



POWHATAN COUNTY PLANNING COMMISSION
AGENDA ~ MONTHLY MEETING
Tuesday August 2, 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. July 5, 2016 Meeting Minutes 2
- D. **Administrative Items** 7
 - 1. Monthly Activity Report –June 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. **16-08-REZC: Walmart Real Estate Business Trust (Subletts/Manakin/Flat Rock Election District)** requests the amendment of the proffer statement for Case #09-04-REZC to allow the use of the \$250,000 contributed to the County for the design and construction of a future parallel access road contained in proffered condition #4 to purchase and equip a ladder truck to support fire suppression operations of the Powhatan County Fire and Rescue Department. 13
 - 2. **16-04-REZC: Milhaus Corporation (Bethesda/Lees Landing Electoral District)** requests the amendment of the proffer statement for the Tilman’s Farm Subdivision (Case #05-13-REZC) by reducing the cash proffer to \$1,880.00 per dwelling unit. 27
 - 3. **16-02-AZ: County of Powhatan** – An Ordinance amending and reenacting provisions contained in Section 83-162, Conditional Uses, of Article III, Rural Districts, of the Zoning Ordinance of the County of Powhatan by adding heavy equipment/vehicle repair as a conditional use in the Agricultural-10 (A-10) zoning district. 59
- H. **Other Business** –
- I. **Workshop Meeting** –
 - 1. Comprehensive Land Use Plan Update – Future Land Use Map
- J. **Adjournment**

Planning Commission Meeting Minutes

July 5, 2016

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

Planning Commissioners Present: Karin Carmack, District 1, Chairman
Owen Walker, District 2
Bill Cox, District 4
David Van Gelder, District 5, Vice-Chairman

Planning Commissioners Absent: Jennifer Giovannitti, District 3

Staff Members Present: March Altman, Deputy County Administrator
Ed Howland, Planning & Zoning Manager
David Dameron, Zoning Administrator
Tom Lacheney, County Attorney

Staff Members Absent: None

A. CALL TO ORDER:

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

B. INVOCATION:

Mr. Van Gelder gave the invocation.

C. MINUTES:

1. June 7, 2016 Meeting Minutes

Ms. Carmack opened the discussion of the previous meeting's minutes.
Ms. Carmack motioned for approval of minutes from the June 7, 2016 meeting.

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

VOTE 4-0
MOTION Passed

D. ADMINISTRATIVE ITEMS:

1. Monthly Activity Report - June 2015-2016

Mr. Altman updated the Planning Commission on continued receipt of residential permits with the receipt of only one commercial site plan in Flatrock.

2. Request for Deferral/Amend the Agenda

Mr. Altman stated there are no requested amendments to the meeting agenda.
Ms. Carmack asked if there were any questions of Mr. Altman at this time. There were no questions or comments in reference to the Administrative Items.

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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-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). Reference to Tax Map Parcels #38-28 and #38-3-1.

Mr. Dameron provided a brief overview of the case and stated that the staff recommends the adoption of the list of conditions should the Planning Commission recommend to the Board of Supervisors approval the CUP. Mr. Dameron indicated that Mr. Mears had a brief presentation of the project.

Mr. Mears advised the Planning Commission that the project owner agrees to mitigate visual impact via larger buffers, with native trees and vegetation remaining. Furthermore, Virginia Solar LLC agrees to the same noise restrictions as the first Solar project with a construction plan set to minimize traffic concerns. All construction employee parking will be on site. Construction will begin in March, with the main construction period being next summer. Upon project completion, it will not be seen, heard, smelt, or affect public safety in any way. The County will not be burdened with any additional responsibilities or cost for the project and will receive some economic benefit via taxes.

Ms. Carmack opened the public hearing period.

Ms. Susan Shepherdson requested to see a map up close, in order to visualize the project's location in relation to her property. Mr. Mears provided Ms. Shepherdson with a map.

Seeing, as there were no more speakers, the public hearing period was closed by Ms. Carmack.

Ms. Carmack opened the Planning Commission discussion.

Mr. Cox asked for clarification of the project being wholesale. Mr. Mears confirmed that power would be sold in the wholesale market. Mr. Cox stated that the Planning Commission noticed this point in the staff report so it is something that should probably be corrected before the project goes before the Board of Supervisors.

Mr. Cox questioned why the construction period increased dramatically from the Solar 1 project. Mr. Mears responded that he allowed more time for the build, accounting for the change in the trip numbers.

Mr. Van Gelder questioned how deep the piles would be. Mr. Mears stated that the average depth is 5.5 feet and the process for each pile, based on recent testing, took approximately 21 seconds each.

July 5, 2016

Based on public necessity, convenience, general welfare and good zoning practice, Mr. Cox moved for the Planning Commission to recommend approval of 16-01-CUP: Virginia Solar LLC to the Board of Supervisors.

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

VOTE 4-0
MOTION Passed

2. **16-02-CUP: Blanton and Debora Gordon (Smiths Crossroads/Pineville/Tobaccoville Electoral District)** request an amendment to 15-06-CUP to operate a conference center in the Agricultural-10 (A-10) District per §83.162(34) of the Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Preservation on the Countywide Land Use Plan Map. The property is located at 1660 Ballsville Road and is approximately 2.65 acres in size. Reference Tax Map Parcel #35-17B.

Mr. Dameron provided a brief overview of the case, stating that the application is a request to amend the current restriction, imposed by the Health Department recommendation, of not more than sixty (60) events per year serving no more than 25 persons per year. The applicant asks that the CUP be issued in the name of Fairview Farm Holdings, LLC to enable family to participate. The Health Department would not support a change of condition under condition number 14 until the completion of well and septic upgrades. Staff has not received no comments from citizens. Staff recommends that the Planning Commission defer the request at this time until the well and septic issues are addressed.

Ms. Carmack asked if the applicant wished to make a statement to which he declined.

Ms. Carmack opened the public hearing period.

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

Mr. Van Gelder questioned the applicant about the status of the water system. Mr. Gordon verified it would be a public well system, adding that the State is running far behind therefore he is expecting at least a two-month minimum wait before approval of the design by the State. Mr. Van Gelder questioned who would operate the system in terms of testing requirements. Mr. Gordon responded that he has not yet seen the system operating requirements from the State. Mr. Van Gelder advised Mr. Gordon to speak to the engineer in an effort to become informed on the system operation and requirements.

Mr. Cox questioned Mr. Dameron concerning the name change. He asked for a future discussion for clarity concerning the transferring of a CUP to others.

Ms. Carmack asked Mr. Altman if it might be more beneficial if the applicant asked for the deferral instead of the Planning Commission since he would be more aware of the period involved with the Health Department approvals.

Ms. Carmack questioned Mr. Gordon if he would like to request the deferral. Mr. Gordon asked the Planning Commission to recommend approval of the CUP based on the condition the State approves the system design. Planning Commission members stated they would not be comfortable approving the request without completion of the water and septic systems.

Mr. Lachenev stated the deferral should have a date when it will be reheard.

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Based on public necessity, convenience, general welfare and good zoning practice, Mr. Van Gelder moved for the Planning Commission to recommend, at the applicant's request, deferral of 16-02-CUP: Blanton and Debora Gordon until the September Planning Commission meeting.

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

VOTE 4-0
MOTION Passed

3. **16-03-CUP: Blanton and Debora Gordon (Smiths Crossroads/Pineville/Tobaccoville Electoral District)** requests a conditional use permit (CUP) to operate a country inn in the Agricultural District per §83.162(49) of the Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Preservation on the Countywide Land Use Plan Map. The property is located at 1659 Ballsville Road and is approximately 3.46 acres in size. Reference Tax Map Parcel #35-17A.

Mr. Dameron provided a brief overview of the case requesting a CUP for a Country Inn on the subject property, and also referenced the country inn already operating on another property owned by Mr. Gordon and his wife. Mr. Dameron reported that reviewing agencies had no outstanding concerns with the request. Staff had no outstanding concerns but obviously, with the name change to Fairview Holdings LLC, it now is open for discussion. Staff has not received formal comments concerning the request. Notwithstanding the issue of the Fairview Farms Holdings LLC, staff recommends the adoption of list of conditions, should the Planning Commission recommend to the Board of Supervisors approval of the request.

Ms. Carmack asked if the applicant wished to make a statement to which he declined.

Ms. Carmack opened the public hearing period.

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

Ms. Carmack questioned if the inn would fall under the water and septic system previously discussed. Mr. Gordon assured the Planning Commission the inn would have its own private well and septic system as required for a single-family dwelling.

Mr. Van Gelder pointed out that the Country Inn designation allows for a lot more, including a restaurant. Mr. Gordon assured the Planning Commission their plans did not include a restaurant.

Mr. Altman informed the Commission that if there is a concern with the definition of Country Inn being able to include a restaurant, conditions could be included in the approval to limit the use to that of an inn without a restaurant.

Based on public necessity, convenience, general welfare and good zoning practice, Mr. Van Gelder moved for the Planning Commission to recommend approval of 16-03-CUP, with the added conditions discussed, to the Board of Supervisors.

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

VOTE 4-0
MOTION Passed

H. Other Business

July 5, 2016

1.

Ms. Carmack adjourned regular meeting and requested a recess at 7:38 PM.

Ms. Carmack reconvened the regular meeting and opened the workshop meeting at 7:50 PM.

I. WORKSHOP MEETING

1. Zoning Ordinance Amendment Discussion

Mr. Altman presented a copy of the draft zoning ordinance amendment allowing heavy vehicle and equipment repair and servicing as a conditional use in the Agricultural-10 (A-10) District stating that the use was allowed as a conditional use prior to the ordinance rewrite.

The Commission briefly discussed the proposed amendment.

Mr. Cox stated that, given the proposed amendment would add the use as a conditional use he was comfortable with the proposed amendment.

The Commission concurred and directed Mr. Altman to place the amendment on the August meeting agenda.

2. Comprehensive Land Use Plan Update Discussion

The Planning Commission continued its discussion of the Future Land Use Map. The Commission's discussion included, but was not limited to the following topics:

- The draft Rt. 60 East Corridor Study Land Use Analysis by Timmons Group; and
- The size and ownership of parcels within the Rt. 60 Corridor East Village Growth Area.

Mr. Cox suggested that to assist in the discussion a map of the Rt. 60 Corridor East Village Area showing all parcels 50 acres and greater should be prepared for the next workshop.

After some discussion of the parameters (minimum size of the lots) of the map, Ms. Carmack requested staff to prepare the map showing parcels 50 acres and greater in the Rt. 60 Corridor East Village Area.

J. ADJOURNMENT

There being no further business, Ms. Carmack adjourned the meeting at 8:30 PM.

Karin Carmack, Chairman
Chairman

John M. Altman, Jr.
Deputy County Administrator

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

March Altman
Community Development Director

Ralph Q. Shelton
Building Official

Building Permit Fees:	<u>Jun-15</u>	<u>Jun-16</u>
Administrative Fees: (Also Includes Septic Fees, Fire Code, Etc.)	<u>\$ 2,520.75</u>	<u>\$ 2,645.00</u>
Commercial: (New & Alterations)	<u>\$ 444.00</u>	<u>\$ 1,817.02</u>
Residential: Proffers paid on New Construction	<u>\$ 30,044.00</u> <u>\$ 56,792.19</u>	<u>\$ 33,824.00</u> <u>\$ 16,710.85</u>
Residential: (Additions, Alterations, Demo, Pools, Etc.)	<u>\$ 1,662.00</u>	<u>\$ 3,602.76</u>
Trade Permit Fees: (Residential & Commercial)	<u>\$ 7,681.64</u>	<u>\$ 11,391.36</u>
State Levy:	<u>\$ 795.76</u>	<u>\$ 1,011.29</u>
Planning Department Fees:	<u>\$ 8,102.25</u>	<u>\$ 10,668.00</u>
Total Fees for the Month:	<u>\$ 108,042.59</u>	<u>\$ 81,670.28</u>
Total Fees for Fiscal Year:	<u>\$ 880,791.31</u>	<u>\$ 1,018,386.93</u>

Building Permit Data:	<u>Jun-15</u>	<u>Jun-16</u>
Residential (New Construction):		
District 1 Subletts/Manakin/Flatrock	<u>5</u>	<u>7</u>
District 2 Powhatan Station/Graceland	<u>2</u>	<u>3</u>
District 3 Bethesda/Lees Landing	<u>4</u>	<u>5</u>
District 4 Powhatan Courthouse/Ballsville	<u>8</u>	<u>9</u>
District 5 Smith's Crossroad/Pineville	<u>5</u>	<u>3</u>
Total for the Month:	<u>24</u>	<u>27</u>
Total for Fiscal Year:	<u>187</u>	<u>200</u>
Commercial:		
District 1 Subletts/Manakin/Flatrock	<u>2</u>	<u>2</u>
District 2 Powhatan Station/Graceland	<u>1</u>	<u>0</u>
District 3 Bethesda/Lees Landing	<u>0</u>	<u>0</u>
District 4 Powhatan Courthouse/Ballsville	<u>1</u>	<u>2</u>
District 5 Smith's Crossroad/Pineville	<u>0</u>	<u>1</u>
Total for the Month:	<u>4</u>	<u>5</u>
Total for Fiscal Year:	<u>48</u>	<u>35</u>
Residential Additions, Alterations, Pools, Etc.	<u>21</u>	<u>34</u>
Total for Fiscal Year:	<u>183</u>	<u>203</u>

TYPE	ADMIN FEE	BLDCOM	NEW HOMES	ADDITIONS/ALTER	TRADE PERMIT FEES	STATE LEVY	PLANNING DEPT FEES	CASH PROFFER	TOTAL
ADDRESS	80.00			2,831.88		56.76			
ADDRESS2				307.88		6.28			
ADMIN									
AMEND									
BLD COM		1,817.02				36.32			
BOND									
BUILD			33,824.00			676.48	1,100.00	16,710.85	
BURN									
COND									
COPY									
CUP							100.00		
DEMO				129.00		2.58			
E & S							2,925.00		
ELE					3,488.90	69.75			
ELE TMP					40.00	0.80			
ELE 2					247.34	4.95			
ELEVAT									
EXTEN									
EVENT							50.00		
FAM									
FIRE3									
GAS					1,200.00	24.00			
GAS 2					285.00	5.70			
GAS 3									
MAP									
MECH					2,043.08	40.26			
MECH 2									
MOBIL									
NSP							350.00		
PLUMB					3,344.04	66.87			
PLUMB 2					358.00	7.16			
POOL				334.00		6.68			
RE-INSPECT	160.00								
READV									
RESB1									
ROAD									
RZP							5,612.50		
SEPT	2,405.00								
SF									
SIGN									
SIGN					305.00	5.10			
SITE							530.50		
SO									
TENT					80.00	1.60			
TOWER									
VAR									
ZO									
ZOLTR									
ZONE									
TOTAL	2,645.00	1,817.02	33,824.00	3,602.76	11,391.36	1,011.29	10,668.00	16,710.85	81,670.28

ZONING ACTIVITY

	<u>JUNE FY2015</u>	<u>JUNE 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>1</u>	<u>0</u>
Business Licenses approved (zoning review)	<u>31</u>	<u>19</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>0</u>	<u>1</u>
Approved	<u>0</u>	<u>0</u>
Industrial		
Filed	<u>1</u>	<u>0</u>
Approved	<u>0</u>	<u>0</u>
Other		
Filed	<u>1</u>	<u>0</u>
Approved	<u>0</u>	<u>1</u>
Average Review Time (Days)	<u>29</u>	<u>30</u>
<u>Subdivision Activity</u>		
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>27</u>	<u>0</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>0</u>
Subdivision Exception Lots Approved		
Non-Subdivision	<u>5</u>	<u>5</u>
Single Cut	<u>1</u>	<u>0</u>
Charitable Exception	<u>0</u>	<u>0</u>
Family Division	<u>0</u>	<u>0</u>
Large Lot	<u>3</u>	<u>1</u>

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

Residential	<u>23</u>	<u>27</u>
Agreement In Lieu of an E&S Plan	<u></u>	<u>27</u>
Commercial	<u>1</u>	<u>0</u>
Industrial	<u>0</u>	<u>0</u>
Other	<u>0</u>	<u>0</u>
Average Commercial Review Time	<u>0</u>	<u>0</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>1</u>
Lots	<u>0</u>	<u>2</u>

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16-08-REZC – Walmart Real Estate Business Trust

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	August 2, 2016	Public Hearing
Board of Supervisors	August 22, 2016	Public Hearing – Tentative

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Proposed Zoning:	Amend Proffered Condition #4	
Existing Zoning:	Commercial (09-04-REZC)	
Parcel Size:	34 [±] Acres	
Parcel ID#	42-6-1 and 42-6-4	
Owner(s):	Wal-Mart Real Estate Business Trust	
Location of Property:	1932 Anderson Highway 1950 Anderson Highway	
Electoral District:	#1 Sublettes/Manakin/Flat Rock	
Land Use Plan Recommendation:	Commerce Center	
Zoning of Surrounding Property:	North:	I-1, Light Industrial
	South:	R-C, Residential-Commercial
	East:	R-C, Residential-Commercial; A-10, Agricultural-10; M, Mining;
	West:	R-C, Residential-Commercial; A-10, Agricultural-10

III. EXECUTIVE SUMMARY:

The applicant, Wal-Mart Real Estate Business Trust, requests the amendment of the proffer statement for Case #09-04-REZC, specifically Proffer #4, to allow the \$250,000 contributed by Wal-Mart to the County for design and construction of a roadway to be used to purchase and equip a ladder truck for use by the Powhatan Fire and Rescue Department for fire suppression. The 2010 Long-Range Comprehensive Plan designates the subject properties as Commerce Center.

The County asked Wal-Mart if the company would be willing consider amending the proffered condition to allow the use of the roadway funding to assist with the purchase of a ladder truck, which would assist the County in responding to fire/rescue calls for service at our public schools, particularly Powhatan High School, Wal-Mart, and the proposed apartments at Winterfield Place Phase II. After consider the County’s request, Wal-Mart agreed to request the change to the proffered condition.

IV. SUBJECT PROPERTY:

The subject property consists of a total of 34± acres located at 1932 and 1950 Anderson Highway at the intersection of Anderson Highway and Luck Stone Road. The property was subdivided into 2 lots, Tax Parcels #42-6-1 and 42-6-4. The property is currently zoned Commercial (C). The parcels involved are outlined in yellow below.



V. LAND USE ANALYSIS:

In 2009 the applicant requested a rezoning of the subject property from Residential-Commercial (R-C) and Light Industrial (I-1) with conditions to Commercial (C) with conditions to allow for the development of a retail center containing a Wal-Mart store. The request was approved by the Board of Supervisors in October 2010. The subject parcel has access from Anderson Highway and Luck Stone Road.

VI. COMPREHENSIVE PLAN ANALYSIS:

The 2010 Long-Range Comprehensive Plan designates the subject properties as Commerce Center on the Countywide Land Use Plan Map. The property complies with the Commerce Center requirements of the 2010 Comprehensive Land Use Plan. The request to amend the proffer statement as related to the use of the contributed funding does not conflict with the Plan.

VII. PROFFERED CONDITION(S):

The applicant has requested the amendment of Proffered Condition #4 (09-04-REZC), which currently states:

Prior to issuance of a certificate of occupancy for any improvements constructed on the Property after approval of this rezoning, a seventy (70) foot wide right of way for a future public roadway shall be dedicated to the County at the location shown on the Conceptual Development Plan as "Potential Future Parallel Access Road By Others (70Ft R.O.W.)" (the "70 Foot Right of Way"). The dedicated right of way shall be subject to relocation with the mutual agreement of the County and the owner of the adjacent property. The final site plan for the Property shall allow for a connection of the Property to the roadway within the 70 Foot Right of Way at the time it is constructed. The owner or developer of the Property shall contribute Two Hundred Fifty Thousand Dollars (\$250,000.00) to the County to be used for payment of costs relating to the design and construction of the roadway within the 70 Foot Right of Way and any extension thereof, it being understood that the County shall have the right to use such funds for costs relating to any portion of such roadway and not only to the portion located within the 70 Foot Right of Way. Such payment shall be made prior to issuance of a building permit for any improvements to be constructed on the Property after approval of this rezoning. This proffer shall not obligate the owners of the Property to construct any improvements within the 70 Foot Right of Way or between the Property and the 70 Foot Right of Way. By its acceptance of this proffer, the County agrees that the roadway to be constructed within the 70 Foot Right of Way shall not be a limited access roadway and that the owners of the adjacent property will have a right to use such roadway subject to compliance with standard requirements.

The applicant, at the request of the County, has proposed a revision to Proffered Condition #4. With approval of the request, Proffered Condition #4 of Case #09-04-REZC shall be amended, as follows:

Prior to issuance of a certificate of occupancy for any improvements constructed on the Property after approval of this rezoning, a seventy (70) foot wide right of way for a future public roadway shall be dedicated to the County at the location shown on the Conceptual Development Plan as "Potential Future Parallel Access Road By Others (70Ft R.O.W.)" (the "70 Foot Right of Way"). The dedicated right of way shall be subject to relocation with the mutual agreement of the County and the owner of the adjacent property. The final site plan for the Property shall allow for a connection of the Property to the roadway within the 70 Foot Right of Way at the time it is constructed. The owner or developer of the Property shall contribute Two Hundred Fifty Thousand Dollars (\$250,000.00) to the County to be used for payment of costs relating to the design and construction of the roadway within the 70 Foot Right of Way and any extension thereof, it being understood that the County shall have the right to use such funds for costs relating to any portion of such roadway and not only to the portion located within the 70 Foot Right of Way. In the alternative, such payment may be used for the purchase and equipping of a ladder fire truck so long as the purchase and equipping of the ladder fire truck is done no later than June 30, 2017. Such payment shall be made prior to issuance of a building permit for any improvements to be constructed on the Property after approval of this rezoning. This proffer shall not obligate the owners of the Property to construct any improvements within the 70 Foot Right of Way or between the Property and the 70 Foot Right of Way. By its acceptance of this proffer, the County agrees that the roadway to be constructed within the 70 Foot Right of Way shall not be a limited access roadway and that the owners of the adjacent property will have a right to use such roadway subject to compliance with standard requirements.

All other conditions of Case #09-04-REZC shall remain in full force and effect.

VIII. PROPOSED RESOLUTION:

In accordance with Article II, 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 Wal-Mart Real Estate Business Trust to amend the proffer statement for Case #09-04-REZC revising Proffered Condition #4 allowing that the \$250,000 payment to the County may be used for the purchase and equipping of a ladder fire truck so long as the purchase and equipping of the ladder fire truck is done no later than June 30, 2017.

Attachment(s):

1. Vicinity Map
2. Zoning Map
3. Application for Proffer Amendment
4. Amended Proffered Condition #4 for Case #09-04-REZC
5. Affidavit of Mailing
6. Adjacent Property Owners

Vicinity Map

Luck Stone Quarry

Subject Property

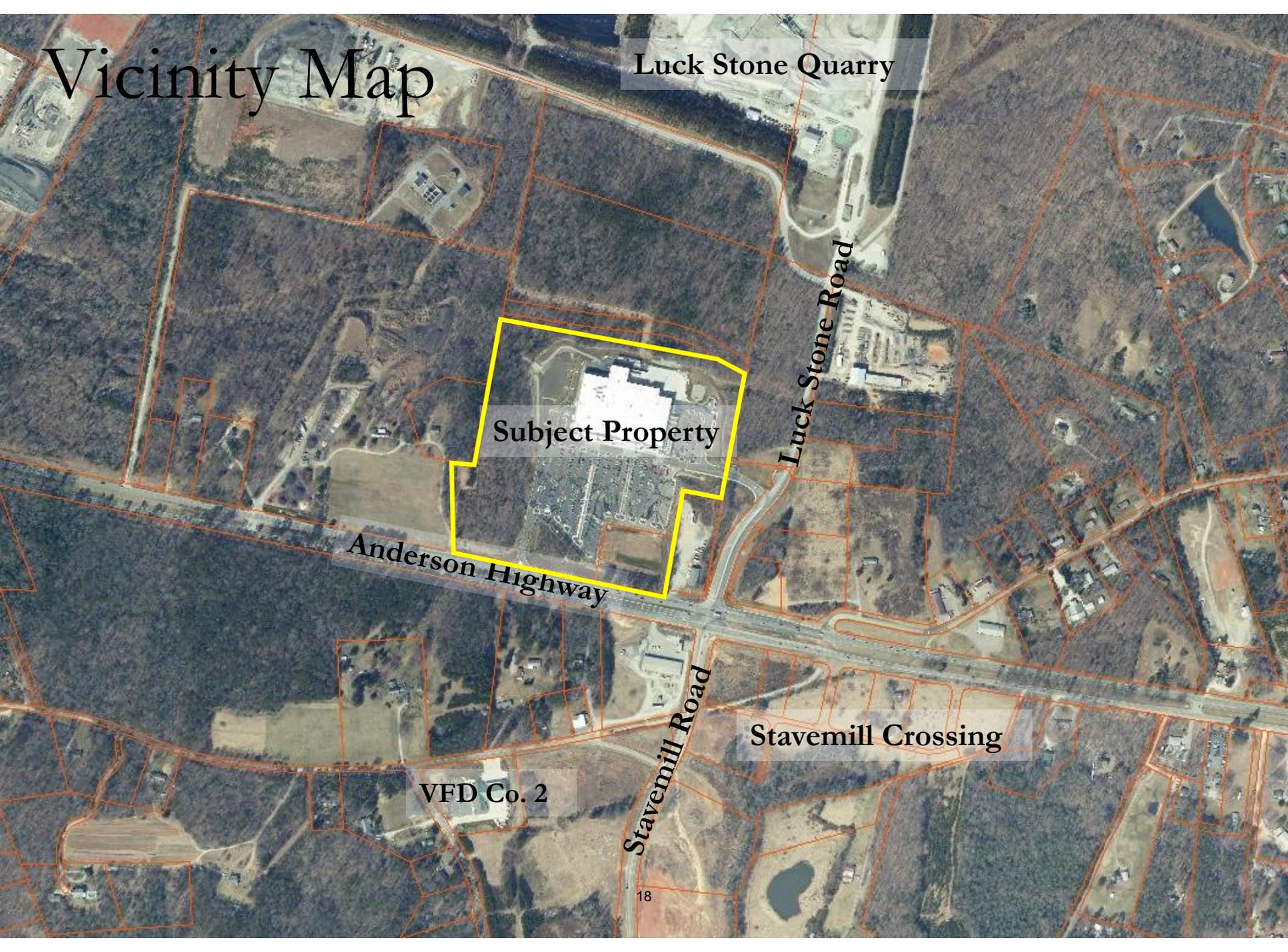
Anderson Highway

Luck Stone Road

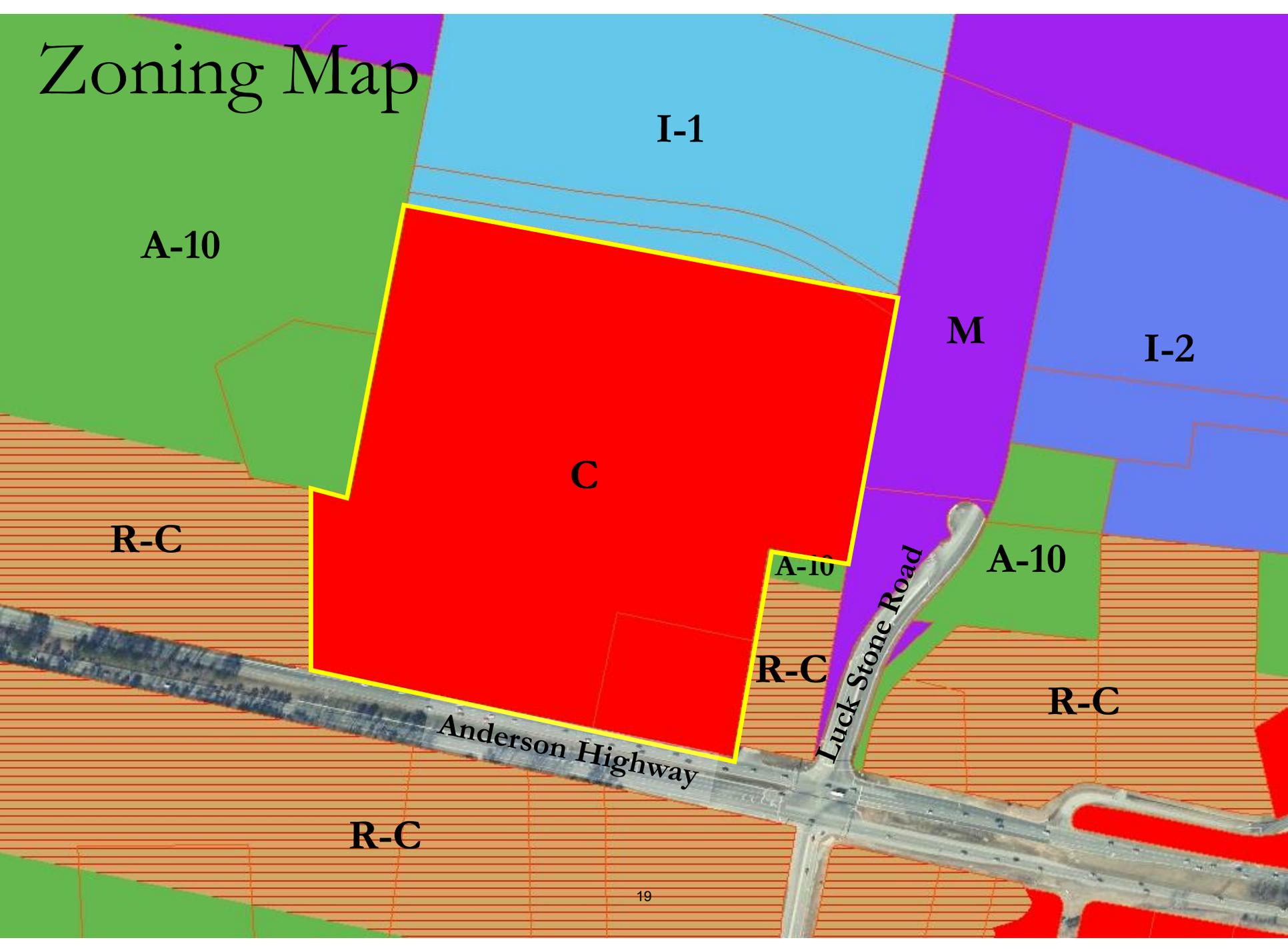
Stavemill Crossing

VFD Co. 2

Stavemill Road



Zoning Map



I-1

A-10

M

I-2

C

R-C

A-10

A-10

R-C

R-C

Anderson Highway

Luck Stone Road

R-C

Future Land Use Map

Commerce Center

Commerce Center

Commerce Center

Commerce Center

Village Center

PROFFER AMENDMENT APPLICATION

Please Type or Print

For office use only Case # 16-08-REZC Date of Pre-application meeting Date Filed

The applicant, at the request of the Board of Supervisors, has given consideration to and agrees to apply for a proffer amendment per the attached documentation.

APPLICANT INFORMATION

Owner/Applicant: Wal-Mart Real Estate Business Trust Telephone: (479) 204-1385

Address: 2001 SE 10th Street, Bentonville, Arkansas 72716 Owner (X) Lessee () Attention: Dennis Laughlin, Realty Manager

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

Name: Edward B. Kidd Telephone: (804) 697-1445

Address: Troutman Sanders, 1001 Haxall Point, Richmond, Virginia 23219

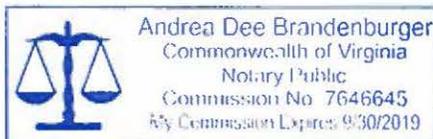
PARCEL INFORMATION AND REQUEST

Tax Map 42-6 Section # 1/4 Magisterial District District 1

Location 1932/1950 Anderson Highway Area (acres/sq. ft.) in Approx. 34 acres

Current Zoning Commercial Previous Case Number 09-04-REZC

SIGNATURE



Signed Edward B. Kidd Attorney in fact

Print Name: Edward B. Kidd, attorney-in-fact Pursuant to Power of Attorney dated September 28, 2009

Commonwealth of Virginia, City of Richmond

Subscribed and sworn to before me this 5th day of July, 2016

Notary Public Andrea Brandenburger, Commission No. 7646645

My Commission Expires September 30, 2019

AMENDED PROFFER FOR CASE #09-04-REZC

4. At the request of the County of Powhatan, this Proffer #4 is amended and restated as follows:

Prior to issuance of a certificate of occupancy for any improvements constructed on the Property after approval of this rezoning, a seventy (70) foot wide right of way for a future public roadway shall be dedicated to the County at the location shown on the Conceptual Development Plan as "Potential Future Parallel Access Road By Others (70Ft R.O.W.)" (the "70 Foot Right of Way"). The dedicated right of way shall be subject to relocation with the mutual agreement of the County and the owner of the adjacent property. The final site plan for the Property shall allow for a connection of the Property to the roadway within the 70 Foot Right of Way at the time it is constructed. The owner or developer of the Property shall contribute Two Hundred Fifty Thousand Dollars (\$250,000.00) to the County to be used for payment of costs relating to the design and construction of the roadway within the 70 Foot Right of Way and any extension thereof, it being understood that the County shall have the right to use such funds for costs relating to any portion of such roadway and not only to the portion located within the 70 Foot Right of Way. In the alternative, such payment may be used for the purchase and equipping of a ladder fire truck so long as the purchase and equipping of the ladder fire truck is done no later than December 31, 2016. Such payment shall be made prior to issuance of a building permit for any improvements to be constructed on the Property after approval of this rezoning. This proffer shall not obligate the owners of the Property to construct any improvements within the 70 Foot Right of Way or between the Property and the 70 Foot Right of Way. By its acceptance of this proffer, the County agrees that the roadway to be constructed within the 70 Foot Right of Way shall not be a limited access roadway and that the owners of the adjacent property will have a right to use such roadway subject to compliance with standard requirements.

By its acceptance of this amendment, the County acknowledges that all requirements set forth herein to be performed by the property owners, including payment of the \$250,000, have been fully completed to the satisfaction of the County.

WAL-MART REAL ESTATE BUSINESS TRUST,
a Delaware statutory trust

By:  (SEAL)
Name: Romona West
Title: Sr. Director, Realty Management

July 26, 2016

Dear Adjoining Landowner,

The Powhatan County *Planning Commission*, on **August 2, 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

16-08-REZC: **Walmart Real Estate Business Trust (Subletts/Manakin/Flat Rock Election District)** requests the amendment of the proffer statement for Case #09-04-REZC to allow the use of the \$250,000 contributed to the County for the design and construction of a future parallel access road contained in proffered condition #4 to purchase and equip a ladder truck to support fire suppression operations of the Powhatan County Fire and Rescue Department.

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 #: 16-08-REZC

NAME: Walmart Real Estate Business Trust (Subletts/Manakin/Flat Rock Election District)

LETTERS MAILED: July 26, 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.

Nancy Batters
Signature

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid this day 26 of July, 2016.



Bonni G. Johnston
Notary Public # 338982

GRILES DAVID T & LOUSIE B
17231 POOR HOUSE RD
AMELIA, VA 23002

WALMART REAL ESTATE BUSINESS
TRUST
2001 SE 10TH ST
BENTONVILLE, AR 72716

RT KENMARE LLC
13630 HAILSHAM CIRCLE
MIDLOTHIAN, VA 23113

URBINE PROPERTIES LLC
1956 URBINE ROAD
POWHATAN, VA 23139

LUCK QUARRIES INC
P O BOX 29682
RICHMOND, VA 23242

LUCK STONE CORPORATION
C/O LUD COORDINATOR
P O BOX 101
MANAKIN, VA 23103

URBINE FAMILY LLC
1980 ANDERSON HIGHWAY
POWHATAN, VA 23139

POWHATAN STATION LLC
725 PETERSBURG ROAD
POWHATAN VA, 23139

BLUE & GRAY SELF STORAGE
POWHATAN LLC
10717-A HULL STREET RD
MIDLOTHIAN, VA 23112

POWHATAN STATION LLC
725 PETERSBURG ROAD
POWHATAN, VA 23139

URBINE SHERRI LYNNE
1968 ANDERSON HWY
POWHATAN, VA 23139

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16-04-REZC – Milhaus Corporation Tilman’s Farm Subdivision

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	August 2, 2016	Public Hearing
Board of Supervisors	August 22, 2016	Public Hearing – Tentative

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Proposed Zoning:	Request to reduce cash proffer	
Existing Zoning:	Rural Residential-5 (05-13-REZC)	
Parcel Size:	721.3 [±] Acres (total)	
Parcel ID#	16-51 and 52 platted lots (see application)	
Owner(s):	Milhaus Corporation	
Location of Property:	East side of Maidens Road approximately 0.6 miles south of Huguenot Trail	
Electoral District:	#3 Bethesda/Lees Landing	
Land Use Plan Recommendation:	Rural Residential	
Zoning of Surrounding Property:	North:	A-10, Agricultural-10; I-1, Industrial-1
	South:	A-10, Agricultural-10; RR-5, Rural Residential-5
	East:	A-10, Agricultural-10
	West:	A-10, Agricultural-10; R-2, Single-Family Residential-2

III. EXECUTIVE SUMMARY:

The applicant, Milhaus Corporation, requests the amendment of the proffer statement for Tilman’s Farm Subdivision (Case #05-13-REZC), specifically Proffer #3, to reduce the cash proffer amount from \$6,395 to \$1,880, and amend the zoning district map. The total acreage of the Tilman’s Farm Subdivision is approximately 721.3 acres. Of that total acreage, the subject properties include 52 platted lots in Sections 1 and 2, and the 333-acre unplatted area (shown as Sections 3 & 4 on the attached plat) of the subdivision. Tilman’s Farm Subdivision is located on the east side of Maidens Road (Rt. 522) approximately 0.6 miles south of Huguenot Trail (Rt. 711). The property was rezoned from A-1 to R-5 with proffered conditions in 2005. The proffered conditions were amended in 2006 (06-03-REZC) to allow for one (1) additional building lot, increasing the number of lots to 144. The 2010 Long-Range Comprehensive Plan designates the subject properties as Rural Residential.

IV. SUBJECT PROPERTY:

The subject property consists of a total of 721.3[±] acres located on the east side of Maidens Road approximately 0.6 miles south of Huguenot Trail. The property was subdivided into a total of 144 lots over 4 sections. Of these lots, 83 lots have been platted as Sections 1 & 2. Sections 3 & 4 remain unplatted. The applicant has included 52 platted lots in Sections 1 & 2 and the 333-acre unplatted portion of the property (shown as Section 3 & 4 on the attached plat) in this request. The property is currently zoned Rural Residential (RR-5). The overall lot layout for Tilman’s Farm Subdivision is outlined in yellow below.



V. LAND USE ANALYSIS:

The applicant requested a rezoning of the subject property from A-1 to R-5, Rural Residential-5, with proffered conditions in order to create a 143 lot subdivision in 2005. The subdivision has two (2) access points from Maidens Road at Tilmans Farm Drive (the main entrance) and Fernfield Drive. Sections 1 and 2 of the subdivision have been constructed creating 83 lots. Sections 3 and 4 of the subdivision, which will contain 61 lots, remain unplatted.

VI. COMPREHENSIVE PLAN ANALYSIS:

The 2010 Long-Range Comprehensive Plan designates the subject properties as Rural Residential on the Countywide Land Use Plan Map. The Tilman’s Farm Subdivision complies with the Rural Residential requirements of the 2010 Comprehensive Land Use Plan, which recommends a residential density range of 0.10 units/acre (1-unit/acre) to 0.20 units/acre (1-unit/5-acres) lot minimum for parcels in the Rural Residential Area. The subject properties range in size from approximately 2.2 to 6.3 acres. The request to amend the proffer statement as related to the cash proffer amount for the development does not conflict with the Plan.

VII. PROFFERED CONDITION(S):

The applicant has requested the amendment of Proffered Condition #3 (05-13-REZC), which currently states:

3. The applicant, subdivider, and/or assignee(s), shall pay the following to the County of Powhatan prior to the issuance of each building permit, for infrastructure improvements within the County.
 - a. \$6,395.00 per dwelling unit, if paid prior to July 1, 2005.
 - b. The amount approved by the Board of Supervisors not to exceed \$6,395.00 per dwelling unit adjusted upward by any increase in the Consumer Price Index (CPI) between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - c. In the event the cash payment is not used for which proffered within 7 years of receipt, the cash payment shall be returned in full to the payor.

With approval of this request, Proffered Condition #3 of Case #05-13-REZC shall be amended, as follows:

3. The applicant, subdivider, and/or assignee(s), shall pay the following to the County of Powhatan prior to the issuance of each building permit, for infrastructure improvements within the County.
 - a. ~~\$6,395.00~~ 1,880.00 per dwelling unit, if paid prior to July 1, ~~2005~~ 2016.

- b. The amount approved by the Board of Supervisors not to exceed ~~\$6,395.00~~ 1,880.00 per dwelling unit adjusted upward by any increase in the Consumer Price Index (CPI) between July 1, ~~2004~~ 2016 and July 1 of the fiscal year in which the payment is made if paid after June 30, ~~2005~~ 2016.
- c. In the event the cash payment is not used for which proffered within 7 years of receipt, the cash payment shall be returned in full to the payor.

All other conditions of Case #05-13-REZC, as revised by 06-08-REZC, shall remain in full force and effect.

The revised language is consistent with the Board of Supervisors Cash Proffer Guidelines adopted September 21, 2015.

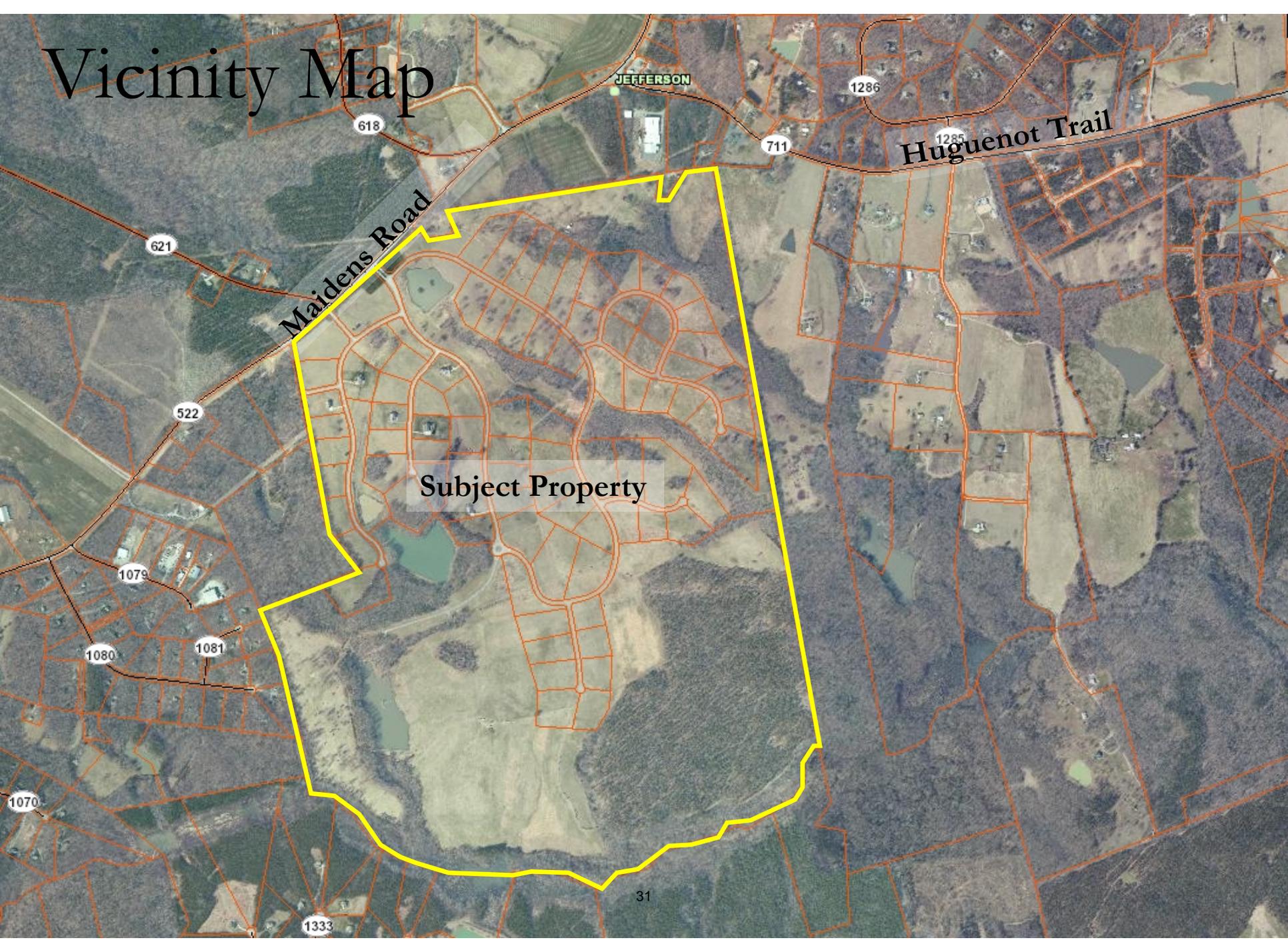
VIII. PROPOSED RESOLUTION:

In accordance with Article II, 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 Milhaus Corporation to amend the proffer statement for Tilman’s Farm Subdivision (Case #05-13-REZC) revising Proffered Condition #3 reducing the case proffer amount from \$6,395.00 to \$1,880.00, and to amend the County’s Zoning District Map.

Attachment(s):

1. Vicinity Map
2. Zoning Map
3. Future Land Use Map
4. Application for Rezoning
5. Affidavit of Mailing
6. Adjacent Property Owners

Vicinity Map

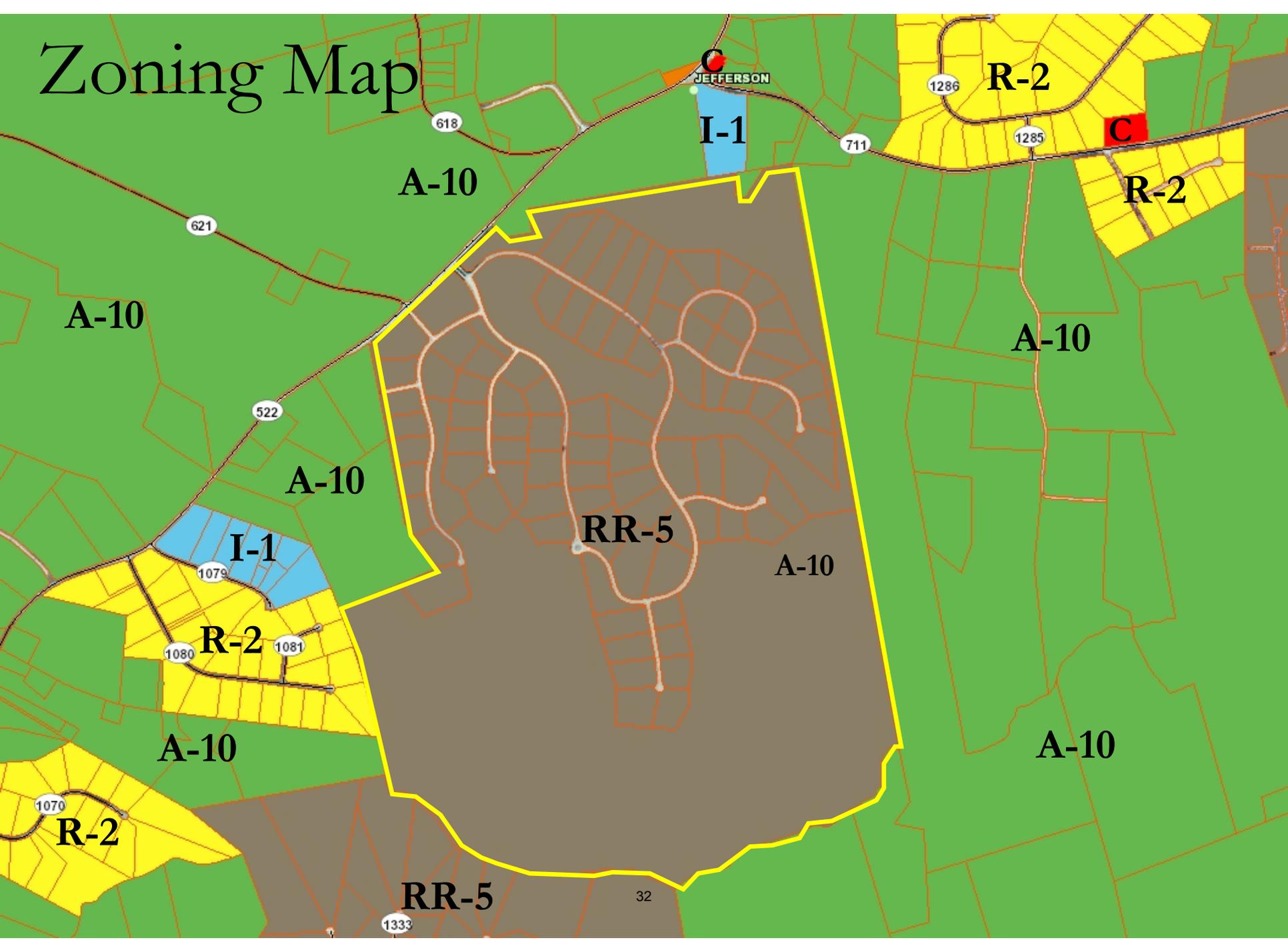


Maidens Road

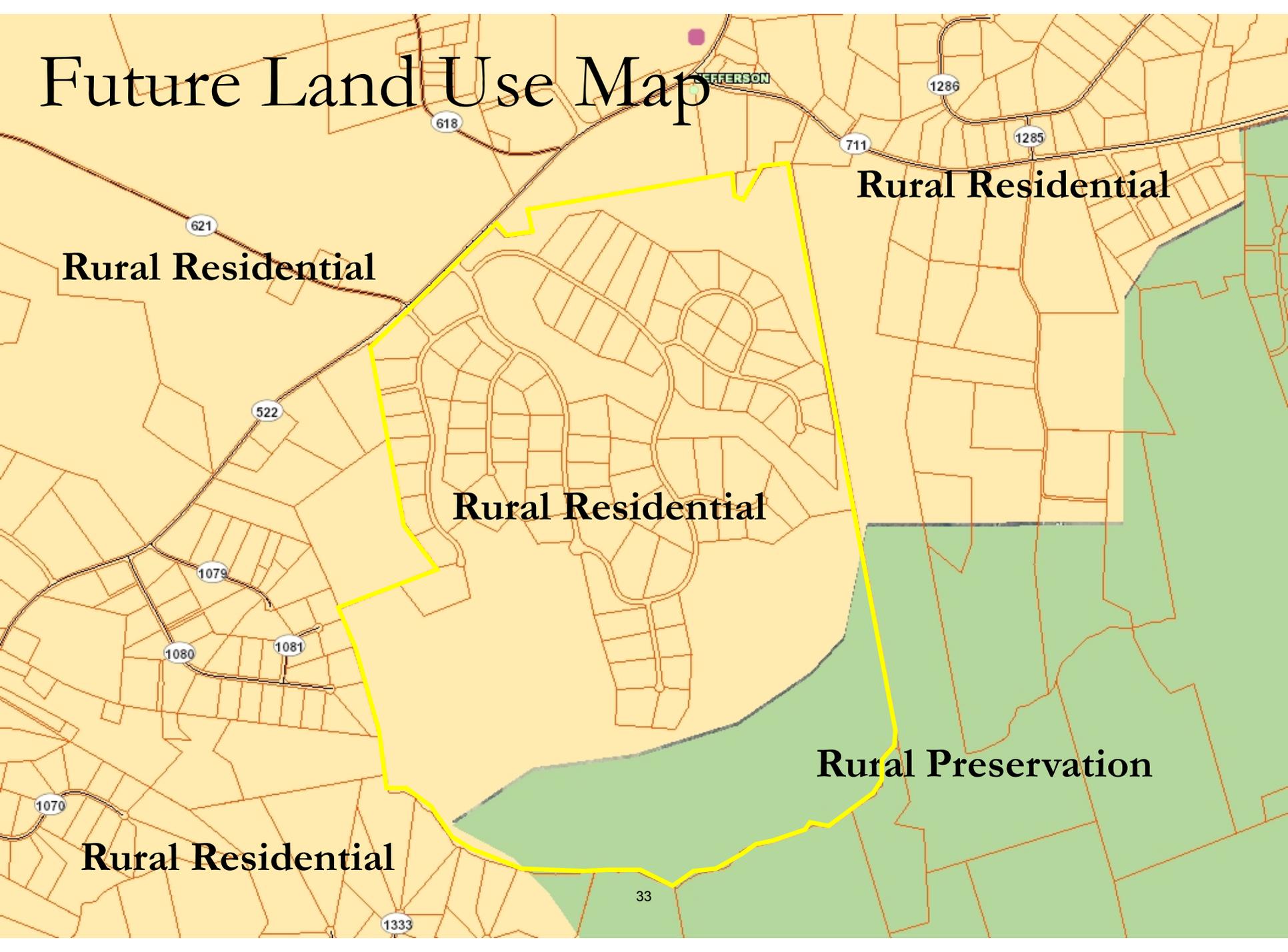
Huguenot Trail

Subject Property

Zoning Map



Future Land Use Map



Rural Residential

Rural Residential

Rural Residential

Rural Preservation

Rural Residential

REZONING APPLICATION

Please Type or Print

For office use only Case # 16-04-REZC Date of Pre-application meeting 5/18/2016 Date Filed 6/2/2016

APPLICANT INFORMATION

Owner/Applicant Milhans Corporation Telephone (804) 282-9029 Address 5407 Patterson Avenue Richmond, Va 23226 Contract Purchaser See Attached Telephone Address

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

Name Gary L. Scott, LA (ED Lewis & Clark) Telephone (804) 285-3943 Address 2116 Spencer Road Richmond, Va 23220

PARCEL INFORMATION AND REQUEST

Tax Map 16-51 Section # Magisterial District Spence District Location East Side of Maiden Rd (522) South of Huguenot Trail (R4711) Area (acres/sq. ft.) in Property 721.3 ac (31,419,828 sq ft) In Rezoning 721.3 ac (31,419,828 sq ft) Are there any Deed Restrictions? Yes No X (If yes, attach copy of restrictions) Current Zoning R-5 Requested Zoning R-5

Describe in Detail the Proposed Use of Property:

Planned Residential Community consisting of 143 single family residential lots

COMPREHENSIVE PLAN + IMPACT

Property is in Which Area of Policy Map N/A Rezoning in Conformance?

Property is in Which Area of Land Use Plan Map Rural Residential Rezoning in Conformance? Yes

Impacts on Surrounding Uses/Public Facilities to be addressed through Proffers: N/A

Need for Dedication of Right-of-Way according to Thoroughfare Plan N/A

Need for Buffer Areas along Property Lines N/A # ft. width

Need for Tree Retention in Buffers (> 4" Diameter) N/A Need for Inter-parcel Access

Need for Conservation Easement (Residential) N/A Need for Inter-parcel Access

Need to Assist County with Cost of Providing Public Facilities N/A

Need for a Fire Protection Plan to be prepared and approved by Fire Department N/A

Need for Architectural Design Standards to Assure Compatibility of Structures N/A

Minimum House Sizes to Assure Compatibility with Surrounding Subdivisions N/A Sq. Ft.

Limitations on Uses Which May Impact Adjacent Properties N/A

Limitations on Access to Existing Roads to protect their Traffic Carrying Capacity: N/A

Turn lane, taper N/A , Internal Subd. Rd. (Reverse frontage lots) N/A , Shoulders/Ditches

2nd entrance/exit N/A , Paired Driveways

CONCEPTUAL DEVELOPMENT PLAN

A conceptual development is required for all rezoning applications by Section 25.12 of the Zoning Ordinance and shall at a minimum include:

1. Drawn to an appropriate scale, a plot plan or survey plat showing the dimensions of the property.
2. For the rezoning tract, drawn to an appropriate scale, show the location and dimensions of existing structures, right-of-ways, easements, boundaries, water courses, lakes, cemeteries, historic sites, major electrical and natural gas transmission lines.
3. The location and dimensions of proposed buffer areas, right-of-way dedications, internal roads, access to existing roads, and lot arrangement.
4. In the case of residential development, state the proposed number of dwelling units and average acreage per dwelling.
5. For the rezoning tract, show existing uses adjacent to the property to be zoned.

ADJACENT LAND OWNER LIST

<u>TAX MAP #</u>	<u>NAME</u>	<u>ADDRESS</u>
015-24-4	Eric Capek	2803 Fairgate Rd, Middleburg, Va 23112
015-24-5	Eric Capek	2803 Fairgate Rd, Middleburg, Va 23112
015B-1-19	Gary C. & Jennie A. Ringer	2860 Spicewood Dr. Pawhatan, Va 23139
015B-1-18	William E. Lockwood	3220 Jefferson Woods Ct. Pawhatan, Va 23139
015B-1-15	Victoria S. & Jimmie R. Hall	4010 Jefferson Woods Dr. Pawhatan, Va 23139
015B-1-14	Arthur R. & Nannie A. Gregory	4013 Jefferson Woods Dr. Pawhatan, Va 23139
015-45J	Brandon M & Lara Y. Chapman	5864 Montpelier Dr. Williamsburg, Va 23188
016A-2-20	Jeremiah & Jamie Truitt	3862 M.71 Mount Ct. Pawhatan, Va 23139
016A-2-21	Stephen & Theresa Jennings	15120 Fire Light Pl. Massillon, Va 23120
016A-2-22	Philip E. & Eunice I Cordron	3863 M.71 Mount Ct. Pawhatan, Va 23139
016A-2-31	Charles E. Slate Jr.	48 Tanglewood Rd Palmyra, Va 22963
016A-2-32	Steven & Wendy Rorak	3859 M.71 Mount Dr. Pawhatan, Va 23139
016A-2-33	Darin K. Vauter	3858 M.71 Mount Dr. Pawhatan, Va 23139
016-52B	Three Bridge Investment, LLC	2150 Carter Gallie Blvd Pawhatan, Va 23139
016-54	Carol Ann Breit	5602 Grove Ave, Richmond, Va 23226
016-55	Carol Ann Breit	5602 Grove Ave, Richmond, Va 23226
016-68	Bonnie L. Tilman & Carol Tilman Lewis	3605 Huguenot Tr. Pawhatan, Va 23139
016-46A	Leona Girolama ET AL	3231 Ludgate Rd Onusta, Va 23021
016-46	Leona Girolama ET AL	3231 Ludgate Rd Onusta, Va 23021
016-48	Michael D. Thomas	3631 Huguenot Tr. Pawhatan, Va 23139

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

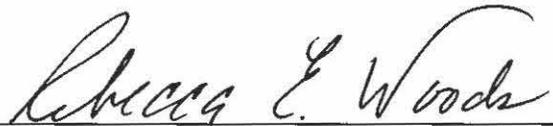
I, being duly sworn, depose and say that I am the ~~Lessee~~ Owner of the property involved in the application. If I am not the Lessee/Owner, I will produce a copy of a contract to purchase the property or I will present written certification contract to purchase the property or I will present written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

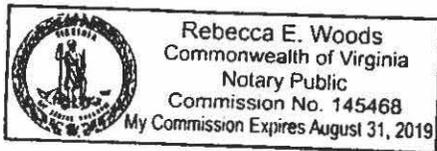
Signed 

Print Name Herbert E. Fitzgerald, III Mar.
Milhams Corporation

Subscribed and sworn to before me this 25th day of May, 2016.

Notary Public 
Reg # 145468

My Commission Expires August 31, 2019



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

STATEMENT OF PROFFER

CASE # 05-13-REZC

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:

To amend proffer 3.
#3 of approved zoning
Case # 05-13-REZC
as shown:

3. The applicant, subdivider, and/or assignee(s), shall pay the following to the County of Powhatan prior to the issuance of each building permit, for infrastructure improvements within the County.
- a. ~~\$6,395.00~~ ^{\$1800.00} per dwelling unit, if paid prior to July 1, 2005, or ¹⁶
 - b. The amount approved by the Board of Supervisors not to exceed ~~\$6,395.00~~ ^{\$1800.00} per dwelling unit adjusted upward by any increase in the Consumer Price Index (CPI) between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005. ¹⁶
 - c. In the event the cash payment is not used for which proffered within 7 years of receipt, the cash shall be returned in full to the payor.

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

[Signature]
Owner of Record - Signature

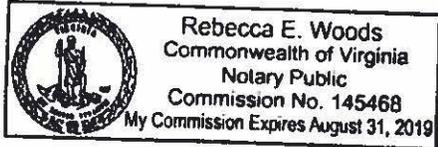
5-24-16
Date

Type or print name Herbert E Fitzgerald, III Manager
Milhaus Corp.

COMMONWEALTH OF VIRGINIA,
COUNTY OF Henrico, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Herbert E. Fitzgerald, III, whose name is signed to the above, on this 24th day of May 2016.

Notary Public Rebecca E. Woods
Reg # 145468
My Commission expires: August 31, 2019



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>

I, Herbert E. Fitzgerald III, Mgr., 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) 1000 requesting Rezoning, Conditional Use Permit, and Variance/Appeal. (Please circle one) *See attached sheet*

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

[Signature] Signature

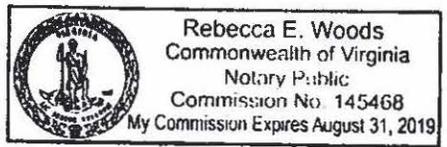
STATE OF VIRGINIA
COUNTY OF ~~POWHATAN~~, to wit:
HENRICO

This day 24th of May, 2016 personally appeared before me, Rebecca E. Woods, 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 24th day of May, 2016.

Notary Public Rebecca E. Woods

My commission expires: August 31, 2019
REG # 145468



Tilman's Farm									
Dover District		Powhatan, VA							
Section #:	Block #:	Lot #:	Tax Map #:	Owner:	Section #:	Block #:	Lot #:	Tax Map #:	Owner:
Section 1	B	13	016B-1B-13	Milhaus Corporation	Section 2	E	1	016B-2E-1	Milhaus Corporation
	B	22	016B-1B-22	Milhaus Corporation		E	2	016B-2E-2	Milhaus Corporation
	B	23	016B-1B-23	Milhaus Corporation		E	3	016B-2E-3	Milhaus Corporation
	B	25	016B-1B-25	Milhaus Corporation		E	4	016B-2E-4	Milhaus Corporation
	B	11	016B-1B-11	Homeplaces, LTD					
	B	17	016B-1B-17	Homeplaces, LTD	Section 2	F	1	016B-2F-1	Milhaus Corporation
	B	10	016B-1B-10	Gray Homes, Inc		F	2	016B-2F-2	Milhaus Corporation
						F	4	016B-2F-4	Milhaus Corporation
Section 2	C	5	016B-2C-5	Milhaus Corporation		F	5	016B-2F-5	Milhaus Corporation
	C	6	016B-2C-6	Milhaus Corporation		F	6	016B-2F-6	Milhaus Corporation
	C	7	016B-2C-7	Milhaus Corporation		F	7	016B-27-7	Milhaus Corporation
	C	8	016B-2C-8	Milhaus Corporation					
	C	9	016B-2C-9	Milhaus Corporation	Section 2	G	1	016B-2G-1	Milhaus Corporation
	C	10	016B-2C-10	Milhaus Corporation		G	2	016B-2G-2	Milhaus Corporation
	C	11	016B-2C-11	Milhaus Corporation		G	3	016B-2G-3	Milhaus Corporation
	C	12	016B-2C-12	Milhaus Corporation		G	4	016B-2G-4	Milhaus Corporation
	C	14	016B-2C-14	Milhaus Corporation		G	7	016B-2G-7	Milhaus Corporation
	C	16	016B-2C-16	Milhaus Corporation		G	8	016B-2G-8	Milhaus Corporation
	C	17	016B-2C-17	Milhaus Corporation					
Section 2	D	2	016B-2D-2	Milhaus Corporation					
	D	3	016B-2D-3	Milhaus Corporation					
	D	4	016B-2D-4	Milhaus Corporation					
	D	5	016B-2D-5	Milhaus Corporation					
	D	6	016B-2D-6	Milhaus Corporation					
	D	8	016B-2D-8	Milhaus Corporation					
	D	9	016B-2D-9	Milhaus Corporation					
	D	10	016B-2D-10	Milhaus Corporation					
	D	11	016B-2D-11	Milhaus Corporation					
	D	13	016B-2D-13	Milhaus Corporation					
	D	14	016B-2D-14	Milhaus Corporation					
	D	15	016B-2D-15	Milhaus Corporation					
	D	16	016B-2D-16	Milhaus Corporation					
	D	17	016B-2D-17	Milhaus Corporation					
	D	18	016B-2D-18	Milhaus Corporation					
	D	19	016B-2D-19	Milhaus Corporation					
	D	20	016B-2D-20	Milhaus Corporation					
	D	21	016B-2D-21	Milhaus Corporation					

APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY

I, Herbert E. Fitzgerald, III ^{Mr.}, 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 Rezoning (Traffic reduction) (Specify type of request – rezoning, conditional use permit, private road, variance, etc.).

[Signature]
Applicant's Signature

Date 5-24-16

Subscribed and sworn to before me this 24th day of May, 2016

[Signature]
Notary Public's Signature
Reg # 145468

August 31, 2019
Commission Expiration Date



LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

1. That I/We

Name Herbert E. Fitzgerald, III ^{mgr.} Telephone (804) 232-9029
Address Milhaus Corporation, 5407 Patterson Ave, Suite 100, Richmond, Va 23226
Name Thomas M. Kellam, Pres. Telephone (804) 740-8100
Address Homeplaces, Ltd. 107 Colony Lake Dr., Henrico, Va 23233
Name Horace A. Gray Telephone (804) 238-3577 / (804) 214-1211(c)
Address Gray Homes, Inc. 5407 Patterson Ave, Suite 200, Richmond, Va 23226
Name _____ Telephone _____
Address _____

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

See attached spreadsheet

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

2. Name Gary Lee Scotton, L.A. Telephone (804) 235-3948
Address E.D. Lewis & Associates, P.C. 2116 Gyence Rd, Richmond, Va 23220

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, or variance, and to set forth and offer such legally acceptable voluntarily proffered conditions including any additions, amendments, modifications or deletions thereto that in his discretion are deemed reasonable, appropriate and necessary except as follows:

3. _____

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

^{At 25th & 26th}
24 day of May 2016.


Signature(s) milhaus corp manager 5/24/16


Signature(s) Gray Homes, Inc. President 5/25/16


Signature(s) M Kellam Homeless CEO Pres. 5-26-16

Signature(s)

Witnessed by: Rebecca E. Woods

Witnessed by: Monte Kwok

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

Tilman's Farm									
Dover District		Powhatan, VA							
Section #:	Block #:	Lot #:	Tax Map #:	Owner:	Section #:	Block #:	Lot #:	Tax Map #:	Owner:
Section 1	B	13	016B-1B-13	Milhaus Corporation	Section 2	E	1	016B-2E-1	Milhaus Corporation
	B	22	016B-1B-22	Milhaus Corporation		E	2	016B-2E-2	Milhaus Corporation
	B	23	016B-1B-23	Milhaus Corporation		E	3	016B-2E-3	Milhaus Corporation
	B	25	016B-1B-25	Milhaus Corporation		E	4	016B-2E-4	Milhaus Corporation
	B	11	016B-1B-11	Homeplaces, LTD					
	B	17	016B-1B-17	Homeplaces, LTD	Section 2	F	1	016B-2F-1	Milhaus Corporation
	B	10	016B-1B-10	Gray Homes, Inc		F	2	016B-2F-2	Milhaus Corporation
						F	4	016B-2F-4	Milhaus Corporation
Section 2	C	5	016B-2C-5	Milhaus Corporation		F	5	016B-2F-5	Milhaus Corporation
	C	6	016B-2C-6	Milhaus Corporation		F	6	016B-2F-6	Milhaus Corporation
	C	7	016B-2C-7	Milhaus Corporation		F	7	016B-27-7	Milhaus Corporation
	C	8	016B-2C-8	Milhaus Corporation					
	C	9	016B-2C-9	Milhaus Corporation	Section 2	G	1	016B-2G-1	Milhaus Corporation
	C	10	016B-2C-10	Milhaus Corporation		G	2	016B-2G-2	Milhaus Corporation
	C	11	016B-2C-11	Milhaus Corporation		G	3	016B-2G-3	Milhaus Corporation
	C	12	016B-2C-12	Milhaus Corporation		G	4	016B-2G-4	Milhaus Corporation
	C	14	016B-2C-14	Milhaus Corporation		G	7	016B-2G-7	Milhaus Corporation
	C	16	016B-2C-16	Milhaus Corporation		G	8	016B-2G-8	Milhaus Corporation
	C	17	016B-2C-17	Milhaus Corporation					
Section 2	D	2	016B-2D-2	Milhaus Corporation					
	D	3	016B-2D-3	Milhaus Corporation					
	D	4	016B-2D-4	Milhaus Corporation					
	D	5	016B-2D-5	Milhaus Corporation					
	D	6	016B-2D-6	Milhaus Corporation					
	D	8	016B-2D-8	Milhaus Corporation					
	D	9	016B-2D-9	Milhaus Corporation					
	D	10	016B-2D-10	Milhaus Corporation					
	D	11	016B-2D-11	Milhaus Corporation					
	D	13	016B-2D-13	Milhaus Corporation					
	D	14	016B-2D-14	Milhaus Corporation					
	D	15	016B-2D-15	Milhaus Corporation					
	D	16	016B-2D-16	Milhaus Corporation					
	D	17	016B-2D-17	Milhaus Corporation					
	D	18	016B-2D-18	Milhaus Corporation					
	D	19	016B-2D-19	Milhaus Corporation					
	D	20	016B-2D-20	Milhaus Corporation					
	D	21	016B-2D-21	Milhaus Corporation					

July 22, 2016

Dear Adjoining Landowner,

The Powhatan County *Planning Commission*, on **August 2, 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

16-04-REZC: Milhaus Corporation (Bethesda/Lees Landing Electoral District) requests the amendment of the proffer statement for the Tilman's Farm Subdivision (Case #05-13-REZC) by reducing the cash proffer to \$1,880.00 per dwelling unit.

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 #: 16-04-REZC

NAME: Milhaus Corporation (Bethesda/Lees Landing Electoral District)

LETTERS MAILED: July 22, 2016

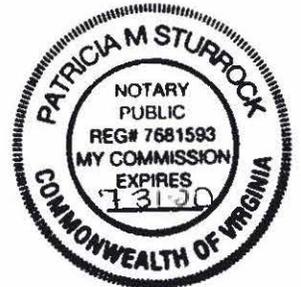
**COMMONWEALTH OF VIRGINIA,
COUNTY OF POWHATAN, to-wit:**

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.

Nancy Batterson
Signature

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid this day 22nd of July, 2016.

Patricia M Sturrock
Notary Public



CAPEK ERIC
2803 FAIRGATE RD
MIDLOTHIAN, VA 23112

GREGORY ARTHUR R & NANNIE A
4013 JEFFERSON WOODS DRIVE
POWHATAN, VA 23139

RENGER GARY C & JEANIE A
2860 SPENCERWOOD DRIVE
POWHATAN, VA 23139

BREIT CAROL ANN
5602 GROVE AVENUE
RICHMOND, VA 23226

TRUITT JEREMIAH & JAMIE
3862 MILL MOUNT CT
POWHATAN, VA 23139

SLATE CHARLES E JR
48 TANGLEWOOD ROAD
PALMYRA, VA 22963

BEAN DAWN
3291 COLSTON CT
POWHATAN, VA 23139

MCINERNEY ADAM M & POLIXENI G
1749 FOXFIRE CIR
RICHMOND, VA 23238

TRIPLETT DAVY SCOTT
420 N 18TH ST #207
RICHMOND, VA 23223

HOMEPLACES LTD
107 COLONY LAKE DRIVE
RICHMOND, VA 23238

CHAPMAN BRANDON M & LARA Y
5864 MONTPELIER DR
WILLIAMSBURG, VA 23188

HALL VICTORIA S & JIMMIE R HALL
4010 JEFFERSON WOODS DRIVE
POWHATAN, VA 23139

MILHAUS CORPORATION
5407 PATTERSON AVE STE 100
RICHMOND, VA 23226

TILMAN BONNIE L &
CAROL TILMAN LEWIS
3605 HUGUENOT TRAIL
POWHATAN, VA 23139

JENNINGS STEPHEN & THERESA
15730 FIRE LIGHT PL
MOSELEY, VA 23120

ROARK STEVEN & WENDY
3859 MILL MOUNT DR
POWHATAN, VA 23139

CALE FREDERIC C &
NANCY HEILMAN CALE
3765 TILMAN'S FARM DRIVE
POWHATAN, VA 23139

TILMAN'S FARMS HOMEOWNERS
ASSOCIATION
5407 PATTERSON AVENUE STE 100
RICHMOND, VA 23226

MAGGIE ROBBIE J & LAURIE A
3323 COPELAND WAY
POWHATAN, VA 23139

MCCURLEY JOHN M & MAUREEN A
3303 COLSTON CT
POWHATAN, VA 23139

JASTRAM JOHN D & SARAH E
4017 JEFFERSON WOODS DRIVE
POWHATAN, VA 23139

LOCKWOOD WILLIAM E
3230 JEFFERSON WOODS CT
POWHATAN, VA 23139

THREE BRIDGE INVESTMENTS LLC
2150 CARTER GALLIER BLVD
POWHATAN, VA 23139

DEVED DEAN F SR
9077 BARBETTE CT
MECHANICSVILLE, VA 23116

COUDRON PHILIP E & EUNICE I
3863 MILLMOUNT COURT
POWHATAN, VA 23139

VAUTER DARIN K & KARIN L
3858 MILL MOUNT DRIVE
POWHATAN, VA 23139

CAMPOLONGO CHRISTOPHER J &
LILIAN C CAMPOLONGO
3900 SHERFIELD CT
MIDLOTHIAN, VA 23113

HARDING NORMAN A III & ALISON A
3586 TIMBERVIEW RD
POWHATAN, VA 23139

GRAY HOMES INC
5407 PATTERSON AVE STE 200-C
RICHMOND, VA 23226

WOODY MICHAEL C
3295 COLSTON CT
POWHATAN, VA 23139

ARNOLD JASON B & BETSY L
3294 COLSTON CT
POWHATAN, VA 23139

WHITCOMB JOHN M & TIFFANY B
3773 TILMANS FARM DRIVE
POWHATAN, VA 23139

DOWDY DAVID S & AMY G
3326 COPELAND WAY
POWHATAN, VA 23139

ALLEN CHARLIE B & JANET H
P O BOX 1020
POWHATAN, VA 23139

WILSON ROGER DEREK & JODI LYNN
2242 ROSE FAMILY DR
MIDLOTHIAN, VA 23112

TOWN & COUNTRY CUSTOM BUILDERS
INC
1301 DALTRY LN
MIDLOTHIAN, VA 23112

BON AIR HOMES LLC
6802 HULL STREET RD
RICHMOND, VA 23224

HOLLOWAY STEVE D & REBECCA B
3302 COLSTON CT
POWHATAN, VA 23139

BIRINGER BUILDERS INC
1301 DALTRY LN
MIDLOTHIAN, VA 23112

ADAMS CHRISTOPHER M & FIANNA M
3328 COPELAND WAY
POWHATAN, VA 23139

HANRAHAN DAVID J JR & HOLLY J
3355 RIVERLY DR
POWHATAN, VA 23139

MCCLURE W V INC
T/A MAIN STREET HOMES
P O BOX 461
MIDLOTHIAN, VA 23113

MEASE DOUGLAS F & LISA S
3319 COPELAND WAY
POWHATAN, VA 23139

TIMBERCREEK BUILDING & DESIGN LLC
2670 DORSET MEADOWS DR
POWHATAN, VA 23139

DANIELS KEVIN E & HEIDI S
3315 COPELAND WAY
POWHATAN, VA 23139

NAPIER SIGNATURE HOMES INC
3300 RIVERGLADE ROAD
POWHATAN, VA 23139

PATTERSON STEVEN J & MARY L
3359 RIVERLY DR
POWHATAN, VA 23139

TINCHER LONNIE R &
SUSAN J A HARRIS
3646 NEW CHAPEL CT
POWHATAN, VA 23139

SHIFLETT WALTER C III
2621 JUDES FERRY RD
POWHATAN, VA 23139

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**16-02-AZ –
Heavy Equipment/Vehicle Repair
Conditional Use in Agricultural-10 (A-10) District**

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	August 2, 2016	Public Hearing
Board of Supervisors	August 22, 2016	Public Hearing – Tentative

II. SUMMARY OF AMENDMENT

An Ordinance amending and reenacting provisions contained in Section 83-162, Conditional Uses, of Article III, Rural Districts, of the Zoning Ordinance of the County of Powhatan to allow “heavy vehicle/equipment repair and servicing” establishments by conditional use in the Agricultural-10 (A-10) District. The Planning Department received a request from a Planning Commissioner to consider a zoning ordinance amendment permitting the use as a conditional use in the A-10 district. In discussing the issue, the use had previously been listed as a conditional use in the former A-1 district prior to the revision of the zoning ordinance.

The ordinance currently allows “agricultural support (direct)” as a by-right use in the A-20, A-10 and A-C zoning districts. Section 83-521, Definitions, of the Zoning Ordinance defines “agricultural support (direct)” as:

“uses that provide support and services to animal and crop production and dairying, or other related agricultural use, which are limited to and that operate on the site of on-going agricultural uses. These uses include: agricultural processing, agri-education, animal care businesses, customer operators (haymaking, brush hogging, crop storage, hauling, fencing, barn construction); direct market businesses for the sale of products produced on-site (e.g., pick your own), farm co-ops, farm-based tourism events, farm machinery repair, pet farms, products combining recreation and consumption of agricultural products, portable sawmills, stables, wetlands mitigation banks, and similar uses. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)”

Included in the definition is “farm machinery repair.” This provision allows for the establishment of farm machinery repair establishments as a by-right use in the A-20, A-10 and A-C districts.

Section 83-521, Definitions, of the Zoning Ordinance defines “heavy vehicle/equipment repair and servicing” as:

“a heavy vehicle/equipment repair and servicing use is an establishment engaged in the repair and servicing of heavy vehicles and equipment of 12,000 or more pounds gross vehicular weight (GVW). (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)”

There are similarities between farm machinery that is used (front end loaders, row crop tractors, combines, etc.) and heavy equipment from a size and weight perspective. Some farmers use what could be referred to as “heavy equipment” as part of their farm operations. The repair of “heavy equipment” that is used as part of a farm operation is by-right given the provisions of the County’s zoning ordinance. The proposed amendment will re-establish heavy equipment repair by conditional use in the A-10 allowing the Planning Commission and Board of Supervisors to place conditions upon the operation to limit its impacts on surrounding properties on a case-by-case basis.

The Planning Commission and staff discussed the proposed amendment at the July 5, 2016 workshop. The Commission was comfortable with the proposed amendment given that conditions can be placed on the operation on a case-by-case basis. A public hearing has been advertised for August 2, 2016 to solicit citizen comment regarding the proposed amendment to the County of Powhatan’s Zoning Ordinance.

III. STAFF RECOMMENDATION:

The staff recommends approval of the proposed amendment to amend and re-enact provisions contained in Section 83-162, Conditional Uses, of Article III, Rural Districts, of the Zoning Ordinance of the County of Powhatan to add “heavy vehicle/equipment repair and servicing” as a conditional use in the Agricultural-10 (A-10) 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 83-162, Conditional Uses, of Article III, Rural Districts, of the Zoning Ordinance of the County of Powhatan to add “heavy vehicle/equipment repair and servicing” as a conditional use in the Agricultural-10 (A-10) District

Attachment(s):

1. Copy of the Proposed Zoning Ordinance Amendment (16-02-AZ)

An Ordinance amending and reenacting provisions contained in Section 83-162, Conditional Uses, of Article III, Rural Districts, of the Zoning Ordinance of the County of Powhatan.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that Section 83-162, of the Zoning Ordinance of the County of Powhatan, is amended and reenacted as follows:

ARTICLE III – RURAL DISTRICTS

Sec. 83-160. – Agricultural-10 (A-10) District.

Sec. 83-162. - Conditional uses.

The following uses are allowable as principal uses in the A-10 District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

- (1) Farm winery, special impact;
- (2) Horse racetrack or show grounds;
- (3) Livestock market;
- (4) Sawmill, commercial;
- (5) Farm worker housing;
- (6) Manufactured home park;
- (7) Assisted living facility;
- (8) Continuing care retirement community;
- (9) Hospice facility;
- (10) Rooming or boarding house;
- (11) Telecommunications tower;
- (12) Community center;
- (13) Museum;
- (14) College or university;
- (15) Private school;
- (16) Vocational or trade school;
- (17) Correctional facility;
- (18) Fire training facility;
- (19) Nursing home;

- (20) Cemetery;
- (21) Club or lodge;
- (22) Halfway house;
- (23) Shelter for victims of domestic violence;
- (24) Airport;
- (25) Helicopter landing facility;
- (26) Solar energy farm;
- (27) Utility use, major;
- (28) Animal grooming;
- (29) Animal shelter;
- (30) Pound;
- (31) Kennel, commercial;
- (32) Kennel, private, less than two acres;
- (33) Veterinary clinic;
- (34) Conference or training center;
- (35) Country club;
- (36) Fairground;
- (37) Golf course;
- (38) Marina, commercial;
- (39) Recreation facility, commercial indoor;
- (40) Recreation facility, commercial outdoor;
- (41) Recreation facility, nonprofit;
- (42) Shooting range, commercial;
- (43) Antique store;
- (44) Art gallery;
- (45) Auction facility;
- (46) Farmers' market;
- (47) Flea market;
- (48) Campground/recreational vehicle park;
- (49) Country inn;
- (50) Commercial landscaping operation;
- (51) Asphalt or concrete plant;
- (52) Brewery or distillery;
- (53) Micro brewery or micro distillery;

- (54) Winery;
- (55) Convenience center, county;
- (56) Heavy vehicle/equipment repair and servicing.

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 AUGUST 22, 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 _____