



POWHATAN COUNTY PLANNING COMMISSION
AGENDA ~ MONTHLY MEETING
Tuesday September 6, 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. August 2, 2016 Meeting Minutes 3
- D. Administrative Items** 7
1. Monthly Activity Report –July 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. **16-05-REZC: Norwood Creek (Subletts/Manakin/Flat Rock Electoral District)** 13
requests the amendment of the proffer statement for the Norwood Creek Subdivision (Case #04-11-REZC) by reducing the cash proffer from \$3,530 to \$1,880.00 per dwelling unit.
2. **16-07-REZC: Goodwyn Road (Bethesda/Lees Landing Electoral District)** 31
requests the rezoning of approximately 0.25 acre of land from I-1, Light Industrial to R-2, Residential. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Land Use Plan Map. The subject property is located at 3600 Goodwyn Road. Reference to Tax Map Parcel 27-28.
3. **16-09-REZC: Branchway Springs, Portions of Section C & D (Bethesda/Lees Landing Electoral District)** 53
requests the amendment of the proffer statement for the Branchway Springs Subdivision (Case #05-10-REZC) by reducing the cash proffer from \$6,395 to \$1,880.00 per dwelling unit.
4. **16-10-REZC: Branchway Springs, Portions of Section D & C (Bethesda/Lees Landing Electoral District)** 85
requests the amendment of the proffer statement for the Branchway Springs Subdivision (Case #04-06-REZC) by reducing the cash proffer from \$3,530 to \$1,880.00 per dwelling unit.
5. **16-03-AZ: The County of Powhatan** requests the amendment and reenactment of Section 83-122(d)(3), Application Fees, of Article II, Administration, of the Zoning Ordinance of the County of Powhatan. 121

6. **16-04-AZ: The County of Powhatan** requests the amendment and reenactment of Section 83-231, Permitted Uses, and Section 83-232, Conditional Uses, in the Village Center (VC) District, of Article IV, Village Growth Area Districts, of the Zoning Ordinance of the County of Powhatan to allow Fire and EMS Stations and medical treatment facilities as permitted uses. 125

7. **16-05-AZ: The County of Powhatan** requests the amendment and reenactment of Section 83-241, Permitted Uses, and Section 83-242, Conditional Uses, in the Commerce Center (CC) District, of Article IV, Village Growth Area Districts, of the Zoning Ordinance of the County of Powhatan to allow conference centers and Fire and EMS stations as permitted uses. 131

8. **16-06-AZ: The County of Powhatan** requests the amendment and reenactment of Section 83-352, Conditional Uses, in the Residential-Utility (R-U) District, of Article V, Transition Base Districts, of the Zoning Ordinance of the County of Powhatan to allow conference centers and hotels as conditional uses. 139

9. **16-07-AZ: The County of Powhatan** requests the amendment and reenactment of Section 83-362, Conditional Uses, in the Residential-Commercial (R-C) District, of Article V, Transition Base Districts, of the Zoning Ordinance of the County of Powhatan to allow manufacturing, assembly, or fabrication, light as a conditional use. 143

H. Other Business –

I. Workshop Meeting –

1. Comprehensive Land Use Plan Update

J. Adjournment

Planning Commission Meeting Minutes

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VIRGINIA: AT A REGULAR MEETING OF THE PLANNING COMMISSION HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, AUGUST 2, 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. July 5, 2016 Meeting Minutes

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

Ms. Carmack motioned for approval as amended of minutes from the July 5, 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 - July 2015-2016

Mr. Altman provided an overview of recent Board of Supervisors activity. He informed the Commission that the Board approved the Gordon CUP request for a country inn at the last regular Board meeting. Mr. Altman added that during the Board's August 1st workshop, the Board discussed options on how to make the water and sewer system self-supporting and viewed a presentation by Draper Aden. He added that the Board will be conducting a workshop on August 15th to discuss the update of the County's subdivision ordinance; the Board will conduct public hearings on the Virginia Solar II CUP request and cases approved during tonight's meeting at the August 22nd regular Board meeting; the Board will conduct a

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August 2, 2016

retreat scheduled August 24, 25, and 26, at which members will discuss the Board's Vision and set goals and priorities for the upcoming year; and finally the Board will conduct a joint workshop with the EDA to discuss economic development on September 12th.

Mr. Cox questioned if the amount of proffers taken in as recorded on page 7 of the PC packet was attributable to the proffer reductions.

Mr. Altman advised some level of involvement but would need to research the number to find out.

Mr. Walker questioned the Board's conclusion on the water and sewer approaches.

Mr. Altman stated no definitive decision was made because it was a Board workshop. Several options discussed to make water and sewer self-supporting included creating a service district with an Ad Valorem tax, and the number of additional water and sewer customers it would take to make the systems self-supporting.

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.

E. PUBLIC COMMENT PERIOD

Chairman Carmack opened the public comment period.

Thomas Tonks thanked the Planning Commission for the discussion on proffers and expressed his concerns about lack of mosquito controls measures in the County.

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

F. PRESENTATIONS:

There were no presentations.

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.

Mr. Altman provided a brief overview of the case and stated that the staff recommends the adoption of the amendment to proffer #4 should the Planning Commission recommend to the Board of Supervisors approval the CUP.

Ms. Carmack asked if the applicant was present and wished to make a statement. Applicant not present.

Ms. Carmack opened the public hearing period.

Mr. Thomas Tonks expressed concerns with taking money proposed for specific road improvement, collected through a proffer, and moved to a CIP (capital improvement plan) item.

Mr. Cox clarified the Planning Commission has never voted to reduce proffers; that was a subject for the Board of Supervisors. He also clarified that Powhatan County does not pave roads; that is done by VDOT with their money.

Ms. Carmack asked if anyone else wished to comment.

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

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Mr. Altman clarified the dollars being discussed did not come directly from the proffers, which are for residential development not commercial development, but from a donation that Wal-Mart made to the County as part of the zoning case.

Mr. Van Gelder clarified the request is specific from Walmart which is why they have to come before the Planning Commission to request the change to the proffered condition.

Based on public necessity, convenience, general welfare, and good zoning practice, Mr. Cox moved for the Planning Commission to recommend approval of 16-08-REZC: Walmart Real Estate Business Trust to the Board of Supervisors.

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

VOTE 4-0
MOTION Passed

- 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.

Mr. Altman provided a brief overview of the case, clarifying that the request affected approximately 330 acres of un-platted property and approximately 52 platted lots, and that proffers had been paid on the lots that had been issued Certificates of Occupancy.

Ms. Carmack asked if the applicant was present and wished to make a statement.

Mr. Gary Lee Scottow stated he represents the applicant and was available for questions.

Ms. Carmack opened the public hearing period.

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

Mr. Cox noted that the Board of Supervisors stated the major county financial problem is infrastructure upgrades; the Board of Supervisors passed a tax increase on the citizens of the county to pay for the needed upgrades. He personally has no interest of reducing the development community's contribution to our infrastructure needs and does not support this.

Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Carmack (due to Ms. Giovannitti's absence) moved for the Planning Commission to recommend, denial of 16-04-REZC: Milhaus Corporation to the Board of Supervisors.

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

Mr. Walker voted NAY.

VOTE 3-1
MOTION Passed

- 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.

Mr. Altman provided a brief overview of the case previously discussed in the July 5, 2016 Planning Commission workshop, and stated staff recommends approval of this amendment to the County Zoning Ordinance.

Ms. Carmack opened the public hearing period.

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

Ms. Carmack asked if any members had any questions for staff.

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Mr. Cox asked for clarification to understand if this request expands or fixes the present ordinance. After discussion, Planning Commission agreed to remove the wording “re-enact” from the proposal. Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Carmack moved for the Planning Commission to recommend approval of 16-02-AZ as amended 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

1.

Ms. Carmack adjourned regular meeting and requested a recess at 7:34 PM.
Ms. Carmack reconvened the regular meeting and opened the workshop meeting at 7:40 PM.

I. WORKSHOP MEETING

1. Comprehensive Land Use Plan Update Discussion

The Planning Commission continued its discussion of the Future Land Use Map. The Commission discussed the updated map which includes parcels that were 50 acres or more. After a lengthy discussion the Chair asked staff to prepare a similar map that included the existing water and sewer lines, and to redraw the growth area boundary following parcel lines.

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**


 Bret Schardein
 Community Development Director


 Ralph C. Shelton
 Building Official

Building Permit Fees:	<u>July-15</u>	<u>July-16</u>
Administrative Fees: (Also Includes Septic Fees, Fire Code, Etc.)	\$ 3,201.25	\$ 1,435.00
Commercial: (New & Alterations)	\$ -	\$ 1,114.71
Construction Value	\$ -	\$ 392,000.00
Residential:	\$ 39,669.00	\$ 13,111.00
Proffers paid on New Construction	\$ 74,361.16	\$ 13,344.00
Construction Value	\$ -	\$ 4,169,750.00
Residential: (Additions, Alterations, Demo, Pools, Etc.)	\$ 3,050.00	\$ 2,153.80
Construction Value	\$ -	\$ 260,280.00
Trade Permit Fees: (Residential & Commercial)	\$ 7,134.52	\$ 10,816.33
State Levy:	\$ 999.65	\$ 543.86
Planning Department Fees:	\$ 2,860.00	\$ 4,066.75
Total Fees for the Month:	\$ 130,275.93	\$ 46,585.45
Total Fees for Fiscal Year:	\$ 130,275.93	\$ 46,585.45

Building Permit Data:	<u>July-15</u>	<u>July-16</u>
Residential (New Construction):		
District 1 Subletts/Manakin/Flatrock	<u>2</u>	<u>5</u>
District 2 Powhatan Station/Graceland	<u>2</u>	<u>4</u>
District 3 Bethesda/Lees Landing	<u>2</u>	<u>4</u>
District 4 Powhatan Courthouse/Ballsville	<u>4</u>	<u>2</u>
District 5 Smith's Crossroad/Pineville	<u>1</u>	<u>0</u>
Total for the Month:	<u>11</u>	<u>15</u>
Total for Fiscal Year:	<u>11</u>	<u>15</u>
Commercial:		
District 1 Subletts/Manakin/Flatrock	<u>0</u>	<u>1</u>
District 2 Powhatan Station/Graceland	<u>0</u>	<u>0</u>
District 3 Bethesda/Lees Landing	<u>0</u>	<u>0</u>
District 4 Powhatan Courthouse/Ballsville	<u>0</u>	<u>1</u>
District 5 Smith's Crossroad/Pineville	<u>0</u>	<u>0</u>
Total for the Month:	<u>0</u>	<u>2</u>
Total for Fiscal Year:	<u>0</u>	<u>2</u>
Residential Additions, Alterations, Pools, Etc.	<u>20</u>	<u>15</u>
Total for Fiscal Year:	<u>20</u>	<u>15</u>

TYPE	ADMIN FEE	BLDCOM	NEW HOMES	ADDITIONS/ALTER	TRADE PERMIT FEES	STATE LEVY	PLANNING DEPT FEES	CASH PROFFER	TOTAL
ADDRESS				2,078.80		41.57			
ADDRESS2									
ADMIN									
AMEND									
BLD COM		1,114.71				22.29			
BOND									
BUILD	140.00		13,111.00			262.22	450.00	13,344.00	
BURN									
COND							0.00		
COPY	0.00								
CUP									
DEMO				75.00		1.50			
E & S							891.75		
ELE					3,912.15	78.23			
ELE TMP									
ELE 2									
EXTEN									
EVENT									
FAM									
FIRE3									
GAS					880.00	17.60			
GAS 2					360.00	7.20			
GAS 3					120.00	2.40			
MAP									
MECH					2,939.76	58.77			
MECH 2									
MOBIL			0.00			0.00			
NSP							250.00		
PLUMB					2,604.42	52.08			
PLUMB 2					0.00	0.00			
POOL				0.00		0.00			
RE-INSPECT									
READV									
RESB1									
ROAD							0.00		
RZP							2,400.00		
SEPT	1,295.00								
SF							0.00		
SIGN	0.00					0.00	75.00		
SITE									
SO									
TENT									
TOWER									
VAR									
ZO									
ZOLTR									
ZONE									
TOTAL	1,435.00	1,114.71	13,111.00	2,153.80	10,816.33	543.86	4,066.75	13,344.00	0.00

	JULY FY2016	JULY FY2017
Industrial	<u>0</u>	<u>0</u>
Average Review Time (Days)	<u>25</u>	<u>0</u>
Subdivision Exception Lots Approved		
Non-Subdivision	<u>10</u>	<u>0</u>
Single Cut	<u>3</u>	<u>0</u>
Charitable Exception	<u>0</u>	<u>0</u>
Family Division	<u>1</u>	<u>1</u>
Large Lot	<u>0</u>	<u>1</u>

Erosion & Sediment Control
Land Disturbance Plans Approved

Residential	<u>0</u>	<u>0</u>
Agreement In Lieu of an E&S Plan	<u>12</u>	<u>15</u>
Commercial	<u>0</u>	<u>1</u>
Industrial	<u>0</u>	<u>0</u>
Other	<u>0</u>	<u>0</u>
Average Commercial Review Time		<u>30</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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**16-05-REZC – David J. Sowers
Norwood Creek 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	September 6, 2016	Public Hearing
Board of Supervisors	September 26, 2016	Public Hearing – Tentative

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

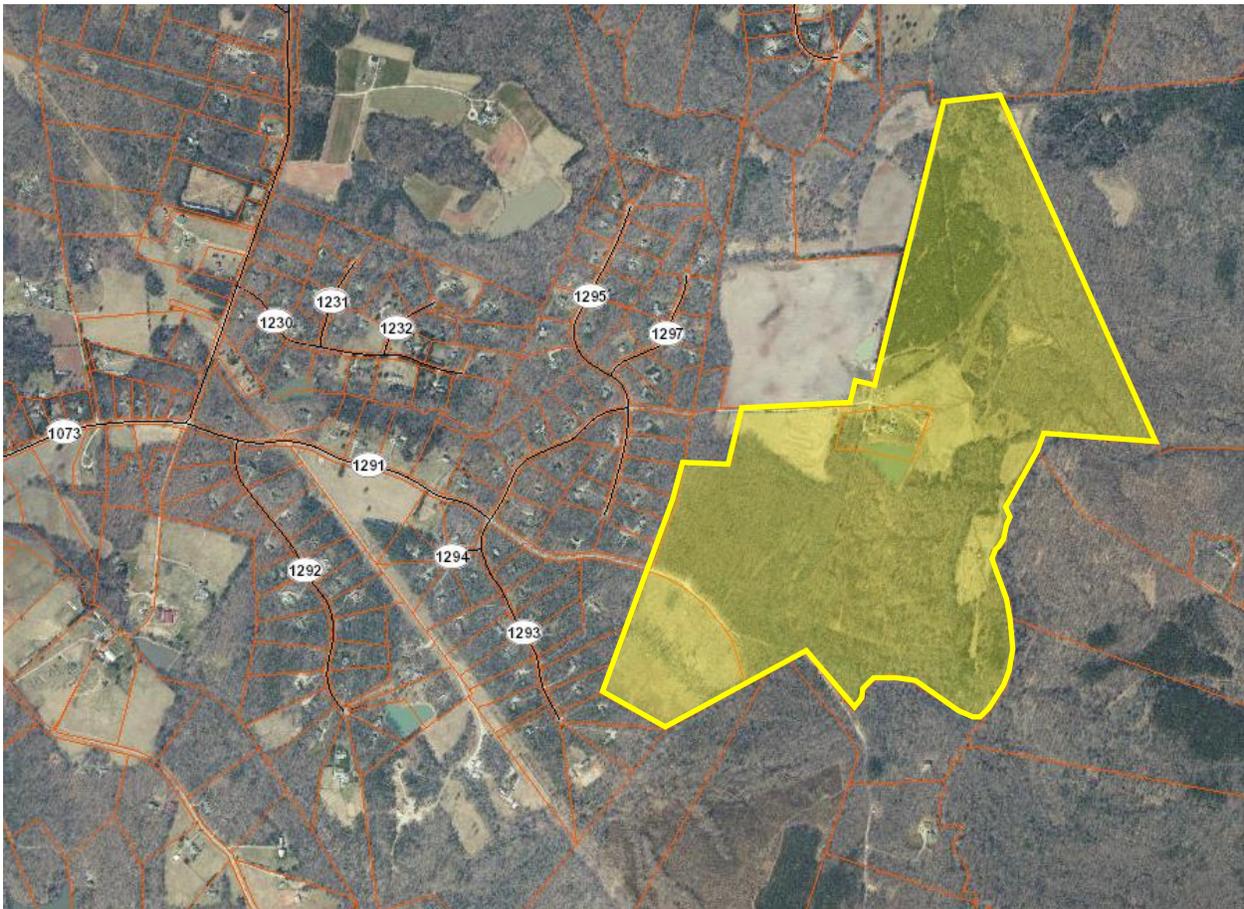
Proposed Zoning:	Request to reduce cash proffer								
Existing Zoning:	Rural Residential-5 (04-11-REZC)								
Parcel Size:	250.9± Acres (total)								
Parcel ID#	30-27 and 27A								
Owner(s):	David J. Sowers								
Location of Property:	East side of Judes Ferry Road approximately 1.5 miles south of Huguenot Trail at the end of Norwood Creek Drive								
Electoral District:	#1 Subletts/Manakin/Flat Rock								
Land Use Plan Recommendation:	Rural Preservation								
Zoning of Surrounding Property:	<table border="0"> <tr> <td>North:</td> <td>A-10, Agricultural-10</td> </tr> <tr> <td>South:</td> <td>A-10, Agricultural-10; R-2, Single-Family Residential-2</td> </tr> <tr> <td>East:</td> <td>A-10, Agricultural-10</td> </tr> <tr> <td>West:</td> <td>A-10, Agricultural-10; R-2, Single-Family Residential-2</td> </tr> </table>	North:	A-10, Agricultural-10	South:	A-10, Agricultural-10; R-2, Single-Family Residential-2	East:	A-10, Agricultural-10	West:	A-10, Agricultural-10; R-2, Single-Family Residential-2
North:	A-10, Agricultural-10								
South:	A-10, Agricultural-10; R-2, Single-Family Residential-2								
East:	A-10, Agricultural-10								
West:	A-10, Agricultural-10; R-2, Single-Family Residential-2								

III. EXECUTIVE SUMMARY:

The applicant, David J. Sowers, requests the amendment of the proffer statement for Norwood Creek Subdivision (Case #04-11-REZC), specifically Proffer #1, to reduce the cash proffer amount from \$3,530 to \$1,880, and amend the zoning district map. The total acreage of the Norwood Creek Subdivision is approximately 251 acres. Norwood Creek Subdivision is located on the east side of Judes Ferry Road (Rt. 614) approximately 1.5 miles south of Huguenot Trail (Rt. 711). The property was rezoned from A-1 to R-5 with proffered conditions by the Board of Supervisors on May 8, 2006. The 2010 Long-Range Comprehensive Plan designates the subject properties as Rural Preservation.

IV. SUBJECT PROPERTY:

The subject property consists of a total of 251± acres located on the east side of Judes Ferry Road (Rt. 614) approximately 1.5 miles south of Huguenot Trail (Rt. 711) located at the end of Norwood Creek Drive. The property was proposed to be subdivided into a total of 50 lots. At this time, the lots have not been platted. The property is currently zoned Rural Residential (R-5). The subject property 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 2006. The subdivision has two (2) access points from Norwood Creek Drive and Norwood Creek Road. The rezoning request the proposed subdivision of the property into 50 lots, which are currently unplatted.

VI. COMPREHENSIVE PLAN ANALYSIS:

The 2010 Long-Range Comprehensive Plan designates the subject properties as Rural Preservation on the Countywide Land Use Plan Map. The Norwood Creek Subdivision does not comply with the Rural Preservation requirements of the 2010 Comprehensive Land Use Plan, which recommends a residential density range of 0.10 units/acre (1-unit/acre) to 0.12 units/acre (1-unit/8-acres) lot minimum for parcels in the Rural Preservation Area. The proposed lot sizes of the subdivision ranged in size from approximately 2.0 to 18.9 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 #1 (04-11-REZC), which currently states:

1. A cash proffer of \$3,530 will be paid on each lot prior to a residential building permit being issued.

With approval of this request, Proffered Condition #1 of Case #04-11-REZC shall be amended, as follows:

1. A cash proffer of ~~\$3,530~~ \$1,880 will be paid on each lot prior to a residential ~~building permit~~ occupancy permit being issued.

All other conditions of Case #04-11-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 David J. Sowers to amend the proffer statement for Norwood Creek Subdivision (Case #04-11-REZC) revising Proffered Condition #1 reducing the case proffer amount from \$3,530.00 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



1221

1272

711

1273

614

1231

1295

1230

1232

1297

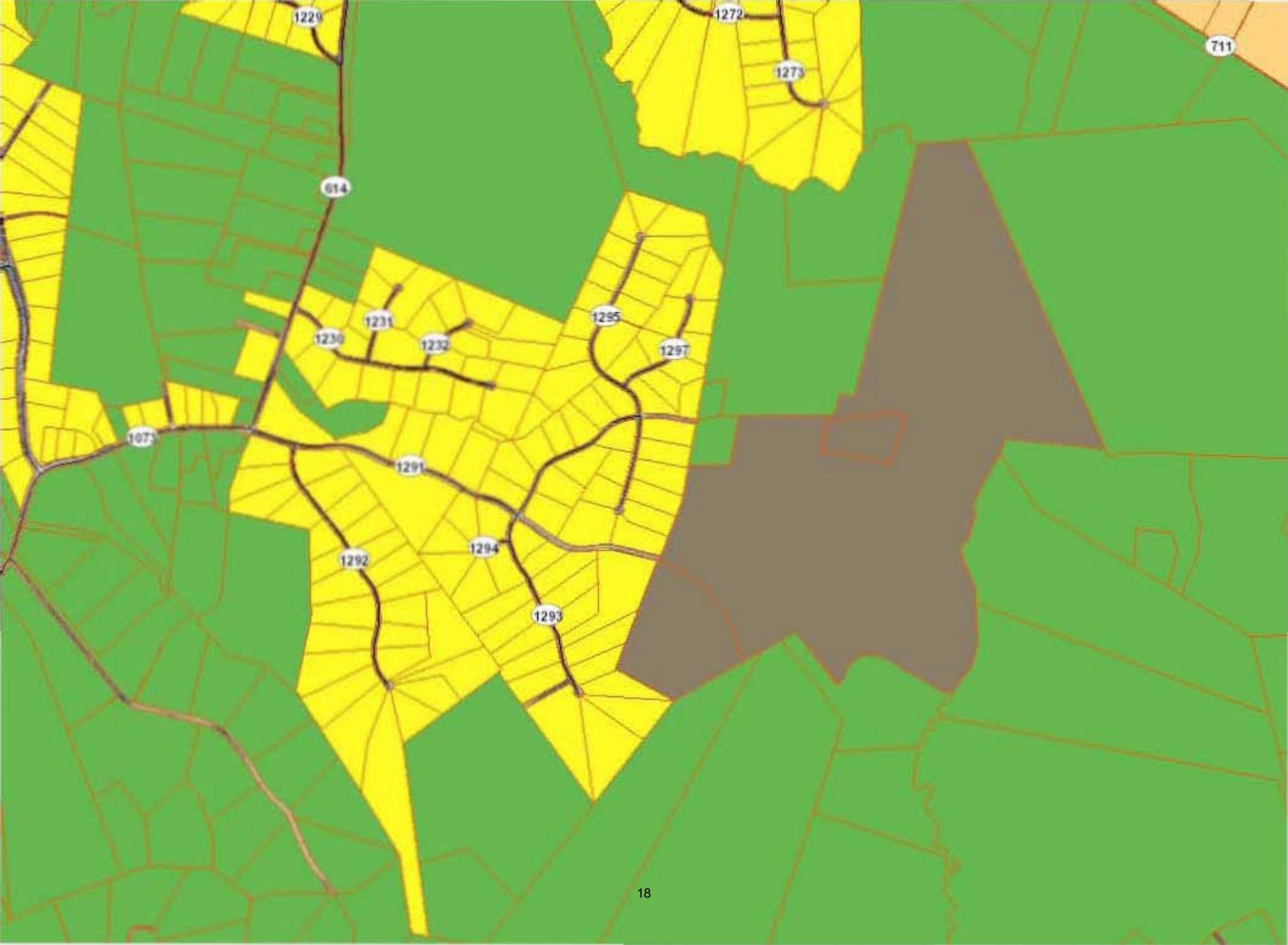
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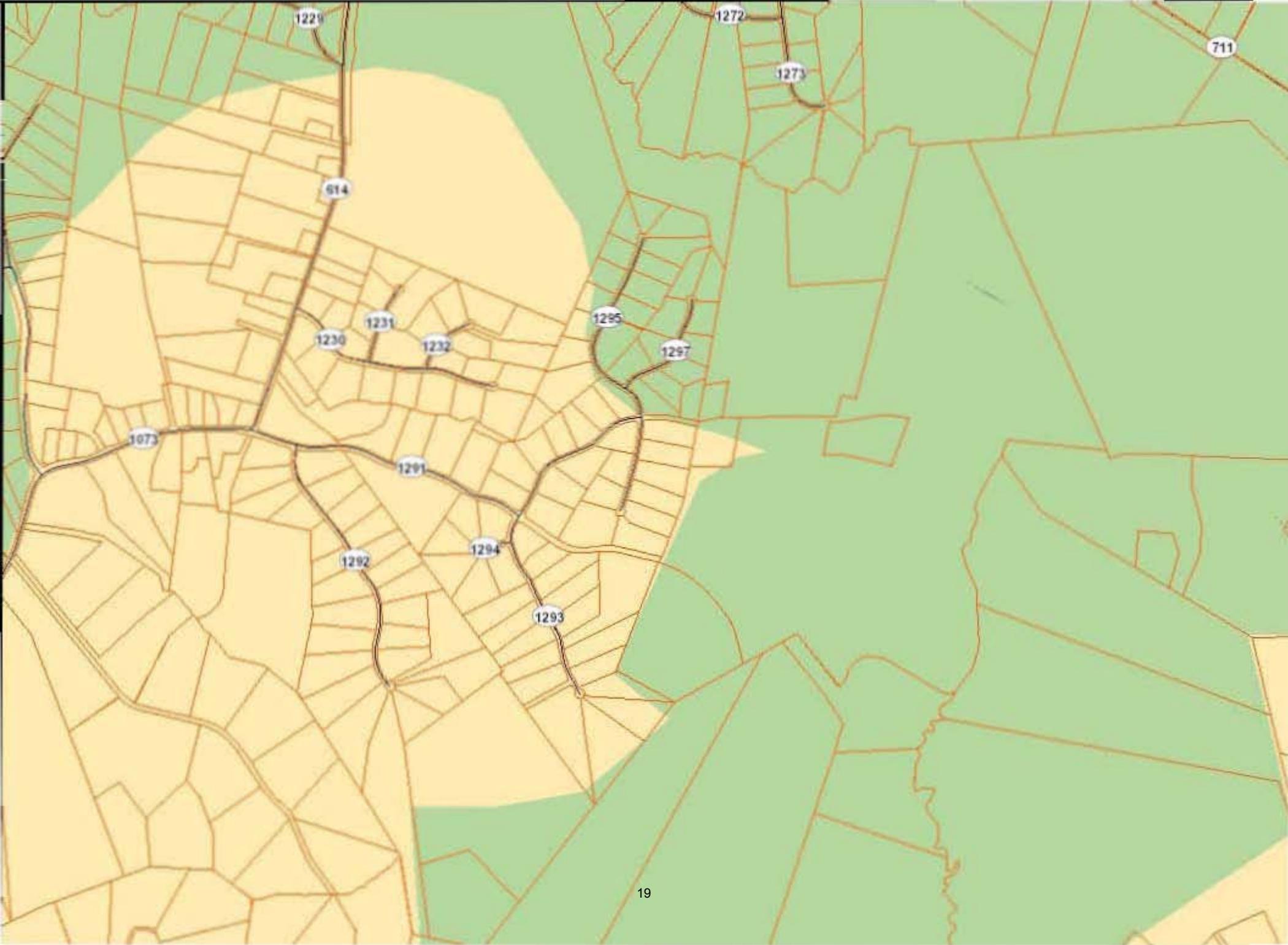
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REZONING APPLICATION

Please Type or Print

<i>For office use only</i>	Case # <u>16-05-REZC</u>
Date of Pre-application meeting <u>6-30-2016</u>	Date Filed <u>6-30-2016</u>

APPLICANT INFORMATION

Owner/Applicant DAVID J. SOWERS Telephone 804-794-4555
 Address 2000 NORWOOD CREEK DR Owner () Lessee ()
POWHATAN VA 23139
 Contract Purchaser N/A Telephone _____
 Address _____

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

Name OWNER (SEE ABOVE) Telephone _____
 Address _____

PARCEL INFORMATION AND REQUEST

Tax Map 30 Section # 27+27A Magisterial District HUGUENOT
 Location NORWOOD CREEK RD Area (acres/sq. ft.) in _____
 Property 250.9[±] AC Area (acres/sq. ft.) In Rezoning N/A

Are there any Deed Restrictions? Yes ___ No (If yes, attach copy of restrictions)

Current Zoning R-5 Requested Zoning AMMEND PROFFERS
1
 Describe in Detail the Proposed Use of Property: SEE ATTACHED
N/A CASE # 04-11-REZ-C

COMPREHENSIVE PLAN + IMPACT

Property is in Which Area of Policy Map _____ Rezoning in Conformance?
Property is in Which Area of Land Use Plan Map _____ Rezoning in Conformance?
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 N/A
Need for Conservation Easement (Residential) N/A Need for Inter-parcel Access N/A
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

TAX MAP #

NAME

ADDRESS

-
- 30-26 RUSSELL E HOLLAND, PO BOX 520, POWHATAN 23139
- 30-20 EVELYN H WORSHAM, 1801 HANCOCK RD, POWHATAN 23139
- 30-29 HANCOCK ESTATES LLC, 1801 HANCOCK RD, POWHATAN 23139
- 30-28-B RUSSELL E. HOLLAND JR, 1898-A NORWOOD CREEK DR, 23139
- 31-5 MYRTLE M. HOLLAND, PO BOX 1049, TAPPAHANNOCK VA 22560
- 31-4 MYRTLE M. HOLLAND, PO BOX 1049, TAPPAHANNOCK VA 22560
- 31-3A RUSSELL E. HOLLAND, PO BOX 520, POWHATAN VA 23139
- 19-61 JEAN C BURD, 2808 WILLIAMS' WOOD RD, RICHMOND VA 23235
- 30-26A RUSSELL E. HOLLAND, PO BOX 520, POWHATAN VA 23139
- 30-26B SOWERS BUILDINGS LLC, PO BOX 1059, MIDLOTHIAN 23113
- 31-2 DAVID J. SOWERS, PO BOX 1059, MIDLOTHIAN VA 23113
- 30-26D RUSSELL E. HOLLAND, PO BOX 520, POWHATAN VA 23139
- 30D-3-7 BEN + ANGELA LENT, 1740 NORWOOD CREEK WAY, POWHATAN 23139
- 30D-3-8 BARBARA NIELSEN, 1730 NORWOOD CREEK WAY, POWHATAN 23139
- 30D-3-9 THOMAS + KATHLEEN SCOTT, 1720 NORWOOD CREEK WAY, POWHATAN 23139
- 30D-3-10 DONALD + DENNA ROBINSON, 1710 NORWOOD CREEK WAY, POWHATAN VA 23139
- 30D-3-11 MAX + VICTORIA MATKO, 1700 NORWOOD CREEK WAY, POWHATAN VA 23139
- 30D-2-11 CHARLES + DEBRA STODDARD, 1876 NORWOOD CREEK DR, POWHATAN 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 David J. Sowers

Print Name DAVID J. SOWERS

Subscribed and sworn to before me this 30 day of June, 2016

Notary Public Nancy Batterson

My Commission Expires 11/30/18



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

STATEMENT OF PROFFER

CASE # 04-11-BE2-C

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:

SEE ATTACHED

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

David J. Sowers
Owner of Record - Signature

6-30-16
Date

Type or print name DAVID J. SOWERS

COMMONWEALTH OF VIRGINIA,
COUNTY OF Powhatan, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by David Sowers whose name is signed to the above, on this 30 day of June 2016.

Notary Public Nancy Batterson

My Commission expires: 11/30/18



Proffer Amendment

The following proffers are to be amended as follows:

1. A cash proffer of \$1,880 will be paid on each lot prior to a residential occupancy permit being issued.
2. All other proffers shall remain unchanged.

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>
<u>DAVID J. SOWERS</u>	<u>2000 NORWOOD CREEK DR POWHATAN VA 23135</u>

I, DAVID J. SOWERS, do hereby swear and affirm that to the best of my knowledge and belief, the above information is true and that I am the applicant for this request for parcel number(s) 274271A of tax map number(s) 30 requesting Rezoning, Conditional Use Permit, and Variance/Appeal. (Please circle one)
AMMEND PROFFER

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

David J. Sowers Signature

STATE OF VIRGINIA
COUNTY OF POWHATAN, to wit:

This day David Sowers personally appeared before me, Nancy Batterson 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 30 day of June, 2016.

Notary Public Nancy Batterson

My commission expires: 11/30/18



APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY

I, DAVID J. SOWERS, hereby grant access to the Planning Director, Zoning Administrator, or assigns thereof, to enter my property during reasonable hours without prior notice to make inspections as deemed necessary for the evaluation of my application for AMMEND PROFFER (Specify type of request – rezoning, conditional use permit, private road, variance, etc.).

David J. Sowers
Applicant's Signature

Date 6-30-16

Subscribed and sworn to before me this 30 day of June, 20 16

Nancy Batterson
Notary Public's Signature

11/30/18
Commission Expiration Date



August 23, 2016

Dear Adjoining Landowner,

The Powhatan County *Planning Commission*, on **September 6, 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

16-05-REZC: Norwood Creek (Subletts/Manakin/Flat Rock Electoral District) requests the amendment of the proffer statement for the Norwood Creek Subdivision (Case #04-11-REZC) by reducing the cash proffer from \$3,530 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 #: 16-05-REZC

NAME: Norwood Creek (Subletts/Manakin/Flat Rock Electoral District)

LETTERS MAILED: August 23, 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 L. Bortleson
Signature

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid this day 23 of August, 2016.

Patricia M. Sturrock
Notary Public



BURD JEAN C
2808 WILLIAMSWOOD ROAD
RICHMOND, VA 23235

SOWERS BUILDING LLC
P O BOX 1059
MIDLOTHIAN, VA 23113

STODDARD CHARLES M W & DEBRA E
1876 NORWOOD CREEK DRIVE
POWHATAN, VA 23139

HILLDRUP LEE P & LEIGH E
1864 NORWOOD CREEK DRIVE
POWHATAN, VA 23139

LENT BEN M & ANGELA CIMMINO
1740 NORWOOD CREEK WAY
POWHATAN, VA 23139

SOWERS DAVID J
701-A SOUTHLAKE BLVD
RICHMOND, VA 23236

WORSHAM EVELYN HANCOCK
1801 HANCOCK RD
POWHATAN, VA 23139

HOLLAND RUSSELL EDWARD JR &
ANNA
1898 A NORWOOD CREEK DR
POWHATAN, VA 23139

SHERMAN RAYLENE J & KAREN A
CHEAK
1872 NORWOOD CREEK DRIVE
POWHATAN, VA 23139

ROBINSON DONALD E & DONNA J
1710 NORWOOD CREEK WAY
POWHATAN, VA 23139

NIELSEN BARBARA
1730 NORWOOD CREEK WAY
POWHATAN, VA 23139

HOLLAND MYRTLE M
P O BOX 1049
TAPPAHANNOCK, VA 22560

HOLLAND RUSSELL EDWARD
P O BOX 520
POWHATAN, VA 23139

HANCOCK ESTATES LLC
1801 HANCOCK ROAD
POWHATAN, VA 23139

HOLLAND LOUISE L
1870 NORWOOD CREEK DRIVE
POWHATAN, VA 23139

MATKO MAX M & VICTORIA V GRIFFITH
1700 NORWOOD CREEK WAY
POWHATAN, VA 23139

SCOTT THOMAS W & KATHLEEN A
1720 NORWOOD CREEK WAY
POWHATAN, VA 23139



16-07-REZC – R.C. Goodwyn & Sons, Inc.
 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	September 6, 2016	Public Hearing
Board of Supervisors	September 26, 2016	Public Hearing – Tentative

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Proposed Zoning:	Single Family Residential-2 (R-2)
Existing Zoning:	Light Industrial (I-1)
Parcel Size:	0.25 Acres (currently part of 40.82 total acres)
Parcel IDs#	27-28 (part) To be combined with 27A-7-37
Owner(s):	R.C. Goodwyn & Sons, Inc.
Location of Property:	3600 Goodwyn Road
Electoral District:	#3 Bethesda/Lees Landing
Land Use Plan Recommendation:	Rural Residential
Zoning of Surrounding Property:	North: I-1, Light Industrial
	South: R-2, Single-Family Residential-2
	East: R-2, Single-Family Residential-2
	West: I-1, Light Industrial R-2, Single-Family Residential-2

III. EXECUTIVE SUMMARY:

The applicant is requesting the conditional rezoning of 0.25[±] acres from Light Industrial (I-1) to Single-Family Residential-2 (R-2). The purpose of the request is an adjacent property owner (John C. Green Jr. & Dodydell P. Green of Tax Map 27A-7-37) propose to construct a deck to the rear of their home, however the deck, without the acquisition of the subject property, would encroach into the 50' natural buffer required from the adjacent property line. The applicant has a contract purchase for the property from the adjacent property owners. The applicant proposes to combine the 0.25[±] acres with the adjacent property and must rezone this portion to have zoning matching the adjacent property's existing R-2 zoning. Along with the 50' buffer from the property line, the proffered conditions of the Branchway Forest rezoning case (REZC 94-18) and Zoning Ordinance Sec. 83-471(a)(3)(2) also require a 50' natural buffer around the adjacent intermittent stream, which the deck will not encroach into per the applicant's survey plat.

IV. SUBJECT PROPERTY:

The subject property consists of 0.25[±] acres, which is proposed to be subdivided from the 40.82[±] acre parcel identified as Tax Parcel 27-28 and combined with adjacent 27A-7-37. The subject property has an address of 3600 Goodwyn Road, being a portion of the R.C. Goodwyn & Sons, Inc. building supply and lumber yard business. The 40.82[±] acre parcel is owned by R.C. Goodwyn & Sons, Inc. is zoned Light Industrial (I-1) and will total 40.57 +/- acres after the adjustment. The adjacent property which will received the 0.25 +/- acres is currently 2.52 +/- acres, is zoned Residential-2 (R-2), is owned by John C. Green Jr. & Dodydell P. Green, has an address of 2315 Gwynmill Lane, being the property owner's home, and will total 2.77 +/- acres after the adjustment.

V. LAND USE ANALYSIS:

The applicant has planned an attached deck to the rear of their home. The proposed deck without the adjustment would be almost completely within the 50' natural buffer required by the subdivision plat, in violation. The applicant's purchase of the 0.25[±] acre portion of the subject parcel would result in a 29-foot setback from the "new" rear property line buffer and an approximate 2' setback from the 50' natural buffer around the intermittent stream. The rezoning of the subject property to R-2 will make it consistent with the zoning of 2315 Gwynmill Lane and allow the property owners to move forward with constructing the proposed deck. The subject property is almost entirely encumbered by the 50' natural buffer around the intermittent stream and has little development potential for use in conjunction with the lumber yard.

VI. PUBLIC SERVICE ANALYSIS:

No agency or department impacts anticipated.

VII. COMPREHENSIVE PLAN ANALYSIS:

The subject property and adjacent property are both identified in the 2010 Long –Range Comprehensive Plan, as Rural Residential on the Countywide Land Use Plan Map.

The request is consistent with the Vision and Goals of the 2010 Long-Range Comprehensive Plan. The proposed planned development is also generally consistent with the Rural Residential Land Use Policies found in the 2010 Comprehensive Land Use Plan.

VIII. PROFFERED CONDITIONS:

The applicant has not submitted a proffer statement with this rezoning request. The original industrial zoning of the subject property contains proffered conditions from rezoning case REZC 99-08, however those conditions are not relevant to residential use of this property and staff is not suggested they be resubmitted with this request. The original residential zoning for the adjacent property receiving the 0.25-acre property contains proffers from case REZC 94-18, however the majority of those proffers related to the development of the Branchway Forest subdivision and have been satisfied through its construction. The proffered condition requiring a 50’ natural buffer around the intermittent stream has since been codified as a county-wide requirement in Sec. 83-471(a)(3)(2) of the Zoning Ordinance, and therefor staff is not recommending it be resubmitted as a proffer with this request.

IX. STAFF RECOMMENDATION:

The request is consistent with the recommendations of the 2010 Comprehensive Land Use Plan, and therefore staff recommends approval of the request to conditionally rezone the 0.25[±] acre portion of Tax Parcel 27-28 from I-1 to R-2, and amend the County’s Zoning District Map.

X. 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 unanimously recommends (*approval / denial / deferral*) of the request submitted by R.C. Goodwyn & Sons, Inc. to conditionally rezone a 0.25[±] acre portion of Tax Parcel 27-28 from Light Industrial (I-1) District to Single-Family Residential-2 (R-2) District, and amend the County’s Zoning District Map.

Attachment(s):

1. Application for Rezoning
2. Vicinity Map
3. Aerial Map
4. Zoning Map
5. Rezoning Plat
6. Adjacent Property Owners Letter

REZONING APPLICATION

Please Type or Print

<i>For office use only</i>	Case # <u>16-07-REZ</u>
Date of Pre-application meeting <u>06-27-2016</u>	Date Filed <u>6/30/2016</u>

APPLICANT INFORMATION

(Owner) Applicant R.C. GOODWYN & SONS, INC Telephone 598-3633
 Address 3600 GOODWYN ROAD Owner (✓) Lessee ()
POWHATAN VA 23139
 Contract Purchaser JOHN C. GREEN JR Telephone 598-6509
DODDYDELL P. GREEN
 Address 2315 GWYMILL LANE, POWHATAN, VA 23139

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

Name WOODY COFER Telephone 598-2014
 Address Box 8, POWHATAN, VA 23139

PARCEL INFORMATION AND REQUEST

Tax Map 27-28 Section # _____ Magisterial District SPENCER
 Location 3600 GOODWYN ROAD Area (acres/sq. ft.) in _____
 Property 40.82 Area (acres/sq. ft.) In Rezoning 0.25 ACRE
 Are there any Deed Restrictions? Yes ___ No (If yes, attach copy of restrictions)
 Current Zoning I-1 Requested Zoning R-2

Describe in Detail the Proposed Use of Property:

PURCHASING PROPERTY TO ADDRESS SETBACK (DECK)

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 NA # ft. width _____

Need for Tree Retention in Buffers (> 4" Diameter) NA Need for Inter-parcel Access _____

Need for Conservation Easement (Residential) NA Need for Inter-parcel Access _____

Need to Assist County with Cost of Providing Public Facilities NA

Need for a Fire Protection Plan to be prepared and approved by Fire Department NA

Need for Architectural Design Standards to Assure Compatibility of Structures NA

Minimum House Sizes to Assure Compatibility with Surrounding Subdivisions NA Sq. Ft.

Limitations on Uses Which May Impact Adjacent Properties NA

Limitations on Access to Existing Roads to protect their Traffic Carrying Capacity: NA

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

2nd entrance/exit NA, 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>
27A-8-29	ANDREA WEBER	3554 RICHARDS RUN 23139
27A-7-36	KEVIN H. BUSER	2311 GWYMILL LANE 23139
27A-8-28	KEVIN B. CARR	3558 RICHARDS RUN 23139
27A-8-27	PAUL H. IMIG	3564 RICHARDS RUN 23139
27A-8-26	DANIEL B. BROWN	3572 RICHARDS RUN 23139
27A-8-25 & 2A	JONATHAN BRANTLEY	3576 RICHARDS RUN 23139
27-28A	LUKE A. MEYERS	3610 GOODWYN ROAD 23139
27-29A	MARY ANN GOODWYN	3630 GOODWYN ROAD 23139
27-29Q	ARCHIE H. GOODWYN	3938 ST. JOHNS VILLAGE WAY 23139
27A-10-14	PAUL GESTWICK	2401 GOODWYN LAKE CT 23139
27A-10-7	DAVID E. MILLS	2400 " " " 23139
27A-10-6	JAMES SEAY	3570 GOODWYN ROAD 23139
27A 27-29K	GOODWYN LLC	3938 ST. JOHNS VILLAGE WAY 23139
27A-6-56	DANIEL K. GIARDIN	2330 MARY GOODWYN ROAD 23139
27A-6-35	GIBBS JOINT LIVING TRUST	2332 " " " "
27A-7-39	FRANKLIN H. DERBY	2312 GWYMILL LANE 23139
27A-7-38	MARCO FRANCIÀ	2316 " " "

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 C. GREEN

Subscribed and sworn to before me this 29 day of JUNE, 2016.

Notary Public Woodrow K. Cofer

My Commission Expires OCT 31, 2016

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

STATEMENT OF PROFFER

CASE # 16-07-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:

THIS 0.25 ACRE PARCEL TO BE COMBINE WITH
T.M. No 27A-7-37 - JOHN C. GREEN, JR.

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

J. C. Green Jr
Owner of Record - Signature

JUNE 29, 2016
Date

Type or print name JOHN C. GREEN, JR

COMMONWEALTH OF VIRGINIA,
COUNTY OF POWHATAN, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by JOHN C. GREEN, JR whose name is signed to the above, on this 29 day of June 2016.

Notary Public Woodrow K Coff

My Commission expires: OCT 31, 2016

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>
JOHN C. GREEN, JR	2315 GWYMILL LANE, POWHATAN VA
DODD YDELL P. GREEN	2315 GWYMILL LANE, POWHATAN VA

I, JOHN C. GREEN, 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) 28 of tax map number(s) 27 requesting Rezoning, Conditional Use Permit, and Variance/Appeal. (Please circle one)

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

John C. Green Jr Signature

STATE OF VIRGINIA
COUNTY OF POWHATAN, to wit:

This day JOHN C. GREEN, JR personally appeared before me, WOODROW K. COFER, 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 29 day of JUNE, 2016.

Notary Public Woodrow K. Cofer

My commission expires: OCT 31, 2016.

APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY

I, JOHN C. GREEN, JR, 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 (Specify type of request rezoning, conditional use permit, private road, variance, etc.).

J.C. Green Jr
Applicant's Signature

Date JUNE 29, 2016

Subscribed and sworn to before me this 29 day of JUNE, 2016

Woodrow K. Coffey
Notary Public's Signature

OCT 31, 2016
Commission Expiration Date

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

1. That I/We
(Name) MICHAEL B. GOODWYN Telephone 598-3633
PRESIDENT OF P.C. GOODWYN & SONS, INC
(Address) 3600 GOODWYN ROAD, POWHATAN VA
- (Name) _____ Telephone _____
- (Address) _____
- (Name) _____ Telephone _____
- (Address) _____
- (Name) _____ Telephone _____
- (Address) _____

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

Tm 27-28

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

2. (Name) JOHN C. GREEN JR AND
WOODY COFER Telephone 598-2014
- (Address) Box 8, POWHATAN VA

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. NONE
- _____
- _____

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

29 day of JUNE 2000/2016.

Michael B. Jordan President R.C. Goodwyn
Signature(s) + Sons Inc

Signature(s)

Signature(s)

Signature(s)

Witnessed by: Patsy G. Goodwyn

Witnessed by: _____

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

Powhatan County

Legend

□ Parcels



Feet

0 50 100 150 200
1:2,257 / 1"=188 Feet

Title: Aerial map

Date: 8/26/2016

DISCLAIMER: ALL INFORMATION DEPICTED ON THIS MAP SHALL BE TREATED AS CONFIDENTIAL INFORMATION AND SHALL ONLY BE USED FOR THE SOLE PURPOSE FOR WHICH IT WAS PROVIDED. ANY OTHER USE OF THIS MAP, OR THE INFORMATION INCLUDED THEREON, IS STRICTLY PROHIBITED. THE DATA SHOWN ON THIS MAP IS FOR INFORMATION PURPOSES ONLY. THIS MAP MAY NOT BE COPIED OR OTHERWISE MADE AVAILABLE TO ANY OTHER PARTY IN PAPER OR ELECTRONIC FORMAT.

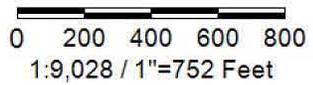
Powhatan County

Legend

□ Parcels



Feet



Title: Vicinity map

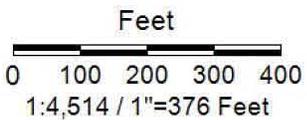
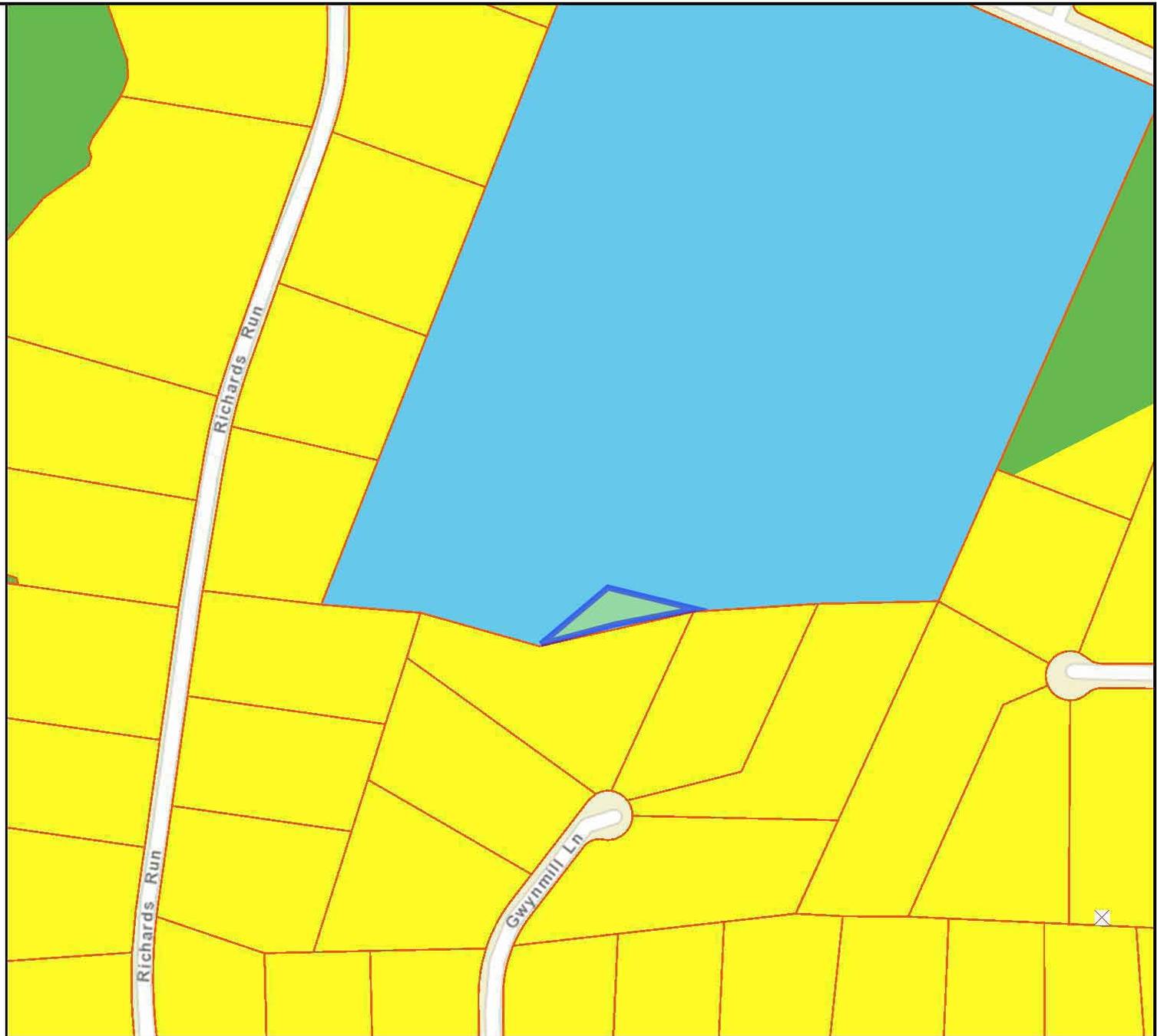
Date: 8/26/2016

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Powhatan County

Legend

-  County Boundary
-  Parcels
- Zoning**
-  Agriculture A-10
-  Agricultural/Animal Confinement
-  Commercial
-  Courthouse Square Center
-  Industrial - 1
-  Industrial - 2
-  Mining
-  Office
-  Residential - 2
-  Rural Residential 5
-  Residential Commercial
-  Residential Utility
-  Rural Residential
-  Village Center Planned Development



Title:

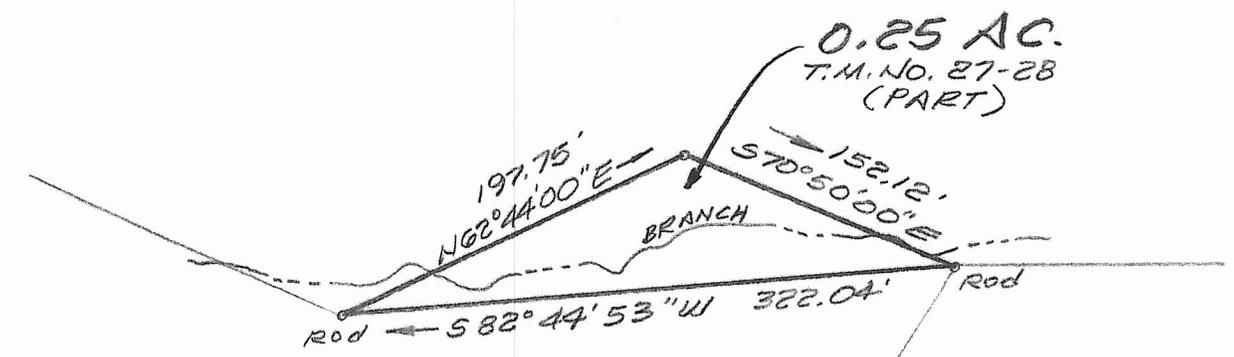
Date: 8/26/2016

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R.C. GOODWYN & SONS
T.M.No. 27-28

0.25 AC.
T.M.No. 27-28
(PART)

PC-F-19



LOT 37
JOHN C. GREEN, JR.
DB. 854 PG. 1319
T.M.No. 27A-7-37

LOT 38
MARCO FRANCIA
DB. 661 PG. 1245
T.M.No. 27A-7-38

BRANCHWAY FOREST
SEC. SEVEN

LOT 36
KEVIN H. BUSER
DB. 442 PG. 894
T.M.No. 27A-7-36

836.92' TO N1/2 OF RICHARDS RUN
GWYNMILL LANE
50' R/W

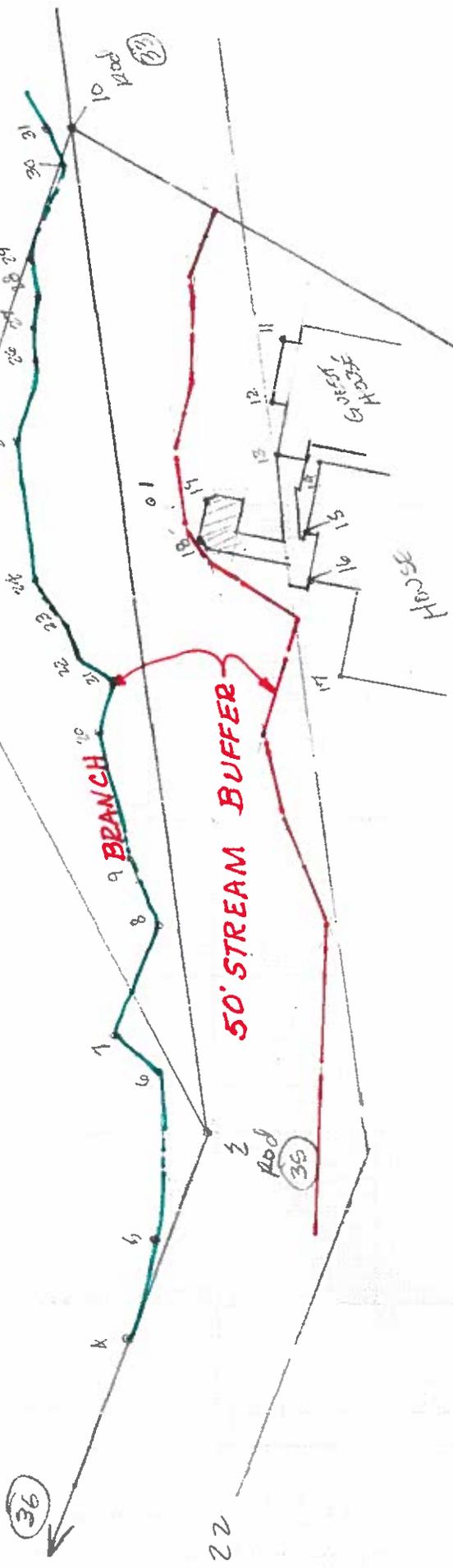
- REZONING -

PLAT SHOWING 0.25 ACRE OF
LAND LYING NORTH OF
GWYNMILL LANE

SPENCER DISTRICT ⁴⁷ POWHATAN COUNTY, VA.

DATE: JUNE 30, 2016 SCALE: 1" = 100'

R. C. GOODWYN & SONS
TM No 27-28



38

MARCO FRANCO
TM 27A-7-38
DB 661-1245

Juni 2434 A
1" = 50'

21

48

36

KEVIN H. BUSER
TM 27A-7-36
DB 442-894

2000

37

JOHN C GREEN, JR
TM No 27A-7-37
DB 854-1319

19

19

2000

21

(X) Rod

22

23

August 23, 2016

Dear Adjoining Landowner,

The Powhatan County *Planning Commission*, on **September 6, 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

16-07-REZC: Goodwyn Road (Bethesda/Lees Landing Electoral District) requests the rezoning of approximately 0.25 acre of land from I-1, Light Industrial to R-2, Residential. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Land Use Plan Map. The subject property is located at 3600 Goodwyn Road. Reference to Tax Map Parcel 27-28.

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 #: 16-07-REZC

NAME: Goodwyn Road (Bethesda/Lees Landing Electoral District)

LETTERS MAILED: August 23, 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 23 of August, 2016


Notary Public



MEYERS LUKE A & MAGEN D
3610 GOODWYN RD
POWHATAN, VA 23139

GESTWICK PAUL MANLEY & MICHELLE
M
2401 GOODWYN LAKE CT
POWHATAN, VA 23139

GIBBS JOINT LIVING TRUST
C/O ROBERT D GIBBS JR ET AL
3383 DUKE RD
POWHATAN, VA 23139

GREEN JOHN C JR & DODDYDELL P
TRUSTEES
2315 GWYNMILL LANE
POWHATAN, VA 23139

BRANTLEY JONATHAN & SONIA
3576 RICHARDS RUN
POWHATAN, VA 23139

IMIG PAUL H & MABEL I
3564 RICHARDS RUN
POWHATAN, VA 23139

GOODWYN LLC
3938 ST JOHNS VILLAGE WAY
POWHATAN, VA 23139

SEAY JAMES MARSHALL & ANGELIA C
3570 GOODWYN RD
POWHATAN, VA 23139

GIARDINI DANIEL K & LYNDA M
2330 MARY GOODWYN RD
POWHATAN, VA 23139

FRANCIA MARCO
2316 GWYNMILL LANE
POWHATAN, VA 23139

BRANTLEY JONATHAN N & SONIA L
3576 RICHARDS RUN DR
POWHATAN, VA 23139

CARR KEVIN B
3558 RICHARDS RUN
POWHATAN, VA 23139

LLEWELLYN EARNEST N JR & CANDY P
3630 GOODWYN RD
POWHATAN, VA 23139

MILLS DAVID E & MARY R
2400 GOODWYN LAKE CT
POWHATAN, VA 23139

BUSER KEVIN H & JILL M
2311 GWYNMILL LANE
POWHATAN, VA 23139

DERBY FRANKLIN H & PATRICIA H
2312 GWYNMILL LANE
POWHATAN, VA 23139

BROWN DANIEL B & ANNA B
3572 RICHARDS RUN
POWHATAN, VA 23139

WEBER ANDREA & RORY
3554 RICHARDS RUN
POWHATAN, VA 23139

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INTENTIONALLY**



16-09-REZC – Goodwyn, LLC Branchway Springs, Section C & D

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	September 6, 2016	Public Hearing
Board of Supervisors	September 26, 2016	Public Hearing – Tentative

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Proposed Zoning:	Request to reduce cash proffer
Existing Zoning:	Residential-Commercial (05-10-REZC)
Parcel Size:	14.4± Acres (total)
Parcel ID#	27-15
Owner(s):	Goodwyn, LLC
Location of Property:	North side of Anderson Highway at intersection with Branchway Creek Drive
Electoral District:	#3 Bethesda/Lees Landing
Land Use Plan Recommendation:	Village Center and Village Residential
Zoning of Surrounding Property:	North: R-5, Rural Residential-5
	South: R-C, Residential-Commercial; A-10, Agricultural-10;
	East: R-2, Single-Family Residential-2; R-C, Residential-Commercial
	West: R-C, Residential-Commercial

III. EXECUTIVE SUMMARY:

The applicant, Goodwyn, LLC, requests the amendment of the proffer statement for Branchway Springs Subdivision, Sections C & D, (Case #05-10-REZC), specifically Proffer #1, to reduce the cash proffer amount from \$6,395 to \$1,880, and amend the zoning district map. The subject parcel is identified as Tax Parcel #25-17, and is located east of Branchway Creek Drive on the north side of Anderson Highway (Rt. 60) as shown below. The property was rezoned from A-1 and R-C to R-C with proffered conditions. The 2010 Long-Range Comprehensive Plan designates the subject properties as Village Center and Village Residential.

IV. SUBJECT PROPERTY:

The subject property consists of a total of 14.4± acres located on the north side of Anderson Highway (Rt. 60) at the intersection with Branchway Creek Drive. At this time, the lots have not been platted. The property is currently zoned Residential-Commercial (R-C). The subject property is outlined in yellow below.



V. LAND USE ANALYSIS:

The applicant requested a rezoning of the subject property from A-1 and R-C to R-C, Residential-Commercial, with proffered conditions in 2005. The subject property is located to the east of Branchway Creek Drive and is currently landlocked. The rezoning of the property was to facilitate residential and commercial development of the property.

VI. COMPREHENSIVE PLAN ANALYSIS:

The 2010 Long-Range Comprehensive Plan designates the subject properties as Village Center and Village Residential on the Countywide Land Use Plan Map. The Branchway Spring Subdivision, Sections C & D, complies with the Village Center and Village Residential requirements of the 2010 Comprehensive Land Use Plan. 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 #1 (05-10-REZC), which currently states:

1. Cash Proffer: A cash proffer of six thousand three hundred ninety five dollars (\$6,395) per residential unit will be paid to the County of Powhatan upon the application for the building permits for any single family residential unit. This amount may be adjusted upward by any increase in the consumer price index between July 1, 2005 and July 1 of the fiscal year in which the payment is made.

With approval of this request, Proffered Condition #1 of Case #05-10-REZC shall be amended, as follows:

2. Cash Proffer: A cash proffer of ~~six thousand three hundred ninety five dollars (\$6,395)~~ one thousand eight hundred eighty dollars (\$1,880) per residential unit will be paid to the County of Powhatan upon the application for the building permits for any single family residential unit. This amount may be adjusted upward by any increase in the consumer price index between July 1, 2005 and July 1 of the fiscal year in which the payment is made.

All other conditions of Case #05-10-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 Goodwyn, LLC to amend the proffer statement for Branchway Springs Subdivision, Sections C & D (Case #05-10-REZC) revising Proffered Condition #1 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







REZONING APPLICATION

Please Type or Print

OLD CASE
05-10 REC

For office use only	Case # <u>16-09-REZ C</u>
Date of Pre-application meeting <u>6-13-16</u>	Date Filed <u>6/29/2016</u>

APPLICANT INFORMATION

Owner/Applicant GOODWYN LLC Telephone 677-0590
 Address 3600 GOODWYN ROAD Owner () Lessee ()
POWHATAN, VA. 23139
 Contract Purchaser NONE Telephone N/A
 Address N/A

Who Should Correspondence or Questions regarding this Application be directed to: 519-4004 (CELL#)
 Name DOUG BRADBURY Telephone 598-3618
 Address 3575 RICHARDS RUN, POWHATAN, VA

PARCEL INFORMATION AND REQUEST

Tax Map 27 Section # 15 Magisterial District SPENCER
NORTH OR R7 60 OPPOSITE R1 300
 Location SCOTTSVILLE ROAD Area (acres/sq. ft.) in
 Property 14.4 Area (acres/sq. ft.) In Rezoning 13.8 ACRES
 Are there any Deed Restrictions? Yes N/A No (If yes, attach copy of restrictions)
 Current Zoning R/C Requested Zoning R/C

Describe in Detail the Proposed Use of Property: REDUCED
THE PURPOSE OF THIS APPLICATION IS TO AMEND THE
CASH PROFFER PER RESIDENTIAL LOT ON LOTS 10 THROUGH 16
FROM \$ 6395 TO \$ 1880,
\$ 6395

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 VC & VR Rezoning in Conformance?

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

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 REDUCED THE CASH PROFFER FROM \$6395 TO \$1880.

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 OWNERS

MAP_PIN	Owner	Mailing Address	Mailing_Address	City	State	Zip
26B3-1-16	POWHATANS CREEKSIDE LLC	C/O JOHN LEWIS	3 DOUGLAS DRIVE	NEWPORT NEWS	VA	23601
26B3-1-2	CELLA LUCY ANN PARKER	2277 SCOTTSVILLE ROAD		POWHATAN	VA	23139
26B3-1-6	BOGGS CHARLES I TRUSTEE	THE BETTY M BOGGS FAMILY TR	3388 MIDDLE PLANTATION Q	VIRGINIA BEACH	VA	23452
26B3-1-6A	SALEFISH REAL ESTATE LLC	3749 ANDERSON HWY		POWHATAN	VA	23139
27-10	CELLA LUCY A PARKER	2277 SCOTTSVILLE ROAD		POWHATAN	VA	23139
27-11	GOODWYN LLC	3830 GOODWYN RD		POWHATAN	VA	23139
27-12	GOODWYN LLC	3830 GOODWYN RD		POWHATAN	VA	23139
27-12A	BARNETTS HEATING & AIR CONDITIONING	1224 CROWDER DRIVE		MIDLOTHIAN	VA	23113
27-12B	COUNTY OF POWHATAN VIRGINIA	3834 OLD BUCKINGHAM RD STE A		POWHATAN	VA	23139
27-13	SYDNOR PUMP & WELL COMPANY	P O BOX 27186		RICHMOND	VA	23261
27-15	GOODWYN LLC	3600 GOODWYN RD		POWHATAN	VA	23139
27-16	MWD POWHATAN PARTNERS LLC	7107 RIVERSIDE DRIVE		RICHMOND	VA	23225
27A-8-10	CLAUD SCOTT T & CATHERINE P TRS	3539 RICHARDS RUN		POWHATAN	VA	23139
27A-8-11	WATLINGTON JOHN B & PHEBE M	3543 RICHARDS RUN		POWHATAN	VA	23139
27A-8-9	KNIGHT MICHAEL J & KENDA C	3535 RICHARDS RUN		POWHATAN	VA	23139
27C-1-17	ROBINSON GARY E & MICHELLE R	2340 BRANCHWAY CREEK DRIVE		POWHATAN	VA	23139
27C-1-18	VLASIDIS GEORGE & EFSTATHIA	4031 OLD BUCKINGHAM ROAD		POWHATAN	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 Archie H. Goodwyn MGR.

Print Name ARCHIE H. GOODWYN MGR.

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

Notary Public K. Michele Rothoff #115305

My Commission Expires 11-30-19



*****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:

REVISE EXISTING PROFFER CONDITION #1 AS FOLLOWS:
A CASH PROFFER OF EIGHTEEN HUNDRED EIGHTY
(\$1880) PER RESIDENTIAL LOT ON LOTS ~~18~~¹⁹ THROUGH 16
WILL BE PAID TO THE COUNTY OF POWHATAN UPON THE
ISSUANCE OF THE OCCUPANCY PERMIT.

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

Goodwyn L.L.C.
Owner of Record - Signature

4-24-16
Date

Archie H. Goodwyn Mgt.
Type or print name ARCHIE GOODWYN

COMMONWEALTH OF VIRGINIA,
COUNTY OF POWHATAN, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Archie H. Goodwyn whose name is signed to the above, on this 24th day of June 2016.

Notary Public K. Michele Rettig # 115305

My Commission expires: 11-30-19



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>
ROYCE S. Goodwyn	3355 Academy Rd.
JAN MASS Goodwyn	1570 LAKE RANDOLPH Rd.
MARY JANE RANSOME	3630 BRANCH LAKE Ct.
ARCHIE H. Goodwyn	3938 St Johns Village Way
R.C. Goodwyn Jr. (PAL)	3620 Goodwyn Rd.
RICHARD WORSHAM	3420 Goodwyn Rd
BONNIE WORSHAM HICKS	3420 Goodwyn Rd.

I, Archie Goodwyn, 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)

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

Goodwyn LLC
Archie Goodwyn Signature
manager

STATE OF VIRGINIA
COUNTY OF POWHATAN, to wit:

This day Archie Goodwyn personally appeared before me, Michele Ratliff, 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 June, 2016.

Notary Public K. Michele Ratliff #115305

My commission expires: 11-30-19



APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY

I, Archie Goodwyn, 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 _____ (Specify type of request – rezoning, conditional use permit, private road, variance, etc.).

Archie A. Goodwyn Applicant's Signature Date 6-24-16

Subscribed and sworn to before me this 24th day of June, 20 16

K. Michele Rettig #115305 Notary Public's Signature 11-30-19 Commission Expiration Date



LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

1. That I/We

MANAGER FOR GOODWYN LLC
Name ARCHIE GOODWYN Telephone 677-0590
Address 3600 GOODWYN ROAD, POWHATAN VA
Name _____ Telephone _____
Address _____
Name _____ Telephone _____
Address _____
Name _____ Telephone _____
Address _____

being all of the owner(s) of the property described as County tax map numbers: 27-15

FOR REZONING CASE # 05-10 REZ C

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

2. Name DOUG BRADBURY Telephone 598-3618 ^{519-4004 CELL#}
Address 3575 RICHARD'S RUN POWHATAN, VA

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. _____

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

this 24th day of June, 2016.

Horrie H. Goodwyn mgr.
Signature(s)

Signature(s)

Signature(s)

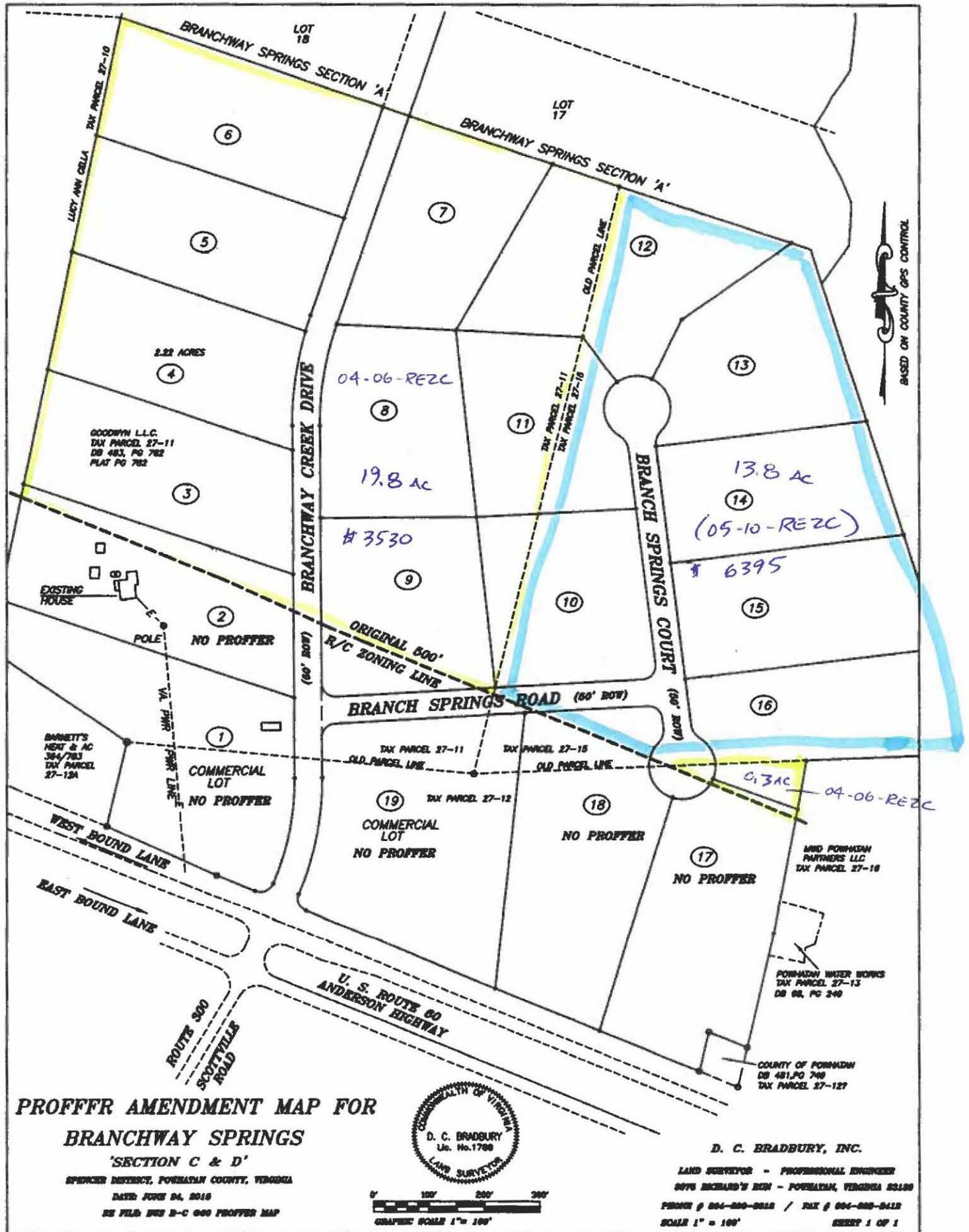
Signature(s)

✓ Witnessed
by: K. Michel Retiff

Witnessed
by: _____

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

19.8 + 0.3 = TOTAL = 20.1 ACRES (04-06-REZC)



REZONING APPLICATION

Please Type or Print

OLD CASE
05-10 REC

For office use only	Case # <u>16-09-REZ C</u>
Date of Pre-application meeting <u>6-13-16</u>	Date Filed <u>6/29/2016</u>

APPLICANT INFORMATION

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POWHATAN, VA. 23139

Contract Purchaser NONE Telephone N/A

Address N/A

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Name DOUG BRADBURY Telephone 598-3618

Address 3575 RICHARDS RUN, POWHATAN, VA

PARCEL INFORMATION AND REQUEST

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Property 14.4 Area (acres/sq. ft.) In Rezoning 13.8 ACRES

Are there any Deed Restrictions? Yes N/A No (If yes, attach copy of restrictions)

Current Zoning R/C Requested Zoning R/C

Describe in Detail the Proposed Use of Property: REDUCED
THE PURPOSE OF THIS APPLICATION IS TO AMEND THE
CASH PROFFER PER RESIDENTIAL LOT ON LOTS 10 THROUGH 16
FROM \$ 6395 TO \$ 1880,
\$ 6395

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 VC & VR Rezoning in Conformance?

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Limitations on Uses Which May Impact Adjacent Properties N/A

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

2nd entrance/exit N/A, Paired Driveways

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ADJACENT LAND OWNERS

MAP_PIN	Owner	Mailing Address	Mailing_Address	City	State	Zip
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26B3-1-2	CELLA LUCY ANN PARKER	2277 SCOTTSVILLE ROAD		POWHATAN VA	VA	23139
26B3-1-6	BOGGS CHARLES I TRUSTEE	THE BETTY M BOGGS FAMILY TR	3388 MIDDLE PLANTATION Q	VIRGINIA BEACH VA	VA	23452
26B3-1-6A	SALEFISH REAL ESTATE LLC	3749 ANDERSON HWY		POWHATAN VA	VA	23139
27-10	CELLA LUCY A PARKER	2277 SCOTTSVILLE ROAD		POWHATAN VA	VA	23139
27-11	GOODWYN LLC	3830 GOODWYN RD		POWHATAN VA	VA	23139
27-12	GOODWYN LLC	3830 GOODWYN RD		POWHATAN VA	VA	23139
27-12A	BARNETTS HEATING & AIR CONDITIONING	1224 CROWDER DRIVE		MIDLOTHIAN VA	VA	23113
27-12B	COUNTY OF POWHATAN VIRGINIA	3834 OLD BUCKINGHAM RD STE A		POWHATAN VA	VA	23139
27-13	SYDNOR PUMP & WELL COMPANY	P O BOX 27186		RICHMOND VA	VA	23261
27-15	GOODWYN LLC	3600 GOODWYN RD		POWHATAN VA	VA	23139
27-16	MWD POWHATAN PARTNERS LLC	7107 RIVERSIDE DRIVE		RICHMOND VA	VA	23225
27A-8-10	CLAUD SCOTT T & CATHERINE P TRS	3539 RICHARDS RUN		POWHATAN VA	VA	23139
27A-8-11	WATLINGTON JOHN B & PHEBE M	3543 RICHARDS RUN		POWHATAN VA	VA	23139
27A-8-9	KNIGHT MICHAEL J & KENDA C	3535 RICHARDS RUN		POWHATAN VA	VA	23139
27C-1-17	ROBINSON GARY E & MICHELLE R	2340 BRANCHWAY CREEK DRIVE		POWHATAN VA	VA	23139
27C-1-18	VLASIDIS GEORGE & EFSTATHIA	4031 OLD BUCKINGHAM ROAD		POWHATAN VA	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 Archie H. Goodwyn MGR.

Print Name ARCHIE H. GOODWYN MGR.

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

Notary Public K. Michele Rathjff #115305

My Commission Expires 11-30-19



*****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:

REVISE EXISTING PROFFER CONDITION #1 AS FOLLOWS:
A CASH PROFFER OF EIGHTEEN HUNDRED EIGHTY
(\$1880) PER RESIDENTIAL LOT ON LOTS ~~18~~¹⁹ THROUGH 16
WILL BE PAID TO THE COUNTY OF POWHATAN UPON THE
ISSUANCE OF THE OCCUPANCY PERMIT.

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

Goodwyn L.L.C.
Owner of Record - Signature

4-24-16
Date

Archie H. Goodwyn Mgt.

Type or print name ARCHIE GOODWYN

COMMONWEALTH OF VIRGINIA,
COUNTY OF POW HATAN, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Archie H. Goodwyn whose name is signed to the above, on this 24th day of June 2016.

Notary Public K. Michele Rettig # 115305

My Commission expires: 11-30-19



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>
ROYCE S. Goodwyn	3355 Academy Rd.
JAN MASS Goodwyn	1570 LAKE RANDOLPH Rd.
MARY JANE RANSOME	3630 BRANCH LAKE Ct.
ARCHIE H. Goodwyn	3938 St Johns Village Way
R.C. Goodwyn Jr. (PAL)	3620 Goodwyn Rd.
RICHARD WORSHAM	3420 Goodwyn Rd
BONNIE WORSHAM HICKS	3420 Goodwyn Rd.

I, Archie Goodwyn, 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)

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

Goodwyn LLC
Archie Goodwyn Signature
manager

STATE OF VIRGINIA
COUNTY OF POWHATAN, to wit:

This day Archie Goodwyn personally appeared before me, Michele Ratliff, 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 June, 2016.

Notary Public K. Michele Ratliff #115305

My commission expires: 11-30-19



APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY

I, Archie Goodwyn, 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 _____ (Specify type of request – rezoning, conditional use permit, private road, variance, etc.).

Archie A. Goodwyn Date 6-24-16
Applicant's Signature

Subscribed and sworn to before me this 24th day of June, 20 16

K. Michele Rettig #115305 11-30-19
Notary Public's Signature Commission Expiration Date



LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

1. That I/We

MANAGER FOR GOODWYN LLC
Name ARCHIE GOODWYN Telephone 677-0590
Address 3600 GOODWYN ROAD, POWHATAN VA
Name _____ Telephone _____
Address _____
Name _____ Telephone _____
Address _____
Name _____ Telephone _____
Address _____

being all of the owner(s) of the property described as County tax map numbers: 27-15

FOR REZONING CASE # 05-10 REZ C

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

2. Name DOUG BRADBURY Telephone 519-4004 CELL#
598-3618
Address 3575 RICHARD'S RUN POWHATAN, VA

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. _____

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

this 24th day of June, 2016.

Horrie H. Goodwyn mgr.
Signature(s)

Signature(s)

Signature(s)

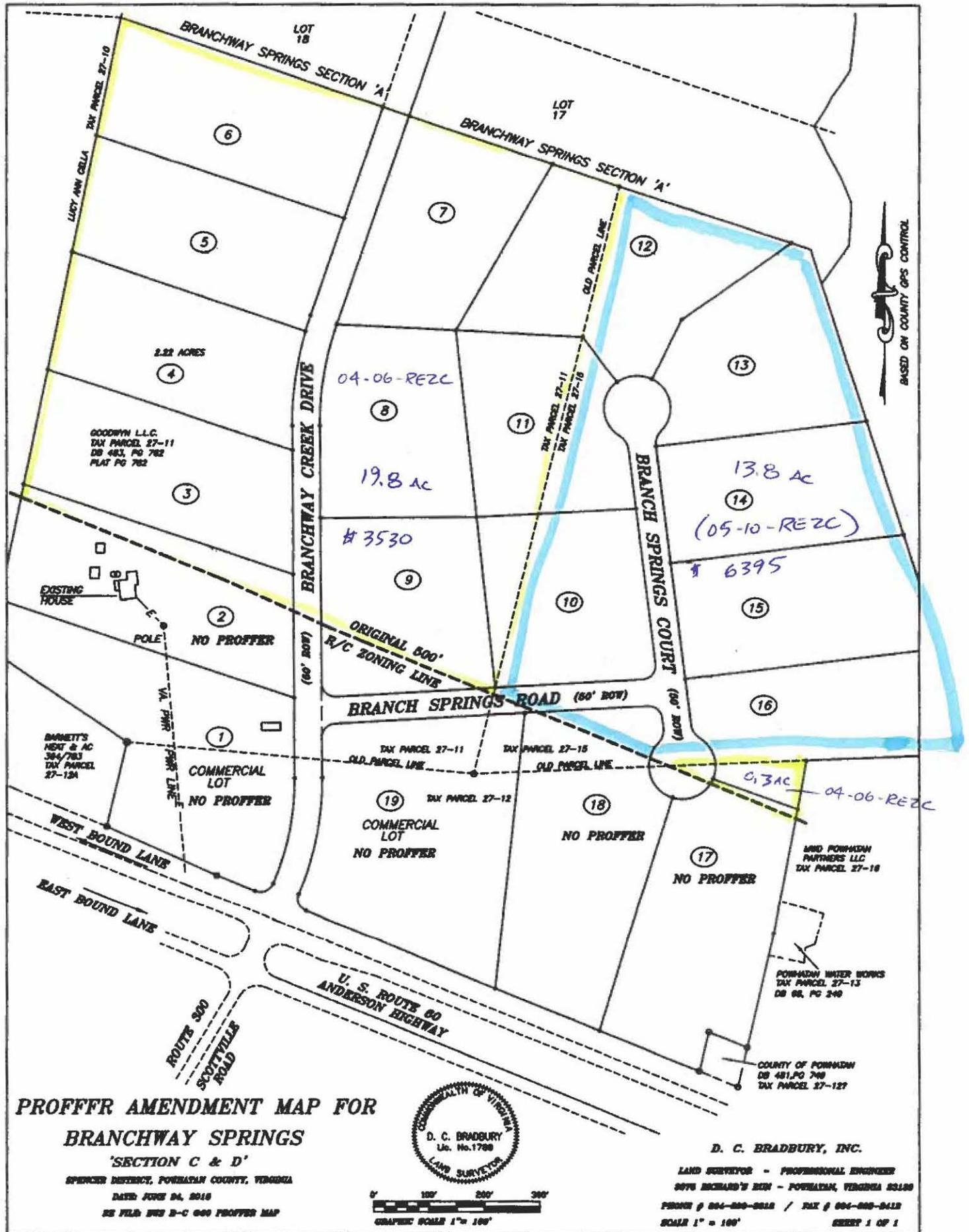
Signature(s)

✓ Witnessed
by: K. Michel Retiff

Witnessed
by: _____

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

19.8 + 0.3 = TOTAL = 20.1 ACRES (04-06-REZC)



**PROFFER AMENDMENT MAP FOR
BRANCHWAY SPRINGS
'SECTION C & D'**

SPENCER DISTRICT, FOWARD COUNTY, VIRGINIA
DATE: JUNE 04, 2018
RE FILED INS B-C 000 PROFFER MAP



D. C. BRADBURY, INC.

LAND SURVEYOR - PROFESSIONAL ENGINEER
3076 RICHARD'S BURN - FOWARD, VIRGINIA 22100
PHONE # 504-590-5015 / FAX # 504-590-5015
SCALE 1" = 100' SHEET 1 OF 1

August 23, 2016

Dear Adjoining Landowner,

The Powhatan County *Planning Commission*, on **September 6, 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

16-09-REZC: Branchway Springs, Portions of Section C & D (Bethesda/Lees Landing Electoral District) requests the amendment of the proffer statement for the Branchway Springs Subdivision (Case #05-10-REZC) by reducing the cash proffer from \$6,395 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

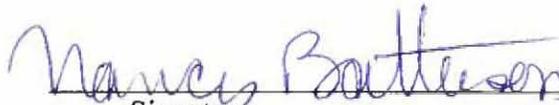
CASE #: 16-09-REZC

NAME: Branchway Springs, Portions of Section C & D (Bethesda/Lees Landing Electoral District)

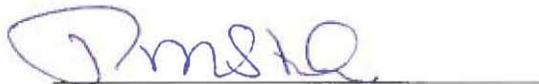
LETTERS MAILED: August 23, 2016

**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 23 of August, 2016.


Notary Public



POWHATANS CREEKSIDE LLC
C/O JOHN LEWIS
3 DOUGLAS DRIVE
NEWPORT NEWS, VA 23601

COUNTY OF POWHATAN VIRGINIA
3834 OLD BUCKINGHAM RD STE A
POWHATAN, VA 23139

MWD POWHATAN PARTNERS LLC
7107 RIVERSIDE DRIVE
RICHMOND, VA 23225

LEWIS RONALD O & NANCY B TRUSTEES
3527 RICHARDS RUN
POWHATAN, VA 23139

WATLINGTON JOHN B & PHEBE M
3543 RICHARDS RUN
POWHATAN, VA 23139

BOGGS CHARLES I TRUSTEE
THE BETTY M BOGGS FAMILY TRUST
3388 MIDDLE PLANTATION QUAY
VIRGINIA BEACH, VA 23452

SYDNOR PUMP & WELL COMPANY
P O BOX 27186
RICHMOND, VA 23261

HUDGINS JAMES E JR
3670 ANDERSON HWY
POWHATAN, VA 23139

CLAUD SCOTT T & CATHERINE P TRS
3539 RICHARDS RUN
POWHATAN, VA 23139

ROBINSON GARY E & MICHELLE R
2340 BRANCHWAY CREEK DRIVE
POWHATAN, VA 23139

GOODWYN LLC
3630 GOODWYN RD
POWHATAN, VA 23139

GOODWYN LLC
3938 ST JOHNS VILLAGE WAY
POWHATAN, VA 23139

ELLGRA PROPERTIES LLC
13124 QUEENSGATE RD
MIDLOTHIAN, VA 23114

KNIGHT MICHAEL J & KENDA C
3535 RICHARDS RUN
POWHATAN, VA 23139



16-10-REZC – Goodwyn, LLC Branchway Springs, Section C & D

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	September 6, 2016	Public Hearing
Board of Supervisors	September 26, 2016	Public Hearing – Tentative

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Proposed Zoning:	Request to reduce cash proffer
Existing Zoning:	Residential-Commercial (04-06-REZC)
Parcel Size:	20.1± Acres (total)
Parcel ID#	27-11 & a portion of 27-12
Owner(s):	Goodwyn, LLC
Location of Property:	North side of Anderson Highway along Branchway Creek Drive
Electoral District:	#3 Bethesda/Lees Landing
Land Use Plan Recommendation:	Village Center and Village Residential
Zoning of Surrounding Property:	North: R-5, Rural Residential-5
	South: R-C, Residential-Commercial; C, Commercial
	East: A-10, Agricultural-10; R-C, Residential-Commercial
	West: R-C, Residential-Commercial

III. EXECUTIVE SUMMARY:

The applicant, Goodwyn, LLC, requests the amendment of the proffer statement for Branchway Springs Subdivision (Case #04-06-REZC), specifically Proffer #1, to reduce the cash proffer amount from \$3,530 to \$1,880, and amend the zoning district map. The subject parcel is identified as Tax Parcels #27-11 and a portion of #27-12, and is located along Branchway Creek Drive on the north side of Anderson Highway (Rt. 60) as shown below. The property was rezoned from A-1 to R-C with proffered conditions. The 2010 Long-Range Comprehensive Plan designates the subject properties as Village Center and Village Residential.

IV. SUBJECT PROPERTY:

The subject property consists of a total of 20.1[±] acres located on the north side of Anderson Highway (Rt. 60) at the intersection with Branchway Creek Drive. At this time, the lots have not been platted. The property is currently zoned Residential-Commercial (R-C). The subject property is outlined in yellow below.



V. LAND USE ANALYSIS:

The applicant requested a rezoning of the subject property from A-1 and R-C to R-C, Residential-Commercial, with proffered conditions in 2004. The subject property is located on both sides of Branchway Creek Drive north of Anderson Highway. The rezoning of the property was to facilitate residential and commercial development of the property.

VI. COMPREHENSIVE PLAN ANALYSIS:

The 2010 Long-Range Comprehensive Plan designates the subject properties as Village Center and Village Residential on the Countywide Land Use Plan Map. Sections C & D of the Branchway Spring Subdivision, complies with the Village Center and Village Residential requirements of the 2010 Comprehensive Land Use Plan. 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 #1 (04-06-REZC), which currently states:

1. A cash proffer of three thousand five hundred thirty dollars (\$3,530) per residential lot within the proposed R/C zone will be paid to the County of Powhatan upon the application for the building permit.

With approval of this request, Proffered Condition #1 of Case #04-06-REZC shall be amended, as follows:

1. A cash proffer of ~~three thousand five hundred thirty dollars (\$3,530)~~ one thousand eight hundred eighty dollars (\$1,880) per residential lot within the proposed R/C zone will be paid to the County of Powhatan upon the application for the building permit.

All other conditions of Case #04-06-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 Goodwyn, LLC to amend the proffer statement for Branchway Springs Subdivision, Sections C & D (Case #04-06-REZC) revising Proffered Condition #1 reducing the case proffer amount from \$3,530.00 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







REZONING APPLICATION

Please Type or Print

OLD CASE # 04-06 REZC

For office use only Case # 16-10 REZC Date of Pre-application meeting 6/13/16 Date Filed 6/29/2016

APPLICANT INFORMATION

Owner/Applicant GOODWYN LLC Telephone 677-0590

Address 3600 GOODWYN ROAD Owner (X) Lessee ()

POWHATAN, VA, 23139 ATTN: ARCHIE GOODWYN

Contract Purchaser NONE Telephone

Address SEE BOOK OF APPLICATION FOR CONTRACT PURCHASER OF LOT #6

Who Should Correspondence or Questions regarding this Application be directed to: 579-4004 (CELL)

Name DOUG BRADBURY Telephone 598-3618

Address 3575 RICHARDS RUN, POWHATAN VA

PARCEL INFORMATION AND REQUEST

Tax Map 27 Section # 11#12 Magisterial District SPENCER

Location NORTH OF ROUTE 60 OPPOSITE SCOTTVILLE RD, ROUTE 300 Area (acres/sq. ft.) in

Property 33.8 AC. Area (acres/sq. ft.) In Rezoning 20.1 AC

Are there any Deed Restrictions? Yes N/A No (If yes, attach copy of restrictions)

Current Zoning R/C Requested Zoning R/C

Describe in Detail the Proposed Use of Property: REDUCED THE PURPOSE OF THIS APPLICATION IS TO AMEND THE CASH PRUFFER PER RESIDENTIAL LOT ON LOT 3 THROUGH 9 FROM \$3530 TO \$1880.

Section C

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 RC & VR Rezoning in Conformance?

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

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 REDUCE THE CASH DRIPPER FROM \$3530.00 TO \$1880.00

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.

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 Archie H. Goodwyn Mgr.

Print Name ARCHIE H. GOODWYN MGR.

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

Notary Public K. Michele Rothff # 115305

My Commission Expires 11-30-19



*****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:

REVISE EXISTING PROFFER CONDITION #1 AS FOLLOWS:

A CASH PROFFER OF EIGHTEEN HUNDRED EIGHTY
(\$1880) PER RESIDENTIAL LOT ON LOTS 3 THROUGH 16
WILL BE PAID TO THE COUNTY OF POWHATAN UPON THE
ISSUANCE OF THE OCCUPANCY PERMIT.

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

Goodwyn L.L.C.

Owner of Record - Signature

Archie H. Goodwyn Mgt.

Type or print name ARCHIE GOODWYN

4-24-16

Date

COMMONWEALTH OF VIRGINIA,
COUNTY OF POWHATAN, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by
Archie H. Goodwyn whose name is signed to the above, on this 24th day of Jun 20 16.

Notary Public K. Michele Rethoff # 115305

My Commission expires: 11-30-19



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>
ROYCE S. Goodwyn	3355 Academy Rd.
JEAN MASS Goodwyn	1570 LAKE RANDOLPH Rd.
MARY JANE RANSOME	3630 BRANCH LAKE Ct.
ARCHIE H. Goodwyn	3938 St Johns Village Way
R.C. Goodwyn Jr. (PAL)	3620 Goodwyn Rd.
RICHARD WORSHAM	3420 Goodwyn Rd
BONNIE WORSHAM HICKS	3420 Goodwyn Rd.

I, Archie Goodwyn, 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)

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

Goodwyn LLC
Archie Goodwyn Signature
manager

STATE OF VIRGINIA
COUNTY OF POWHATAN, to wit:

This day Archie Goodwyn personally appeared before me, Michele Ratliff, 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 June, 2016.

Notary Public K. Michele Ratliff #115305

My commission expires: 11-30-19



APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY

I, Archie Goodwyn, 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 _____ (Specify type of request – rezoning, conditional use permit, private road, variance, etc.).

Archie A. Goodwyn Applicant's Signature Date 6-24-16

Subscribed and sworn to before me this 24th day of June, 20 16

K. Michele Rettig #115305 Notary Public's Signature 11-30-19 Commission Expiration Date



LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

*OLD ZONING CASE
04-06 REZ*

1. That I/We

MANAGER OF GOODWYN LLC
Name ARCHIE GOODWYN Telephone 627-0590
Address 3600 GOODWYN ROAD, POWHATAN, VA.
Name _____ Telephone _____
Address _____
Name _____ Telephone _____
Address _____
Name _____ Telephone _____
Address _____

being all of the owner(s) of the property described as County tax map numbers: 27-11812

FOR RE-ZONING CASE # 04-06 REZ

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

2. Name DOUG BRADBURY Telephone 598-3618 *519-4004 CELL #*
Address 3575 RICHARD'S RUN, POWHATAN, VA

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. _____

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

this 24th day of June, 2016.

Archie H. Goodwyn mgr.
Signature(s)

Signature(s)

Signature(s)

Signature(s)

✓ Witnessed
by: K. Michel Retiff

Witnessed
by: _____

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

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

1. That I/We THE CONTRACT PURCHASER OF LOT #6

Name KEELY GRAYSON-HICKS Telephone _____

Address _____

Name _____ Telephone _____

Address _____

Name _____ Telephone _____

Address _____

Name _____ Telephone _____

Address _____

being all of the owner(s) of the property described as County tax map numbers: 27- 11 #12
(OLD CASE #)

FOR REZONING CASE # ~~05-10~~ 04-06

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

2. Name Douglas C. Bradbury Telephone 519-4004 CELL #
598-3618

Address 3575 RICHARD'S RUN, POWHATAN, VA

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. _____

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

this ___ day of _____, 20__.

* Kelley Gapon-Nichols
Signature(s)

Signature(s)

Signature(s)

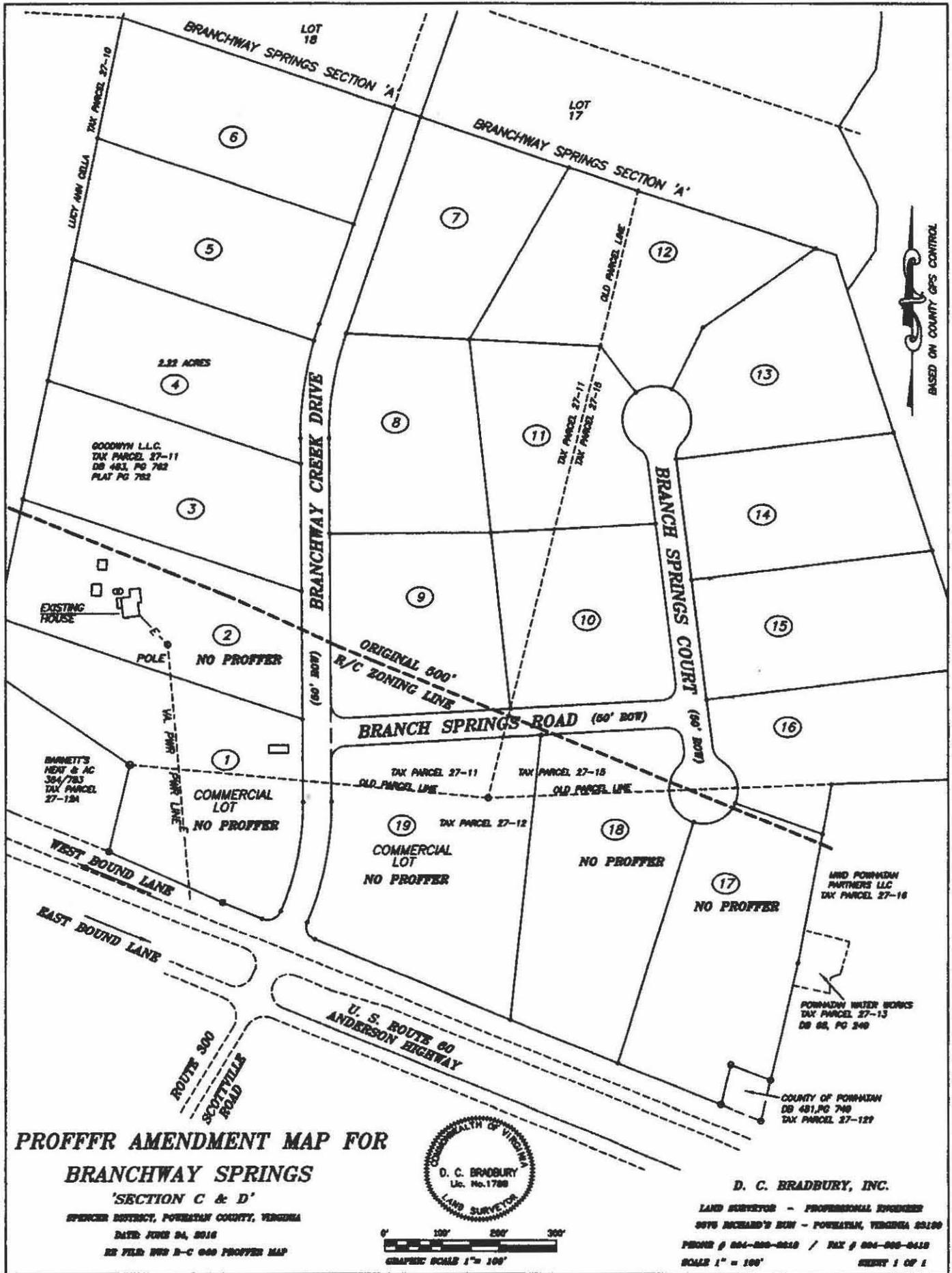
Signature(s)

Witnessed by: Shirley J. Higgins

Witnessed by: _____

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





**PROFFER AMENDMENT MAP FOR
BRANCHWAY SPRINGS**

'SECTION C & D'

SPENCER DISTRICT, POWHATAN COUNTY, VIRGINIA

DATE: JUNE 24, 2016

RE FILED: NRS D-C 040 PROFFER MAP



D. C. BRADBURY, INC.

LAND SURVEYOR - PROFESSIONAL ENGINEER
3076 RICHARD'S RUN - POWHATAN, VIRGINIA 22120

PHONE / 804-690-0610 / FAX / 804-690-0610

SCALE 1" = 100'

SHEET 1 OF 1

REZONING APPLICATION

Please Type or Print

OLD CASE # 04-06 REZC

For office use only Case # 16-10 REZC Date of Pre-application meeting 6/13/16 Date Filed 6/29/2016

APPLICANT INFORMATION

Owner/Applicant GOODWYN LLC Telephone 677-0590

Address 3600 GOODWYN ROAD Owner (X) Lessee () POWHATAN, VA, 23139 ATTN: ARCHIE GOODWYN

Contract Purchaser NONE Telephone

Address SEE BOOK OF APPLICATION FOR CONTRACT PURCHASER OF LOT #6

Who Should Correspondence or Questions regarding this Application be directed to: 579-4004 (CELL)

Name DOUG BRADBURY Telephone 598-3618

Address 3575 RICHARDS RUN, POWHATAN VA

PARCEL INFORMATION AND REQUEST

Tax Map 27 Section # 11#12 Magisterial District SPENCER

Location NORTH OF ROUTE 60 OPPOSITE SCOTTSVILLE RD, ROUTE 300 Area (acres/sq. ft.) in

Property 33.8 AC. Area (acres/sq. ft.) In Rezoning 20.1 AC

Are there any Deed Restrictions? Yes N/A No (If yes, attach copy of restrictions)

Current Zoning R/C Requested Zoning R/C

Describe in Detail the Proposed Use of Property: REDUCED THE PURPOSE OF THIS APPLICATION IS TO AMEND THE CASH PRUFFER PER RESIDENTIAL LOT ON LOT 3 THROUGH 9 FROM \$3530 TO \$1880.

Section C

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 RC & VR Rezoning in Conformance?

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

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 _____

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Need to Assist County with Cost of Providing Public Facilities REDUCE THE CASH DRIPPER FROM \$3530.00 TO \$1880.00

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 OWNERS

MAP_PIN	Owner	Mailing Address	Mailing_Address	City	State	Zip
26B3-1-16	POWHATANS CREEKSIDE LLC	C/O JOHN LEWIS	3 DOUGLAS DRIVE	NEWPORT NEWS	VA	23601
26B3-1-2	CELLA LUCY ANN PARKER	2277 SCOTTSVILLE ROAD		POWHATAN	VA	23139
26B3-1-6	BOGGS CHARLES I TRUSTEE	THE BETTY M BOGGS FAMILY TR 3388 MIDDLE PLANTATION Q		VIRGINIA BEACH	VA	23452
26B3-1-6A	SALEFISH REAL ESTATE LLC	3749 ANDERSON HWY		POWHATAN	VA	23139
27-10	CELLA LUCY A PARKER	2277 SCOTTSVILLE ROAD		POWHATAN	VA	23139
27-11	GOODWYN LLC	3630 GOODWYN RD		POWHATAN	VA	23139
27-12	GOODWYN LLC	3630 GOODWYN RD		POWHATAN	VA	23139
27-12A	BARNETTS HEATING & AIR CONDITIONING	1224 CROWDER DRIVE		MIDLOTHIAN	VA	23113
27-12B	COUNTY OF POWHATAN VIRGINIA	3834 OLD BUCKINGHAM RD STE A		POWHATAN	VA	23139
27-13	SYDNOR PUMP & WELL COMPANY	P O BOX 27186		RICHMOND	VA	23261
27-15	GOODWYN LLC	3600 GOODWYN RD		POWHATAN	VA	23139
27-16	MWD POWHATAN PARTNERS LLC	7107 RIVERSIDE DRIVE		RICHMOND	VA	23225
27A-8-10	CLAUD SCOTT T & CATHERINE P TRS	3539 RICHARDS RUN		POWHATAN	VA	23139
27A-8-11	WATLINGTON JOHN B & PHEBE M	3543 RICHARDS RUN		POWHATAN	VA	23139
27A-8-9	KNIGHT MICHAEL J & KENDA C	3535 RICHARDS RUN		POWHATAN	VA	23139
27C-1-17	ROBINSON GARY E & MICHELLE R	2340 BRANCHWAY CREEK DRIVE		POWHATAN	VA	23139
27C-1-18	VLASIDIS GEORGE & EFSTATHIA	4031 OLD BUCKINGHAM ROAD		POWHATAN	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 Archie H. Goodwyn Mgr.

Print Name ARCHIE H. GOODWYN MGR.

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

Notary Public K. Michele Rothff # 115305

My Commission Expires 11-30-19



*****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:

REVISE EXISTING PROFFER CONDITION #1 AS FOLLOWS:

A CASH PROFFER OF EIGHTEEN HUNDRED EIGHTY
(\$1880) PER RESIDENTIAL LOT ON LOTS 3 THROUGH 16
WILL BE PAID TO THE COUNTY OF POWHATAN UPON THE
ISSUANCE OF THE OCCUPANCY PERMIT.

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

Goodwyn L.L.C.

Owner of Record - Signature

Archie H. Goodwyn Mgt.

Type or print name ARCHIE GOODWYN

4-24-16

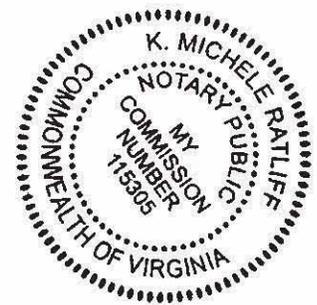
Date

COMMONWEALTH OF VIRGINIA,
COUNTY OF POWHATAN, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Archie H. Goodwyn whose name is signed to the above, on this 24th day of Jun 20 16.

Notary Public K. Michele Rethoff # 115305

My Commission expires: 11-30-19



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>
ROYCE S. Goodwyn	3355 Academy Rd.
JEAN MASS Goodwyn	1570 LAKE RANDOLPH Rd.
MARY JANE RANSOME	3630 BRANCH LAKE Ct.
ARCHIE H. Goodwyn	3938 St Johns Village Way
R.C. Goodwyn Jr. (PAL)	3620 Goodwyn Rd.
RICHARD WORSHAM	3420 Goodwyn Rd
BONNIE WORSHAM HICKS	3420 Goodwyn Rd.

I, Archie Goodwyn, 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)

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

Goodwyn LLC
Archie Goodwyn Signature
manager

STATE OF VIRGINIA
COUNTY OF POWHATAN, to wit:

This day Archie Goodwyn personally appeared before me, Michele Ratliff, 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 June, 2016.

Notary Public K. Michele Ratliff #115305

My commission expires: 11-30-19



APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY

I, Archie Goodwyn, 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 _____ (Specify type of request – rezoning, conditional use permit, private road, variance, etc.).

Archie A. Goodwyn Date 6-24-16
Applicant's Signature

Subscribed and sworn to before me this 24th day of June, 20 16

K. Michele Rettig #115305 11-30-19
Notary Public's Signature Commission Expiration Date



LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

*OLD ZONING CASE
04-06 REZ*

1. That I/We

MANAGER OF GOODWYN LLC
Name ARCHIE GOODWYN Telephone 627-0590
Address 3600 GOODWYN ROAD, POWHATAN, VA.
Name _____ Telephone _____
Address _____
Name _____ Telephone _____
Address _____
Name _____ Telephone _____
Address _____

being all of the owner(s) of the property described as County tax map numbers: 27-11812

FOR RE-ZONING CASE # 04-06 REZ

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

2. Name DOUG BRADBURY Telephone 598-3618 *519-4004 CELL #*
Address 3575 RICHARD'S RUN, POWHATAN, VA

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. _____

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

this 24th day of June, 2016.

Archie H. Goodwyn mgr.
Signature(s)

Signature(s)

Signature(s)

Signature(s)

✓ Witnessed
by: K. Michel Retiff

Witnessed
by: _____

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

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

1. That I/We THE CONTRACT PURCHASER OF LOT #6

Name KEELY GRAYSON-HICKS Telephone _____

Address _____

Name _____ Telephone _____

Address _____

Name _____ Telephone _____

Address _____

Name _____ Telephone _____

Address _____

being all of the owner(s) of the property described as County tax map numbers: 27- 11 #12
(OLD CASE #)

FOR REZONING CASE # ~~05-10~~ 04-06

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

2. Name DOUGLAS C. BRADBURY Telephone 519-4004 CELL #
598-3618

Address 3575 RICHARD'S RUN, POWHATAN, VA

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. _____

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

this ___ day of _____, 20__.

* Kelley Gapon-Nichols
Signature(s)

Signature(s)

Signature(s)

Signature(s)

Witnessed by: Shirley J. Higgins

Witnessed by: _____

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



August 23, 2016

Dear Adjoining Landowner,

The Powhatan County *Planning Commission*, on **September 6, 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

16-10-REZC: Branchway Springs, Portions of Section D & C (Bethesda/Lees Landing Electoral District) requests the amendment of the proffer statement for the Branchway Springs Subdivision (Case #04-06-REZC) by reducing the cash proffer from \$3,530 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 #: 16-10-REZC

NAME: Branchway Springs, Portions of Section D & C (Bethesda/Lees Landing Electoral District)

LETTERS MAILED: August 23, 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 23 of August, 2016.


Notary Public



POWHATANS CREEKSIDE LLC
C/O JOHN LEWIS
3 DOUGLAS DRIVE
NEWPORT NEWS, VA 23601

COUNTY OF POWHATAN VIRGINIA
3834 OLD BUCKINGHAM RD STE A
POWHATAN, VA 23139

MWD POWHATAN PARTNERS LLC
7107 RIVERSIDE DRIVE
RICHMOND, VA 23225

LEWIS RONALD O & NANCY B TRUSTEES
3527 RICHARDS RUN
POWHATAN, VA 23139

WATLINGTON JOHN B & PHEBE M
3543 RICHARDS RUN
POWHATAN, VA 23139

BOGGS CHARLES I TRUSTEE
THE BETTY M BOGGS FAMILY TRUST
3388 MIDDLE PLANTATION QUAY
VIRGINIA BEACH, VA 23452

SYDNOR PUMP & WELL COMPANY
P O BOX 27186
RICHMOND, VA 23261

HUDGINS JAMES E JR
3670 ANDERSON HWY
POWHATAN, VA 23139

CLAUD SCOTT T & CATHERINE P TRS
3539 RICHARDS RUN
POWHATAN, VA 23139

ROBINSON GARY E & MICHELLE R
2340 BRANCHWAY CREEK DRIVE
POWHATAN, VA 23139

GOODWYN LLC
3630 GOODWYN RD
POWHATAN, VA 23139

GOODWYN LLC
3938 ST JOHNS VILLAGE WAY
POWHATAN, VA 23139

ELLGRA PROPERTIES LLC
13124 QUEENSGATE RD
MIDLOTHIAN, VA 23114

KNIGHT MICHAEL J & KENDA C
3535 RICHARDS RUN
POWHATAN, VA 23139

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INTENTIONALLY**



16-03-AZ – County of Powhatan Section 83-122(d)(3), Applicant Fees

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	September 6, 2016	Public Hearing
Board of Supervisors	September 26, 2016	Public Hearing - Tentative

II. SUMMARY OF AMENDMENT

An Ordinance amending and reenacting provisions contained in Section 83-122(d)(3), Applicant Fees, of Article II, Administration, of the Zoning Ordinance of the County of Powhatan to replacing the word “resolution” with “ordinance.” The ordinance is an administrative “clean-up.” The Board of Supervisors adopts an ordinance each year with the County fees.

The proposed amendment was discussed with the Board of Supervisors at the August 15, 2016 workshop.

III. STAFF RECOMMENDATION:

The staff recommends approval of the proposed amendment to amend and re-enact provisions contained in Section 83-122(d)(3), Applicant Fees, of Article II, Administration, of the Zoning Ordinance of the County of Powhatan.

VI. PLANNING COMMISSION 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 83-122(d)(3), Applicant Fees, of Article II, Administration, of the Zoning Ordinance of the County of Powhatan to replacing the word “resolution” with “ordinance.”

Attachment(s):

1. Copy of the Proposed Zoning Ordinance Amendment (16-03-AZ)

An Ordinance amending and reenacting provisions contained in Section 83-122(d)(3), Application Fees, of Article II, Administration, of the Zoning Ordinance of the County of Powhatan.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that Section 83-122(d)(3), of the Zoning Ordinance of the County of Powhatan, is amended and reenacted as follows:

ARTICLE II – ADMINISTRATION

Sec. 83-122. – Standard Procedures

(a) General

•
•

(d) Application submittal and acceptance

(1) Authority to file applications

•
•

(3) Application fees. The board of supervisors is authorized to establish application fees, by ~~resolution~~ ordinance, and may amend and update those fees as necessary.

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 SEPTEMBER 26, 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 _____



**16-04-AZ – County of Powhatan
Section 83-231, Permitted Use, and Section 83-232,
Conditional Use, in VC 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	September 6, 2016	Public Hearing
Board of Supervisors	September 26, 2016	Public Hearing - Tentative

II. SUMMARY OF AMENDMENT

An Ordinance amending and reenacting provisions contained in Section 83-231, Permitted Uses, and Section 83-232, Conditional Uses, in the Village Center (VC) District, of Article IV, Village Growth Area Districts, of the Zoning Ordinance. The ordinance eliminates ‘fire and EMS stations’ and ‘medical treatment facilities’ as conditional uses and adds them as permitted uses. The ordinance is a continuation of the Board of Supervisors request to make it easier for medical uses to establish in the County. Adding ‘fire and EMS stations’ is the result of staff undertaking the review of the VC District during the rezoning of the County and School Board property for the joint transportation maintenance facility. Staff initially had wanted to include the Company 1 property in the rezoning but realized that it would have made the fire station a non-conforming use. The future land use map in the Comprehensive Plan recommends the as VC.

The proposed amendment was discussed with the Board of Supervisors at the August 15, 2016 workshop.

III. STAFF RECOMMENDATION:

The staff recommends approval of the proposed amendment to amend and re-enact provisions contained in Section 83-231, Permitted Uses, and Section 83-232, Conditional Uses, in the Village Center (VC) District, of Article IV, Village Growth Area Districts, of the Zoning Ordinance.

VI. PLANNING COMMISSION 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 83-231, Permitted Uses, and Section 83-232, Conditional Uses, in the Village Center (VC) District, of Article IV, Village Growth Area Districts, of the Zoning Ordinance.

Attachment(s):

1. Copy of the Proposed Zoning Ordinance Amendment (16-04-AZ)

An Ordinance amending and reenacting provisions contained in Section 83-231, Permitted Uses, and Section 83-232, Conditional Uses, in the Village Center (VC) District, of Article IV, Village Growth Area 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 83-231 and 83-232, of the Zoning Ordinance of the County of Powhatan, is amended and reenacted as follows:

ARTICLE IV – VILLAGE GROWTH AREA DISTRICTS

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

Sec. 83-231. - Permitted uses.

The following uses are allowable as principal uses by right in the VC District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

- (1) Greenhouse, nursery, and floriculture production;
- (2) Dwelling, live/work;
- (3) Dwelling, upper-story;
- (4) Telecommunications facility, collocated;
- (5) Community center;
- (6) Library;
- (7) Adult day care center;
- (8) Child day care center;
- (9) Private school;
- (10) Public school;
- ~~(11)~~ (11) Vocational or trade school;
- ~~(12)~~ (12) Fire or EMS Station;
- ~~(13)~~ (13) Government administrative offices;
- ~~(14)~~ (14) Government maintenance, storage, or distribution facility;
- ~~(15)~~ (15) Law enforcement facility;
- ~~(16)~~ (16) Post office;
- ~~(17)~~ (17) Massage clinic;
- ~~(18)~~ (18) Medical or dental clinic;
- ~~(19)~~ (19) Medical or dental lab;

- ~~(19)~~(20) Community garden;
- ~~(20)~~(21) Park or greenway;
- ~~(21)~~(22) Club or lodge;
- ~~(22)~~(23) Surface transportation passenger station/terminal;
- ~~(23)~~(24) Utility use, minor;
- ~~(24)~~(25) Animal grooming;
- ~~(25)~~(26) Business service establishment;
- ~~(26)~~(27) Brewpub;
- ~~(27)~~(28) Restaurant without drive-through service;
- ~~(28)~~(29) Specialty eating or drinking establishment;
- ~~(29)~~(30) Professional offices;
- ~~(30)~~(31) Other office facility;
- ~~(31)~~(32) Motion picture theater;
- ~~(32)~~(33) Recreation facility, commercial indoor;
- ~~(33)~~(34) Recreation facility, nonprofit;
- ~~(34)~~(35) Recreation facility, public;
- ~~(35)~~(36) Antique store;
- ~~(36)~~(37) Art gallery;
- ~~(37)~~(38) Art, crafts, music, dance, photography, or martial arts studio/school;
- ~~(38)~~(39) Bank or financial institution without drive-through service;
- ~~(39)~~(40) Convenience store;
- ~~(40)~~(41) Drugstore or pharmacy without drive-through service;
- ~~(41)~~(42) Farmers' market;
- ~~(42)~~(43) Funeral home;
- ~~(43)~~(44) Grocery store;
- ~~(44)~~(45) Liquor store;
- ~~(45)~~(46) Personal services establishment;
- ~~(46)~~(47) Taxidermy shop;
- ~~(47)~~(48) Other retail sales establishment;
- ~~(48)~~(49) Hotel or motel;
- ~~(49)~~(50) Recycling drop-off center;
- ~~(50)~~(51) Medical treatment facility.

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-232. - Conditional uses.

The following uses are allowable as principal uses in the VC 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) Dwelling, duplex;
 - (2) Dwelling, multifamily;
 - (3) Dwelling, three- or four-family;
 - (4) Dwelling, townhouse;
 - (5) Assisted living facility;
 - (6) Continuing care retirement community;
 - (7) Hospice facility;
 - (8) Telecommunications tower;
 - (9) Museum;
 - ~~(10) Fire or EMS station;~~
 - ~~(11)(10) Hospital;~~
 - ~~(12) Medical treatment facility;~~
 - ~~(13)(11) Nursing home;~~
 - ~~(14)(12) Cemetery;~~
 - ~~(15)(13) Public square or plaza;~~
 - ~~(16)(14) Halfway house;~~
 - ~~(17)(15) Homeless shelter;~~
 - ~~(18)(16) Place of worship;~~
 - ~~(19)(17) Shelter for victims of domestic abuse;~~
 - ~~(20)(18) Utility use, major;~~
 - ~~(21)(19) Veterinary clinic;~~
 - ~~(22)(20) Parking lot or parking structure (as a principal use).~~
- (Ord. No. O-2013-06, 9-16-13)

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 SEPTEMBER 26, 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 _____



**16-05-AZ – County of Powhatan
Section 83-241, Permitted Uses, and Section 83-242,
Conditional Uses, in CC 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	September 6, 2016	Public Hearing
Board of Supervisors	September 26, 2016	Public Hearing - Tentative

II. SUMMARY OF AMENDMENT

An Ordinance amending and reenacting provisions contained in Section 83-241, Permitted Uses, and Section 83-242, Conditional Uses, in the Commerce Center (CC) District, of Article IV, Village Growth Area Districts, of the Zoning Ordinance. The ordinance eliminates ‘Fire and EMS stations’ and ‘conference or training centers’ as conditional uses and adds them as permitted uses, and adds ‘manufacturing, assembly, or fabrication, light’ as a conditional use.

The district currently permits ‘hotel or motel’ as a permitted use. Conference centers are commonly associated with, as a secondary use, with a hotel or motel. In an effort to provide some flexibility related to the establishment of a hotel, staff has proposed that conference centers be allowed as a permitted use. This provides the business with an option to attract additional visitors by offering additional services. It will ease the process of establishing the conference center use, by eliminating the need for the business to obtain a conditional use permit thus streamlining the County’s zoning review process.

The addition of ‘fire and EMS stations’ as a permitted use eliminates a step in the process that the County would have to go through to build a station in an area zoned CC. If the station is not shown on the County’s future land use map, then the County would need to have substantial accord determination review conducted. As part of that review, the Planning Commission would have an opportunity to comment on the proposed location of the station and its compliance with the Comprehensive Plan.

The addition of ‘manufacturing, assembly, or fabrication, light’ to Section 83-242, Conditional Uses, of the CC District is to assist with future economic development efforts. The purpose statement for the CC District states:

“The purpose of the Commerce Center (CC) District is to accommodate a wide range of retail, service, office, and institutional uses that provide goods and services

serving the residents and businesses in the community at large (e.g., most retail sales and services uses, small- to medium-sized shopping centers, restaurants, office buildings, recreational and entertainment uses, hotels, places of worship, medical clinics). The district is also intended to accommodate low-impact light industrial uses. Design standards are intended to ensure uses and development are pedestrian-friendly and relate to the street, and are compatible with surrounding development.”

The zoning ordinance defines “manufacturing, assembly, or fabrication, light” as:

“an establishment primarily engaged in manufacturing uses that involve the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. This use type does not include other manufacturing uses specifically listed in the principal use tables. Examples include, but are not limited to: computer design and development; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of cosmetics; and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)”

The proposed addition of the use as a conditional use is in keeping with the purpose statement of the district, and as a conditional use it allows the Planning Commission and the Board of Supervisors the opportunity to review proposed projects and create conditions to address concerns/issues based on the factors associated with the case – location, type of use proposed, etc.

The proposed amendment was discussed with the Board of Supervisors at the August 15, 2016 workshop.

III. STAFF RECOMMENDATION:

The staff recommends approval of the proposed amendment to amend and re-enact provisions contained in Section 83-241, Permitted Uses, and Section 83-242, Conditional Uses, in the Commerce Center (CC) District, of Article IV, Village Growth Area Districts, of the Zoning Ordinance.

VI. PLANNING COMMISSION 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 83-241, Permitted Uses, and Section 83-242, Conditional Uses, in the Commerce Center (CC) District, of Article IV, Village Growth Area Districts, of the Zoning Ordinance.

Attachment(s):

1. Copy of the Proposed Zoning Ordinance Amendment (16-05-AZ)

An Ordinance amending and reenacting provisions contained in Section 83-241, Permitted Uses, and Section 83-242, Conditional Uses, in the Commerce Center (CC) District, of Article IV, Village Growth Area 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 83-241 and 83-242 of the Zoning Ordinance of the County of Powhatan, are amended and reenacted as follows:

ARTICLE IV – VILLAGE GROWTH AREA DISTRICTS

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

Sec. 83-241. - Permitted uses.

The following uses are allowable as principal uses by right in the CC District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

- (1) Forestry and logging;
- (2) Greenhouse, nursery, and floriculture production;
- (3) Dwelling, live/work;
- (4) Assisted living facility;
- (5) Hospice facility;
- (6) Telecommunications facility, collocated;
- (7) Community center;
- (8) Library;
- (9) Museum;
- (10) Adult day care center;
- (11) Child day care center;
- (12) Private school;
- (13) Government administrative offices;
- (14) Government maintenance, storage, or distribution facility;
- (15) Law enforcement facility;
- (16) Post office;
- (17) Massage clinic;
- (18) Medical or dental clinic;
- (19) Medical or dental lab;

- (20) Medical treatment facility;
- (21) Community garden;
- (22) Park or greenway;
- (23) Club or lodge;
- (24) Place of worship;
- (25) Surface transportation passenger station/terminal;
- (26) Utility use, minor;
- (27) Animal grooming;
- (28) Veterinary clinic;
- (29) Business service establishment;
- (30) Bar or lounge;
- (31) Brewpub;
- (32) Nightclub;
- (33) Restaurant with drive-through service;
- (34) Restaurant without drive-through service;
- (35) Specialty eating or drinking establishment;
- (36) Contractor's office;
- (37) Professional offices;
- (38) Other office facility;
- (39) Auditorium or stage theater;
- (40) Motion picture theater;
- (41) Recreation facility, commercial indoor;
- (42) Recreation facility, nonprofit;
- (43) Recreation facility, public;
- (44) Antique store;
- (45) Art gallery;
- (46) Arts, crafts, music, dance, photography, or martial arts studio/school;
- (47) Auction facility;
- (48) Bank or financial institution with drive-through service;
- (49) Bank or financial institution without drive-through service;
- (50) Check cashing establishment;
- (51) Convenience store;
- (52) Drugstore or pharmacy with drive-through service;
- (53) Drugstore or pharmacy without drive-through service;
- (54) Farmers' market;

- (55) Funeral home;
- (56) Grocery store;
- (57) Large retail sales establishment;
- (58) Lawn care, pool, or pest control service;
- (59) Liquor store;
- (60) Personal services establishment;
- (61) Shopping center;
- (62) Tattoo or body piercing establishment;
- (63) Taxidermy shop;
- (64) Other retail sales establishment;
- (65) Automotive painting or body shop;
- (66) Automotive repair and servicing;
- (67) Automotive wrecker service;
- (68) Car wash or auto detailing;
- (69) Gas station;
- (70) Parking lot or parking structure (as a principal use);
- (71) Taxi or limousine service facility;
- (72) Tire sales and mounting;
- (73) Vehicle/equipment sales or rental;
- (74) Hotel or motel;
- (75) Convenience center, county;
- (76) Recycling drop-off center;
- (77) Conference or training center;
- (78) Fire or EMS Station;

Sec. 83-242. - Conditional uses.

The following uses are allowable as principal uses in the CC 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) Telecommunications tower;
- (2) College or university;
- ~~(3) Fire or EMS station;~~
- ~~(4)(3)~~ Hospital;
- ~~(5)(1)~~ Public square or plaza;
- ~~(6)(5)~~ Civic center;

- ~~(7)~~(6) Utility use, major;
- ~~(8)~~(7) Adult book or video store;
- ~~(9)~~(8) Adult motion picture theater;
- ~~(10)~~(9) Animal shelter;
- ~~(11)~~(10) _____ Pound;
- ~~(12)~~(11) _____ Kennel, commercial;
- ~~(13)~~ _____ Conference or training center;
- ~~(14)~~(12) _____ Arena, stadium, or amphitheater;
- ~~(15)~~(13) _____ Country club;
- ~~(16)~~(14) _____ Marina, commercial;
- ~~(17)~~(15) _____ Recreation facility, commercial outdoor;
- ~~(18)~~(16) _____ Flea market;
- ~~(19)~~(17) _____ Self-service storage facility;
- ~~(20)~~(18) _____ Truck hauler business;
- (19) _____ Commercial landscape operation;
- ~~(21)~~(20) _____ Manufacturing, assembly, or fabrication, light.

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 SEPTEMBER 26, 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 _____



16-06-AZ – County of Powhatan Section 83-352, Conditional Uses, in R-U 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	September 6, 2016	Public Hearing
Board of Supervisors	September 26, 2016	Public Hearing - Tentative

II. SUMMARY OF AMENDMENT

An Ordinance amending and reenacting provisions contained in Section 83-352, Conditional Uses, in the Residential-Utility (R-U) District, of Article V, Transition Base Districts, of the Zoning Ordinance. The ordinance adds “conference or training facilities” and “hotel or motel” as a conditional use.

The County has been approached by the ownership group at Independence Golf Course about expanding the amenities, events, and uses offered on site. The ownership group wants to expand the offerings beyond golf related activities in an effort to diversify the property so that it is not solely dependent on golf related activities. County staff requested the ownership group provide the County with a list of all of activities that they could envision for the property. The majority of the list was events that could be held on the property without an amendment to the zoning or the issuance of a CUP. After staff reviewed and discussed the remaining items it determined that those items could occur as two uses – a conference center and a hotel. Given the residential use of the area surrounding the golf course, staff has proposed to add the two uses as conditional uses to the R-U District. This will allow the Planning Commission and the Board of Supervisors to review any request and place conditions on the operation based on the specific nature of the request and its location. While the R-U District is a Transition District, staff felt it appropriate to amend the zoning district instead of the ownership group requesting a rezoning of the golf course property to Village Residential, as recommended by the Comprehensive Plan, which would have resulted in having to amend the zoning district to allow for the golf course and the two uses that are the subject of the proposed request.

The proposed amendment was discussed with the Board of Supervisors at the August 15, 2016 workshop.

III. STAFF RECOMMENDATION:

The staff recommends approval of the proposed amendment to amend and re-enact provisions contained in Section 83-352, Conditional Uses, in the Residential-Utility (R-U) District, of Article V, Transition Base Districts, of the Zoning Ordinance.

VI. PLANNING COMMISSION 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 Section 83-352, Conditional Uses, in the Residential-Utility (R-U) District, of Article V, Transition Base Districts, of the Zoning Ordinance.

Attachment(s):

1. Copy of the Proposed Zoning Ordinance Amendment (16-06-AZ)

An Ordinance amending and reenacting provisions contained in Section 83-352, Conditional Uses, in the Residential-Utility (R-U) District, of Article V, Transition Base 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 83-352, of the Zoning Ordinance of the County of Powhatan, is amended and reenacted as follows:

ARTICLE V – TRANSITION BASE DISTRICTS

Sec. 83-350 - Residential Utility (R-U) District.

Sec. 83-351. – Permitted uses.

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- .
- .

Sec. 83-352. - Conditional uses.

The following uses are allowable as principal uses in the R-U 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) Dwelling, manufactured home;
- (2) Dwelling, multifamily;
- (3) Dwelling, three- or four-family;
- (4) Dwelling, townhouse;
- (5) Museum;
- (6) Adult day care center;
- (7) Child day care center;
- (8) College or university;
- (9) Private school;
- (10) Vocational or trade school;
- (11) Government administrative offices;
- (12) Law enforcement facility;
- (13) Post office;
- (14) Hospital;
- (15) Massage clinic;
- (16) Medical or dental clinic;

- (17) Public square or plaza;
- (18) Club or lodge;
- (19) Place of worship;
- (20) Professional offices;
- (21) Country club;
- (22) Golf course;
- (23) Recreation facility, nonprofit;
- (24) Recreation facility, public;
- (25) Conference or training center;
- (24)(26) Hotel and motel.

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 SEPTEMBER 26, 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	_____



16-07-AZ – County of Powhatan Section 83-362, Conditional Uses, in R-C 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	September 6, 2016	Public Hearing
Board of Supervisors	September 26, 2016	Public Hearing - Tentative

II. SUMMARY OF AMENDMENT

An Ordinance amending and reenacting provisions contained in Section 83-362, Conditional Uses, in the Residential-Commercial (R-C) District, of Article V, Transition Base Districts, of the Zoning Ordinance. The ordinance adds “manufacturing, assembly, or fabrication, light” as a conditional use. The zoning ordinance defines “manufacturing, assembly, or fabrication, light” as:

“an establishment primarily engaged in manufacturing uses that involve the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. This use type does not include other manufacturing uses specifically listed in the principal use tables. Examples include, but are not limited to: computer design and development; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of cosmetics; and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)”

By definition, the proposed amendment would allow for the location and expansion of businesses that assemble or produce products within an enclosed building, and that from a production standpoint do not have an adverse effect on the environment surrounding the

location of business. The amendment would allow local businesses that would like to expand beyond sales into the assembly of products from pre-manufactured parts, the opportunity to pursue the expansion. Under the current provisions of the R-C district the business cannot expand and will have to find a new location either in the County or outside of the County. The proposed amendment will allow the business to apply for a conditional use permit for consideration by the Planning Commission and the Board of Supervisors.

The Planning Commission and the Board of Supervisors then would have the opportunity to review proposed projects and create conditions to address concerns/issues based on the factors associated with the case – location, type of use proposed, etc.

The proposed amendment was discussed with the Board of Supervisors at the August 15, 2016 workshop.

III. STAFF RECOMMENDATION:

The staff recommends approval of the proposed amendment to amend and re-enact provisions contained in Section 83-362, Conditional Uses, in the Residential-Commercial (R-C) District, of Article V, Transition Base Districts, of the Zoning Ordinance.

VI. PLANNING COMMISSION 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 Section 83-362, Conditional Uses, in the Residential-Commercial (R-C) District, of Article V, Transition Base Districts, of the Zoning Ordinance.

Attachment(s):

1. Copy of the Proposed Zoning Ordinance Amendment (16-07-AZ)

An Ordinance amending and reenacting provisions contained in Section 83-362, Conditional Uses, in the Residential-Commercial (R-C) District, of Article V, Transition Base 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 83-362, of the Zoning Ordinance of the County of Powhatan, is amended and reenacted as follows:

ARTICLE V – TRANSITION BASE DISTRICTS

Sec. 83-360. - Residential-Commercial (R-C) District.

Sec. 83-361. - Permitted uses.

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Sec. 83-362. - Conditional uses.

The following uses are allowable as principal uses in the R-C 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) Dwelling, duplex;
- (2) Dwelling, live/work;
- (3) Dwelling, multifamily;
- (4) Dwelling, townhouse;
- (5) Assisted living facility;
- (6) Continuing care retirement community;
- (7) Hospice facility;
- (8) Rooming or boarding house;
- (9) Nursing home;
- (10) Cemetery;
- (11) Public square or plaza;
- (12) Club or lodge;
- (13) Halfway house;
- (14) Homeless shelter;

- (15) Place of worship;
- (16) Shelter for victims of domestic abuse;
- (17) Utility use, major;
- (18) Kennel, commercial;
- (19) Bar or lounge;
- (20) Nightclub;
- (21) Recreation facility, commercial outdoor;
- (22) Self-service storage facility;
- (23) Automotive painting or body shop;
- (24) Automotive repair and servicing;
- (25) Automotive wrecker service;
- (26) Car wash or auto detailing;
- (27) Parking lot or parking structure (as a principal use);
- (28) Taxi or limousine service facility;
- (29) Tire sales and mounting;
- (30) Hotel or motel;
- (31) Recycling drop-off center;
- (32) Home based business;
- ~~(32)~~(33) Manufacturing, assembly, or fabrication, light.

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 SEPTEMBER 26, 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 _____