Administrator Ed Howland, Planning & Zoning Manager Shaun Reynolds, Environmental Manager Tom Lacheney, County Attorney
Staff Members Absent:	None

A. CALL TO ORDER:

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

B. INVOCATION:

Mr. Van Gelder gave the invocation.

C. MINUTES:

1. March 1, 2016 Meeting Minutes

Ms. Carmack opened discussion of the adoption of the previous meeting's minutes.

Ms. Carmack motioned for approval of minutes from the March 1, 2016 meeting as amended.

Mr. Walker, Ms. Giovannitti, Mr. Cox, Mr. Van Gelder voted AYE. Ms. Carmack abstained.

**VOTE 4-0
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. He advised the PC the Board of Supervisors took action on all the proffer cases at their March meeting and approved all of the cases on a 3-2 vote.

Mr. Lacheney advised the Planning Commission that Mr. David Sowers appealed the BOS private road denial.

1. Monthly Activity Report - March 2015-2016
2. Request for Deferral/Amend the Agenda

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

E. PUBLIC COMMENT PERIOD

Chairman Carmack opened the public comment period.

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. **16-01-REZC: Nathan Nuckols, Manage This LLC (Subletts/Manakin/Flat Rock Electoral District)** request the conditional rezoning from Agricultural-10 (A 10) to Residential-2 (R-2) and the amendment of the zoning district map of approximately 14.6± acres of land fronting approximately 930± feet on the north side of Hancock Road (Route 716). Density and use will be controlled by zoning conditions or ordinance standards. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential and Natural Conservation on the Future Land Use Area Plan Map. Reference to Tax Map Parcels 30-14G and 30-14K.

Mr. Altman gave an overview of the case, stating the property ownership issue was resolved, is now listed under Manage This, LLC, and advised there would be no challenge to the ownership determination.

The proffered conditions include minimum house size of 1500 square foot, a maximum of 4 lots with an average of 3.1-acres, cash proffers of \$1880 per lot, driveways to be located side-by-side, each parcel would have road frontage to meet standards, and have minimal impact on the schools.

Mr. Altman stated there were no objections from any agencies and staff recommended approval of the request with the proffered conditions.

Mr. Altman stated staff and the applicant were available to answer any questions and clarified the correct road referenced in the staff report is Darley Road.

Ms. Carmack asked if the applicant or the applicant's agent wished to make a statement.

Mr. Woody Cofer asked for the approval of the request based on staff recommendations and offered to answer any questions.

Ms. Carmack opened the public hearing.

Mr. Carol Smith, previous property owner and presently resides across from the property, verified Mr. Altman's statement there would be no ownership challenge, and stated he had some EPA concerns due to a spring located on the property. Ms. Giovannitti asked if Mr. Smith was able to show the PC where the spring is located; Mr. Smith advised of the approximate location of the spring.

Mr. Terry Wagner questioned staff report stated Darbey Road and was advised the correction is Darley Road; questioned reference to four, two-acre lots and reference to four, 3.1-acre average lots, being advised by Ms. Carmack this should be clarified during the discussion period. He also questioned if R-2 zoning is approved and the lots are not developed now, would a future owner have the opportunity to place six houses instead of the proposed four. Ms. Carmack assured him that the proffered conditions would prevent this. Mr. Wagner stated his concern

with rezoning to two-acre lots surrounding his property and questioned how the rezoning supports the Comprehensive Plan to help maintain a rural character.

Mr. Kenneth Seal, stated he would prefer a maximum of two homes on the property, dividing the property to accommodate that, based on the amount of existing houses and vehicle traffic.

Seeing as there were no more speakers, Ms. Carmack closed the public hearing and opened discussion.

Ms. Carmack asked Mr. Altman to clarify how the R-2 zoning recommendation for this case. Mr. Altman stated the applicant requested this zoning, the existing lots along the road, and the Comprehensive Plan is a guide and should include a transition between zoning and this proposal fits within the land development pattern.

Mr. Smith, upon clarification from Mr. Lacheney, answered additional questions concerning the spring.

Mr. Cox stated the Comp plan nor the zoning ordinance support this request and sees no way for approval.

On the motion of Ms. Carmack, for the Planning Commission to recommend to the Board of Supervisors denial of 16-01-REZC: Nathan Nuckols, Manage This LLC

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

VOTE 4-1
MOTION Passed

H. Other Business

1. None.

Ms. Carmack adjourned regular meeting and requested a recess at 7:42 PM.

Ms. Carmack reconvened the regular meeting and opened workshop meeting at 7:58 PM.

I. WORKSHOP MEETING

1. Proffers – SB 549

Mr. Lacheney discussed with the Planning Commission the impact of the Senate Bill 549, which was passed by the General Assembly and signed by Governor. The new legislation put forth by the Virginia Homebuilders Association effective changes how community have handled proffers in the past.

The Planning Commission and staff had a lengthy discussion about issue.

Mr. Lacheney stated that as more information about the pending change became available he would keep the Commission informed.

2. Comprehensive Land Use Plan Update

The Planning Commission and staff discussed proposed amendments to Chapters 1 and 2 of the 2010 Long-Range Comprehensive Plan, noting several items to be updated, amending or deleted.

J. ADJOURNMENT

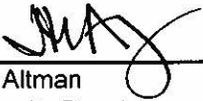
Ms. Carmack adjourned the meeting at 9:21 PM.

Karin Carmack, Chairman

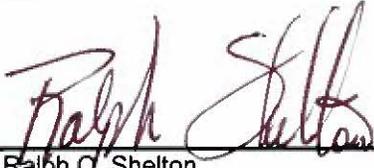
John M. Altman, Jr., Deputy County Administrator

DRAFT

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



March Altman
Community Development Director



Ralph C. Shelton
Building Official

Building Permit Fees:	<u>Mar-15</u>	<u>Mar-16</u>
Administrative Fees: (Also Includes Septic Fees, Fire Code, Etc.)	<u>\$2,249.25</u>	<u>\$2,525.00</u>
Commercial: (New & Alterations)	<u>\$0.00</u>	<u>\$224.48</u>
Residential: Proffers paid on New Construction	<u>\$32,663.00</u> <u>\$37,519.11</u>	<u>\$22,098.00</u> <u>\$36,823.34</u>
Residential: (Additions, Alterations, Demo, Pools, Etc.)	<u>\$3,652.00</u>	<u>\$2,537.93</u>
Trade Permit Fees: (Residential & Commercial)	<u>\$9,098.23</u>	<u>\$6,999.04</u>
State Levy:	<u>\$908.84</u>	<u>\$253.92</u>
Planning Department Fees:	<u>\$14,380.00</u>	<u>\$6,064.00</u>
Total Fees for the Month:	<u>\$100,470.43</u>	<u>\$77,525.71</u>
Total Fees for Fiscal Year:	<u>\$788,522.40</u>	<u>\$765,577.68</u>

Building Permit Data:	<u>Mar-15</u>	<u>Mar-16</u>
Residential (New Construction):		
District 1 Subletts/Manakin/Flatrock	<u>4</u>	<u>0</u>
District 2 Powhatan Station/Graceland	<u>1</u>	<u>0</u>
District 3 Bethesda/Lees Landing	<u>4</u>	<u>3</u>
District 4 Powhatan Courthouse/Ballsville	<u>4</u>	<u>10</u>
District 5 Smith's Crossroad/Pineville	<u>0</u>	<u>3</u>
Total for the Month:	<u>13</u>	<u>16</u>
Total for Fiscal Year:	<u>135</u>	<u>120</u>
Commercial:		
District 1 Subletts/Manakin/Flatrock	<u>1</u>	<u>0</u>
District 2 Powhatan Station/Graceland	<u>0</u>	<u>0</u>
District 3 Bethesda/Lees Landing	<u>0</u>	<u>1</u>
District 4 Powhatan Courthouse/Ballsville	<u>1</u>	<u>1</u>
District 5 Smith's Crossroad/Pineville	<u>0</u>	<u>0</u>
Total for the Month:	<u>2</u>	<u>2</u>
Total for Fiscal Year:	<u>40</u>	<u>23</u>
Residential Additions, Alterations, Pools, Etc.	<u>17</u>	<u>6</u>
Total for Fiscal Year:	<u>108</u>	<u>147</u>

MARCH 2016

TYPE	ADMIN FEE	BLDCOM	NEW HOMES	ADDITIONS/ALTER	TRADE PERMIT FEES	STATE LEVY	PLANNING DEPT FEES	CASH PROFFER TOTAL
ADDRESS				2,537.93		54.75		
ADDRESS2								
ADMIN								
AMEND								
BLD COM		224.48				4.00		
BOND			22,098.00			31.00		36,823.34
BUILD								
BURN								
COND								
COPY								
CP								
CUP								
DEMO								
E & S							150.00	
ELE					2,149.96	47.67		
ELE TMP								
ELE 2					289.40	5.78		
EXTEN								
EVENT								
FAM							100.00	
FIRE3								
GAS					60.00	13.60		
GAS 2					480.00	9.60		
GAS 3								
MAP								
MECH					1,307.44	28.89		
MECH 2								
MOBIL								
NSP							450.00	
PLUMB					1,942.24	39.63		
PLUMB 2								
POOL					770.00	18.10		
RE-INSPECT	120.00							
READY								
RESB1								
ROAD								
RZP								
SEPT	2,405.00							
SF								
SIGN						0.90	364.00	
SITE							5,000.00	
SO								
TMPBS								
TENT								
TOWER								
VAR								
ZO								
ZOLTR								
ZONE								
TOTAL	\$2,525.00	224.48	22,098.00	2,537.93	6,999.04	253.92	6,064.00	36,823.34
								77,525.71

ZONING ACTIVITY

	<u>MARCH FY2015</u>	<u>MARCH FY2016</u>
Rezoning requests approved (acreage)		
Agricultural	<u>0</u>	<u>0</u>
Residential	<u>0</u>	<u>0</u>
Commercial	<u>0</u>	<u>0</u>
Industrial	<u>0</u>	<u>0</u>
Conditional Use Permits approved	<u>2</u>	<u>0</u>
Business Licenses approved (zoning review)	<u>55</u>	<u>40</u>
Board of Zoning Appeals Cases		
Variances	<u>0</u>	<u>0</u>
Appeals	<u>0</u>	<u>0</u>
Site Plans		
Commercial		
Filed	<u>1</u>	<u>1</u>
Approved	<u>0</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>2</u>
Approved	<u>0</u>	<u>0</u>
Average Review Time (Days)	<u>29</u>	<u>n/a</u>

Subdivision Activity

Preliminary Plats - Number of Lots Approved

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>0</u>	<u>n/a</u>

Final Plats - Number of Lots Approved

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>25</u>	<u>n/a</u>

Subdivision Exception Lots Approved

Non-Subdivision	<u>3</u>	<u>6</u>
Single Cut	<u>1</u>	<u>1</u>
Charitable Exception	<u>0</u>	<u>0</u>
Family Division	<u>0</u>	<u>0</u>
Large Lot	<u>1</u>	<u>1</u>

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

Residential	<u>13</u>	<u>16</u>
Commercial	<u>2</u>	<u>2</u>
Industrial	<u>0</u>	<u>0</u>
Other	<u>0</u>	<u>0</u>
Average Commercial Review Time	<u>8</u>	<u>15</u>

Private Road Review**Private Roads Approved**

Roads	<u>0</u>	<u>0</u>
Lots	<u>0</u>	<u>0</u>

Family Private Roads Approved

Roads	<u>0</u>	<u>0</u>
Lots	<u>0</u>	<u>0</u>

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**16-01-AZ –
Village Growth Area Districts
Intensity and Dimensional Standards**

Staff Report prepared for the Planning Commission Public Hearing

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	May 3, 2016	Public Hearing
Board of Supervisors	May 23, 2016	Public Hearing – Tentative

II. SUMMARY OF AMENDMENT

An Ordinance amending and reenacting provisions contained in Section 83-220-C, Intensity and Dimensional Standards, for the Village Residential (VR) District, Section 83-230-C, Intensity and Dimensional Standards, for the Village Center (VC) District, and Section 83-240-C, Intensity and Dimensional Standards, for the Commerce Center (CC) District, of Article IV, Village Growth Area Districts, of the Zoning Ordinance of the County of Powhatan related to minimum front yard depth for principal and accessory uses and parking lots, and the maximum gross floor area in the Village Center District.

The proposed amendment is primarily to address the concerns that staff has with the current minimum front yard depth for development within the VR, VC and CC Districts, which is ten (10) feet. At this distance new development along Anderson Highway (Rt. 60) would be setback from the right-of-way by ten (10) feet. The Board of Supervisors has determined that any expansion of Rt. 60 will occur to the outside of the existing road right-of-way. The current setback will allow principal and accessory buildings and parking lots to be constructed ten (10) feet from Rt. 60. This will become problematic for the County in the future with any potential expansion of Rt. 60 as it will drive up right-of-way acquisition costs. This issue could have been negotiated with the applicants during a rezoning for a project and submitted as a proffered condition. The climate surrounding proffers given SB 549 does not provide staff with a comfort level that it can rely on proffers to accomplish the desired setback on Rt. 60, thus the proposed ordinance amendment.

The proposed ordinance amendment also increases the maximum gross floor area in the Village Center District from 10,000 square foot to 15,000 square foot. Staff is proposing this change to allow for a larger building footprint in the VC District, which will allow for greater flexibility from a development prospective. The proposed increase is consistent with Village Center Land Use Policy #10, which states:

“The scale of buildings in village centers should maintain a small town feel, and be limited to buildings with small footprints of 15,000 square feet or less. Buildings should be limited to a maximum height of thirty-five feet or a maximum of three stories for a total area not to exceed 45,000 square feet. Additional study of building scale thresholds should be coordinated with an economic development strategy and study to determine a targeted building size appropriate to achieve the land use and community character goals and vision for this area, and the economic development objectives stated in chapter 4.

The Planning Commission heard a case in 2015 where the 10,000 square maximum gross floor area requirement was a limiting factor in the rezoning case. In order for the applicant to achieve the necessary building footprint desired, at the suggestion of the Planning Commission, the applicant requested the rezoning of the property to a zoning district not consistent with the 2010 Long-Range Comprehensive Plan Future Land Use recommendation.

The Planning Commission and staff briefly discussed the proposed amendment of the setbacks for principal and accessory structures and parking lots at the April 5, 2016 workshop. A public hearing has been advertised for May 3, 2016 to solicit citizen comment regarding the proposed amendment to the County of Powhatan’s Zoning Ordinance. The public hearing for this zoning ordinance amendment was advertised as increasing the setbacks to 75’ for principal and accessory use and parking lot for the VR, VC and CC districts. The advertised increase allows the Commission the flexibility and opportunity to determine the appropriate the setback distance. The Commission will have the ability to establish the setback distance at any distance less than 75’. The proposed zoning amendment language attached to the staff report for the Commission consideration increases the setbacks as follows:

Minimum Front Yard Depth		Zoning Districts		
		VR	VC	CC
Principal Uses	Major Arterials	75	75	75
	Minor Arterials	50	50	50
	Local Streets	10	10	10
Accessory Uses and Parking Lots	Major Arterials	50	50	50
	Minor Arterials	35	35	35
	Local Streets	10	10	10

III. STAFF RECOMMENDATION:

The staff recommends approval of the proposed amendment to amend and re-enact provisions contained in Section 83-220-C, Intensity and Dimensional Standards, for the Village Residential (VR) District, Section 83-230-C, Intensity and Dimensional Standards, for the Village Center (VC) District, and Section 83-240-C, Intensity and

Dimensional Standards, for the Commerce Center (CC) District, of Article IV, Village Growth Area Districts, of the Zoning Ordinance of the County of Powhatan increasing the minimum front yard depth for principal and accessory uses and parking lots in all of the aforementioned Districts, and increasing the maximum gross floor area in the VC District.

VI. PROPOSED RESOLUTION:

In accordance with Section 83-123(b), of the Powhatan Zoning Ordinance, and in accordance public necessity, convenience, general welfare and good zoning practice, the Planning Commission recommends (*approval / denial / deferral*) of the request submitted by the County of Powhatan to amend and re-enact provisions contained in Section 83-220-C, Intensity and Dimensional Standards, for the Village Residential (VR) District, Section 83-230-C, Intensity and Dimensional Standards, for the Village Center (VC) District, and Section 83-240-C, Intensity and Dimensional Standards, for the Commerce Center (CC) District, of Article IV, Village Growth Area Districts, of the Zoning Ordinance of the County of Powhatan increasing the minimum front yard depth for principal and accessory uses and parking lots in all of the aforementioned Districts, and increasing the maximum gross floor area in the VC District.

Attachment(s):

1. Copy of the Proposed Zoning Ordinance Amendment (16-01-AZ)

An Ordinance amending and reenacting provisions contained in Section 83-220-C, Intensity and Dimensional Standards, for the Village Residential (VR) District, Section 83-230-C, Intensity and Dimensional Standards, for the Village Center (VC) District, and Section 83-240-C, Intensity and Dimensional Standards, for the Commerce Center (CC) District, of Article IV, Village Growth Area Districts, of the Zoning Ordinance of the County of Powhatan increasing the front setbacks for principal and accessory uses and parking lots in each district, and increasing the maximum gross floor area in the VC District.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that Section 83-220-C, 83-230-C and 83-260-C, of the Zoning Ordinance of the County of Powhatan, is amended and reenacted as follows:

ARTICLE IV – VILLAGE GROWTH AREA DISTRICTS

Sec. 83-220. - Village Residential (VR) District.

C. Intensity and Dimensional Standards.¹		
Lot area, minimum		10,000 s.f. ²
Lot width, minimum		60 ft. ²
Density, maximum		4 du/ac
Lot coverage, maximum		60%
Structure height, maximum		35 ft.
Front yard depth, minimum	<u>Along major arterials, excluding limited access roads</u>	<u>75 ft.^{3,5}</u>
	<u>Along minor arterial and collector roads</u>	<u>50 ft.^{3,6}</u>
	<u>Lots abutting internal/local roads</u>	<u>10 ft.^{3,7}</u>
Side yard depth, minimum		5 ft. ²
Rear yard depth, minimum		25 ft. ⁴
Corner lot yard depth, minimum		10 ft.

Notes: ft. = feet s.f. = square feet

1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations).
2. For townhouse development, applies to development site as a whole, provided individual townhouse lots have a minimum lot size of 1,800 s.f. and a minimum lot width of 18 ft.
3. Any front-loading garage shall be set back at least 5 ft. to the rear of the dwelling's front facade.
4. Three ft. for accessory uses and structures.
5. Fifty ft. for accessory uses and parking lots.

- 6. Thirty-five ft. for accessory uses and parking lots.
- 7. Ten ft. for accessory uses and parking lots.

(Ord. No. O-2013-06, 9-16-13; Ord. No. 2014-23, 9-15-14)

Sec. 83-230. - Village Center (VC) District.

C. Intensity and Dimensional Standards.¹		
Lot area, minimum	10,000 s.f. ²	
Lot width, minimum	50 ft. ²	
Density, maximum	4 du/ac	
Gross floor area, maximum	10,000 <u>15,000</u> s.f.	
Lot coverage, maximum	60%	
Structure height, maximum	35 ft.	
Front yard depth, minimum	<u>Along major arterials, excluding limited access roads</u>	<u>75 ft.</u> ^{3,4}
	<u>Along minor arterials and collector roads</u>	<u>50 ft.</u> ^{3,5}
	<u>Lots abutting internal/local roads</u>	10 ft. ⁶
Side yard depth, minimum	n/a	
Rear yard depth, minimum	10 ft. ³	
Corner lot yard depth, minimum	10 ft.	
Notes: ft. = feet s.f. = square feet 1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations). 2. For townhouse development, applies to development site as a whole, provided individual townhouse lots have a minimum lot size of 1,800 s.f. and a minimum lot width of 18 ft. 3. Three ft. for accessory uses and structures. 4. <u>Fifty ft. for accessory uses and parking lots.</u> 5. <u>Thirty-five ft. for accessory uses and parking lots.</u> 6. <u>Ten ft. for accessory uses and parking lots.</u>		

(Ord. No. O-2013-06, 9-16-13; Ord. No. 2014-23, 9-15-14)

Sec. 83-240. - Commerce Center (CC) District.

C. Intensity and Dimensional Standards. ¹		
Lot area, minimum		10,000 s.f.
Lot width, minimum		60 ft.
Density, maximum		n/a
Lot coverage, maximum		60%
Gross floor area, maximum		n/a
Structure height, maximum		35 ft.
Front yard depth, minimum	<u>Along major arterials, excluding limited access roads</u>	<u>75 ft.³</u>
	<u>Along minor arterial and collector roads</u>	<u>50 ft.⁴</u>
	<u>Lots abutting internal/local roads</u>	<u>10 ft.⁵</u>
Side yard depth, minimum		n/a
Rear yard depth, minimum		10 ft. ²
Corner lot yard depth, minimum		10 ft.
Notes: ac = acre(s) ft. = feet 1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations). 2. Three ft. for accessory uses and structures. 3. <u>Fifty ft. for accessory uses and parking lots.</u> 4. <u>Thirty-five ft. for accessory uses and parking lots.</u> 5. <u>Ten ft. for accessory uses and parking lots</u>		

(Ord. No. O-2013-06, 9-16-13; Ord. No. 2014-23, 9-15-14)

In all other respects said Zoning Ordinance of the County of Powhatan shall remain unchanged and be in full force and effect.

APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON MAY 23, 2016.

William E. Melton, Chairman
Powhatan County Board of Supervisors

ATTEST:

**Patricia Weiler, Clerk
Powhatan County Board of Supervisors**

Recorded Vote:

David T. Williams _____
Larry J. Nordvig _____
Angela Y. Cabell _____
William E. Melton _____
Carson L. Tucker _____

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**16-03-REZ – County of Powhatan
3975 & 3977 Old Buckingham Road**

Staff Report prepared for the Planning Commission

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	May 3, 2016	Public Hearing
Board of Supervisors	May 23, 2016	Public Hearing - Tentative

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Proposed Zoning:	Village Center (V-C)	
Existing Zoning:	Residential-Commercial (R-C); Commercial (C); and Agricultural-10 (A-10)	
Parcel Size:	7.3 ± acres total (4.38 ac. & 2.91 ac.)	
Parcel ID#	26B2-1-9; 26B2-1-24	
Owner(s):	County of Powhatan; Powhatan County School Board	
Location of Property:	3975 & 3977 Old Buckingham Road	
Electoral District:	#4 Powhatan Courthouse/Mt. Zion	
Land Use Plan Recommendation:	Village Center	
Zoning of Surrounding Property:	North:	Residential-Commercial (R-C)
	South:	Agricultural-10 (A-10)
	East:	Residential-Commercial (R-C) Agricultural-10 (A-10)
	West:	Residential-Commercial (R-C) Agricultural-10 (A-10)

III. EXECUTIVE SUMMARY:

The County of Powhatan, on behalf of the County and the Powhatan County School Board, is requesting the rezoning of 7.3[±] acres located on the south side of Old Buckingham Road approximately 375' west of its intersection with Mann Road from Residential-Commercial (R-C), Commercial (C), and Agricultural-10 (A-10) to Village Center (V-C). The parcels involved are identified as 3975 Old Buckingham Road (Tax Parcel #26B2-1-24), which is owned by the Powhatan County School Board, and 3977 Old Buckingham Road (Tax Parcel #26B2-1-9), which is owned by the County of Powhatan. The applicant has initiated the rezoning to construct a Joint Transportation Maintenance Facility that will service both the County and School Board vehicle fleets. Ownership of 3977 Old Buckingham Road (#26B2-1-9) will be transferred to the Powhatan County School Board. The two (2) parcels involved will be consolidated into a single parcel to allow for the construction of the new maintenance facility.

IV. SUBJECT PROPERTY:

The subject properties consist of a total of 7.3[±] acres located at 3975 and 3977 Old Buckingham Road on the south side of Old Buckingham Road (Rt. 13). The properties are located approximately 375 feet west of the intersection of Old Buckingham Road and Mann Road (Rt. 687). The subject property consists of two (2) parcels, Tax Parcel 26B2-1-9, containing 4.4 acres, and Tax Parcel 26B2-1-24, containing 2.9 acres. The properties are currently zoned Residential-Commercial (R-C), Commercial (C), and Agricultural-10 (A-10), and the current land use designation is Vacant Rural Residential. The proposed rezoning of the 7.3 [±] acres consists of approximately 390 feet of road frontage along Old Buckingham Road.

- **3975 Old Buckingham Road** – The approximate 4,100 square foot, 1-story block building was constructed in 1943. The building and site currently serve as the Powhatan School Bus Garage maintenance facility and parking area. The property is predominately open and flat, and contains a 2,120 square foot 1-story metal building along the rear property line and two (2) 960 square foot office trailers along the western property line.

The facility will remain operational during construction of the new facility and will be demolished once construction of the new facility is completed. The out-building located along the rear property line will be retained and two trailers will be removed. Additionally, an open canopy will be added adjacent to the out-building along the rear property line. The site also contains four fuel pumps that will be retained at their current location. A canopy will be added over the fuel pumps as part of the project.

- **3977 Old Buckingham Road** – The 4,712 square foot 1-story block building was constructed in 1949. The building was the former location of the “Powhatan Locker Plant,” which served as a meat processing facility. Later the building served as a barbeque take-out restaurant and base for a catering business. The building is currently vacant and will be demolished as part of the project. The site is predominately flat and wooded.

The County will retain the westernmost portion (the “triangle”) of the site, either in fee or easement, as the location of an above ground water storage tank that will be constructed to address the fire suppression needs of both the Maintenance Facility and the Powhatan Middle School projects, and provide for future water capacity in the Courthouse Village area.

Figure 1 - Subject Property



V. ZONING AND LAND USE ANALYSIS:

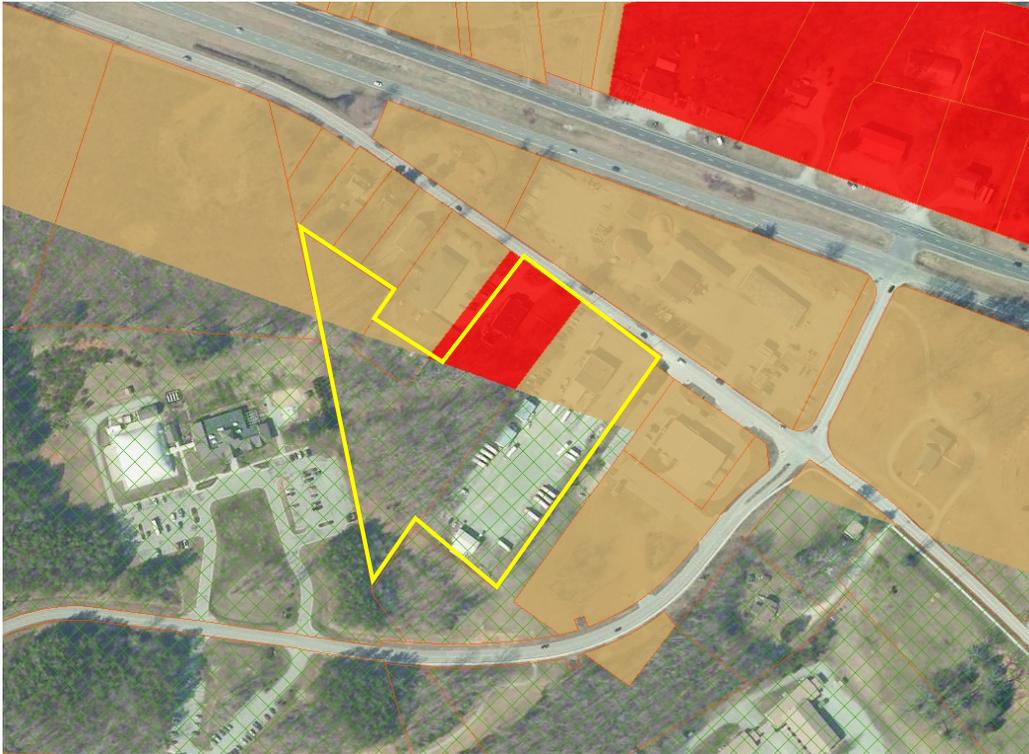
The applicant has requested the rezoning of approximately 7.3[±] acres to construct the new Joint Transportation Maintenance Facility on the parcels in question. The rezoning is necessary as the parcels in question are “split” zoned, or have more than one zoning designation (see zoning map below). Both parcels have a portion of their area zoned Agricultural-10 with the remainder zoned either Commercial or Residential-Commercial designation. Due to the location of the proposed transportation maintenance facility in relation to the zoning district boundaries, it was necessary to rezone the entire site to move forward with the project.

The surrounding properties are zoned predominately Residential-Commercial (R-C) and Agricultural-10 (A-10).

Section 83-231, of the County’s Zoning Ordinance provides for “government maintenance, storage, or distribution facility” as a “by-right” use in the Village Center (VC) Zoning District.

The proposed transportation maintenance facility will be 13,500 square feet, which is less than the 15,000 square foot maximum footprint for individual buildings in the Village Center areas as recommended by the Comprehensive Plan.

Figure 2 – Zoning Map



VI. MAJOR THOROUGHFARE PLAN AND SITE ACCESS

The subject properties consist of approximately 390 feet of road frontage along Old Buckingham Road (State Route 13), approximately 375 feet west of the intersection of Old Buckingham Road and Mann Road (Rt. 687). This portion of Old Buckingham Road is primarily a marked two-lane road that is designated a Minor Arterial by the Major Thoroughfare Plan in the 2010 Long-Range Comprehensive Plan and the Powhatan County Subdivision Ordinance.

The two (2) parcels in question currently have a total of four (4) points of entry/exit onto Old Buckingham Road. The proposed redevelopment of the site will eliminate the two (2) middle entry/exit points while maintaining the eastern and westernmost access points. The elimination of the two access points will reduce potential traffic conflicts along Old

Buckingham Road and improve traffic flow in and out of the site. The remaining access points will be improved to VDOT's commercial entrance standards.

VII. PUBLIC SERVICE ANALYSIS:

VDOT – J.T. Phillippe, VDOT Richmond District

As of the publishing of the staff report, Staff had not received comments from VDOT.

Public Works – Johnny Melis, Utilities Manager

3975 and 3977 Old Buckingham Road are located within the Water and Wastewater Service District. 3975 Old Buckingham Road is currently connected to the County's wastewater system. The new facility will be connected to the County's wastewater system.

Building Inspections – Kevin Zoll, Building Plans Reviewer

No Comments

VIII. COMPREHENSIVE PLAN ANALYSIS:

The subject properties are designated as Village Center (VC) on the Courthouse Village Special Plan Area Map. Surrounding areas to the north and west are also designated Village Center (VC). Areas to the east and south are designated Public on the Courthouse Village Special Plan Area Map. The Plan indicates that the "Courthouse Village is both the historic and government center for the county. This special area is recommended for a mix of village centers, village residential and commerce centers that create a walkable community in close proximity to the government facilities."

Designed in accordance with provisions of the Zoning Ordinance, the vehicle maintenance facility could be constructed in a compatible manner with the uses in the surrounding area, and consistent with the following Visions, Goals, Objectives and Policies of the 2010 Long-Range Comprehensive Plan:

- **Schools Section of Chapter 6, Infrastructure and Facilities:** Plan for addition of transportation vehicles, bus garage and maintenance facility.
- **Village Center Land Use Policy #9:** A mix of commercial, office, service, public and residential uses should be accommodated in village centers with vertical mixed-use buildings being a preferred form.
- **Village Center Land Use Policy #10:** The scale of buildings in village centers should maintain a small town feel, and be limited to buildings with small footprints of 15,000 square feet or less. Buildings should be limited to a maximum height of thirty-five feet or a maximum of three stories for a total area not to exceed 45,000 square feet...
- **Village Center Land Use Policy #22:** New infrastructure should be planned to be adequate for both the proposed development and any additional planned growth in the village proximity...

- **Village Center – Appropriate Land Uses:** Public institutional including government facilities and offices, fire stations.

IX. PROFFERED CONDITIONS:

The applicant has not proffered any conditions with this rezoning request.

X. STAFF RECOMMENDATION:

The request is generally consistent with the recommendations of the 2010 Comprehensive Land Use Plan and in accordance public necessity, convenience, general welfare and good zoning practice, therefore staff recommends approval of the request submitted by The County of Powhatan to rezone 7.3[±] acres located at 3975 and 3977 Old Buckingham Road, further identified as Tax Parcels 26B2-1-9 and 26B2-1-24 from R-C, C, and A-10 to V-C, and amend the County’s Zoning District Map.

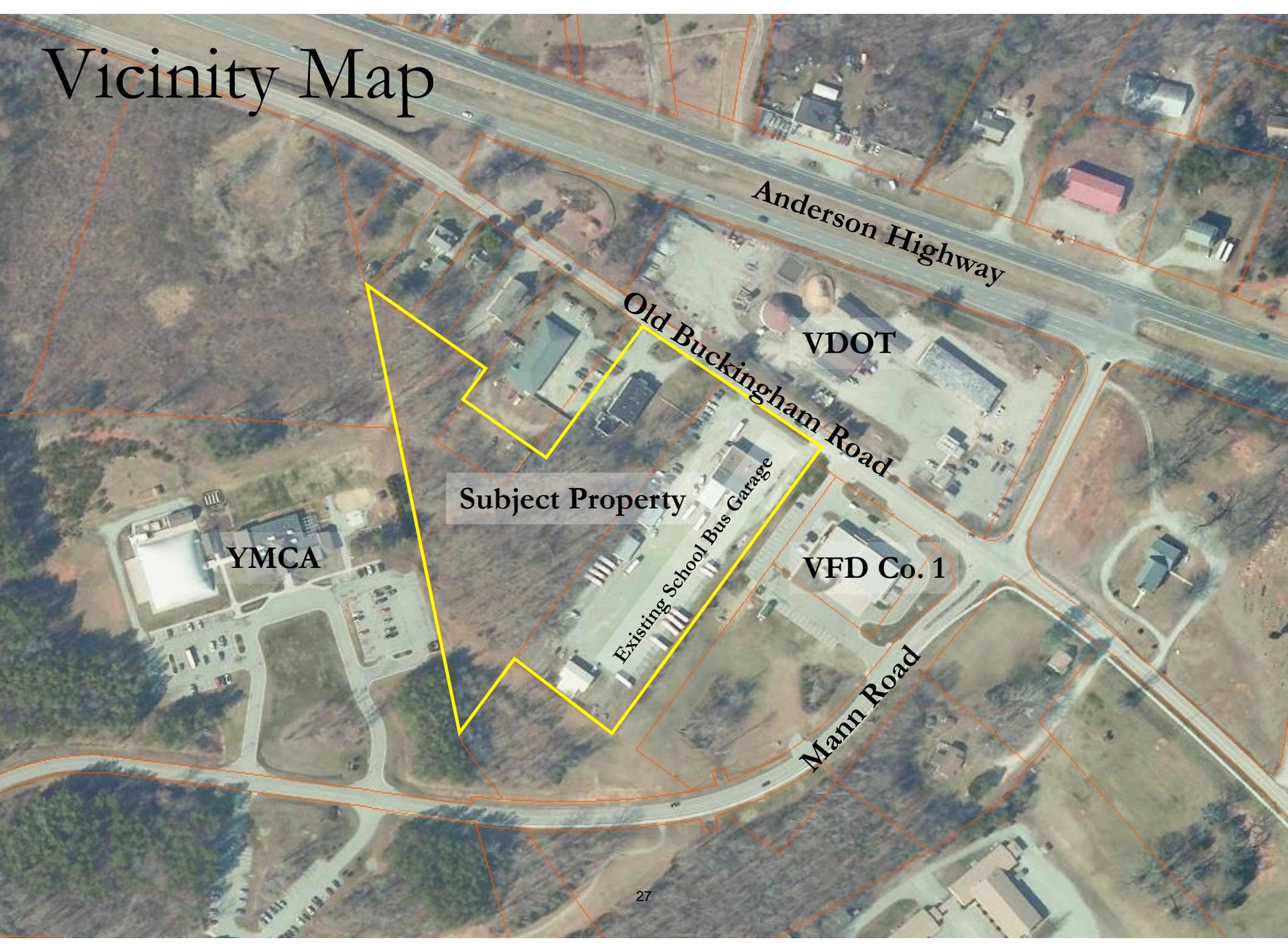
XI. PROPOSED RESOLUTION:

In accordance with Article 37, of the Powhatan Zoning Ordinance, and in accordance public necessity, convenience, general welfare and good zoning practice, the Planning Commission recommends (*approval / denial / deferral*) of the request submitted by The County of Powhatan to rezone 7.3[±] acres located at 3975 and 3977 Old Buckingham Road, further identified as Tax Parcels 26B2-1-9 and 26B2-1-24 from R-C, C, and A-10 to V-C, and amend the County’s Zoning District Map.

Attachment(s):

1. Vicinity Map
2. Tax Parcel Map
3. Zoning Map
4. Future Land Use Map
5. Map 3 - Public Facilities, 2010 Long-Range Comprehensive Plan
6. Application for Rezoning
7. Power of Attorney
8. Plat of 2.910 Acres by Woodrow Cofer dated June 9, 2009 – Existing School Garage
9. Plat of 2 Parcels by Woodrow Cofer dated June 2, 2015 – 3977 Old Buckingham Road
10. Joint Transportation Maintenance Facility Board Presentation by BCWH dated February 3, 2016
11. Adjacent Property Owners
12. Department of Public Works Comments

Vicinity Map



Anderson Highway

Old Buckingham Road

VDOT

Subject Property

Existing School Bus Garage

VFD Co. 1

Mann Road

YMCA

Tax Parcel Map

026B1-1-9B

026B1-1-14

026-112

026-114

026-116

026-117F

026-117E

026-117A

026-117B

026-117C

026-117D

026B2-1-3

026B2-1-10

026B2-1-4

026B2-1-5

026B2-1-6

026B1-1-10

026B2-1-7

026B2-1-8

Old Buckingham Road

026B2-1-10A

026B2-1-9

026B2-1-24

026B2-1-20A

026B2-1-12

026-62

026B2-1-20D

026B2-1-22

Mann Road

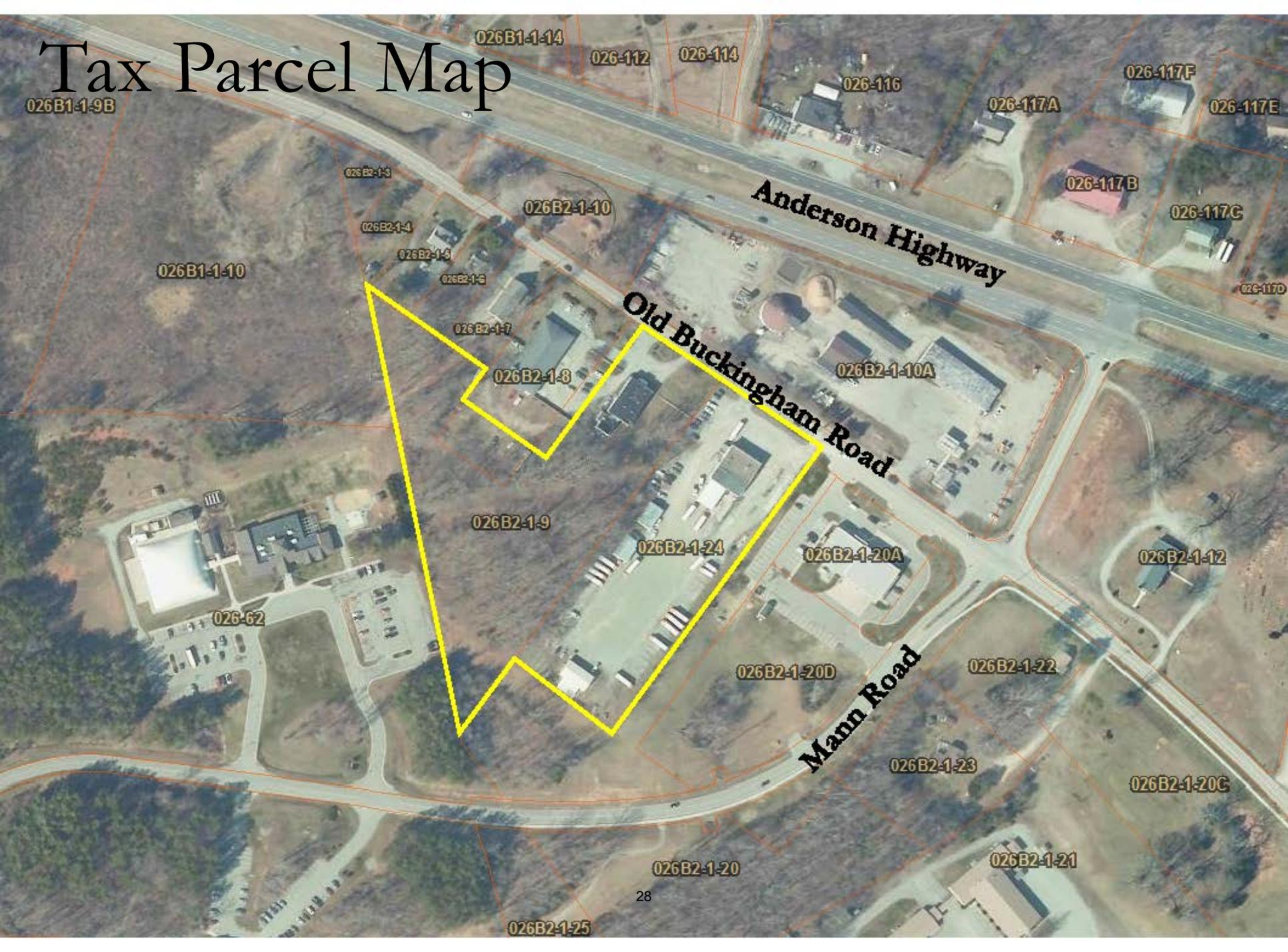
026B2-1-23

026B2-1-20C

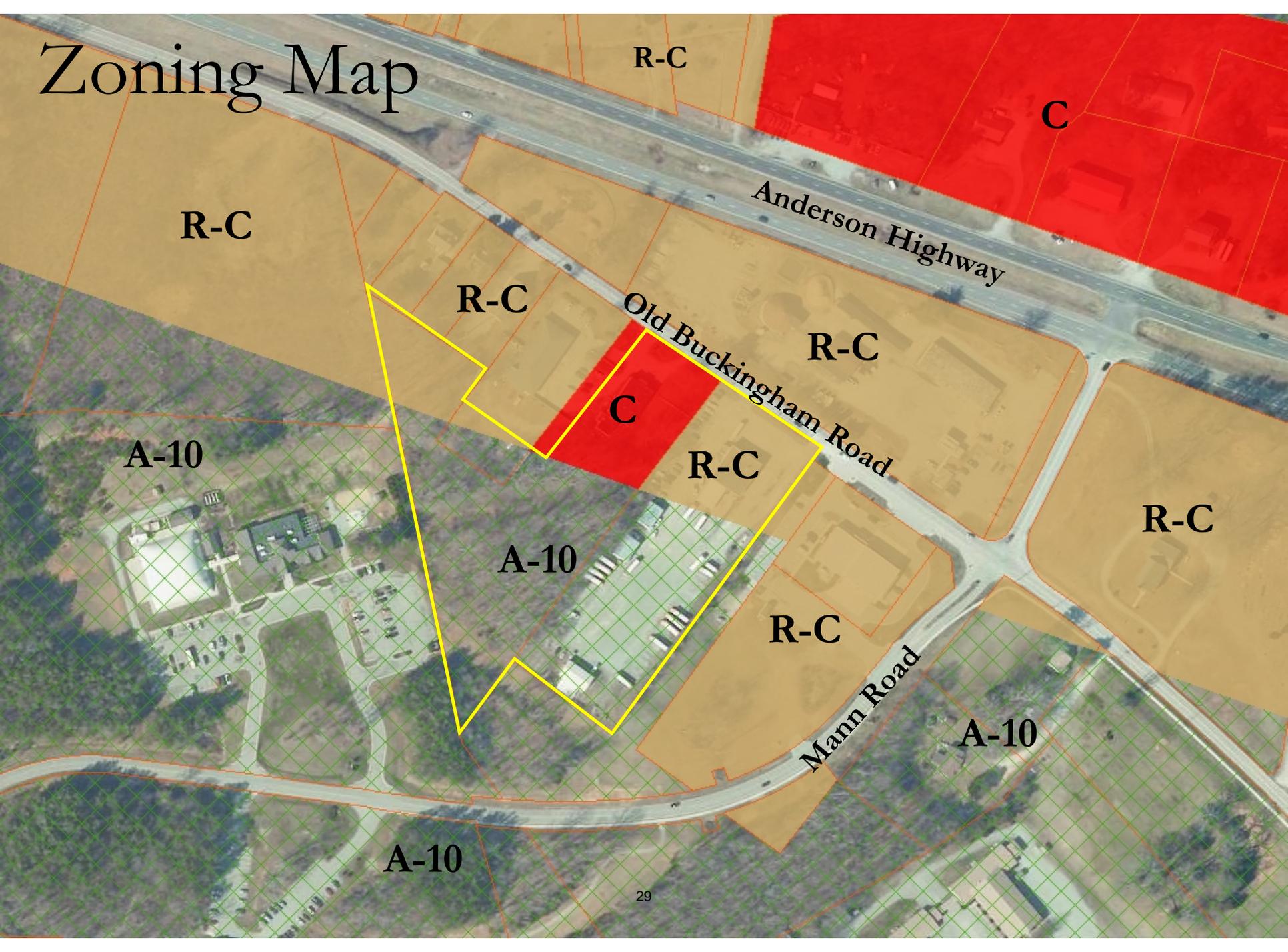
026B2-1-20

026B2-1-21

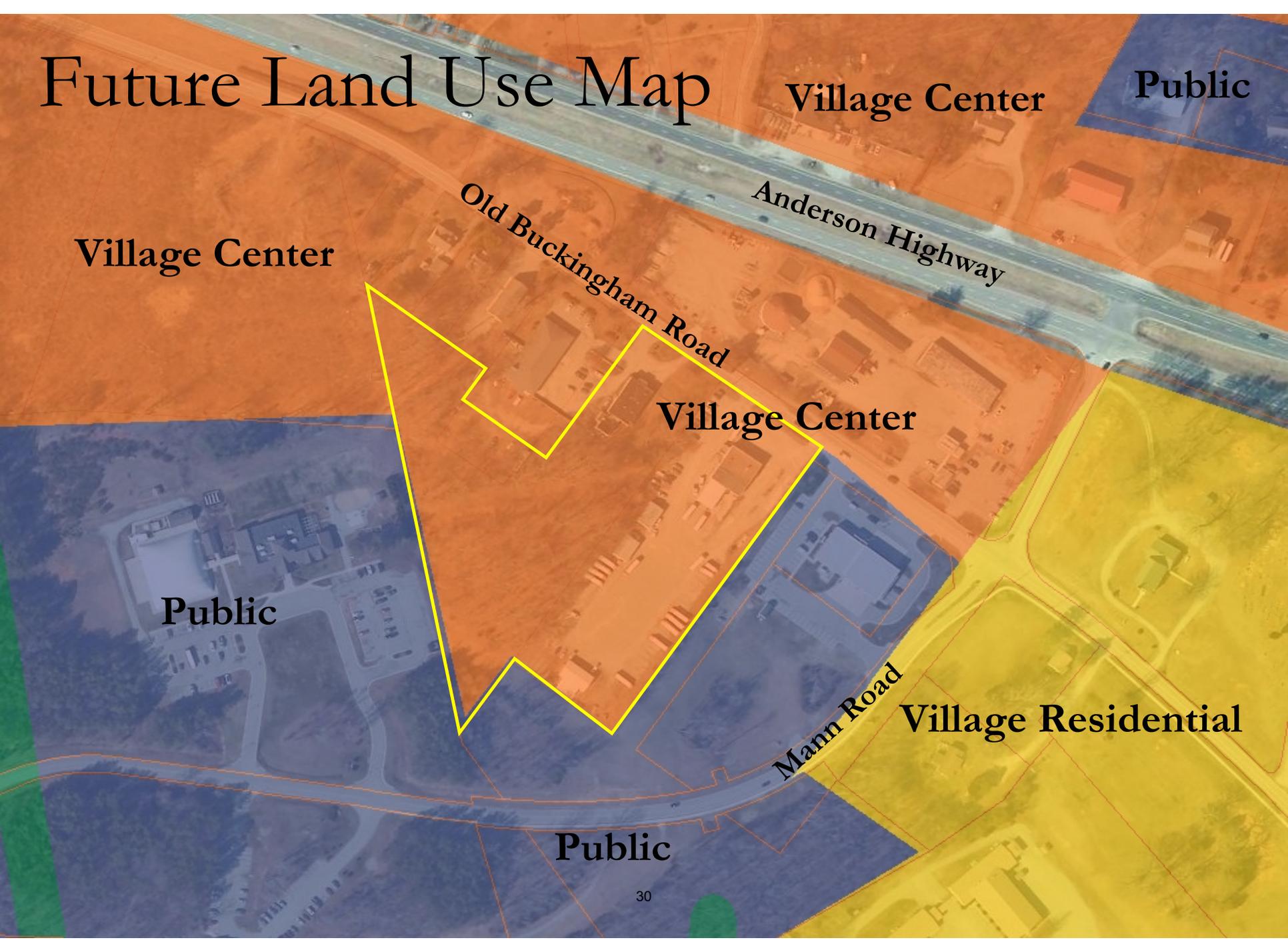
026B2-1-25



Zoning Map



Future Land Use Map



Village Center

Public

Village Center

Old Buckingham Road

Anderson Highway

Village Center

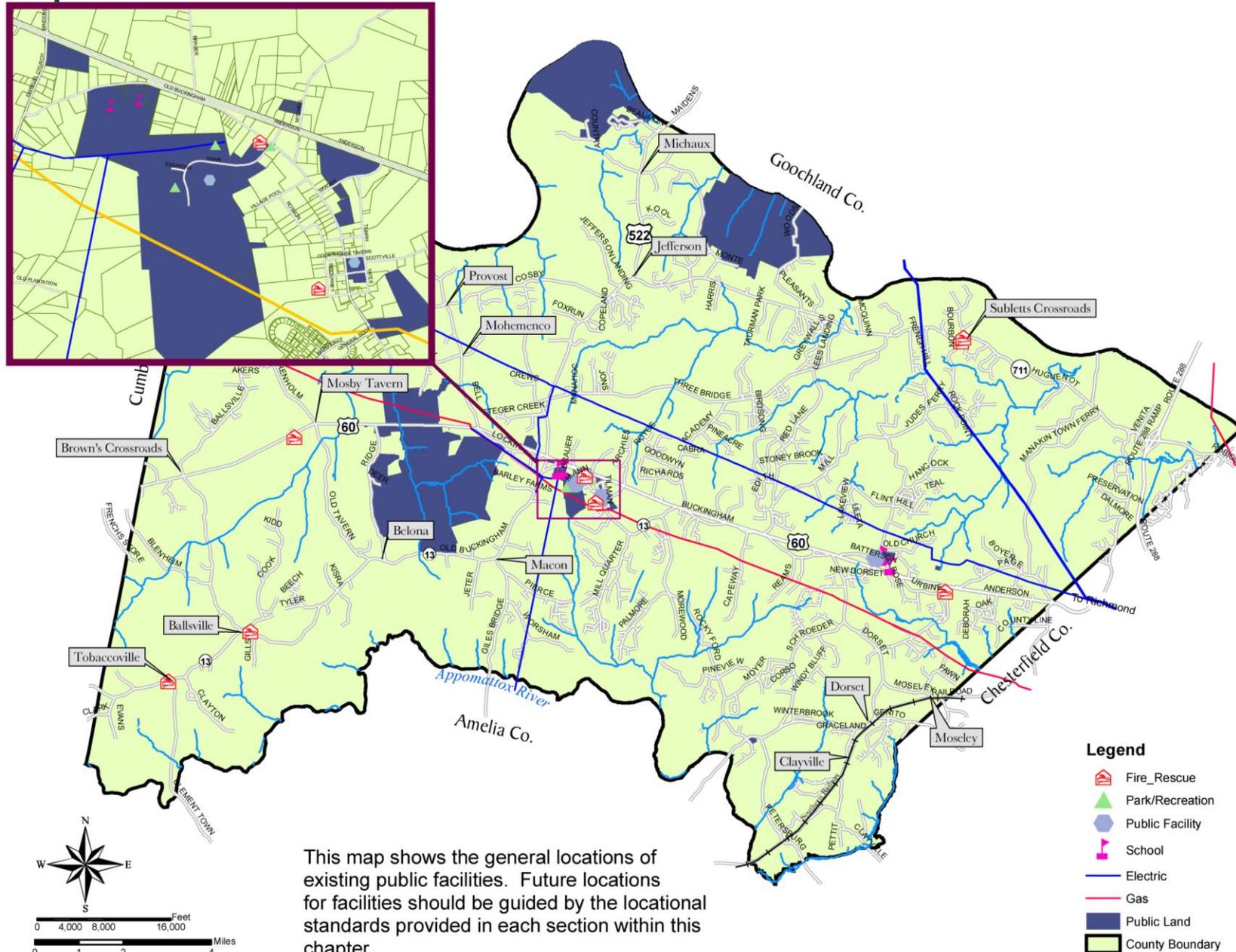
Public

Village Residential

Mann Road

Public

Map 3: Public Facilities



This map shows the general locations of existing public facilities. Future locations for facilities should be guided by the locational standards provided in each section within this chapter.

REZONING APPLICATION

Please Type or Print

<i>For office use only</i>	Case # <u>16-03-REZC</u>
Date of Pre-application meeting _____	Date Filed <u>4/8/16</u>

APPLICANT INFORMATION

County of Powhatan
 Owner/Applicant Powhatan County School Board Telephone (804) 598-5605
 Address 3834 Old Buckingham Road Owner Lessee ()
Powhatan, VA 23139

Contract Purchaser N/A Telephone _____
 Address _____

Who Should Correspondence or Questions regarding this Application be directed to:

Name March Altman Telephone (804) 598-5605
 Address 3834 Old Buckingham Road, Powhatan, VA 23139

PARCEL INFORMATION AND REQUEST

Tax Map 26B2-1-9 Section # _____ Magisterial District Powhatan Courthouse/Mt. Zion
3975 Old Buckingham Road
 Location 3977 Old Buckingham Road Area (acres/sq. ft.) in _____
 Property 7.3+/- Area (acres/sq. ft.) In Rezoning 7.3+/-

Are there any Deed Restrictions? Yes ___ No (If yes, attach copy of restrictions)
 Residential-Commercial (R-C)
 Commercial (C)
 Current Zoning Agricultural-10 (A-10) Requested Zoning Village Center (VC)

Describe in Detail the Proposed Use of Property:

Property will be used as a Joint Transportation Maintenance Facility by the Powhatan County School Board.
The facility will replace the existing facility located at 3975 Old Buckingham Road
The facility will service both the County and School Board vehicle fleets.

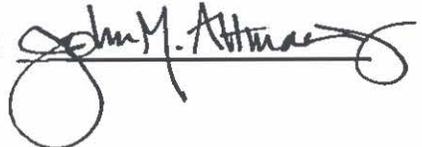
STATEMENT FOR VALIDITY OF INFORMATION

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

State of Virginia
County of Powhatan to wit

I, being duly sworn, depose and say that I am the Lessee/Owner of the property involved in the application. If I am not the Lessee/Owner, I will produce a copy of a contract to purchase the property or I will present written certification contract to purchase the property or I will present written certification from the owner granting me the right to submit this application.

I, declare that I have familiarized myself with the rules and regulation 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.

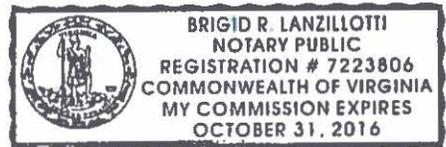
Signed 

Print Name John M. Altman, Jr.

Subscribed and sworn to before me this 11 day of April, 2014.

Notary Public 

My Commission Expires Oct 31, 2014



*****PROFFERS MUST BE SUBMITTED TWO WEEKS PRIOR TO PLANNING***
COMMISSION AND BOARD OF SUPERVISORS MEETINGS.**

STATEMENT OF PROFFER

CASE # _____

Pursuant to Section 15.2-2296 of the Code of Virginia and Article 24 of the Powhatan County Zoning Ordinance. I do hereby voluntarily proffer, as the owner of record of the property which is the subject of this rezoning request, the following conditions:

N/A

I hereby acknowledge that the Rezoning of the Subject Property gives rise to the need for these conditions.

Owner of Record - Signature

Date

Type or print name _____

COMMONWEALTH OF VIRGINIA,
COUNTY OF _____, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by _____, whose name is signed to the above, on this ___ day of ___ 20__.

Notary Public _____

My Commission expires: _____

OWNERSHIP DISCLOSURE

Both the Code of Virginia and the County Zoning Ordinance allow the County to request full disclosure of ownership in properties subject to this request. To assist us in obtaining this information, please complete this form in full.

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

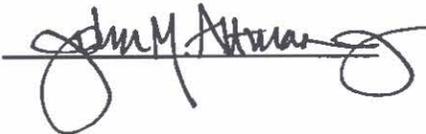
NOTE: If this request is in the name of a corporation, artificial person, joint venture, trust, or other form of ownership, all officers, directors, and any stock holders owning ten percent or more of such stock must be listed.

<u>NAME</u>	<u>ADDRESS (Include Zip Code)</u>
County of Powhatan	3834 Old Buckingham Road Powhatan, VA 23139
Powhatan County School Board	2320 Skaggs Road Powhatan, VA 23139

I, John M. Altman, Jr., 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) _____ requesting Rezoning, Conditional Use Permit, and Variance/Appeal. (Please circle one)

26B2-1-9 &
26B2-1-24

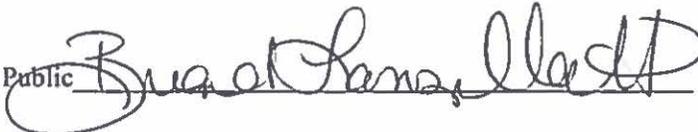
If the above information changes at any time while this case is being considered, I will provide the County with an updated list.

 Signature

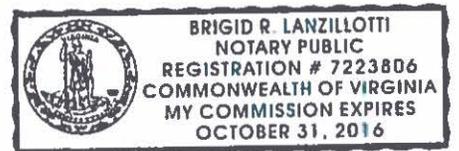
STATE OF VIRGINIA
COUNTY OF POWHATAN, to wit:

This day John M. Altman, Jr. personally appeared before me, Brigid Lanzilotti, a Notary Public in and for the County and State aforesaid, and swore or affirmed that the matters stated in the foregoing Ownership Disclosure Affidavit are true to the best of his/her knowledge and belief.

Given under my hand this 11 day of April, 2016.

Notary Public 

My commission expires: Oct 31, 2016



LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

1. That I/We

Name Dr. Eric L. Jones Telephone (804) 598-5700

Address 2320 Skaggs Road, Powhatan, VA 23139

Name _____ Telephone _____

Address _____

Name _____ Telephone _____

Address _____

Name _____ Telephone _____

Address _____

being all of the owner(s) of the property described as County tax map numbers:

26B2-1-24

and authorized to take such action, do hereby make, constitute and appoint:

2. Name March Altman Telephone (804) 598-5612

Address 3834 Old Buckingham Road, Powhatan VA 23139

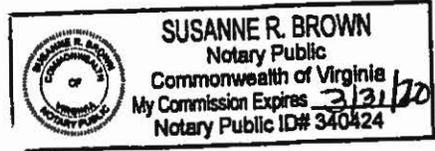
to act as my/our true and lawful attorney-in-fact for and in my/own name, place and stead with full power and authority I/we would have if acting personally to seek rezoning, conditional use, variance, appeal or any other zoning matter, and to set forth and offer such legally acceptable voluntarily proffered conditions (including any additions, amendments, modifications or deletions thereto), or any other agreements or representations that in his discretion are deemed reasonable, appropriate and necessary except as follows:

3. _____

Susanne R. Brown

4. In witness whereof, I/we have hereto set my/our hand and seal

this 19th day of April, 2016.



[Handwritten Signature]

Signature(s)

Signature(s)

Signature(s)

Signature(s)

Witnessed
by: _____

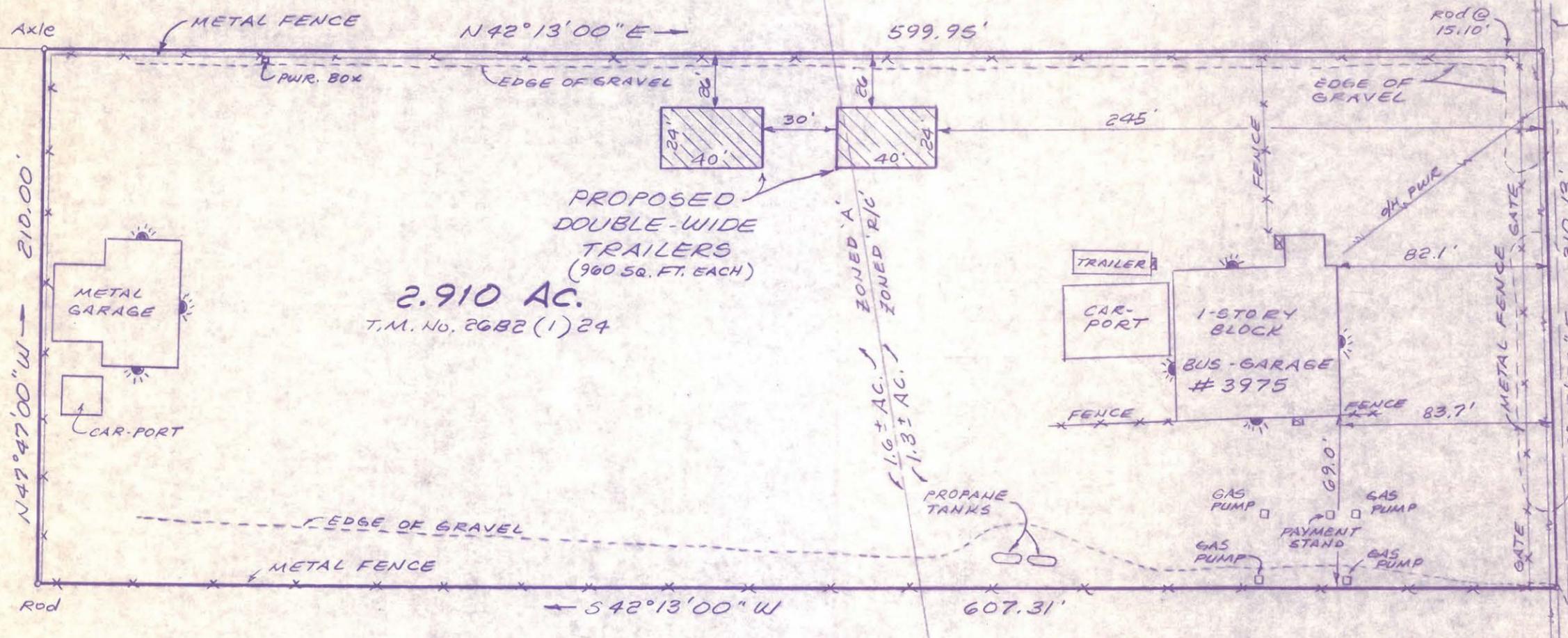
Witnessed
by: _____

NOTE: This document, with original signatures, shall be filed with the application and become a permanent part thereof.

DB 288, Pg 628

KENNETH G. CARTER
DB. 327 PG. 873
T.M. No. 2682 (1) 9

COUNTY OF POWHATAN
DB. 445 PG. 989
T.M. No. 2682 (1) 20



STATE ROUTE No. 13
(OLD BUCKINGHAM ROAD)

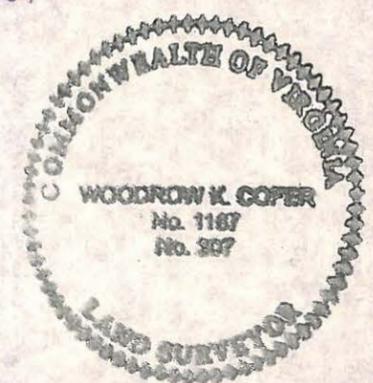
POWHATAN VOLUNTEER FIRE DEPARTMENT

- NOTES:
- THIS PROPERTY IS NOT WITHIN A HUD DEFINED FLOOD HAZARD ZONE. (ZONE 'C')
 - OWNER: POWHATAN COUNTY SCHOOL BOARD.
DB. 65 PG. 209

PLAT SHOWING 2.910 ACRES OF LAND LYING ON THE SOUTH LINE OF STATE ROUTE NO. 13

SPENCER DISTRICT - POWHATAN COUNTY, VA.
DATE: JUNE 9, 2009 SCALE: 1" = 50'

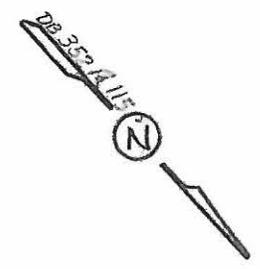
WOODROW K. COFER, INC.
CERTIFIED LAND SURVEYOR
POWHATAN, VIRGINIA
(804) 598-2014



INDICATES EXISTING LIGHT TO BE REPLACED BY "RAB LIGHTING" MODEL No. WP2CH175QT

COUNTY OF POWHATAN
DB. 409 PG. 79
T.M. NO. 2682-1-20

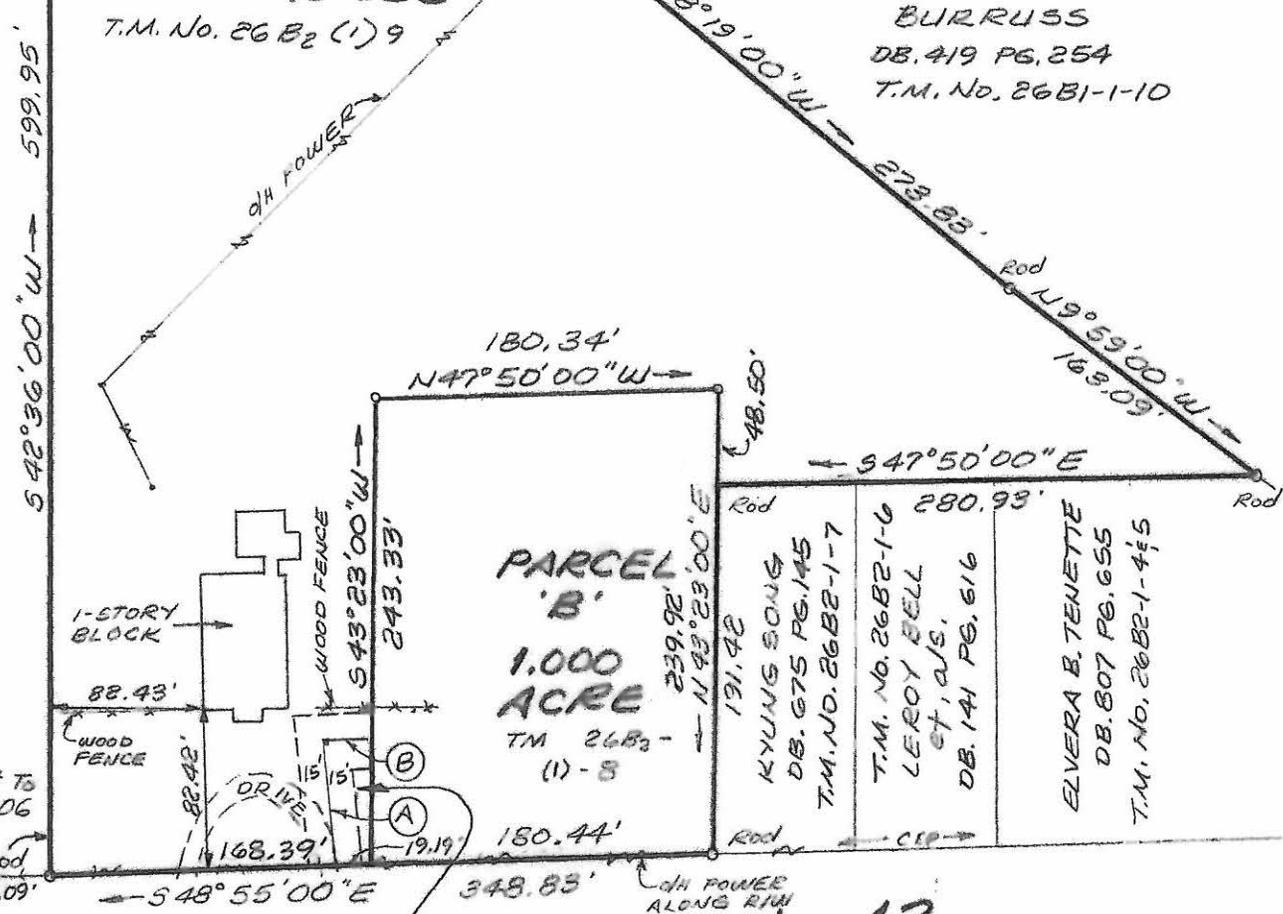
COUNTY OF POWHATAN
DB. 333 PG. 435
T.M. NO. 26-62



POWHATAN COUNTY
SCHOOL BOARD
T.M. NO. 2682-1-24

PARCEL 'A'
4.378 ACRES
T.M. No. 26B2 (1) 9

EDMUND C.
BURRUSS
DB. 419 PG. 254
T.M. No. 26B1-1-10



0.3 Mi. ± To
RTE # 1006

- ⊕ ESM'T
- Ⓐ S36°19'00"W
60.20'
- Ⓑ N48°55'00"W
26.60'

STATE ROUTE No. 13

30' ACCESS
EASEMENT

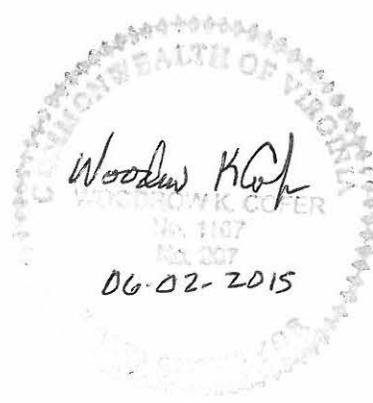
**PLAT SHOWING 2 PARCELS
OF LAND LYING ON THE SOUTH
LINE OF STATE ROUTE No. 13**

SPENCER DISTRICT - POWHATAN COUNTY, VA.

DATE: DECEMBER 2, 1996 SCALE: 1" = 100'
REV: JUNE 2, 2015

NOTE:
THIS PROPERTY IS NOT WITHIN A FEMA
DEFINED FLOOD HAZARD AREA,
SEE PANEL NO. 51145C0120B.

ADDRESS: 3979 OLD BUCKINGHAM ROAD (PARCEL 'A')



WOODROW K. COFER, INC.
CERTIFIED LAND SURVEYOR
POWHATAN, VIRGINIA
(804) 598-2014



Joint Transportation Maintenance Facility Board Presentation

February 3, 2016



AGENDA

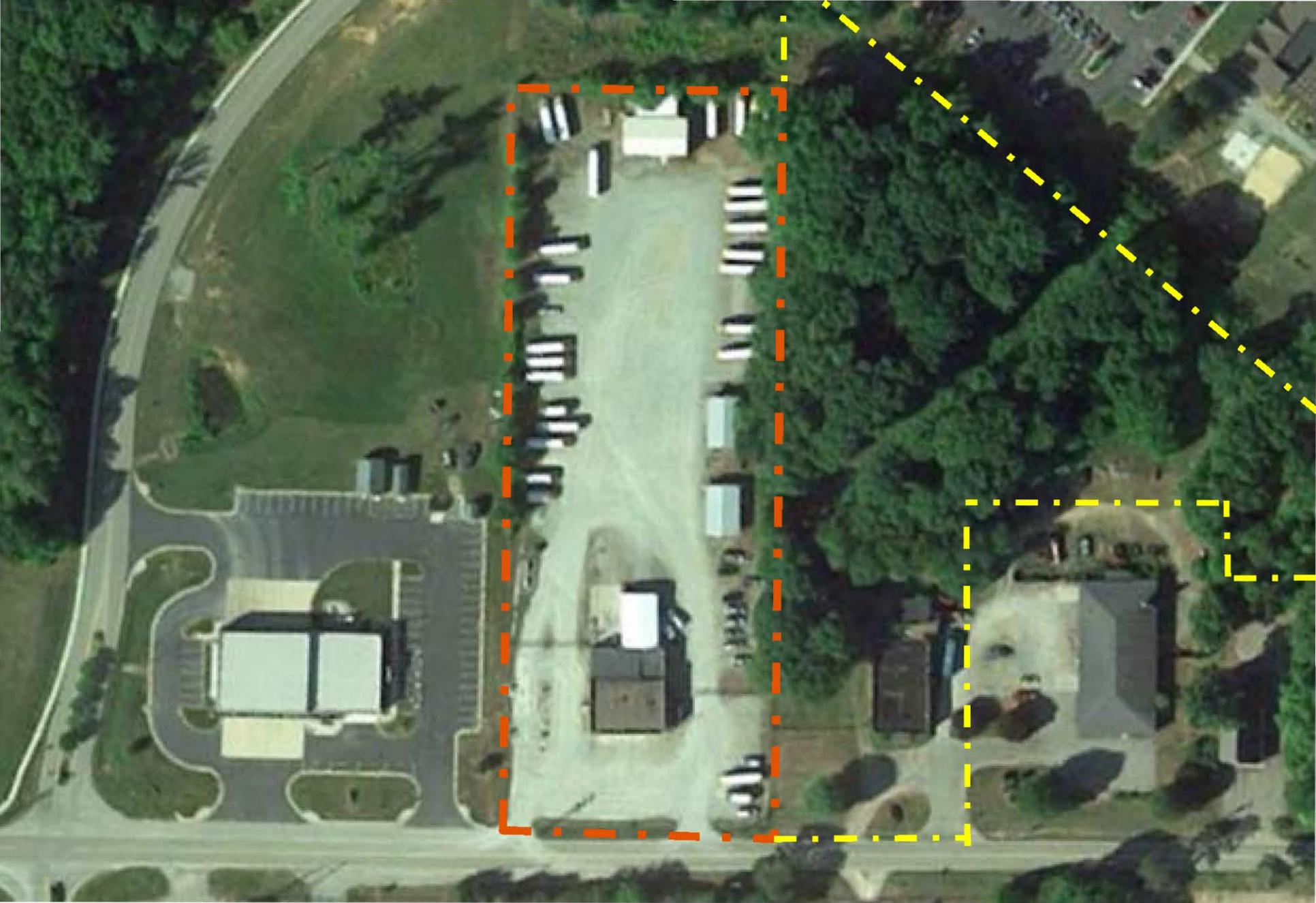
- **PROJECT DESCRIPTION**
- **DESIGN PRESENTATION**
 - **Plans**
 - **Building Views**
- **NEXT STEPS**

PROJECT SCOPE

- New Vehicular Maintenance Facility
- Existing Site with Additional Property
- Joint County/Schools facility
 - County Vehicles – 108
 - School Vehicles – 130
- Maintain existing operation during construction

BUILDING PROGRAM SUMMARY

Transportation Offices, Training & Support Spaces	1,000 NSF
Transportation Service Shops	7,300 NSF
- School Buses and Large Equipment – 5 bays	
- Light Duty Service – 3 bays	
Service and Utility Support Spaces	2,390 NSF
PCPS Maintenance Shops / Storage	1,200 NSF
Walls, restrooms, circulation	1,910 GSF
Total Interior SF	13,800 GSF
Outdoor Covered Area	2,500 GSF
Total Building SF	16,300 GSF





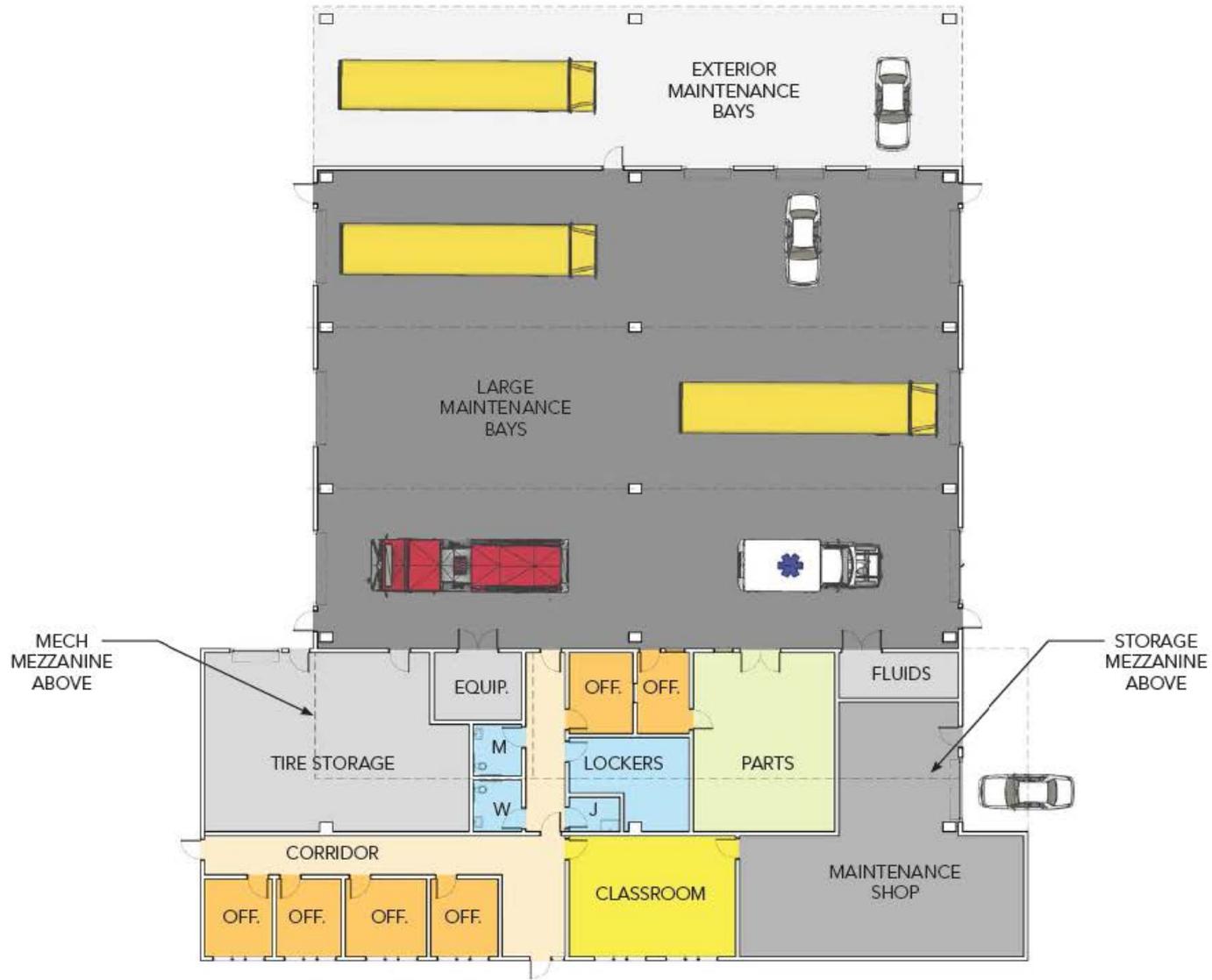
RELOCATED
STRUCTURE

BUS PARKING
(100)

NEW
MAINTENANCE
FACILITY

FUELING
CANOPY

PARKING











NEXT STEPS

- Complete and submit site plan for review and approval
- Complete Bid Documents – March 2016
- Project Bidding – April 2016
- Start Construction – July 2016
- Occupancy – May 2017*
 - Contingent upon resolution of fire suppression systems water supply

Questions?



April 20, 2016

Dear Adjoining Landowner,

The Powhatan County *Planning Commission*, on **May 3, 2016 at 7:00 p.m.** in the **Powhatan Village Building Auditorium, 3910 Old Buckingham Road**, will hold a public hearing taking under consideration the following:

REZONING REQUEST

16-03-REZ: County of Powhatan (Powhatan Courthouse/Mt. Zion Electoral District) request the rezoning from Agricultural-10 (A 10), Residential-Commercial (R-C), and Commercial (C) to Village Center (VC) and the amendment of the zoning district map of 7.3± acres of land located at 3975 and 3977 Old Buckingham 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 on the Courthouse Village Special Plan Area Map. Reference to Tax Map Parcels 26B2-1-9 and 26B2-1-24.

As an adjacent property owner, you are being notified of the request. All Planning Commission meetings are open to the public and you are encouraged to attend on the day and time specified above. Copies of the proposed plans, ordinances, or amendments may be reviewed in the Department of Planning and Community Development in the Powhatan County Administration Building between 8:30 AM and 5:00 PM of each business day. Copies of staff reports are available one week prior to the Public Hearing upon request.

If you have any questions or would like more information on the request, please contact the Planning Department at 598-5621.

Sincerely,

Community Development Department Staff

AFFIDAVIT

CASE #: 16-03-REZC

NAME: County of Powhatan (Powhatan Courthouse/Mt. Zion Electoral District)

LETTERS MAILED: April 20, 2016

**COMMONWEALTH OF VIRGINIA,
COUNTY OF POWHATAN, to-wit:**

The undersigned affiant, first being duly sworn, states that this affidavit is made pursuant to Va. Code 15.2-2204 to certify that written notice of a pending public hearing on the above case has been sent by first-class mail to the last known address as shown by the current real estates tax assessment books of the owners of each parcel butting and immediately across the street from the affected property.


Signature

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid this day 20 of April, 2016.


Notary Public



VIRGINIA DEPARTMENT OF HIGHWAYS
3970 OLD BUCKINGHAM ROAD
POWHATAN, VA 23139

CARTER KENNETH G & MARGARET G
2051 FAIRLANE DRIVE
POWHATAN, VA 23139

CARTER KENNETH G & MARGARET G
2051 FAIRLANE DRIVE
POWHATAN, VA 23139

TENETTE ELVERA B, ALICE B BELL
& SHELLY B GRAY
9830 MOSSWOOD RD
NORTH CHESTERFIELD, VA 23236

BURRUSS EDMUND C
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BRYDIE JOSEPH A & ELMINA B
3991 OLD BUCKINGHAM ROAD
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POWHATAN COUNTY SCHOOL BOARD
2320 SKAGGS RD
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BELL LEROY ET AL
178 POOSPATUCK LANE
MASTIC, NY 11950

SONG KYUNG SUP & SA HUI
6500 WALNUT BEND CT
MIDLOTHIAN, VA 23112

Department of Public Works

Johnny Melis, EIT
Utilities Manager

THE COUNTY OF
POWHATAN
VIRGINIA

3834 Old Buckingham Road, Suite A
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April 22, 2016

Mr. Ed Howland, LS, CZO
Planning Manager

RE: 16-03-REZC, County of Powhatan 3975 & 3977 Old Buckingham Road

Dear Ed:

The Department of Public Works has reviewed 16-03-REZC, County of Powhatan 3975 & 3977 Old Buckingham Road, received April 20, 2016. The Tax Parcels, 26B2-1-9 and 26B2-1-24, are both located within the Water and Wastewater Service District. 3975 Old Buckingham is currently served by Powhatan County's sanitary sewer system but 3977 Old Buckingham Road is not. The new facility shall be connected to the County's sanitary sewer system. The department has no further review comments

Sincerely,

Utilities Manager
Department of Public Works

CC: Ramona Carter, P.E., MPA, Director of Public Works

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**16-01-SA – County of Powhatan
3975 & 3977 Old Buckingham Road
Substantial Accord Determination**

Staff Report prepared for the Planning Commission

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	May 3, 2016	Public Hearing
Board of Supervisors	May 23, 2016	Public Hearing - Tentative

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Proposed Zoning:	Village Center (V-C)	
Existing Zoning:	Residential-Commercial (R-C); Commercial (C); and Agricultural-10 (A-10)	
Parcel Size:	7.3 ± acres total (4.38 ac. & 2.91 ac.)	
Parcel ID#	26B2-1-9; 26B2-1-24	
Owner(s):	County of Powhatan; Powhatan County School Board	
Location of Property:	3975 & 3977 Old Buckingham Road	
Electoral District:	#4 Powhatan Courthouse/Mt. Zion	
Land Use Plan Recommendation:	Village Center	
Zoning of Surrounding Property:	North:	Residential-Commercial (R-C)
	South:	Agricultural-10 (A-10)
	East:	Residential-Commercial (R-C) Agricultural-10 (A-10)
	West:	Residential-Commercial (R-C) Agricultural-10 (A-10)

III. EXECUTIVE SUMMARY:

In coordination with the Powhatan County Public School System, the County of Powhatan has requested the Department of Community Development to conduct a “Substantially In Accord” review to determine whether a property proposed for use a vehicle maintenance facility is substantially in conformance with the County’s adopted 2010 Long-Range Comprehensive Plan.

The proposed site consists of 7.3 ± acres located on the south side of Old Buckingham Road approximately 375’ its intersection with Mann Road. The proposed site consists of two (2) parcels, which are identified as 3975 Old Buckingham Road (Tax Parcel #26B2-1-24), which is owned by the Powhatan County School Board, and 3977 Old Buckingham Road (Tax Parcel #26B2-1-9), which is owned by the County of Powhatan. The properties are zoned Residential-Commercial (R-C), Commercial (C), and Agricultural-10 (A-10). The subject properties are designated as Village Center on the Future Land Use Map. The applicant has initiated the rezoning of the subject properties to Village Center (V-C).

The current Powhatan County Public System vehicle maintenance facility is located at 3975 Old Buckingham Road. The current facility is not shown on the Public Facilities Map contained in the Comprehensive Plan. A Joint Transportation Maintenance Facility that will service both the County and School Board vehicle fleets is planned for the subject properties.

IV. PURPOSE

This report has been prepared to assist in making a determination whether the proposed public/government use of the property is “substantially in accord” with the County’s 2010 Long-Range Comprehensive Plan.

The comprehensive plan is not an instrument of land use control. It does, however, impact public areas, public buildings, and public utilities. Virginia Code §15.2-2232(A) requires that the location, character and extent of these public facilities be submitted to and approved as being in substantially in accord with the adopted comprehensive plan. A review is required when a project is proposed to construct a public facility that is not shown on the comprehensive plan.

The 2010 Long-Range Comprehensive Plan does not currently show the existing school bus maintenance facility on the Public Facilities Map nor does it recommend a public land use of the subject properties, therefore §15.2-2232(A) of the Code of Virginia mandates a “substantially in accord” finding be by the Planning Commission prior to the use of the property for a public purpose.

The Code of Virginia, §15.2-2232(A) states:

Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so ..., no street or connection to an existing street, park or other public area, public building or public

structure, public utility facility or public service corporation facility other than a railroad facility ..., whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof...

V. SUBJECT PROPERTY:

The subject properties consist of a total of 7.3 ± acres located at 3975 and 3977 Old Buckingham Road on the south side of Old Buckingham Road (Rt. 13). The properties are located approximately 375 feet west of the intersection of Old Buckingham Road and Mann Road (Rt. 687). The subject property consists of two (2) parcels, Tax Parcel 26B2-1-9, which consists of 4.4 acres, and Tax Parcel 26B2-1-24, which consists of 2.9 acres. The subject properties consist of approximately 390 feet of road frontage along Old Buckingham Road. The properties are currently zoned Residential-Commercial (R-C), Commercial (C), and Agricultural-10 (A-10).

- **3975 Old Buckingham Road** – The approximate 4,100 square foot, 1-story block building was constructed in 1943. The building and site currently serve as the Powhatan School Bus Garage maintenance facility and parking area. The property is predominately open and flat, and contains a 2,120 square foot 1-story metal building along the rear property line and two (2) 960 square foot office trailers along the western property line.

The facility will remain operational during construction of the new facility and will be demolished once construction of the new facility is completed. The out-building located along the rear property line will be retained and two trailers will be removed. Additionally, an open canopy will be added adjacent to the out-building along the rear property line. The site also contains four fuel pumps that will be retained at their current location. A canopy will be added over the fuel pumps as part of the project.

- **3977 Old Buckingham Road** – The 4,712 square foot 1-story block building was constructed in 1949. The building was the former location of the “Powhatan Locker Plant,” which served as a meat processing facility. Later the building served as a barbeque take-out restaurant and base for a catering business. The building is currently vacant and will be demolished as part of the project. The site is predominately flat and wooded.

The County will retain the westernmost portion (the “triangle”) of the property, either in fee or easement, as the location of an above ground water storage tank.

The Department of Public Works indicates that 3975 Old Buckingham Road is currently served by public sanitary sewer. Records indicate that the site is served by Aqua Virginia. County records indicate that 3977 Old Buckingham Road is served by well and septic system.

The subject property is served by the Powhatan Volunteer Fire Department, Company 1, which is directly adjacent east of the site. There is a fire hydrant located at Company 1 along Mann Road. A new above ground water storage tank is planned as part of the vehicle maintenance facility and new middle school projects to provide fire suppression for the facilities and to provide water storage for a future public water capacity to serve the Courthouse Village area.

Figure 1 - Subject Property



VI. ZONING AND LAND USE ANALYSIS:

The subject properties are “split” zoned, or have more than one zoning designation (see zoning map below). Both parcels have a portion of the front section of the property zoned either Commercial or Residential-Commercial with the remainder of the property zoned Agricultural-10. Due to the location of the proposed transportation maintenance facility in relate to the zoning district boundaries, it is necessary to rezone the entire site to move forward with the project. The applicant has requested the rezoning of the subject properties to Village Center (VC).

The surrounding properties are zoned Residential-Commercial (R-C) and Agricultural-10 (A-10)

VII. MAJOR THOROUGHFARE PLAN AND SITE ACCESS

The subject properties consist of approximately 390 feet of road frontage along Old Buckingham Road (State Route 13), approximately 375 feet west of the intersection of Old Buckingham Road and Mann Road (Rt. 687). This portion of Old Buckingham Road is primarily a marked two-lane road that is designated a Minor Arterial by the Major Thoroughfare Plan in the 2010 Long-Range Comprehensive Plan and the Powhatan County Subdivision Ordinance.

The two (2) parcels in question currently have a total of four (4) points of entry/exit onto Old Buckingham Road. The proposed redevelopment of the site will eliminate the two (2) middle entry/exit points while maintaining the eastern and westernmost access points. The elimination of the two access points will reduce potential traffic conflicts along Old Buckingham Road and improve traffic flow in and out of the site. The remaining access points will be improved to VDOT's commercial entrance standards.

VIII. COMPREHENSIVE PLAN ANALYSIS:

The subject properties are designated as Village Center (VC) on the Courthouse Village Special Plan Area Map. Surrounding areas to the north and west are also designated Village Center (VC). Areas to the east and south are designated Public on the Courthouse Village Special Plan Area Map. The Plan indicates that the "Courthouse Village is both the historic and government center for the county. This special area is recommended for a mix of village centers, village residential and commerce centers that create a walkable community in close proximity to the government facilities."

Designed in accordance with provisions of the Zoning Ordinance, the vehicle maintenance facility could be constructed in a compatible manner with the uses in the surrounding area, and consistent with the following Visions, Goals, Objectives and Policies of the 2010 Long-Range Comprehensive Plan:

- **Schools Section of Chapter 6, Infrastructure and Facilities:** Plan for addition of transportation vehicles, bus garage and maintenance facility.
- **Village Center Land Use Policy #9:** A mix of commercial, office, service, public and residential uses should be accommodated in village centers with vertical mixed-use buildings being a preferred form.
- **Village Center Land Use Policy #10:** The scale of buildings in village centers should maintain a small town feel, and be limited to buildings with small footprints of 15,000 square feet or less. Buildings should be limited to a maximum height of thirty-five feet or a maximum of three stories for a total area not to exceed 45,000 square feet...
- **Village Center Land Use Policy #22:** New infrastructure should be planned to be adequate for both the proposed development and any additional planned growth in the village proximity...
- **Village Center – Appropriate Land Uses:** Public institutional including government facilities and offices, fire stations.

IX. CONCLUSION:

The ability to provide necessary public facilities and services is a priority for the County and while the existing and proposed facilities are not shown on the Public Facilities Map in the 2010 Long-Range Comprehensive Plan, a vehicle maintenance facility was found to be a preferable use for this site.

After reviewing the proposed location in the context of existing and recommended land uses, availability of access, utilities, and emergency services, and other critical site characteristics and considerations, staff concludes the proposed use of the site presents no conflict with the intent of the adopted 2010 Long-Range Comprehensive Plan. Designed in accordance with Zoning Ordinance standards, the proposed vehicle maintenance facility and associated site development is deemed to be “substantially in accord” with the goals, objectives and policies of the 2010 Plan.

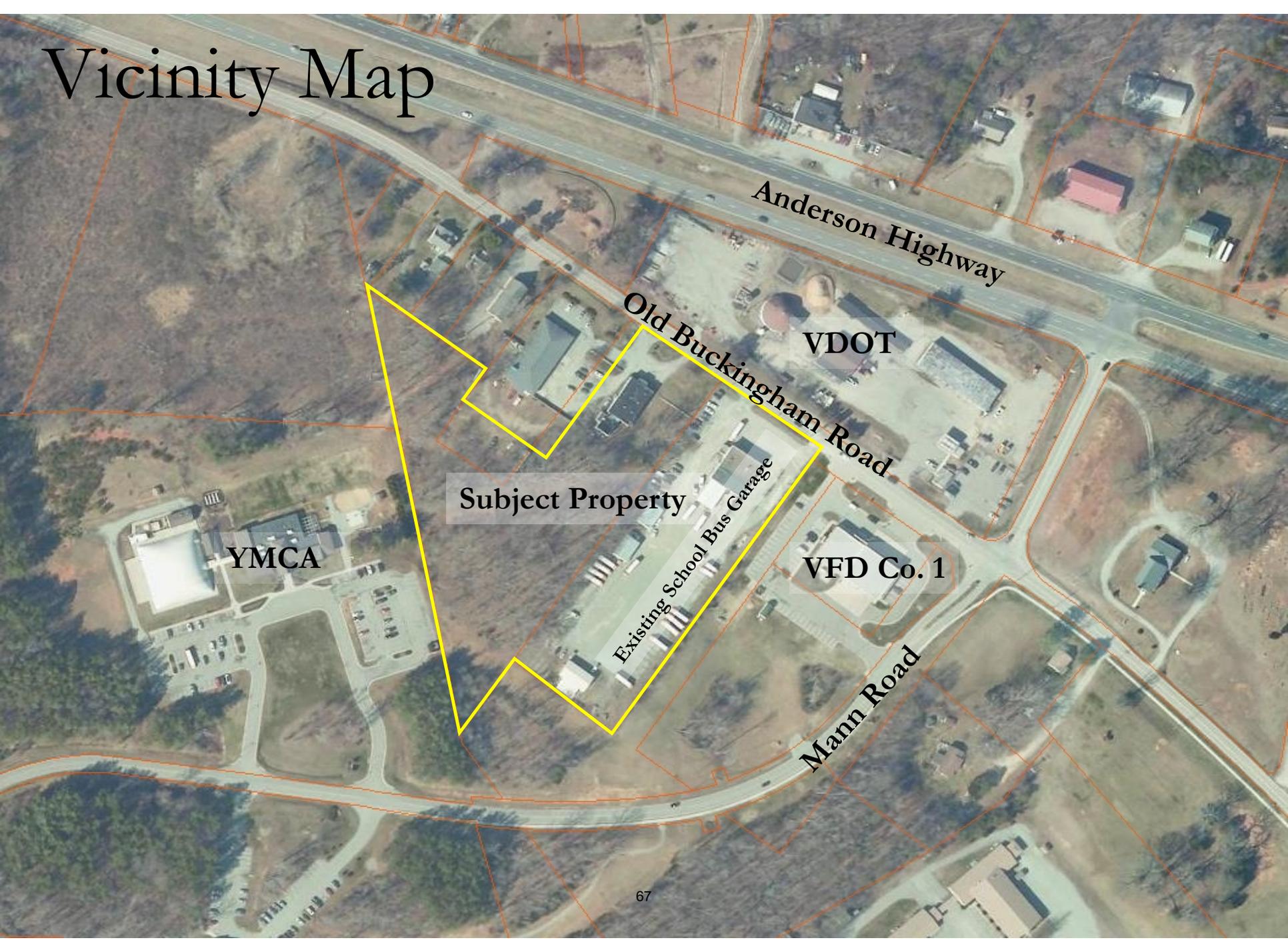
X. PROPOSED RESOLUTION:

In accordance with §15.2-2232(A) of the Code of Virginia, and in accordance public necessity, convenience, general welfare and good zoning practice, the Planning Commission recommends (*approval / denial / deferral*) of the request determination that the proposed vehicle maintenance facility proposed at 3975 and 3977 Old Buckingham Road, further identified as Tax Parcels 26B2-1-9 and 26B2-1-24, is “Substantially In Accord” the goals, objectives and policies County’s adopted 2010 Long-Range Comprehensive Plan.

Attachment(s):

1. Vicinity Map
2. Tax Parcel Map
3. Zoning Map
4. Future Land Use Map
5. Map 3 - Public Facilities, 2010 Long-Range Comprehensive Plan

Vicinity Map



Anderson Highway

Old Buckingham Road

VDOT

Subject Property

YMCA

Existing School Bus Garage

VFD Co. 1

Mann Road

Tax Parcel Map

026B1-1-9B

026B1-1-14

026-112

026-114

026-116

026-117F

026-117E

026-117A

026-117B

026-117C

026-117D

Anderson Highway

026B1-1-10

026B2-1-3

026B2-1-10

026B2-1-4

026B2-1-5

026B2-1-6

026B2-1-7

026B2-1-8

Old Buckingham Road

026B2-1-10A

026B2-1-9

026B2-1-24

026B2-1-20A

026B2-1-12

026-62

026B2-1-20D

026B2-1-22

Mann Road

026B2-1-23

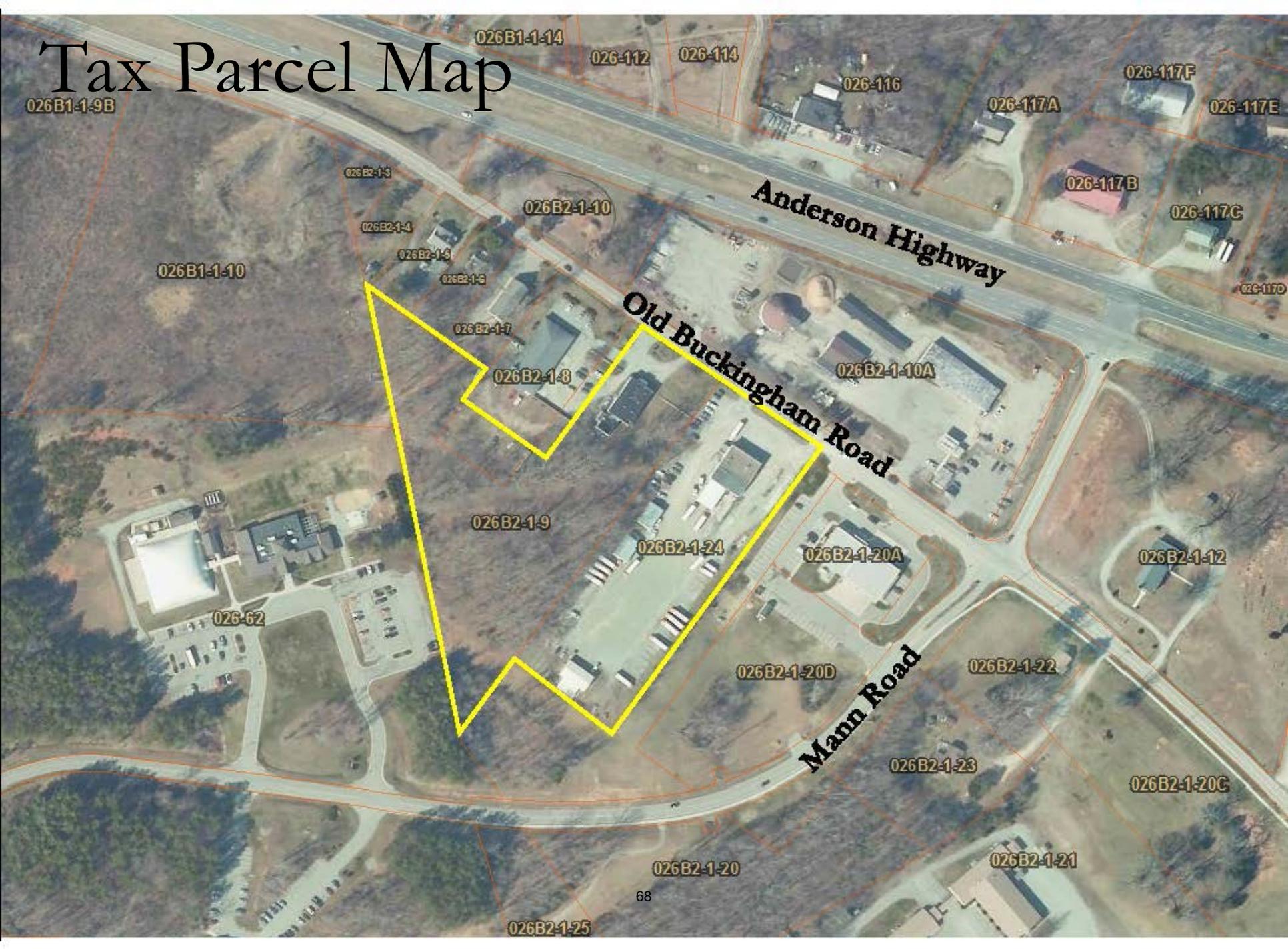
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026B2-1-20

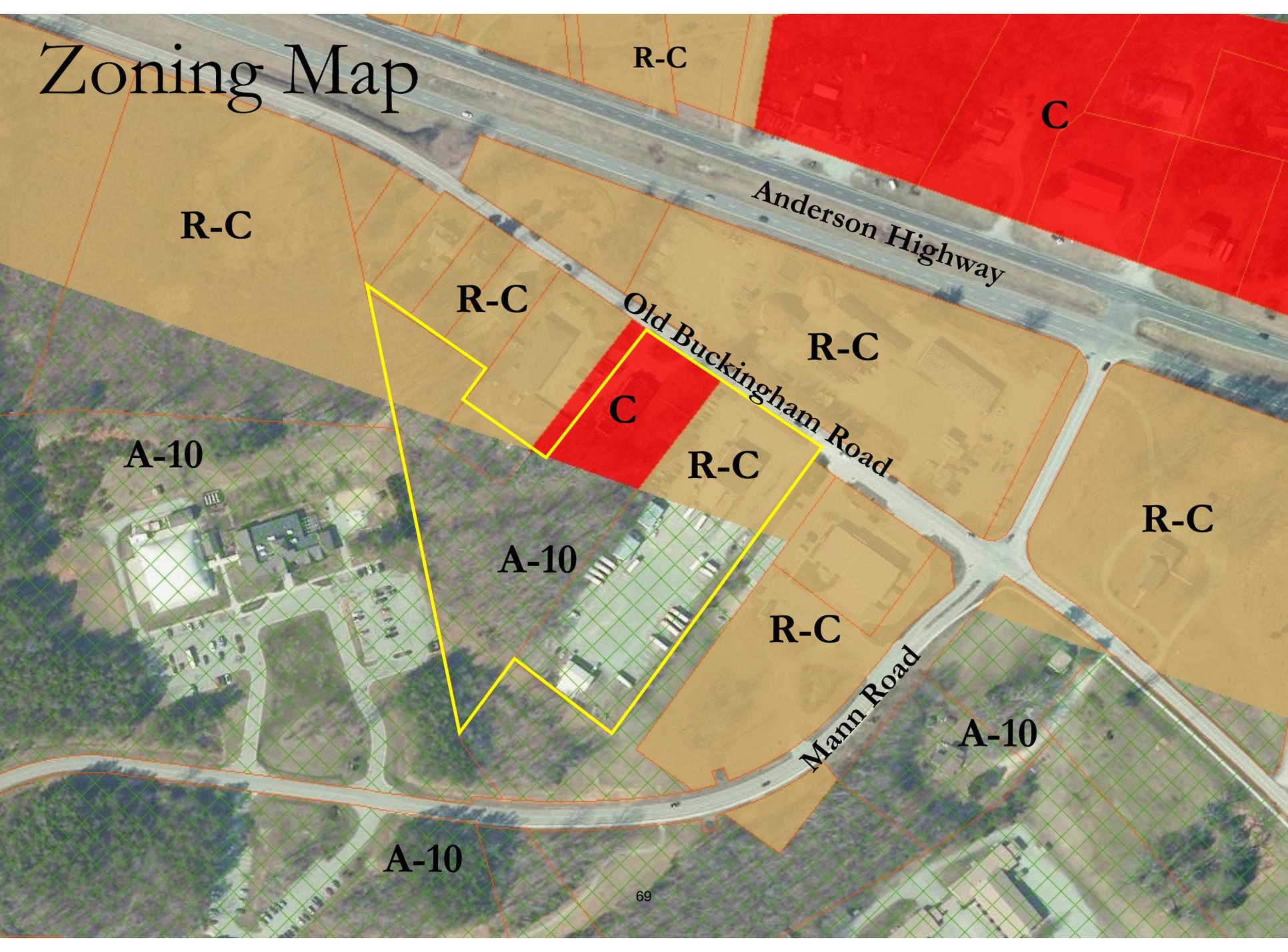
026B2-1-21

68

026B2-1-25



Zoning Map



R-C

C

R-C

Anderson Highway

R-C

Old Buckingham Road

R-C

C

R-C

A-10

R-C

A-10

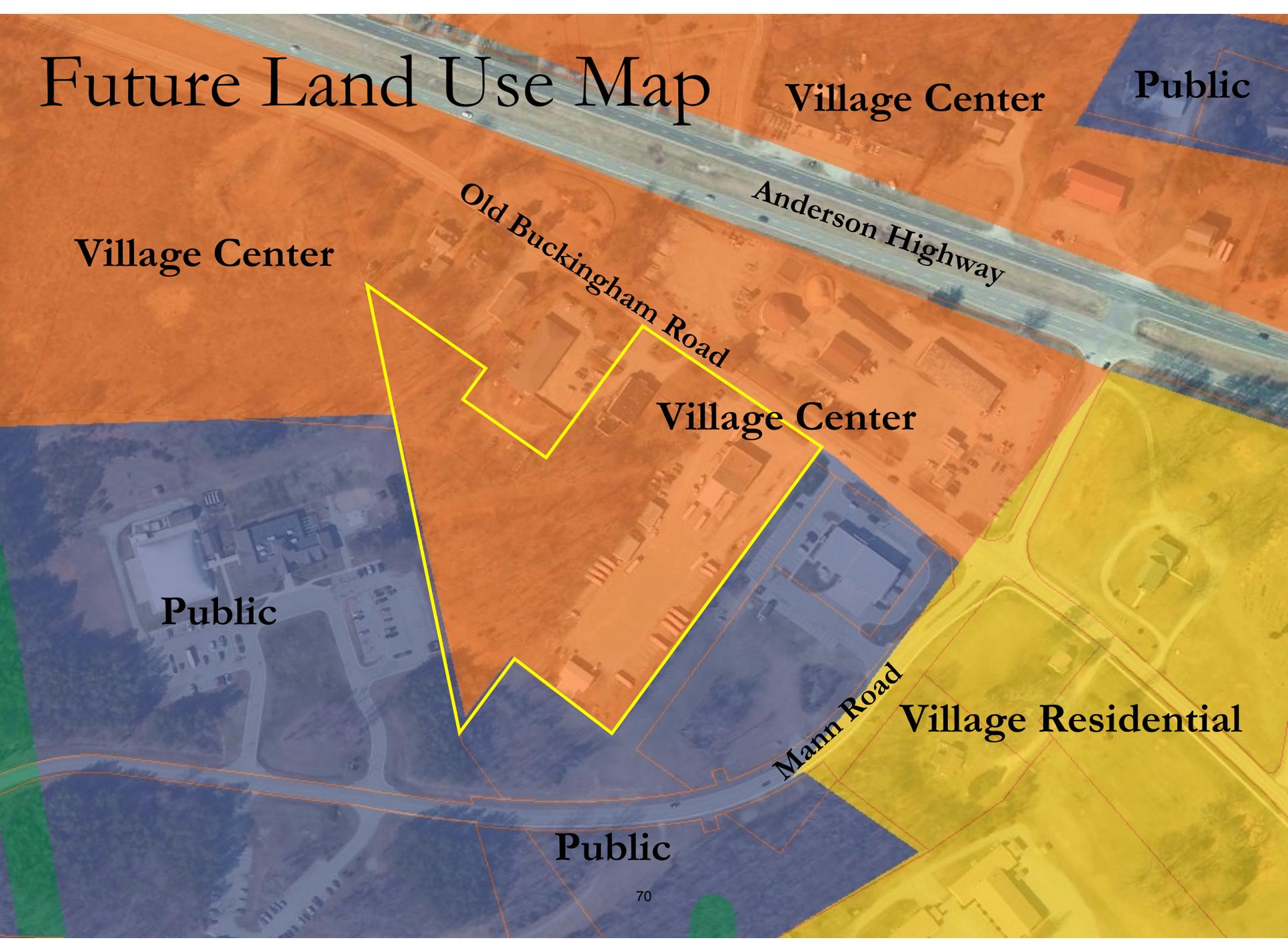
R-C

Mann Road

A-10

A-10

Future Land Use Map



Village Center

Public

Village Center

Old Buckingham Road

Anderson Highway

Village Center

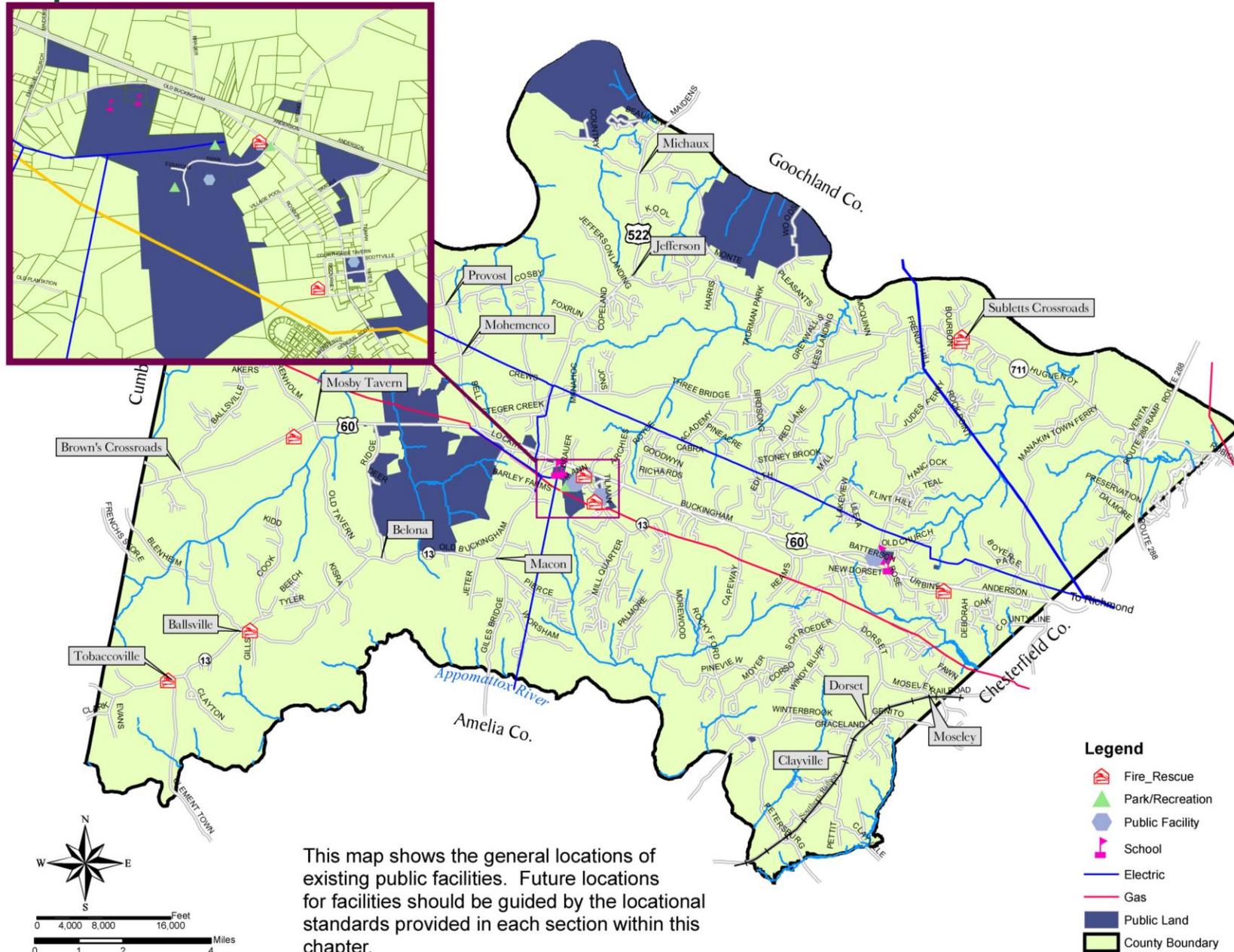
Public

Village Residential

Mann Road

Public

Map 3: Public Facilities



This map shows the general locations of existing public facilities. Future locations for facilities should be guided by the locational standards provided in each section within this chapter.