



POWHATAN COUNTY PLANNING COMMISSION

Agenda: Regular Meeting and Workshop

Tuesday, March 3, 2020

6:00 PM

Powhatan Village Building Auditorium
3910 Old Buckingham Road

1. Call to Order

Dr. Barbara Brown (Chair)

2. Invocation

Mr. Bobby Hall (Vice Chair)

3. Administrative Items

- a. Request to Postpone Action/Amend the Agenda
- b. Approval of Minutes: February 4, 2020 (Regular Meeting) ([p. 3](#))
- c. Approval of Minutes: February 4, 2020 (Workshop) ([p. 7](#))
- d. Recommended Appointment: Richmond Regional Planning District Commission Board ([p. 9](#)) (PlanRVA)

4. Public Comment Period

At this time, the Planning Commission will hear citizen comments on unscheduled matters involving the services, policies, and affairs of Powhatan County government related to planning or land use issues.

5. Old Business

None

6. Public Hearings

- a. **Case #20-01-CUP: Kimberly Wilkinson Payne (District #1: Subletts/Manakin/Flat Rock)** requests a conditional use permit (CUP) to permit a *private kennel* as an accessory use on a property consisting of less than two (2) acres within the Single-Family Residential-2 (R-2) zoning district, per Sec. 83-213(b) of the Zoning Ordinance of the County of Powhatan. The proposed use is located at Tax Map Parcel #41-6-5 (2016 Judes Ferry Road), which consists of 1.0 acres. The 2019 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Countywide Future Land Use Map. ([p. 10](#))
- b. **Case #19-06-REZC: Markel Eagle Partners, LLC (District #1: Subletts/Manakin/Flat Rock)** requests the rezoning of Tax Map Parcels #42-55A, 42-55B, 42-57G, 42-72 and a portion of Tax Map Parcel #42-55 from Agricultural-10 (A-10) and General Commercial (C) with proffered conditions (Case #06-14-REZC) to Commerce Center (CC) with proffered conditions and Village Residential Planned Development (VR-PD) with proffered conditions and amendment of the zoning district map of approximately 43.15 acres of land with frontage along the north side of U.S. Route 60 (Anderson Highway) at its intersection with State Route 1101 (Holly Hills Road) and along the south side of State Route 675 (Page Road) at its intersection with State Route 1110 (Old Powhatan Estates), including 1680 Anderson Highway and 1647 Page Road. Approximately 5.06 acres will be rezoned to CC with proffered conditions and approximately 38.09 acres will be rezoned to VR-PD with proffered conditions (Maximum Density: 79 Dwelling Units/2.07 Dwelling Units Per Acre). Proffered conditions associated with the proposed CC zoning district address building materials, parking lot surfacing, and shared access. Proffered conditions associated with

the proposed VR-PD zoning district address adherence to a master plan, maximum residential densities (up to 79 single-family dwelling units), perimeter buffers, stormwater management, transportation improvements, provision of age-restricted units, and cash proffers. The 2019 Long-Range Comprehensive Plan designates the subject properties as Commerce Center and Village Residential (Route 60 Corridor East Special Area Plan) on the Countywide Future Land Use Plan, with maximum recommended densities in the Village Residential land use designation being four dwelling units per acre (**Continued from November 6, 2019**). ([p. 30](#))

- c. **Case #20-01-REZC: Berk and Alp LLC (District #2: Powhatan Station/Graceland)** requests the amendment of the proffer statement for three parcels (Tax Map Parcels #43-33, 43-33A, and 43-35) zoned Light Industrial (I-1) with proffered conditions and Commerce Center (CC) with proffered conditions (Case #18-01-REZC: Ordinance #O-2018-28). The subject properties are located southwest of the intersection of U.S. Route 60 (Anderson Highway) and State Route 671 (County Line Road). The applicant is requesting that Proffered Condition #1 be amended to reference a revised conceptual plan, which shows a new location for a commercial entrance on U.S. Route 60 (Anderson Highway). The 2019 Long-Range Comprehensive Plan designates the subject properties as Commerce Center and Natural Conservation (Route 60 Corridor East Special Area Plan) on the Countywide Future Land Use Map. ([p. 146](#))
- d. **Case #20-04-AZ:** The **County of Powhatan** requests the amendment of provisions set forth in Chapter 83 (Zoning Ordinance), Article IV (Village Growth Area Districts), Division 2 (Village Growth Area Planned Development Districts) to clarify language describing the intent of Village Growth Area Planned Development Districts and to require that development within Village Growth Area Planned Development Districts incorporate certain design concepts that are identified within a planned development (PD) plan. ([p. 175](#))

7. New Business

- a. Presentation: Parks and Recreation Needs Assessment ([p. 186](#))

8. Workshop (Village Building Conference Room)

- a. Discussion: Elimination of Single Cut Subdivisions (Subdiv. Ordinance: Sec. 68-114) ([p. 187](#))
- b. Discussion: Revisions to Standards for Family Divisions (Subdiv. Ordinance: Sec. 68-125) ([p. 198](#))
- c. Public Comment Period (Workshop Items)

9. Adjourn

Next Meeting: Tuesday, April 7, 2020

February 4, 2020

VIRGINIA: AT A REGULAR MEETING OF THE PLANNING COMMISSION HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, FEBRUARY 4, 2020 AT 7:00 PM

Planning Commissioners Present	Barbara Brown, District 5, Chairman Bobby Hall, District 3, Vice-Chairman Vicki Hurt, District 1 Amy Kingery, District 2 Jane Pendergast, District 4
Planning Commissioners Absent	None
Staff Members Present	Andrew Pompei, Planning Director Kelley Kemp, Assistant County Attorney Alyson Oliver, Planner II Juli Kurnos, Planner I

1. Call to Order

Mr. Pompei called the meeting to order at 7:00 PM.

2. Invocation

Mr. Hall gave the invocation.

3. Organizational Meeting

a. Election of Chairman (2020-2021)

Mr. Pompei opened the floor for nominations for Chairman (2020-2021).

Ms. Kingery motioned to nominate Ms. Brown.

Mr. Hall seconded the motion.

Ms. Hurt, Ms. Kingery, Mr. Hall, Ms. Pendergast, and Ms. Brown voted AYE.

**VOTE 5-0
MOTION Passed**

b. Election of Vice Chairman (2020-2021)

Ms. Brown opened the floor for nominations for Vice Chairman (2020-2021).

Ms. Pendergast motioned to nominate Mr. Hall.

Ms. Hurt seconded the motion.

Ms. Brown, Ms. Hurt, Ms. Kingery, Mr. Hall, and Ms. Pendergast voted AYE.

**VOTE 5-0
MOTION Passed**

February 4, 2020

c. Adoption of the Rules of Order (2020-2021)

Members of the Planning Commission briefly discussed the proposed Rules of Order (2020-2021), including a proposal to change the scheduled meeting time to 6:00 pm.

Ms. Kingery motioned to adopt the Rules of Order, as presented.

Mr. Hall seconded the motion.

Ms. Brown, Mr. Hall, Ms. Hurt, Ms. Kingery, and Ms. Pendergast voted AYE.

**VOTE 5-0
MOTION Passed**

d. Adoption of the Meeting Schedule (March 2020 – February 2021)

Ms. Pendergast motioned to approve the Meeting Schedule (March 2020 – February 2021), as presented.

Ms. Kingery seconded the motion.

Ms. Brown, Mr. Hall, Ms. Hurt, Ms. Kingery, and Ms. Pendergast voted AYE.

**VOTE 5-0
MOTION Passed**

4. Administrative Items

a. Request to Postpone Action/Amend the Agenda

None.

b. Approval of Minutes: January 7, 2020 (Regular Meeting)

Ms. Kingery motioned to approve the minutes from the regular meeting on January 7, 2020, as presented.

Mr. Hall seconded the motion.

Ms. Brown, Mr. Hall, Ms. Hurt, Ms. Kingery, and Ms. Pendergast voted AYE.

**VOTE 5-0
MOTION Passed**

c. Approval of the Minutes: January 7, 2020 (Workshop)

Ms. Kingery motioned to approve the minutes from the Planning Commission Workshop on January 7, 2020, as presented.

Ms. Pendergast seconded the motion.

Ms. Brown, Mr. Hall, Ms. Hurt, Ms. Kingery, and Ms. Pendergast voted AYE.

**VOTE 5-0
MOTION Passed**

5. Public Comment Period

Ms. Brown opened the public comment period.

February 4, 2020

Mike Hall (1746 Old Powhatan Estates) requested that the Planning Commission consider including an opportunity for the public to voice opinions during scheduled workshops.

Members of the Planning Commission briefly discussed the suggestion made by Mr. Mike Hall.

After discussion, Ms. Hurt made a motion to include a public comment period during scheduled Planning Commission workshops, adhering to a maximum time limit of three minutes per speaker.

Ms. Kingery seconded the motion.

Ms. Brown, Mr. Hall, Ms. Hurt, Ms. Kingery, and Ms. Pendergast voted AYE.

VOTE 5-0
MOTION Passed

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

6. Old Business

None

7. Public Hearings

None

8. New Business

a. Case #20-01-PB: Development Design Pattern Book for Tax Map Parcel #43-39A (1331 Page Road)

Mr. Pompei provided an overview of this request.

Members of the Planning Commission discussed the request, as follows:

Ms. Brown asked the applicant to provide additional information regarding the supplemental evergreen plantings that are proposed between the existing building and the public right-of-way. The applicant, William Davis, provided additional information on the proposed evergreen plantings, including their minimum height at planting and anticipated growth rate.

Ms. Hurt expressed concerns with the visibility of the proposed two-story metal building from the public right-of-way, noting that she would like to see the proposed building material changed to something other than metal.

A representative for the applicant, Woody Cofer, stated that the foundation of the proposed building will be located three feet lower than the grade of the existing foundation, noting that the difference in foundation grade and proposed evergreen plantings will help conceal the proposed building.

Ms. Hurt made a motion to approve the request with the condition that the street-facing façade be constructed of a material other than metal.

No members of the Planning Commission seconded the motion, therefore, the motion failed.

February 4, 2020

Ms. Kingery made a motion to approve the request, as presented.

Ms. Brown seconded the motion.

Ms. Brown, Ms. Kingery, and Ms. Pendergast voted AYE.
Mr. Hall and Ms. Hurt voted NAY.

VOTE 3-2
MOTION Passed

b. Presentation: 2019 Planning Activity Report

Mr. Pompei presented the 2019 Planning Activity Report to the Planning Commission, summarizing planning activities in the county over the past year.

After brief discussion, Ms. Brown made a motion to accept the 2019 Planning Activity Report.

Ms. Pendergraph seconded the motion.

Ms. Brown, Mr. Hall, Ms. Hurt, Ms. Kingery, and Ms. Pendergast voted AYE.

VOTE 5-0
MOTION Passed

9. Adjourn

There being no further business, Ms. Brown adjourned the meeting at 7:33 PM.

Barbara Brown
Chairman

Andrew Pompei
Planning Director

February 4, 2020

VIRGINIA: AT A WORKSHOP OF THE PLANNING COMMISSION HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, JANUARY 4, 2020 AT 7:37 PM

Planning Commissioners Present	Barbara Brown, District 5, Chairman Bobby Hall, District 3, Vice-Chairman Vicki Hurt, District 1 Amy Kingery, District 2 Jane Pendergast, District 4
Planning Commissioners Absent	None
Staff Members Present	Andrew Pompei, Planning Director Kelley Kemp, Assistant County Attorney Alyson Oliver, Planner II Juli Kurnos, Planner I

1. Call to Order

Ms. Brown called the meeting to order at 7:37 PM, following adjournment of the regular Planning Commission meeting held on February 4, 2020.

2. Discussion: Case #20-01-REZC (Proffer Amendment: Classic Granite Conceptual Plan)

Mr. Pompei provided the Planning Commission with an overview of this request, which proposes to amend the proffered conceptual plan to show a new location for a commercial entrance on U.S. Route 60 (Anderson Highway).

Chris Shust, a representative for the applicant, provided the Planning Commission with additional details about the requested modification to the site entrance.

Members of the Planning Commission briefly discussed the proposal and asked general questions about the requirements for the commercial entrance.

3. Training for New Planning Commission Members

Mr. Pompei and former Planning Commissioner David Van Gelder led members of the Planning Commission through a brief training regarding their role as Planning Commissioners. Topics discussed during the training included:

- Explanation of the role of the Planning Commission as an advisory body;
- Introductions to Planning Department staff members;
- Overview of the tools, ordinance, and plans available to members as they make planning and zoning related decisions;
- Summary of the review process for various types of land use cases; and
- Procedures and laws applicable to the Freedom of Information Act (FOIA).

4. Discussion: Amendments to Planned Development Zoning Districts

Mr. Pompei gave a brief overview of this proposed amendment to the zoning ordinance. After brief discussion, members of the Planning Commission requested that staff schedule to have the proposed ordinance amendment on the agenda at the next Planning Commission meeting.

February 4, 2020

5. Discussion: Revisions to the Sign Ordinance (Zoning Ordinance: Sec. 83-488)

Ms. Oliver gave a brief overview of this proposed amendment to the sign standards in the zoning ordinance. After brief discussion, members of the Planning Commission requested that staff schedule to have the proposed ordinance amendment on the agenda at the next Planning Commission meeting.

6. Discussion: Elimination of Single Cut Subdivisions (Subdiv. Ordinance: Sec. 68-114)

Mr. Pompei gave a brief overview of this proposed amendment to the zoning ordinance. After brief discussion, members of the Planning Commission requested that staff schedule to have the proposed ordinance amendment on the agenda at the next Planning Commission meeting.

7. Discussion: Revisions to Standards for Family Divisions (Subdiv. Ordinance: Sec. 68-125)

Mr. Pompei gave a brief overview of this proposed amendment to the zoning ordinance. After brief discussion, members of the Planning Commission requested that staff schedule to have the proposed ordinance amendment on the agenda at the next Planning Commission meeting.

8. Adjourn

Ms. Brown adjourned the workshop at approximately 9:10 PM.

Barbara Brown
Chairman

Andrew Pompei
Planning Director



Powhatan County Planning Commission Agenda Item

Meeting Date: March 3, 2020

Agenda Item Title: Recommended Appointment: Richmond Regional Planning District Commission Board (PlanRVA)

Action Requested: The Planning Commission will make a recommendation to the Board of Supervisors regarding which of its members should represent Powhatan County on the Richmond Regional Planning District Commission Board (also known as PlanRVA).

Dates Previously Considered by PC: None

Summary of Item: The Richmond Regional Planning District Commission (RRPDC), which is also known as PlanRVA, is a regional organization governed by a 33-member Board of Commissioners representing nine (9) local governments. Per its [website](#), the organization's mission "is to promote regional cooperation and collaboration between government, private sector, and community organizations to improve the quality of life for citizens in the planning district."

Powhatan County has three (3) representatives on the RRPDC Board. Two (2) representatives must be elected officials, and one (1) representative must be a member of the local Planning Commission. All representatives are appointed by the Board of Supervisors.

Mr. David Williams (Board of Supervisors: District #1) and Mr. Larry Nordvig (Board of Supervisors: District #2) have been appointed by the Board of Supervisors to serve on the RRPDC Board.

The Planning Commission will make a recommendation to the Board of Supervisors regarding which of its members should be appointed to serve on this board.

Attachments: None

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.



Powhatan County Planning Commission Agenda Item

Meeting Date: March 3, 2020

Agenda Item Title: **Case #20-01-CUP: Kimberly Wilkinson Payne (District #1: Subletts/Manakin/Flat Rock)** requests a conditional use permit (CUP) to permit a private kennel as an accessory use on a property consisting of less than two (2) acres within the Single-Family Residential-2 (R-2) zoning district, per Sec. 83-213(b) of the Zoning Ordinance of the County of Powhatan. The proposed use is located at Tax Map Parcel #41-6-5 (2016 Judes Ferry Road), which consists of 1.0 acres. The 2019 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Countywide Future Land Use Map.

Motion: In accordance with Section 83-123(f)(4) of the Powhatan County Zoning Ordinance and public necessity, convenience, general welfare, and good zoning practice, the Powhatan County Planning Commission recommends (*approval / denial / deferral*) of the request submitted by the Kimberly Wilkinson Payne to permit a private kennel on Tax Map 41-6-5 subject to the conditions presented in this report.

Dates Previously Considered by PC: None

Summary of Item: Kimberly Wilkinson Payne is requesting a conditional use permit (CUP) to allow a private kennel as an accessory use on a parcel with less than two acres in the Single Family Residential-2 (R-2) zoning district (Zoning Ordinance: Sec. 83-213). Ms. Payne is requesting this conditional use permit to allow her pet Chihuahuas to reside on the property.

The use is proposed to be located on Tax Map Parcel #41-6-5 (2016 Judes Ferry Road), which is located on the east side of State Route 613 (Judes Ferry Road) approximately 0.25 miles south of State Route 723 (Flint Hill Road) in eastern Powhatan County. In total, the property consists of 1.00 acre.

Staff: Approve Disapprove See Comments

Attachments: Staff Report
Application Materials

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.



20-01-CUP County of Powhatan

Request for a Conditional Use Permit
to Permit a *Kennel, Private, for Parcels Under Two Acres*
within the Single-Family Residential (R-2) Zoning District
on Tax Map Parcel #41-6-5,
Located at 2016 Judes Ferry Road (State Route 613)
Staff Report Prepared for the Planning Commission
March 3, 2020

I. PUBLIC MEETINGS

Planning Commission March 3, 2020 Public Hearing

II. GENERAL INFORMATION

Request	Conditional Use Permit (Accessory)
Proposed Use	Kennel, Private, for Parcels Under Two Acres
Proposed Density	N/A (No Residential Units Proposed)
Existing Zoning	Single-Family Residential-2 (R-2) (Case #88-03-REZ: Approved April 11, 1988)
Parcel Size	1.00 acres
Parcel ID#	41-6-5
Applicant	Kimberly Wilkinson Payne
Owner	Kimberly Wilkinson Payne
Location of Property	2016 Judes Ferry Road (State Route 613)
Electoral District	(1) Subletts/Manakin/Flat Rock
2019 Land Use Plan Recommendation	Rural Residential

III. EXECUTIVE SUMMARY

Kimberly Wilkinson Payne is requesting a conditional use permit (CUP) to allow a *private kennel* as an accessory use on a parcel with less than two acres in the *Single-Family Residential-2 (R-2)* zoning district (Zoning Ordinance: Sec. 83-213). Ms. Payne is requesting this conditional use permit to allow her pet Chihuahuas to reside on the property.

The use is proposed to be located on Tax Map Parcel #41-6-5 (2016 Judes Ferry Road), which is located on the east side of State Route 613 (Judes Ferry Road) approximately 0.25 miles south of State Route 723 (Flint Hill Road) in eastern Powhatan County. In total, the property consists of 1.00 acre.

IV. REVIEW STANDARDS

Conditional Accessory Use (R-2): Kennel, private, for parcels under two acres
<i>Kennel, private, for parcels under two acres</i> is listed as a conditional accessory use within the R-2 zoning district [Sec. 83-213(b)(2)].
Sec. 83-123(f)(4): Conditional Use Permit Review Standards
A Conditional Use Permit shall be approved if the applicant demonstrates the proposed conditional use: <ul style="list-style-type: none">a) Is consistent with the purposes, goals, objectives, and policies of the comprehensive plan and other applicable county-adopted plans;b) Complies with all applicable zoning district-specific standards in Articles III through VI;c) Complies with all applicable use-specific standards Article VII: Use Standards;d) Complies with all applicable development and design standards in Article VIII: Development Standards;e) Complies with all relevant subdivision and infrastructure standards in Chapter 68: Subdivisions of the Powhatan County Code;f) Is appropriate for its location and is compatible with the general character of surrounding lands and the uses allowed in the zoning district where proposed;g) Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands;h) Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;i) Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;j) Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;k) Complies with all other relevant county, state and federal laws and standards; andl) Is required by the public necessity, convenience, general welfare, or good zoning practice.
Sec. 83-123(f)(5): Expiration of a Conditional Use Permit
A Conditional Use Permit shall expire in accordance with any expiration date or provisions in a condition of its approval. A Conditional Use Permit shall automatically expire if a Building Permit, Site Plan, or other county approval, whichever occurs first, for the development granted by the Conditional Use Permit, is not obtained within two (2) years after the date of approval of the Conditional Use Permit, or if no subsequent county approval is required, the development is not completed and operational within two (2) years.
Sec. 83-521: Definitions
<i>Kennel, private</i> means a building and/or premises where five or more dogs, cats, fowl, or other domestic animals or pets over the age of six months are kept, boarded, maintained, or cared for overnight, for private, noncommercial purposes such as for show, hunting, farming, or as household pets. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Sec. 83-438(n): Standards for Specific Accessory Uses (Private Kennel)
<p>A private kennel is allowed as an accessory use in accordance with the following standards:</p> <p>(1) Residentially zoned lots or parcels on which the kennel is located shall have an area of at least two acres.</p> <p>(2) Residentially zoned lots or parcels containing less than two acres shall require a conditional use permit.</p>

V. PROPERTY DESCRIPTION

Location

The requested private kennel is proposed to be located on Tax Map Parcel #41-6-5 (2016 Judes Ferry Road), which is located on the east side of State Route 613 (Judes Ferry Road) approximately 0.25 miles south of State Route 723 (Flint Hill Road) in eastern Powhatan County. In total, the property consists of 1.0 acre.

Existing Conditions

There is an existing single-family dwelling on the subject property (2,680 square feet), which is accessed by a private driveway off of State Route 613 (Judes Ferry Road). A recently-completed addition to the existing dwelling (252 square feet) was built as a dedicated space for the care and keeping of the owner’s pet Chihuahuas. To the rear of the dwelling is an outdoor fenced-in area, which is used by the dogs under supervision.

The property is wooded, with the densest stand of trees located to the rear of the dwelling.

Surrounding Properties

Direction	Zoning	Uses
North	<ul style="list-style-type: none"> • Single-Family Residential-2 (R-2) • Residential-Utility (R-U) • Agricultural-10 (A-10) 	<ul style="list-style-type: none"> • Single-Family Residential (Lots Approx. 1-2 Acres: Including Chestnut Estates and Chestnut Oaks Subdivisions)
South	<ul style="list-style-type: none"> • Single-Family Residential-2 (R-2) • Agricultural-10 (A-10) 	<ul style="list-style-type: none"> • Single-Family Residential (Lots Approx. 1 Acre: Including Chestnut Estates Subdivisions)
East	Agricultural-10 (A-10)	<ul style="list-style-type: none"> • Single-Family Residential (Lots Approx. 10 Acres: Including Chestnut Estates Subdivisions)
West	Agricultural-10 (A-10)	<ul style="list-style-type: none"> • Single-Family Residential (Large Lot > 10 Acres) • Vacant Land

VI. PROJECT ANALYSIS

Current Zoning

The subject property is currently zoned Single-Family Residential-2 (R-2).

Proposed Use

The applicant is requesting a conditional use permit to allow a *private kennel* as an accessory use on the subject parcel. *Private kennel* is defined as follows [Sec. 83-521]:

Kennel, private means a building and/or premises where five or more dogs, cats, fowl, or other domestic animals or pets over the age of six months are kept, boarded, maintained, or cared for overnight, for private, noncommercial purposes such as for show, hunting, farming, or as household pets.

Private kennel is a conditional accessory use within the Single-Family Residential-2 (R-2) zoning district on properties consisting of fewer than 2 acres [Sec. 83 213(b)(2)].

The applicant is requesting a conditional use permit to allow her pet Chihuahuas to reside on the property.¹ The applicant is a *Good Dog Certified Chihuahua* breeder and hobbyist. She is currently raising eleven (11) Chihuahuas, which are shown and bred on a limited basis. The dogs live inside the dwelling in an addition that was designed to accommodate a “dog nursery.” The dogs are given periodic, supervised outdoor breaks in a fenced-in area to the rear of the dwelling.

Land Use and Community Character

The surrounding properties are generally residential in nature, with single-family homes within existing subdivisions. The subject parcel is located within a row of eighteen one-acre parcels fronting along the east side of State Route 613 (Judes Ferry Road) as part of the Chestnut Estates subdivision (platted in the late 1980s). On the west side of State Route 613 (Judes Ferry Road), there are single-family dwellings on large lots (>10 acres). The Chestnut Oaks subdivision, which generally consists of two-acre single-family residential lots, is located northeast of the subject property,

The proposed use will be accessory to an existing single-family dwelling, and (with appropriate conditions) is generally compatible with these existing uses.



View of Existing Dwelling from State Route 613 (Judes Ferry Road)

¹ Any property housing five or more domestic animals (generally, cats, dogs, or fowl) is considered a *private kennel*, per the Powhatan County Zoning Ordinance [Sec. 83-521]. Virginia State Code similarly defines *kennel* as “any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing” [§ 3.2-6500].

Zoning Requirements/Standards

The zoning ordinance classifies uses within each zoning district as *permitted* and *conditional*. *Conditional uses* are only permitted on a specific property within a specific zoning district with approval of the Board of Supervisors. *Conditional uses* (due to their nature and possible external impacts) may be appropriate at certain locations, but not throughout the entire zoning district. Special conditions may be imposed to address the location, design, and operation of the proposed use, so that it is compatible with the surrounding area [Sec. 83-123(f)(1)].

During the CUP review process, Powhatan County may impose conditions to minimize any potential negative impacts on adjacent properties and the character of the surrounding area. If approved, the use must operate in accordance with the adopted conditions, or the CUP may be revoked by the Board of Supervisors.

The Department of Community Development recommends that conditions be applied to address the following issues:

- *Number and Size of Dogs*

To limit potential negative impacts (including excessive noise, waste, and damage to vegetation), the number and size of dogs may be capped. Condition #5 limits the number of dogs permitted on the property to twelve (12). Additionally, this condition limits the size of the dogs permitted on the property to those that are under ten (10) pounds. With this condition, a Chihuahua would be permitted on the property, but the applicant/owner could not begin raising dogs of a significantly greater size. Condition #6 further restricts the conditional use permit by prohibiting commercial boarding, clarifying that this CUP only authorizes the care and keeping of the owners' dogs.

- *Pet Waste*

To mitigate potential negative health and environmental impacts caused by dog waste, Condition #7 requires compliance with all local, state, and federal codes pertaining to the disposal of pet waste. This condition strengthens local pet waste disposal regulations by requiring that waste be removed from the premises at least once every seven (7) days.

- *Noise*

Conditions #8 and #9 are intended to minimize the potential negative impacts of noise on adjacent properties. Condition #8 requires that dogs be kept indoors, except while under supervision within the existing fenced area (or on leash). Condition #9 requires compliance with the local noise ordinance, which prohibits "noise created by any dog that is so continuous and chronic that it causes annoyance or discomfort to any person, provided that such noise is plainly audible inside the confines of the dwelling unit, house or apartment of another, or plainly audible 300 feet or more from the dog." In the event that the applicant does not adhere to the waste disposal requirements or the county's noise ordinance, the CUP could be revoked.

VII. COMPREHENSIVE PLAN ANALYSIS

Countywide Future Land Use Plan

The *2019 Long-Range Comprehensive Plan* designates the subject properties as *Rural Residential* on the Countywide Future Land Use Plan.

Land Use: Rural Residential

The *Rural Residential* land use designation is described as follows (p. 74):

Rural Residential areas include existing residential subdivisions with lots ranging from two to seven acres in size. These areas exhibit moderately low-density rural/suburban development patterns, with small estates served by local roads. There is some retention of rural character; however, the development pattern is slightly more dense and suburban in character than what is common within Rural Preservation areas. This is the prevalent residential pattern in central portions of the county. Conservation subdivisions and uses recommended for Rural Preservation areas are also appropriate in the Rural Residential areas. New residential development may occur, but the maximum recommended density is one unit per five (5) acres.

The proposed *private kennel* will be located on an existing single-family residential lot. The proposed use is clearly incidental and accessory to the primary use of the property as a single-family lot, and therefore, is generally compatible with the intent of the *Rural Residential* land use designation.

VIII. PUBLIC SERVICE ANALYSIS

Review by County Agencies/Departments	
Building	The Building Inspections Department has no comments at this time.
Environment	A condition should be included that all waste generated by the dogs will be disposed of in accordance with the Powhatan County Code, and State and Federal regulations.
Public Works	The Public Works Department has no issues with the CUP request.
Sheriff	The Sheriff's Office has no comments at this time.
Fire	The Fire Department has no issues with the CUP request.
Review by State Agencies/Departments	
Health	The Powhatan Health Department has no objections to approving this conditional use permit.
Transport.	The Virginia Department of Transportation takes no exception to this request for the identified proposed conditional use of this property as long as the Private Kennel shall be intended for noncommercial purposes or activities.

IX. PUBLIC COMMENTS

The Department of Community Development has not received any formal comments on this request.

X. STAFF RECOMMENDATION

Per Sec. 83-123(f)(4) of the zoning ordinance, a conditional use permit shall be approved if the applicant demonstrates that the proposed conditional use satisfies twelve (12) criteria. Below is the Department of Community Development’s assessment of the proposed use’s compliance with each criteria.

Criterion #1	
Does the request satisfy criterion #1? Yes.	
Criteria	<i>The proposed conditional use is consistent with the purposes, goals, objectives, and policies of the comprehensive plan and other applicable county-adopted plans.</i>
Staff Analysis	The proposed private kennel will be located on an existing single-family residential lot. The proposed use is clearly incidental and accessory to the primary use of the property as a single-family lot, and therefore, is generally compatible with the intent of the <i>Rural Residential</i> land use designation.

Criterion #2	
Does the request satisfy criterion #2? Yes.	
Criteria	<i>The proposed conditional use complies with all applicable zoning district-specific standards in Articles III through VI.</i>
Staff Analysis	If the CUP is approved, the existing dwelling will be in compliance with all applicable regulations for the Single-Family Residential-2 (R-2) zoning district in the zoning ordinance [sec. 83-210].

Criterion #3	
Does the request satisfy criterion #3? Yes.	
Criteria	<i>The proposed conditional use complies with all applicable use-specific standards Article VII: Use Standards.</i>
Staff Analysis	If the CUP is approved, the proposed use will adhere to all use standards for <i>kennel, private</i> , per sec. 83-438(n) of the zoning ordinance.

Criterion #4	
Does the request satisfy criterion #4? Not applicable.	
Criteria	<i>The proposed conditional use complies with all applicable development and design standards in Article VIII: Development Standards.</i>
Staff Analysis	<i>Article VIII: Development Standards</i> is not applicable to this conditional use.

Criterion #5	
Does the request satisfy criterion #5? Not applicable.	
Criteria	<i>The proposed conditional use complies with all relevant subdivision and infrastructure standards in Chapter 68: Subdivisions of the Powhatan County Code.</i>
Staff Analysis	The regulations listed in <i>Chapter 68: Subdivisions</i> of the Powhatan County code do not apply to the proposed conditional use.

Criterion #6	
Does the request satisfy criterion #6? Yes.	
Criteria	<i>The proposed conditional use is appropriate for its location and is compatible with the general character of surrounding lands and the uses allowed in the zoning district where proposed.</i>
Staff Analysis	With the recommended conditions (which limit the number and size of dogs and address noise and waste disposal), the use is generally compatible with the general character of surrounding properties.

Criterion #7	
Does the request satisfy criterion #7? Yes.	
Criteria	<i>The proposed conditional use adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands.</i>
Staff Analysis	Condition #8 requires that dogs be boarded within the existing dwelling, except when allowed outside while under supervision. When allowed outside, the dogs must be contained within the fence-in area located behind the existing dwelling or be on a leash under the owner's control. As a result, the proposed use is not anticipated to have an adverse visual impact on adjacent lands.

Criterion #8	
Does the request satisfy criterion #8? Yes.	
Criteria	<i>The proposed conditional use avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements.</i>
Staff Analysis	With the proposed conditions, which address limits to the number of dogs, size of dog, waste disposal, and noise, the proposed conditional use is not anticipated to cause significant adverse odor, noise, glare, or vibration on surrounding lands.

Criterion #9	
Does the request satisfy criterion #9? Yes.	
Criteria	<i>The proposed conditional use avoids significant deterioration of water and air resources, scenic resources, and other natural resources.</i>
Staff Analysis	The proposed conditional use is not anticipated to significantly change the existing character of the property, and therefore, is not anticipated to cause significant deterioration of natural resources.

Criterion #10	
Does the request satisfy criterion #10? Yes.	
Criteria	<i>The proposed conditional use maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site.</i>
Staff Analysis	The proposed conditional use is not anticipated to significantly change the existing character of the property or generate a significant number of vehicle trips, and therefore, is not anticipated to alter the existing ingress, egress, and traffic flow onto and throughout the site.

Criterion #11	
Does the request satisfy criterion #11? Yes.	
Criteria	<i>The proposed conditional use complies with all other relevant county, state and federal laws and standards.</i>
Staff Analysis	The proposed conditional use is required to comply with all other relevant county, state, and federal laws and standards. Failure to do so will result in the revocation of the CUP.

Criterion #12	
Does the request satisfy criterion #12? Yes.	
Criteria	<i>The proposed conditional use is required by the public necessity, convenience, general welfare, or good zoning practice.</i>
Staff Analysis	The proposed conditional use, with the conditions recommended in this report, will allow a local resident to safely raise her pet Chihuahuas with minimal impact on adjacent properties. The size of the subject parcel is generally compatible with the limits place on the number and size of dogs permitted on the property (Condition #5), and the owner will be required to adhere to regulations to minimize the negative impacts of pet waste and noise on the surrounding area. Therefore, the proposed conditional use is not anticipated to negatively impact public necessity, convenience, and general welfare, or good zoning practice.

Recommendation

The Department of Community Development **recommends approval** of this request with the recommended conditions (listed below). With the recommended conditions, the use is compatible with the *2019 Long-Range Comprehensive Plan* and is not anticipated to significantly impact the surrounding area.

XI. RECOMMENDED CONDITIONS

If approved, the Department of Community Development recommends that the conditions listed below be incorporated into this request. These conditions are proposed to minimize negative impacts on surrounding properties and reflect recommendations made in the *2019 Long-Range Comprehensive Plan*.

1. The applicant(s) shall consent to annual administrative inspections by the Department of Community Development for compliance with the requirements of this CUP.

2. The applicant(s) shall sign the list of adopted conditions for this CUP signifying acceptance and intent to comply with these conditions.
3. Failure to comply with the conditions of this CUP may result in the issuance of a Notice of Violation (NOV) by the Zoning Administrator. The Zoning Administrator may present this CUP to the Board of Supervisors for revocation if the NOV is not resolved as directed.
4. All activities associated with this CUP shall be in compliance with all local, state, and federal laws.
5. This conditional use permit shall permit a maximum of twelve (12) dogs, which are kept and maintained for the hobby of the household. No single dog exceeding a weight of ten (10) pounds shall be kept on the property as part of the *private kennel*.
6. The commercial boarding of dogs or other pets not permanently residing on the property (for which a fee is accepted for overnight maintenance, care, and/or boarding) shall be prohibited.
7. All solid waste, including dog feces, must be properly managed per local, state, and federal law, and removed from the premises for disposal at least once every seven days.
8. All dogs shall be boarded in the existing dwelling. Kennels outside of an enclosed, temperature controlled building shall be prohibited. Whenever the dogs are allowed outside the dwelling, they shall be on a leash or within the fenced area under appropriate supervision.
9. All activities associated with this CUP shall be in compliance with the Powhatan County Noise Ordinance (Sec. 42-32) of the County Code.

XII. PROPOSED RESOLUTION

In accordance with Section 83-123(f)(4) of the Powhatan County Zoning Ordinance and public necessity, convenience, general welfare, and good zoning practice, the Powhatan County Planning Commission recommends (*approval / denial / deferral*) of the request submitted by the Kimberly Wilkinson Payne to permit a *kennel, private for Parcels Under Two Acres* on Tax Map Parcel #41-6-5, subject to the conditions presented in this report.

Attachment(s)

1. Application
2. Vicinity Map
3. Zoning Map
4. Countywide Future Land Use Map (2019)



**County of Powhatan,
Virginia**
Conditional Use Permit
Application

For Office Use Only	
Case Number	20-01-CUP

Powhatan County, Virginia
Department of Community Development
3834 Old Buckingham Road: Suite F
Powhatan, VA 23139

Applicant Information	
Name of Applicant	Kimberly Wilkinson Payne
Mailing Address	2016 Judes Ferry Road Powhatan, VA 23139
Phone Number	(804) 305-9429
Email Address	Kimberly.payne@live.com

Owner Information (Complete this section if the applicant is not the current property owner)	
Name of Owner	Kimberly Wilkinson Payne
Mailing Address	2016 Judes Ferry Rd. Powhatan VA 23139
Phone Number	(804) 305-9429
Email Address	Kimberly.payne@live.com

If the applicant is not the owner, the applicant must provide written documentation that the current property owner consents to the application (see form entitled *Consent of Owner(s) to Request Rezoning*).

If there are multiple owners, all owners must sign the application or provide other documentation consenting to the

Applicant Representative (Complete this section if correspondence should be directed to someone other than the applicant)	
Name of Representative	
Mailing Address	
Phone Number	
Email Address	

Parcel Information	
Tax Map Number	41-6-5
Physical Address	2016 Judes Ferry Rd.
General Description of Property Location	2016 Judes Ferry Rd.
Election District	1
Total Acreage	1
Current Zoning	R-2
Countywide Future Land Use: Land Use Designation	
Proposed Use	
Proposed Use (Identify Use Listed in Zoning Ordinance)	private Kennel
Proposed Use: Detailed Description	Chihuahua Hobbyist
If this request is approved, will new structures be constructed?	no
Are there existing structures on the subject property?	single family
Will the proposed use connect to public water and/or sewer?	no
Will the proposed use have direct access to a public road?	yes

A conceptual plan that shows the general configuration of the proposed development, including land uses, building locations (existing and proposed), pedestrian and vehicular circulation, open space, and resource protection areas, should be submitted with the application. This plan should also include measurements on how far existing and proposed structures, parking areas, and other activities associated with the proposed use will be from property lines.

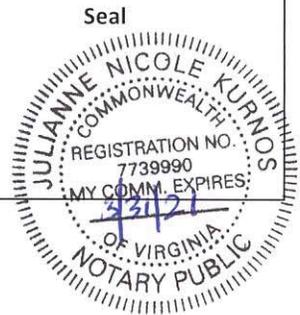
Proposed Use (Continued)

Describe any impacts the proposed use may have on adjacent properties and the surrounding neighborhood (e.g. noise, glare, smells, traffic, etc.).

None

- Dogs Kept Indoors
- supervised when out for exercise
- All waste is bagged and disposed of properly
- Premises is sprayed w/ vet grade disinfectant 2X day
- All dogs receive excellent vet/sraming care

Statement of Validity of Information		
Every applicant shall sign the following document to substantiate the validity of submitted information.		
<p>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 provide written certification from the owner granting me the right to submit this application.</p> <p>I declare that I have familiarized myself with the rules and regulations pertaining to preparing and filing this application. I further declare that the foregoing statements and answers provided throughout the various sections of this application are in all respects true and correct to the best of my knowledge and belief.</p>		
Signature of Applicant	Kimberly Wilkin - Payne	
Name of Applicant (Printed)	Kimberly Wilkinson - Payne	
Commonwealth of Virginia County of <u>Powhatan</u> , to wit: Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Kimberly Payne</u> , whose name is signed to the above, on this <u>13</u> day of <u>January</u> 20 <u>20</u> .		
Notary Public	Julianne Kurnos	
Commission Expires	3/31/21	
Notary Number	7739990	



Dear Sir or Madam,

Thank you for your consideration of our proposal to keep a number of small dogs on our property. The dogs are our loving companions, and my sixteen year old daughters dream. She started this year into The American Kennel Clubs junior handler program and hopes to have great success with her venture. We also foster no more than two extra Chihuahuas from time to time to enter into our dear friend Anna Driggers companion animal program. She places them with those in need, ranging from people who wish to have a companion, up to her ESA program which provides trained emotional support animals for people who suffer with a range of medical conditions. She is a licensed nurse with twenty years experience. She helps them through the process from start to finish.

We specialize in Chihuahuas, and there will be, at no time any other breed of dogs, or any large dogs on the property. This breed weighs on average 3-5lbs and must be housed indoors.

Our dogs are closely monitored when outside for exercise and/or potty time.

They receive all necessary veterinary care and grooming services regularly. (Powhatan Veterinary Hospital & Powhatan Grooming).

We deeply appreciate your consideration, and would be happy to answer and questions you may have. We also give our written permission for you, or your representative to contact the above mentioned entities to confirm our dedication to our animals and their care.

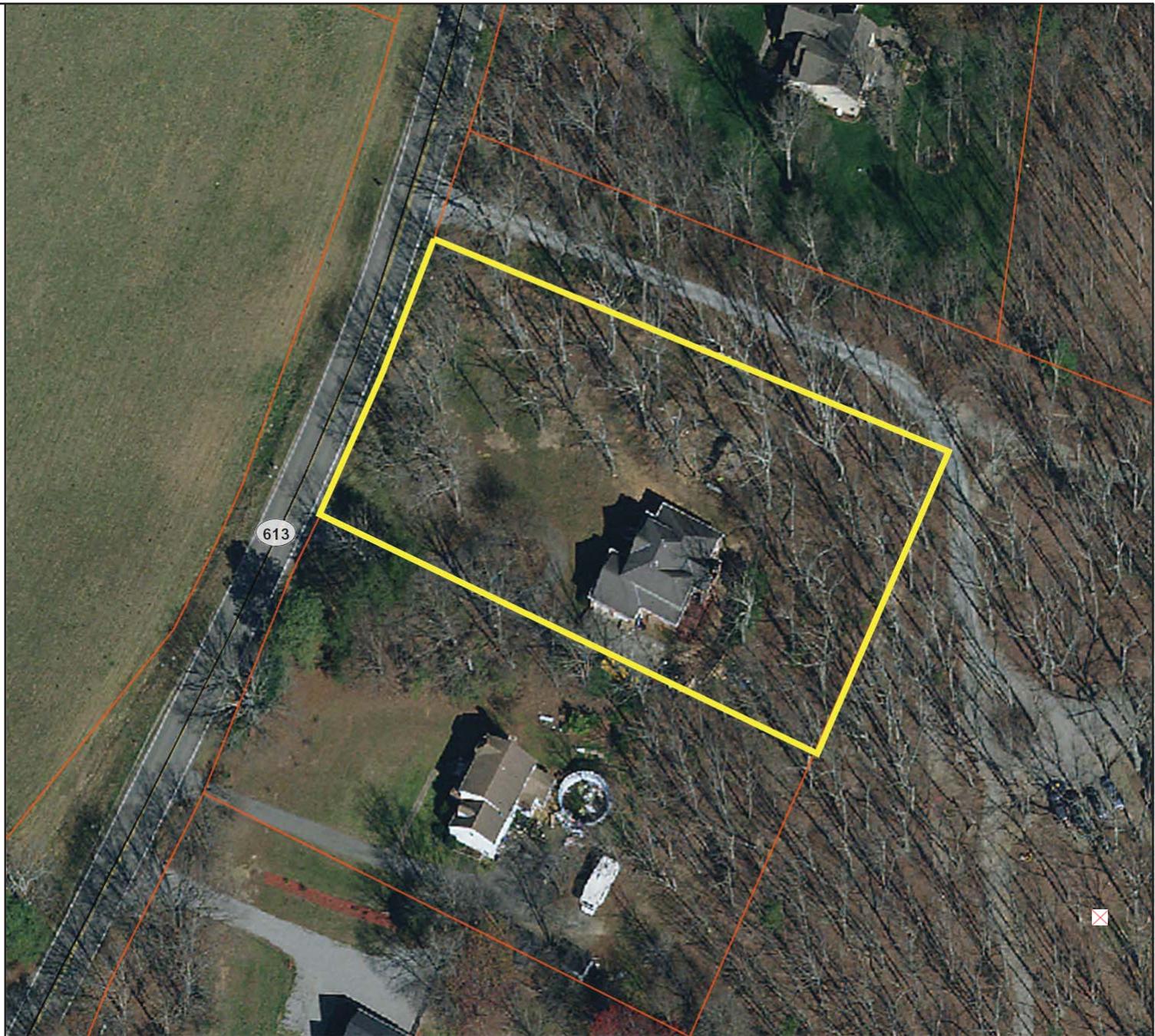
Thanks so much,

Kimberly Payne

Powhatan County

Legend

-  County Boundary
-  Places
-  Parcels
-  Streets Route Numbers



Feet

0 20 40 60 80
1:1,128 / 1"=94 Feet

Title: Case #20-01-CUP: Aerial (Zoomed)

Date: 2/21/2020

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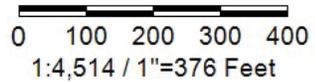
Powhatan County

Legend

-  County Boundary
-  Places
-  Parcels
-  Streets Route Numbers



Feet



Title: Case #20-01-CUP

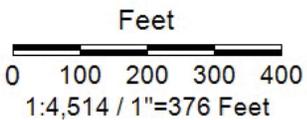
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Powhatan County

Legend

-  County Boundary
-  Places
-  Parcels
- Zoning**
-  Agriculture A-10
-  Agricultural/Animal Confinement
-  Commerce Center Planned Development
-  Commerce Center
-  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
-  Village Center
-  Streets Route Numbers



Title: Case #20-01-CUP: Current Zoning

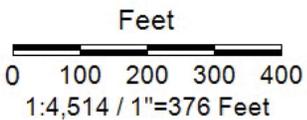
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Powhatan County

Legend

-  County Boundary
-  Places
-  Parcels
-  Streets Route Numbers
-  Crossroads
-  Growth Area Boundaries
-  Rural Enterprise Zone Boundary
- Future Land Use**
-  Public Lands
-  Natural Conservation
-  Rural Preservation
-  Rural Residential
-  Low Density Residential
-  Village Residential
-  Village Center
-  Commerce Center
-  Economic Opportunity
-  Industrial



Title: Case #20-01-CUP: Future Land Use Map

Date: 2/21/2020

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 Planning Commission Agenda Item

Meeting Date: March 3, 2020

Agenda Item Title: **Case #19-06-REZC: Markel Eagle Partners, LLC (District #1: Subletts/Manakin/Flat Rock)** requests the rezoning of Tax Map Parcels #42-55A, 42-55B, 42-57G, 42-72 and a portion of Tax Map Parcel #42-55 from Agricultural-10 (A-10) and General Commercial (C) with proffered conditions (Case #06-14-REZC) to Commerce Center (CC) with proffered conditions and Village Residential Planned Development (VR-PD) with proffered conditions and amendment of the zoning district map of approximately 43.15 acres of land with frontage along the north side of U.S. Route 60 (Anderson Highway) at its intersection with State Route 1101 (Holly Hills Road) and along the south side of State Route 675 (Page Road) at its intersection with State Route 1110 (Old Powhatan Estates), including 1680 Anderson Highway and 1647 Page Road. Approximately 5.06 acres will be rezoned to CC with proffered conditions and approximately 38.09 acres will be rezoned to VR-PD with proffered conditions (Maximum Density: 79 Dwelling Units/2.07 Dwelling Units Per Acre). Proffered conditions associated with the proposed CC zoning district address building materials, parking lot surfacing, and shared access. Proffered conditions associated with the proposed VR-PD zoning district address adherence to a master plan, maximum residential densities (up to 79 single-family dwelling units), perimeter buffers, stormwater management, transportation improvements, provision of age-restricted units, and cash proffers. The 2019 Long-Range Comprehensive Plan designates the subject properties as Commerce Center and Village Residential (Route 60 Corridor East Special Area Plan) on the Countywide Future Land Use Plan, with maximum recommended densities in the Village Residential land use designation being four dwelling units per acre.

Motion: *Rezoning Request*

In accordance with Article II of the Powhatan County Zoning Ordinance and public necessity, convenience, general welfare, and good zoning practice, the Powhatan County Planning Commission recommends (*approval / denial / deferral*) of the request submitted by Markel Eagle Partners, LLC to rezone approximately 43.15 acres of land from Agricultural-10 (A-10) and General Commercial (C) to Village Residential Planned Development (VR-PD) and Commerce Center (CC) with proffered conditions.

Waiver Request (Intersection Spacing Standards)

In accordance with Sec. 68-175(e)(5)(d) of the Powhatan County Subdivision Ordinance, the Powhatan County Board of Supervisors (*approves / denies / defers*) the request submitted by Markel Eagle Partners, LLC for a waiver from local intersection spacing requirements set forth in Table 68-175(e)(5)d, allowing a new entrance to be constructed along U.S. Route 60 (Anderson Highway) that aligns with State Route 1101 (Holly Hills Road), with the following condition:

1. The existing entrance to Tax Map Parcel #42-73A (1650/1664 Anderson Highway) shall be reconfigured to be a right-in only access point. Egress shall be provided via a new connection to the proposed collector road within the Donnelly Creek subdivision.

If Planning Commission members have questions, please call the staff / contact prior to the meeting.

Dates Previously Considered by PC: Workshop: August 6, 2019
 Workshop: September 3, 2019
 Public Hearing: November 6, 2019 (Deferred for 60 Days: 4 – 0)
 Public Hearing: January 7, 2020 (Deferred for 60 Days: Applicant Request)

Summary of Item: Markel Eagle Partners, LLC is requesting the rezoning of several properties with frontage along the north side of U.S. Route 60 (Anderson Highway) at its intersection with State Route 1101 (Holly Hills Road) and along the south side of State Route 675 (Page Road) at its intersection with State Route 1110 (Old Powhatan Estates).
 The project totals approximately 43.15 acres, with the applicant requesting that:

- Approximately 38.09 acres be rezoned to Village Residential Planned Development (VR-PD) with proffered conditions, accommodating up to 79 dwelling units (age-restricted, single-family detached dwellings).
- Approximately 5.06 acres be rezoned to Commerce Center (CC) with proffered conditions, accommodating commercial development.

A neighborhood meeting regarding this request was held on July 1, 2019.
 This request was discussed at workshops on August 6, 2019 and September 3, 2019.
 A public hearing was held on November 6, 2019. This request was deferred for 60 days, with the public hearing continued to January 7, 2020. On January 7, 2020, the Planning Commission accepted the applicant’s request to defer Case #19-06-REZC for sixty (60) days.

Staff Recommendation: The Department of Community Development recommends **approval** of the rezoning request and the waiver request (intersection spacing standards).

Attachments: Staff Report
 Application

Staff/Contact: Andrew Pompei: Planning Director
 (804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.



19-06-REZC

Markel Eagle Partners, LLC

Request to Rezone Tax Map Parcels #42-55A, 43-55B, 42-57G, 42-72 and
a Portion of Tax Map Parcel #42-55
from Agricultural-10 (A-10) and General Commercial (C) with Proffered Conditions
to Village Residential Planned Development (VR-PD) with Proffered Conditions
and Commerce Center (CC) with Proffered Conditions

Staff Report Prepared for the Planning Commission
March 3, 2020

I. PUBLIC MEETINGS

Neighborhood Meeting	July 1, 2019	
Planning Commission	August 6, 2019	Workshop
	September 3, 2019	Workshop
	October 1, 2019	Deferred by Applicant
	November 6, 2019	Public Hearing (Deferred for 60 Days: 4 – 0)
	January 7, 2020	Public Hearing (Continued) (Deferred for 60 Days: Applicant Request)
	March 3, 2020	Public Hearing (Continued)

II. GENERAL INFORMATION

Request	Rezone to Village Residential Planned Development (VR-PD) (38.09 acres) with Proffered Conditions and Commerce Center (CC) with Proffered Conditions (5.06 acres)
Existing Zoning	Agricultural-10 (A-10): 38.09 acres General Commercial (C) with Proffered Conditions (Case #06-14-REZC): 5.063 acres
Parcel ID#	42-55A, 43-55B, 42-57G, 42-72, and 42-55 (Part)
Total Area	43.15
Proposed Density	79 Residential Units Maximum (VR-PD Portion: 38.09 acres) (2.07 units per acre in VR-PD)
Applicant	Markel Eagle Partners, LLC
Applicant Rep.	Ricky Core/Nathalie Croft (Markel Eagle Partners, LLC)
Owners	Sprouses Corner LLC, New Ventures Real Estate LLC, and Dorothy M. Brown

Location of Property 1647 Page Road and 1680 Anderson Highway
 Properties have frontage along the north side of U.S. Route 60 (Anderson Highway) at its intersection with State Route 1101 (Holly Hills Road) and along the south side of State Route 675 (Page Road) at its intersection with State Route 1110 (Old Powhatan Estates)

Electoral District (1) Subletts/Manakin/Flat Rock

2019 Land Use Plan Village Residential and Commerce Center
 Recommendation (Route 60 Corridor East Special Area Plan)

III. EXECUTIVE SUMMARY

The applicant is requesting approval to rezone approximately 43.15 acres in eastern Powhatan County to Village Residential Planned Development (VR-PD) with proffered conditions and Commerce Center (CC) with proffered conditions. The properties are located north of the intersection of U.S. Route 60 (Anderson Highway)/State Route 1101 (Holly Hills Road) and south of the intersection of State Route 675 (Page Road)/State Route 1110 (Old Powhatan Estates). A portion of the property along U.S. Route 60 (Anderson Highway) would accommodate commercial development (5.06 acres), with the remainder of the site (38.09 acres) developed as an age-restricted residential neighborhood with up to 79 single-family dwellings.

IV. PROPERTY DESCRIPTION

Location

The proposed project, which totals approximately 43.15 acres, is located between U.S. Route 60 (Anderson Highway) and State Route 675 (Page Road) in eastern Powhatan County. The properties have frontage on U.S. Route 60 (Anderson Highway) north of its intersection with State Route 1101 (Holly Hills Road) and along State Route 675 (Page Road) south of its intersection with State Route 1110 (Old Powhatan Estates).

Existing Conditions

Parcel (Tax Map #)	Acreage	Existing Conditions
42-55	24.03 (13.86 acres part of zoning case)	This parcel includes an existing single-family dwelling (1647 Page Road). It is mostly wooded, with open areas along State Route 675 (Page Road). An intermittent stream (a tributary to Swift Creek) flows from north to south through the property. Only 13.86 acres of this parcel are included within the zoning request. The remaining 10.17 acres [which are located along State Route 675 (Page Road) and include the existing single-family dwelling] would remain zoned A-10.
42-55A	6.36	This parcel remains undeveloped and wooded, with frontage along State Route 675 (Page Road).
42-55B	6.35	This parcel remains undeveloped and wooded, with frontage along State Route 675 (Page Road).

Parcel (Tax Map #)	Acreage	Existing Conditions
42-57G	11.25	This parcel remains undeveloped and wooded, with frontage along State Route 675 (Page Road) south of its intersection with State Route 1110 (Old Powhatan Estates).
42-72	5.06	This parcel includes an existing single-family dwelling (1680 Anderson Highway) and associated outbuildings. It includes a mix of wooded and open areas, with an existing driveway off of U.S. Route 60 (Anderson Highway).

Surrounding Properties

Direction	Zoning	Uses
North	Single-Family Residential-2 (R-2) Agricultural-10 (A-10)	<ul style="list-style-type: none"> • Vacant Properties • Single-Family Dwellings in Old Powhatan Estates (Lots 1 – 3 Acres) and along State Route 675 (Page Road)
South	Agricultural-10 (A-10) Commerce Center (CC)	<ul style="list-style-type: none"> • Church • Commercial/Office Uses along U.S. Route 60 (Anderson Highway) • Single-Family Dwellings along State Route 1101 (Holly Hills Road)
East	Agricultural-10 (A-10) Commerce Center (CC)	<ul style="list-style-type: none"> • Vacant Properties • Single-Family Dwelling along State Route 675 (Page Road) • Commercial Uses (Powhatan Professional Center)
West	Agricultural-10 (A-10)	<ul style="list-style-type: none"> • Vacant Properties • Single-Family Dwelling along State Route 675 (Page Road)

V. PROJECT ANALYSIS

Current Zoning

Four of the subject properties (Tax Map Parcels #42-55, 42-55A, 43-55B, and 42-57G) are currently zoned Agricultural-10 (A-10).

Tax Map Parcel #42-72 is zoned General Commercial (C) with proffered conditions (Case #06-14-REZC: Approved November 9, 2006).¹

¹ Proffered conditions associated with Case #06-14-REZC address adherence to a conceptual plan; right-of-way dedication; roadway improvements; permitted uses; cross access; provision of underground utilities; required setbacks; and development of a fire protection plan.

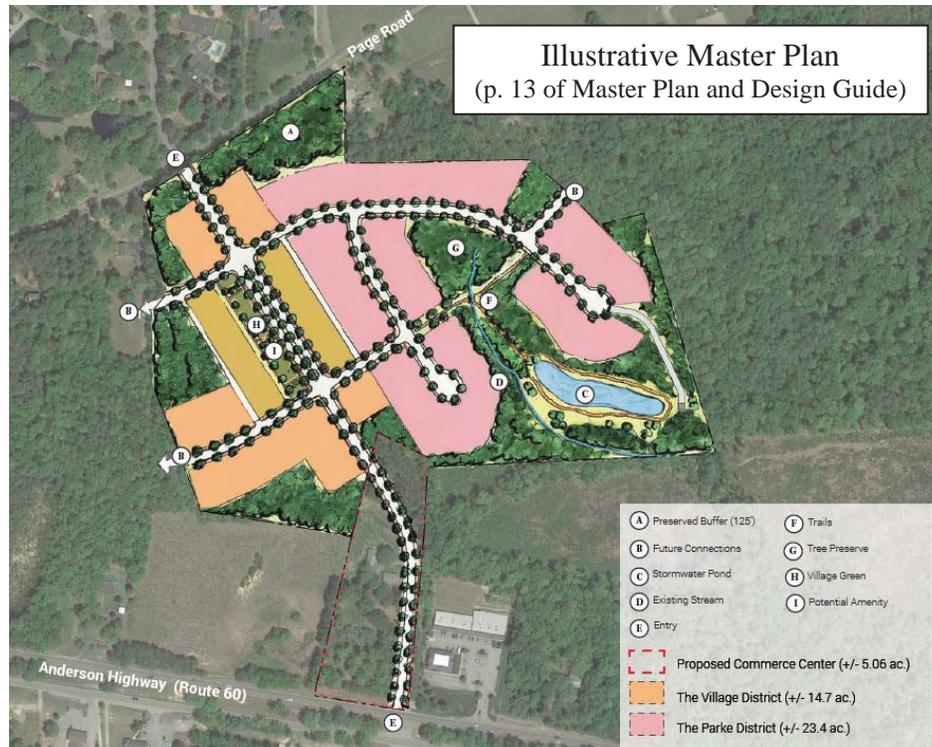
Proposed Project

The applicant is proposing to rezone the properties to VR-PD with proffered conditions and CC with proffered conditions to accommodate residential and commercial development:

- 38.09 acres adjacent to State Route 675 (Page Road) would be rezoned to VR-PD with proffered conditions to accommodate up to 79 single-family dwellings with an overall density of 2.07 units per acre. The proposed residential neighborhood would be an age-restricted community.
- 5.06 acres adjacent to U.S. Route 60 (Anderson Highway) would be rezoned to CC with proffered conditions, accommodating commercial development.

The portion of the project zoned VR-PD would include two different lot types:

- *The Village District* would include the smallest lots, with the minimum lot size and lot width dependent upon whether or not there is alley access. Lots with alley access would have a minimum lot width of 40 feet and a minimum lot area of 4,000 square feet, while lots without alley access will have a minimum lot width of 55 feet and a minimum lot area of 7,000 square feet. *The Village District* would include 32 to 40 single-family dwellings.
- *The Parke District* would include 39 to 47 single-family dwellings. Lots would have a minimum lot width of 65 feet and a minimum lot area of 8,000 square feet. Most of these lots would not have alley access, but would have front- or side-loading garages accessing adjacent streets.



Community Character

The subject properties extend from U.S. Route 60 (Anderson Highway) northward to State Route 675 (Page Road), with each of those roadways having a different character.

U.S. Route 60 (Anderson Highway) Corridor

On the north side of U.S. Route 60 (Anderson Highway), most properties are vacant or have single-family dwellings on larger parcels. There is an existing shopping center immediately adjacent to the subject properties.

The south side of U.S. Route 60 (Anderson Highway) is more developed, with a mix of commercial, institutional, and residential uses located along the roadway. Some of these uses are located within Holly Hills, an older residential development.

At this location, most of the median is heavily treed, with trees also lining the roadway.

State Route 675 (Page Road) Corridor

There is low-density residential development along State Route 675 (Page Road). There are existing single-family dwellings on lots ranging from one to three acres. Some of these homes front directly on the roadway, with others located within the Old Powhatan Estates subdivision (Zoned R-2). Farther east, there are larger parcels, with some being vacant and others having existing single-family dwellings.



View of Adjacent Shopping Center East of Subject Properties
(1664/1660 Anderson Highway)

Environment/Natural Resources

Agency Comments: Environmental Review (Powhatan County)

All riparian buffers and setbacks shall be enforced per Sec. 83-471 of the Powhatan County Zoning Ordinance. The development will also be required to adhere to all stormwater management design criteria.

On-Site Natural Resources

An intermittent stream (a tributary to Swift Creek) flows from north to south through a portion of the subject properties. Some wetlands are located adjacent to the intermittent stream. In accordance with Sec. 83-471(a), protected riparian buffers are required adjacent to wetlands, intermittent streams, and perennial streams.² The master plan shows that the intermittent streams and associated wetlands will be located within preserved open space.

Most of the subject properties are forested.

There is varied topography on the subject properties. Per GIS, elevations range from approximately 344 feet in the southwestern portion of Tax Map Parcels #42-55B and 42-57G to approximately 292 feet in the far southeastern corner of the proposed project (where the intermittent stream joins another tributary to Swift Creek). Based on analysis of public GIS data, 6.59 percent of the total area includes steep slopes (primarily near an intermittent stream).

Stormwater Management

The conceptual plan shows the general location of a proposed stormwater management pond, which will be positioned in the southeastern corner of the proposed project. Per the master plan and proffered conditions, the stormwater management pond will be designed to serve as an amenity, with a fountain and surrounding pedestrian trails. A portion of the stormwater management pond may encroach into a riparian buffer located adjacent to an intermittent stream.³ Prior to subdivision approval, a stormwater management plan will need to be submitted and approved by the Virginia Department of Environment Quality (DEQ) to ensure that the necessary infrastructure is in place to control the quantity and quality of runoff.

² Sec. 83-471(a) requires that riparian buffers at least 50 feet wide be provided adjacent to wetlands and intermittent streams and at least 100 feet wide along perennial streams.

³ Per Sec. 83-471(a)(5)(d) stormwater management facilities and sediment and erosion control devices may be located within riparian buffers, where determined to be necessary by the Planning Director.

Transportation

Agency Comments: Virginia Department of Transportation (VDOT)

A full response from VDOT (letter dated October 22, 2019) is included as Attachment #6. Excerpts are below:

- The Virginia Department of Transportation (Department) has reviewed the resubmitted traffic study, dated October 9, 2019 for the proposed Donnelly Creek site along the north side of Anderson Highway (US 60), adjacent to the Powhatan Professional Center, and across from the intersection of Holly Hills Road (Route 1101), and the responses to the original review comments. Based on the comment responses, the Department finds that the revised report conforms to the requirements of a traffic impact analysis in regard to the accuracy of the methodologies, assumptions, and conclusions presented in the analysis (p. 1).
- The proposed site will construct a new road between Anderson Highway and Page Road, intersecting each road at the following locations:

- Existing Anderson Highway Intersection with Holly Hills Road (Route 1101)
- Existing Page Road intersection with Old Powhatan Estates (Route 1110)

Both existing intersections are three-legged intersections that will be converted to four-legged intersections with the construction of this new site access road. Along US 60, the applicant is proposing the following turn lane enhancements at the intersection to mitigate site traffic:

- Extend the existing eastbound left turn lane storage from 100 feet to 325 feet.
- Extend the existing westbound right turn lane storage from 175 feet to 450 feet.

Turn lane warrants were analyzed for both right and left turn lanes on Page Road at the intersection with Old Powhatan Estates and the proposed site access road. The report demonstrates that the projected site traffic in the build out year of 2025 does not meet either the Department or Powhatan County turn lane warrants at this intersection. As a result of the turn lane warrant analysis, no turn lanes are proposed at this intersection (p. 1).

- The proposed turn lane enhancements on US 60 will mitigate the proposed site traffic impact on the build out year traffic. The projected LOS F for the Holly Hills Road and the Proposed Site Access Road are typical of unsignalized street connections to high volume four-lane divided highways, such as US 60 (p. 3).

Local Road Network

The subject properties have frontage on U.S. Route 60 (Anderson Highway) and State Route 675 (Page Road).

Roadway Characteristic	State Route 675 (Page Road)	U.S. Route 60 (Anderson Highway)
Functional Classification: VDOT	Major Collector	Other Principal Arterial ⁴
Functional Classification: Powhatan Co. Major Thoroughfare Plan	Rural Collector (Existing)	Major Arterial (Existing)
Traffic Volume Estimates (VDOT: 2017)	720 ⁵	34,000

Traffic Analysis

Green Light Solutions, Inc. prepared a traffic assessment (revised October 9, 2019: Attachment #4) to analyze potential impacts the proposed project may have on the local transportation network. This analysis studied existing peak hour traffic conditions and anticipated peak hour conditions in 2025 (with already-approved developments and with the proposed development).

Per the traffic assessment, the following issues are occurring under existing traffic conditions:

“Analysis of the existing peak hour traffic conditions indicates that the northbound left-right movement at the intersection of U.S. 60 and Holly Hills Road is operating at unacceptable levels of service. Analysis indicates that all proposed site access movements are expected to work at acceptable levels of service except for the southbound left-through movement at the intersection of U.S. 60 and Holly Hills Road/Site Access #1” (Traffic Assessment: p.1).

Per the traffic assessment, the following issues are expected at buildout (2025):

“Analysis of buildout peak hour traffic conditions (background, approved development, and site volumes) indicates that all study area traffic movements are expected to operate at acceptable levels of service expect for the southbound and northbound side street movements at the intersection of U.S. 60 and Holly Hills Road/Site Drive #1. Due to significant peak hour through volumes on U.S. 60,

⁴ U.S. Route 60 (Anderson Highway) between U.S. Route 522 (Maidens Road) and the Chesterfield County line is part of VDOT’s Arterial Preservation Network. For roadways that are part of this network, VDOT aims to implement innovative strategies aimed at adding capacity, improving safety, and minimizing delays for through traffic.

⁵ Traffic volumes are from 2017 and represent the segment of State Route 675 (Page Road) between its western intersection with U.S. Route 60 (Anderson Highway) and State Route 635 (Manakintown Ferry Road).

side street movements do not have sufficient gaps in traffic flow to provide for acceptable operations” (Traffic Assessment: p. 2).⁶

Based on this analysis, the study recommends the following improvements if the proposed development is constructed (Traffic Assessment: p. 2):

- Extend the existing eastbound left-turn lane [from U.S. Route 60 (Anderson Highway)] from its existing 100 foot storage length to a 325 foot storage length.
- Extend the existing westbound right-turn lane [from U.S. Route 60 (Anderson Highway)] from its existing 175 foot storage length to a 450 foot storage length.
- As part of right-turn lane improvements, it is recommended to restrict existing right-turn egress movements from Powhatan Professional Center and to provide internal access to Powhatan Professional Center, so that all egress (exit) movements from the existing commercial site can use the planned entrance to Donnelly Creek (the proposed development).

Two proffered conditions (Proffered Condition #9: VR-PD and Proffered Condition #4: CC) address recommendations made in the traffic assessment.

Site Entrances: Spacing and Improvements

The proposed development will have two entrances:

- Entrance #1:
U.S. Route 60 (Anderson Highway) at State Route 1101 (Holly Hills Road)
- Entrance #2:
State Route 675 (Page Road) at State Route 1110 (Old Powhatan Estates)

Sec. 68-170(b)(7) of the Powhatan County Subdivision Ordinance requires that subdivisions with 50 to 249 lots have at least two vehicular access points.

Three stub roads are shown on the Conceptual Master Plan, accommodating future connections to adjacent vacant parcels (should they develop).⁷ Two stub roads would connect with future development to the west, while one stub road would accommodate any future development to the east. The applicant has also proffered to dedicate right-of-way to Tax Map #42-74 and to construct a connection to Tax Map Parcel #42-73A from the planned collector road (CC: Proffered Condition #4).

Due to existing commercial development (and an associated existing entrance), one modification to local intersection spacing requirements [Table 68-175(e)(5)(d)] would need to be approved to permit a proposed entrance, in accordance with Sec. 68-175(e)(5)(d) (revised January 28, 2019). The proposed entrance from U.S. Route 60 (Anderson Highway) at State Route 1101 (Holly Hills Road) does not meet minimum

⁶ The traffic assessment did not only consider existing and approved developments, but also includes an analysis that considers the previously-proposed Ellis Farm development, which was reviewed by the Board of Supervisors on October 28, 2019 and denied (Case #19-03-REZC). Since the traffic assessment was originally submitted, the proposed development has changed (per proffered conditions) from including conventional single-family detached dwellings to being an age-restricted community. With this change, fewer daily and peak hour trips are expected (Attachment #5).

⁷ Sec. 68-175(e)(6) of the Powhatan County Subdivision Ordinance requires that stub roads be provided to adjacent undeveloped parcels.

spacing requirements from an existing commercial entrance. A written request for this modification is included as Attachment #6.

Proposed Entrance	Conditions Necessitating Modification
<p>Proposed Entrance: U.S. Route 60 (Anderson Highway) at State Route 1101 (Holly Hills Road)</p>	<p>The proposed entrance aligns with an existing crossover, but is only 245 feet west of an existing commercial entrance to 1660/1664 Anderson Highway (Tax Map Parcel #42-73A). Per Table 68-175(e)(5)(d), minimum intersection spacing is 625 feet.</p> <p>Per Proffered Condition #4 (CC), the applicant will provide Tax Map Parcel #42-73A with access to the proposed entrance road, allowing motorists to travel between the proposed and existing development.</p> <p>Per the waiver request, the applicant has indicated that the existing entrance to Tax Map Parcel #42-73A will be reconfigured to be right-in only.</p>

Major Thoroughfare Plan

The Major Thoroughfare Plan (2019 Long-Range Comprehensive Plan: Chapter 9), establishes guidance regarding long-term development of the local transportation network. Per that plan, three major thoroughfares bisect or are adjacent to the subject properties:

- *State Route 675 (Page Road)*

Major Thoroughfare Plan: No specific improvements are listed along State Route 675 (Page Road), but the document recommends that roads designated as Rural Collectors have an ultimate right-of-way of at least 70 feet.

Proposed Improvements: The applicant is not proposing any specific improvements to State Route 675 (Page Road). If this request is approved, VDOT will review the proposed entrance at the time of preliminary plat approval to determine if additional improvements are required. Based on the traffic assessment, turn lanes are not warranted at the proposed entrance from State Route 675 (Page Road) (Traffic Assessment: p. 2 and Appendix G).

- *U.S. Route 60 (Anderson Highway)*

Major Thoroughfare Plan: There are no specific improvements recommended for the intersection of U.S. Route 60 (Anderson Highway)/State Route 1101 (Holly Hills Road), but there is general language stating that Powhatan County should improve U.S. Route 60 countywide by realigning intersections, modifying signals, and adding turn lanes as needed (Map ID 22: p. 138).

Proposed Improvements: A proposed entrance will align with State Route 1101 (Holly Hills Road).

The applicant has proffered to extend the existing left-turn lane from U.S. Route 60 (Anderson Highway) eastbound into the proposed development, as recommended in the traffic analysis (Proffered Condition #9: VR-PD). The existing left-turn lane has

100 feet of storage, with the applicant proposing to extend the turn lane to include 325 feet of storage. This improvement would be completed prior to issuance of the first residential Certificate of Occupancy (CO) within the development.

The applicant would install a right-turn lane from U.S. Route 60 (Anderson Highway) westbound into the proposed development by extending the existing turn lane accessing 1660/1664 Anderson Highway. That turn lane will have 450 feet of storage and will be completed prior to issuance of the first residential CO within the development.

- *Proposed Collector Road*

Major Thoroughfare Plan: A proposed two-lane rural collector (New Collector #5: Map ID) is shown on the Major Thoroughfare Plan as a future connection between U.S. Route 60 (Anderson Highway) and State Route 675 (Page Road) through the subject properties. Construction of this future connection is identified as a short-term priority, recommending that construction occur within the next ten years.⁸ Its completion will help create an interconnected road network with the Route 60 Corridor East Special Area Plan, aligning with Strategy TR.2.c of the 2019 Long-Range Comprehensive Plan.⁹

Proposed Improvements: The applicant is proposing construction of a two-lane collector road through the development, a portion of which will be divided by a median.

The applicant has proffered to construct a new driveway connecting the proposed collector road to Tax Map Parcel #42-73A (Proffered Condition #4: CC).

The applicant has proffered to dedicate right-of-way connecting the proposed collector road to Tax Map Parcel #42-74 (Proffered Condition #4: CC).

Pedestrian Mobility

In accordance with the master plan, the pedestrian network will consist of on- and off-road accommodations:

- Sidewalks will be provided on both sides of streets within *The Village District*. Within *The Parke District*, sidewalks will be located on one side of every street (Master Plan: p. 18, 24, and p. 27).
- Sidewalks will line both sides of the entrance road from State Route 675 (Page Road) to U.S. Route 60 (Anderson Highway), providing connections to adjacent residential neighborhoods and commercial uses.¹⁰
- A network of pedestrian pathways and trails will be provided throughout preserved open space.

Pathways and sidewalks create an interconnected pedestrian network within the development. This infrastructure will help provide safe and comfortable accommodations for those walking to destinations within the development, aligning with recommendations

⁸ See Table 13: Major Thoroughfare Plan Project List (bottom of p. 137).

⁹ Strategy TR.3.a recommends that Powhatan County “promote connectivity of secondary roadways as shown on the Major Thoroughfare Plan to reduce the traffic load on major arterials throughout the county” (p. 131).

¹⁰ No sidewalks are proposed along State Route 675 (Page Road) or U.S. Route 60 (Anderson Highway).

made in the 2019 Long-Range Comprehensive Plan. Strategy TR.5.a states that Powhatan County should “encourage pedestrian and bicycle improvements, especially in new developments, to enhance walkability and provide valuable recreation and health benefits” (p. 132). These improvements also seem to align with requirements set forth in Sec. 68-175(g) (Pedestrian Access and Circulation).

Utilities and Public Infrastructure

Agency Comments: Department of Public Works (Powhatan County)

The subject properties [Tax Map Parcels #42-55A, 43-55B, 42-57G, 42-72, and 42-55 (Part)] are located within the Water and Wastewater Service District. By ordinance, new development will be required to connect to public utilities. The applicant has proposed connecting to public water and sewer, which will require the extension and dedication of the utilities (including the construction of a public pump station, built to DPW’s specifications, and the dedication of the associated easements and land for the public utilities by the developer). The 79 residential units would be assessed water and sewer connection fees in the amount of \$963,800 using Powhatan County’s current fee schedule.

Agency Comments: Virginia Department of Health

No objections to this request.

Water Capacity

- Per an agreement with Chesterfield County, Powhatan County may purchase up to 572,000 gallons of water per day to serve its customers.
- As of May 2019, there are 105 accounts purchasing public water. Five (5) of those accounts are residential customers, with the remaining being schools, commercial and irrigation accounts.
- Combined, those 105 accounts use an average of 30,000 gallons per day, with Powhatan County Public Schools using an average of 7,000 gallons per day.
- Powhatan County currently purchases 203,000 gallons per day, flushing approximately 165,000 gallons per day to maintain water quality.
- Existing residential customers use an average of 158 gallons per day. If the proposed dwellings use the same amount, the residential portion of the project (79 residential units) will use an estimated 12,482 gallons per day.

Sewer Capacity

- The eastern portion of Powhatan County’s Water and Sewer Service Area is served by the Dutoy Waste Water Treatment Plant, which is owned and operated by Powhatan County.
- Dutoy Creek’s WWTP currently operating with an average flow of 0.039-0.043 MGD and has a maximum design flow of 0.125 MGD.
- Dutoy Creek’s DEQ Permit will require additional testing requirements when the average design flow exceeds 0.050 MGD.

- The Department of Public Works will require that any proposed pump station be sized/designed to local specifications, so that it can adequately serve not only the proposed development, but the entire sewer service drainage basin within the existing Water and Wastewater Service District (as existing grades dictate). The pump station (and the site of the pump station) must be dedicated to Powhatan County by the developer.

Public Safety

Agency Comments: Sheriff's Office (Powhatan County)

No comments at this time.

Agency Comments: Fire Department (Powhatan County)

Reviewed and there are no concerns with this proposal.

Fire/Rescue

The nearest fire station/rescue squad is Huguenot Volunteer Fire Department, which is located approximately 1.6 miles away. Currently, that facility has one career employee, who is supplemented by volunteers. In ideal conditions, response time would be approximately eight (8) minutes.

Based on an average of 0.28 calls per dwelling per year, it is estimated that this development will generate 23 calls for Fire/EMS services annually:

- Approximately 80% of calls are for EMS services, with Powhatan County recouping most of these costs from insurance providers.
- Due to the time and resources necessary to adequately respond, structure fires are generally more costly to respond to than other types of emergencies. Each year, 10 to 20 structure fires occur countywide (0.001 per dwelling). Based on the anticipated number of dwellings, it is estimated that Powhatan County will respond to one structure fire every 10 years within the development.

If this request is approved, the Fire Marshal will review the subdivision plat to ensure that the final design includes an appropriate number of hydrants and is designed to provide adequate emergency access to structures.

Public Schools

The applicant has proffered that any dwellings within the proposed development will “be restricted to ‘housing for older persons’ and shall comply with the Virginia Fair Housing Act (Virginia Code 39-96.7, as amended)” (Proffered Condition #8: VR-PD). With that restriction, the proposed development will have minimal impacts on Powhatan County Public Schools, as most dwellings will be required to have at least one resident fifty-five years of age or older.

The enrollment and capacity for each school in Powhatan County (as of June 1, 2019) is as follows:

School	Current Enrollment	Total Capacity	% of Capacity	No. of Students Below Capacity
Powhatan Elementary	484	575	84	91
Pocahontas Elementary	723	850	85	127
Flat Rock Elementary	612	760	81	148
Powhatan Middle	1,027	1,200	86	173
Powhatan High	1,385	1,500	92	115

The proposed development is located within attendance zones for Flat Rock Elementary School, Powhatan Middle School, or Powhatan High School.

Development Requirements and Standards

Agency Comments: Building Inspections Department (Powhatan County)

1. All construction will need to meet current USBC code requirements at the time of application.
2. This area is in a moderate shrink/swell area per the Powhatan County GIS system. All new homes within this area will need a soil analysis with an engineered footing design.
3. Road signs will need to be in place prior to any inspection being requested.
4. Other requirements will be established once building plans are submitted to the county.

The Building Department has no comment that would affect this rezoning case. All comments made are towards the application process for the proposed new construction.

Development Review: Next Steps

If this rezoning request is approved, the development will be required to undergo additional administrative review:

- *Preliminary Plat*

A preliminary plat must be submitted to Powhatan County for review for any subdivision involving greater than 50 lots [Sec. 68-110(a)]. Preliminary plat approval authorizes the subdivider to submit an application for construction plans and final plat approval [Sec. 68-109].

Preliminary plats are reviewed by the Department of Community Development to ensure compliance with provisions set forth in the zoning and subdivision ordinances.

- *Final Plat*

A final subdivision plat must be submitted to Powhatan County for review and approval prior to recordation at the Office of the Clerk of the Circuit Court [Sec. 68-110(c)].

Final plats are reviewed by the Department of Community Development to ensure compliance with provisions set forth in the zoning and subdivision ordinances.

- *Site Plan Approval*

Prior to issuance of a building permit for commercial development (within the portion of the property proposed to be zoned CC), the applicant will be required to submit a site plan(s) for review and approval [Sec. 83-123(g)].

All site plans are evaluated to ensure that proposed development adheres to standards set forth in Article VIII (Development Standards) of the zoning ordinance. These standards address several components of the development, including:

- Vehicular Access and Circulation [Sec. 68-175(e)];
- Off-Street Parking and Loading [Sec. 83-455];
- Landscaping and Buffers [Sec. 83-461];
- Exterior Lighting [Sec. 83-469];
- Open Space [Sec. 83-470];
- Institutional, Commercial, and Mixed-Use Development Standards [Sec. 83-477] and
- Signage [Sec. 83-488].

Site plan applications are reviewed by the Department of Community Development. A *Development Design Pattern Book* will need to be approved by the Planning Commission prior to site plan approval for any commercial buildings [Sec. 83-477(f)(2)].

Fiscal Impacts

The applicant submitted a fiscal impact analysis, which studies per capita expenditures (based upon the FY 2020 budget) and estimates local tax revenues (personal property tax and real estate tax) per household. This analysis estimates that each age-restricted unit within the development will require \$3,302 in public services annually, but generate \$3,685 in local revenue annually (positive fiscal impact of \$383 annually per age-restricted unit). Estimated fiscal impacts for the commercial component of the project were not analyzed (Attachment #13).

VI. COMPREHENSIVE PLAN ANALYSIS

Countywide Future Land Use Plan

The *2019 Long-Range Comprehensive Plan* designates the subject properties as *Village Residential* and *Commerce Center*. The subject properties are within the Route 60 Corridor East Special Area Plan (p. 119) (Attachment #8).

Land Use: Village Residential

Tax Map Parcels #42-55, 42-55A, 42-55B, and 42-57G are designated *Village Residential* in the *2019 Long-Range Comprehensive Plan*. This land use designation is described as follows (p. 84):

Village Residential generally applies to large areas of land that could be developed under a unified planned development. Village Residential recommends thoughtful design to provide a variety of housing options in a layout that respects the low-intensity, single-family character of adjacent rural areas, while providing slightly more intense development. The gross density in these areas may vary within each growth area (special area plan) between one-half and four units per acre and could include single-family detached, single-family attached, and three- to four-unit multi-family buildings. The average lot size would range between one-fourth acre and two acres.

The primary location for Village Residential is near the courthouse in the Courthouse Village, Route 711 Village, and along eastern portions of the Route 60 Corridor. Village Residential represents the residential-only neighborhood component of a complete village and is often developed near a Village Center.

The following uses are recommended within areas designated *Village Residential* (p. 84):

- Single-Family Detached Residential with Accessory Residential Structures
- Two- to Four-Family Residential Structures
(Examples: Apartments, Condominiums, Townhouses)
- Bed and Breakfasts
- Public and Institutional Uses
(Examples: Schools, Churches, and Community Centers)
- Parks and Recreation
- Village Center uses may be appropriate as part of a master plan.

Within areas designated *Village Residential*, the applicant is proposing detached single-family dwellings. This generally aligns with specific recommendations for areas designated *Village Residential* within the Route 60 Corridor East Special Area Plan. Within that growth area, projects designated *Village Residential* “should include detached single-family dwellings and two- to four-family residential structures (apartments, condominiums, townhouses, etc.) within developments designed as traditional neighborhoods” (p. 118).

VR-PD is as an appropriate zoning district within areas designated *Village Residential*.

Below is an analysis of how the conceptual master plan and development standards relate to recommended design elements for areas designated *Village Residential*:

Design Element	Adherence to Design Recommendations (Yes/No)	Analysis
Min. Project Size	Yes	The comprehensive plan recommends that projects within areas designated <i>Village Residential</i> be at least 20 acres in area. The residential portion of the proposed project is 38.09 acres.
Residential Densities	Yes	Recommended residential density for projects within areas designated <i>Village Residential</i> is 0.5 units/acre to 4 units/acre. This development will have 2.07 units/acre.
Mix of Uses	Yes	The portion of the project designated <i>Village Residential</i> will be used only for residential purposes, as recommended within the comprehensive plan. All of the homes will be detached single-family dwellings.
Minimum Open Space	Yes	Per the application, at least 25% of the site will be dedicated to open space.
Open Space Features	Yes	<p>Two separate parks are proposed:</p> <ul style="list-style-type: none"> • The <i>Village Green</i> (approximately 0.75 acres) will serve as a central gathering space with sidewalks, benches, and landscaping. • <i>Donnelly Park and Preserve</i> (approximately 7 acres) will include pedestrian trails, a stormwater management pond with a fountain, and conservation areas (including wetlands and an intermittent stream). <p>Additional open space will be preserved within perimeter buffers.</p> <p>A network of sidewalks and pedestrian trails connect these parks to residential areas.</p>

Design Element	Adherence to Design Recommendations (Yes/No)	Analysis
Landscaping and Buffers	Yes	<p>A buffer at least 125 feet in width will be provided adjacent to State Route 675 (Page Road), buffering residences from an adjacent major thoroughfare and providing a transition between the proposed development and larger lots in adjacent subdivisions located to the north (VR-PD: Proffered Condition #7).</p> <p>VR-PD: Proffered Condition #3 requires that a Type A buffer be planted and maintained on lots that are directly adjacent to parcels that are outside of the development.</p>
Environmental Design	Some Recommendations (Not All)	<p>The master plan shows the general location of stormwater management facilities.</p> <p>There is no indication that exceptional environmentally-friendly features will be incorporated into the development.</p>
Transportation Network	Yes	<p>There is generally an interconnected street network, where topography allows. Generally due to the presence of streams, two permanent cul-de-sacs are planned.</p> <p>Stub roads are provided to accommodate future connections to surrounding development.</p> <p>Traffic calming measures (such as the landscaped median) are planned to slow vehicular traffic and create a pedestrian-friendly environment.</p> <p>Sidewalks will be provided on both sides of streets within <i>The Village District</i>. Within <i>The Parke District</i>, sidewalks will be located on one side of every street.</p> <p>A network of trails will be located within dedicated open space, improving pedestrian connectivity.</p>
Utilities and Infrastructure	Yes	<p>The project will be served by public water and sewer.</p> <p>VR-PD: Proffered Condition #5 offers cash contributions to offset potential impacts on public roads, public safety facilities, and parks.</p>

Design Element	Adherence to Design Recommendations (Yes/No)	Analysis
Community Character	Yes	<p>Some dwellings will have rear-loading garages accessible from an alley, creating a pedestrian-friendly streetscape. Front-facing garages are required to be set back from the primary façade of the home (or a porch).</p> <p>While there are no proffered conditions related to building facades and materials, page 15 of the <i>Master Plan and Design Guide (Home Inspiration and Vision)</i> shows traditional-style single-family dwellings with front porches and stoops.</p>
Other Components	Yes	<p>The site will be developed in accordance with a master plan.</p> <p>Residential units will be in close proximity to planned parks/open space and commercial areas.</p>

Land Use: Commerce Center

Tax Map Parcel #42-72 is designated *Commerce Center* in the *2019 Long-Range Comprehensive Plan*. This land use designation is described as follows (p. 96):

Commerce Centers should be established at targeted locations along the Route 60 Corridor to accommodate business and industrial development in a location conducive to both the local and regional markets. Commerce Centers should be well designed to accommodate these uses in a manner that has limited impact on the surrounding development, including but not limited to sustainable stormwater management practices, local roads, and open spaces.

The following uses are recommended within areas designated *Commerce Center* (p. 96):

- Offices
- Large-Scale Commercial/Retail
- Services
- Clean Manufacturing
- Distribution
- Warehousing
- Institutional Uses
- Parks, Open Space, Recreation

Within areas designated *Commerce Center*, the applicant is proposing that a variety of commercial uses be permitted.

CC is listed as an appropriate zoning district within areas designated *Commerce Center*.

Below is an analysis of how the conceptual master plan and development standards relate to recommended design elements for areas designated *Commerce Center*:

Design Element	Adherence to Design Recommendations (Yes/No)	Analysis
Min. Project Size	No	<p>The comprehensive plan recommends that projects within areas designated <i>Commerce Center</i> be at least 30 acres in area. The commercial portion of the proposed project is 5.06 acres.</p> <p>The portion of the proposed project requesting rezoning to CC is adjacent to another property zoned CC (Tax Map Parcel #42-73A: 2.75 acres) that is developed with commercial uses and is under common ownership.</p>
Residential Densities	Yes	No residential units are proposed in areas designated <i>Commerce Center</i> , in accordance with recommendations made in the 2019 Long-Range Comprehensive Plan.
Mix of Uses	Yes	If this request is approved, only commercial uses would be permitted in areas designated <i>Commerce Center</i> .
Minimum Open Space	Yes (Ordinance Requirement)	<p>Any site plan submitted would have to adhere to requirements for open space set forth in Sec. 83-470 of the zoning ordinance.</p> <p>No details are provided regarding the specific location of the planned open space within the portion of the project that would be rezoned to CC.</p>
Open Space Features	Uncertain	<p>No details are provided regarding the specific features of the planned open space within the portion of the project that would be rezoned to CC.</p> <p>Any site plan submitted would have to adhere to requirements for open space set forth in Sec. 83-470 of the zoning ordinance.</p>
Landscaping and Buffers	Yes (Ordinance Requirement)	Any site plan submitted would have to adhere to the buffering requirements (perimeter buffers and corridor buffers) set forth in Sec. 83-461 of the zoning ordinance.
Environmental Design	Uncertain	There is no information regarding any environmentally-friendly features that may be incorporated into the development.

Design Element	Adherence to Design Recommendations (Yes/No)	Analysis
Transportation Network	Yes	Based on access management requirements, areas designated Commerce Center will be served by an internal street network (no direct access to existing major thoroughfares).
Utilities and Infrastructure	Yes	The proposed project will be served by public water and sewer.
Community Character	Uncertain (Future Review Required per Ordinance)	Few details are provided regarding the design of proposed commercial buildings, parking areas, or landscaped areas. Proffered Condition #1 (CC) limits exterior materials to brick, stone, and/or similar materials, while Proffered Condition #2 (CC) requires that parking areas be constructed with a hard-surfaced material. Prior to site plan approval, a Development Design Pattern Book would have to be approved by the Planning Commission [Sec. 83-477(f)(2)].

VII. PROFFERED CONDITIONS

For the portion of the project that may be rezoned to VR-PD, the applicant has voluntarily proffered the following seven conditions (latest version dated October 23, 2019) (Attachment #3):

- *Proffered Condition #1 (VR-PD)*

PD Plan. *Development of the Property shall be in general conformance with the Donnelly Creek VR-PD Plan, entitled “Donnelly Creek - Powhatan, Virginia, Master Plan and Design Guide” and dated October 23, 2019.*

Analysis: This language is generally acceptable. The PD plan referenced includes components required per Sec. 83-282(a).

Sec. 83-123(e)(7) of the Powhatan County Zoning Ordinance specifies what types of minor deviations from the PD plan may be approved by the Planning Director during the review of subsequent plans (such as preliminary plats and site plans).

- *Proffered Condition #2 (VR-PD)*

Density. *No more than seventy-nine (79) new single-family detached dwellings shall be constructed on the Property.*

Analysis: This language is generally acceptable and aligns with language throughout the *Master Plan and Design Guide*. With 79 detached single-family dwellings, the portion of the project zoned VR-PD will have an overall density of 2.07 units/acre.

- *Proffered Condition #3 (VR-PD)*

Buffers. Any newly created Parke or Village residential lot directly adjacent to a neighboring parcel not situated within the Donnelly Creek PD shall be planted with a Type A – Basic Buffer along said property line. Aforementioned buffer shall be not less than 8’ in width, shall be planted with 2 canopy trees per 100 linear feet, 4 understory trees per 100 linear feet, and 10 shrubs per 100 linear feet, and shall be placed within a landscape easement on the lot. The buffer plantings shall be installed or bonded prior to the issuance of the Certificate of Occupancy for the lot on which they are required.

Analysis: This language is generally acceptable. The planting schedule listed within this proffered condition aligns with requirements for a Type A – Basic Buffer in the Powhatan County Zoning Ordinance [Table 83-461(e)(3)]. There is clear language regarding the timing of installation of the proposed buffer.

- *Proffered Condition #4 (VR-PD)*

Stormwater Management Pond. The stormwater management pond located in the southeastern portion of the site shall be constructed with a fountain feature.

Analysis: This language is generally acceptable. Installing a fountain may improve the appearance of the stormwater management pond, helping make that feature an amenity for the community.

- *Proffered Condition #5 (VR-PD)*

Cash Proffer. The Applicant or its assignees shall pay \$2,753 per newly created residential lot to Powhatan County for public facility improvements (\$869 for public schools or public transportation facilities, \$1,317 for public safety facilities, and \$567 for park facilities). Such payment shall be made prior to the time of the issuance of any Certificate of Occupancy for each dwelling built on each of the lots.

Analysis: This language is generally acceptable. Language regarding the timing of payment aligns with requires set forth in §15.2-2303.1:1 of the Code of Virginia.

- *Proffered Condition #6 (VR-PD)*

Severance. The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in part or in whole, shall not affect the validity or enforceability of the other proffers or the unaffected part of such proffer.

Analysis: This language is generally acceptable.

- *Proffered Condition #7 (VR-PD)*

Page Road Buffer. No newly created Parke or Village lot shall be located within one-hundred twenty-five feet (125’) of Page Road.

Analysis: This language is generally acceptable and aligns with what is described within the *Master Plan and Design Guide*. This buffer would help screen residences from an adjacent major thoroughfare and provide a transition between the proposed development and larger lots in adjacent subdivisions located to the north.

- *Proffered Condition #8 (VR-PD)*

Age Restriction. *Except as otherwise prohibited by the Virginia Fair Housing Law, Federal Fair Housing Law, and such other applicable Federal, State, or Local legal requirements, dwellings constructed on the Property shall be restricted to “housing for older persons” and shall comply with the Virginia Fair Housing Act (Virginia Code 39-96.7, as amended).*

Analysis: This language is generally acceptable.

- *Proffered Condition #9 (VR-PD)*

Improvements to Route 60. *The following improvements to the intersection of Route 60 and the primary entrance to the Property shall be constructed prior to the issuance of the first Certificate of Occupancy for any new dwelling on the Property:*

- Extend the existing eastbound left turn lane from its existing 100’ storage length to a 325’ storage length, or as otherwise approved by the Virginia Department of Transportation.*
- Extend the existing westbound right turn lane from its existing 175’ storage length to a 450’ storage length, or as otherwise approved by the Virginia Department of Transportation.*

Analysis: Improving/extending existing turn lanes aligns with recommendations made in the submitted traffic analysis. The timing of construction of these improvements is clear.

- *Proffered Condition #10 (VR-PD)*

Construction Traffic. *The primary construction entrance to the Property shall be from Route 60.*

Analysis: This language is generally acceptable.

For the portion of the project that may be rezoned to CC, the applicant has voluntarily proffered the following four conditions:

- *Proffered Condition #1 (CC)*

Exterior Materials. *At least seventy (70) percent of building facades visible from existing or planned roadways shall be constructed of brick, stone, or other masonry material with a similar appearance, durability, and quality.*

Analysis: This language is generally acceptable. It is more stringent than requirements set forth in Sec. 83-477(h)(1) of the Powhatan County Zoning ordinance, which specifies materials that may be used on the facades of institutional, commercial, and mixed-use buildings.

- *Proffered Condition #2 (CC)*

Parking Lot Surfacing. *All parking areas shall be finished with a hard-surface material, and shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.*

Analysis: This language is generally acceptable. It is more stringent than requirements set forth in Sec. 83-455(c)(2)(a) of the Powhatan County Zoning Ordinance, which specifies what materials may be used to surface parking areas.

- *Proffered Condition #3 (CC)*

Severance. *The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in part or in whole, shall not affect the validity or enforceability of the other proffers or the unaffected part of such proffer.*

Analysis: This language is generally acceptable.

- *Proffered Condition #4 (CC)*

Ingress/Egress to adjacent parcel. *Upon construction of the new public roadway connecting Route 60 to Page Road, an ingress/egress driveway connection shall be provided to the adjacent Parcel 042-73A. Right-of-way will be dedicated from aforementioned roadway to the adjacent parcel 042-74 to allow for future connectivity.*

Analysis: This language is generally acceptable. Tax Map Parcel #42-73A is zoned CC and includes an existing shopping center. Tax Map Parcel #42-74 is a large undeveloped parcel zoned A-10 (designed *Commerce Center* in the *2019 Long-Range Comprehensive Plan*). Providing cross-access with adjacent parcels aligns with recommendations made in the *2019 Long-Range Comprehensive Plan* and helps relieve pressure on U.S. Route 60 (Anderson Highway).

VIII. PUBLIC COMMENTS

Comments provided at the neighborhood meeting (July 1, 2019) are included as Attachment #10. In general, attendees commented on potential transportation-related impacts to surrounding roadways. Attendees also commented on potential impacts to other public services and proposed densities.

Comments submitted to the Department of Community Development are included as Attachment #11. These comments address proposed pedestrian infrastructure.

On November 6, 2019, the Planning Commission held a public hearing regarding this request. Eight (8) members of the public spoke during the public hearing. Speakers expressed concerns regarding the following issues:

- Potential impacts the proposed development may have on public services (emergency services, public water/sewer, etc.).
- Potential impacts the proposed development may have on the local transportation network.
- Potential impacts the proposed development may have on the area's character (including proposed residential densities and its compatibility with surrounding development).

IX. PLANNING COMMISSION REVIEW

On November 6, 2019, the Planning Commission held a public hearing regarding this request. Eight (8) members of the public spoke during the public hearing (see Section VII: Public Comments).

After brief discussion, the Planning Commission voted to **defer** this request for sixty (60) days (until January 7, 2020), with the public hearing left open and continued.

At the request of the applicant, this request was **deferred** for sixty (60) days (until March 3, 2020).

X. STAFF RECOMMENDATION

Rezoning Request

Favorable Attributes of Request

- The proposed project addresses several recommendations made in the 2019 Long-Range Comprehensive Plan: Countywide Land Use Plan (Map 6: p. 59). Areas designated *Village Residential* in that document would generally be rezoned to Village Residential Planned Development (VR-PD), while areas designated *Commerce Center* would generally be rezoned to Commerce Center (CC).
- The proposed project is located within a designated growth area (Route 60 Corridor East Special Area Plan).
- Proffered conditions address potential impacts the project may have on public schools, roadways, parks, and public safety.
- The proposed project includes construction of a connector road between State Route 675 (Page Road) and U.S. Route 60 (Anderson Highway) recommended in the 2019 Long-Range Comprehensive Plan: Major Thoroughfare Plan (Map 10: p. 135).
- A portion of the project would be rezoned from a *Transition Base District* [General Commercial (C)] to a *Village Growth Area District* [Commerce Center (CC)], better reflecting recommendations made in the *2019 Long-Range Comprehensive Plan* and the zoning ordinance.¹¹
- The project involves the consolidation of multiple parcels to create a cohesive master plan, with stub roads and right-of-way dedications accommodating future connections to adjacent parcels.

Unfavorable Attributes of Request

- While the applicant is proposing some improvements to U.S. Route 60 (Anderson Highway) and cash contributions that can be used to improve the local roadway network, the project will negatively impact the level of service of adjacent roadways.

¹¹ Sec. 83-340 states that “it is intended and expected that lands within these *Transition Base Districts* gradually will be rezoned to one of the other base or planned development districts established in this chapter [zoning ordinance] that better reflect the comprehensive plan’s land use classifications and objectives.”

Since the project aligns with many of the recommendations set forth in the 2019 Long-Range Comprehensive Plan, the Department of Community Development recommends **approval** of this rezoning request.

Waiver Request (Intersection Spacing Standards)

If the rezoning request is recommended for approval, the Department of Community Development recommends **approval** of the requested waiver to intersection spacing standards, as the proposed entrance from U.S. Route 60 (Anderson Highway) will be located at a logical and appropriate location to provide reasonable access to the subject properties.¹² It will also accommodate construction of a collector road recommended in the 2019 Long-Range Comprehensive Plan: Major Thoroughfare Plan (Map 10: p. 135). As described in the applicant's request letter, it is recommended that the existing entrance to Tax Map Parcel #42-73A be converted to a right-in only (as the applicant has proffered to provide an additional access point to that property from the proposed north/south collector road).

XI. PROPOSED RESOLUTION

Rezoning Request

In accordance with Article II of the Powhatan County Zoning Ordinance and public necessity, convenience, general welfare, and good zoning practice, the Powhatan County Planning Commission recommends (*approval / denial / deferral*) of the request submitted by Markel Eagle Partners, LLC to rezone approximately 43.15 acres of land from Agricultural-10 (A-10) and General Commercial (C) to Village Residential Planned Development (VR-PD) and Commerce Center (CC) with proffered conditions.

Waiver Request (Intersection Spacing Standards)

In accordance with Sec. 68-175(e)(5)(d) of the Powhatan County Subdivision Ordinance, the Powhatan County Planning Commission recommends (*approval / denial / deferral*) of the request submitted by Markel Eagle Partners, LLC for a waiver from local intersection spacing requirements set forth in Table 68-175(e)(5)d, allowing a new entrance to be constructed along U.S. Route 60 (Anderson Highway) that aligns with State Route 1101 (Holly Hills Road), with the following condition:

1. The existing entrance to Tax Map Parcel #42-73A (1650/1664 Anderson Highway) shall be reconfigured to be a right-in only access point. Egress shall be provided via a new connection to the proposed collector road within the Donnelly Creek subdivision.

Attachment(s)

1. Application
2. Donnelly Creek Master Plan and Design Guide (Last Revised October 23, 2019)
3. Proffer Statement (Dated October 23, 2019)
4. Revised Traffic Assessment: Donnelly Creek Development (Dated October 9, 2019)
5. Trip Generation Comparison (Conventional Single-Family Dwellings vs. Age-Restricted Housing)
6. VDOT Comments (Donnelly Creek Development: Traffic Assessment Report Comments – Dated October 22, 2019)
7. Access Management Waiver Request (Dated October 11, 2019)
8. Vicinity Map

¹² The conceptual plan proffered in connection with Case #06-14-REZC (Proffered Condition #1) shows an entrance road from U.S. Route 60 (Anderson Highway) aligning with State Route 1101 (Holly Hills Road).

9. Zoning Map
10. Countywide Future Land Use Map
11. Neighborhood Meeting Comments
12. Public Comments Received via Email or Hand Delivered
13. Donnelly Creek Fiscal Impact Analysis

Attachment #1
Application



**County of Powhatan,
Virginia
Rezoning Application**

For Office Use Only

Case Number

Powhatan County, Virginia
Department of Community Development
3834 Old Buckingham Road: Suite F
Powhatan, VA 23139

Applicant Information	
Name of Applicant	Markel Eagle Partners, LLC
Mailing Address	2250 Old Brick Rd. Suite 200 Glen Allen, Va 23060
Phone Number	804-741-4663
Email Address	rcore@markel-eagle.com

Owner Information (Complete this section if the applicant is not the current property owner)	
Name of Owner	See attached owner information sheet
Mailing Address	
Phone Number	
Email Address	

If the applicant is not the owner, the applicant must provide written documentation that the current property owner consents to the application (see form entitled *Consent of Owner(s) to Request Rezoning*).

If there are multiple owners, all owners must sign the application or provide other documentation consenting to the application (see form entitled *Ownership Disclosure*).

Applicant Representative (Complete this section if correspondence should be directed to someone other than the applicant)	
Name of Representative	Ricky Core / Nathalie Croft
Mailing Address	2250 Old Brick Rd. Suite 200 Glen Allen, VA 23060
Phone Number	804-741-4663
Email Address	rcore@markel-eagle.com / ncroft@eagleofva.com

Revised 10/11/19 MM

Parcel Information	
Tax Map Number	See attached parcel information sheets
Physical Address	
General Description of Property Location	
Election District	
Total Acreage	
Current Zoning	
Requested Zoning	
Acreage to Be Rezoned	
Countywide Future Land Use: Land Use Designation	↓

Proposed Use	
Describe Proposed Use	VR-PD and CC
Amount of Dedicated Open Space (Acreage + % of Site)	Minimum of 20% of VR-PD or equals a minimum of 7.62 AC
If this request is approved, will new lots be created?	YES
If this request is approved, will new structures be constructed?	YES
Are there existing structures on the subject property?	YES
Will the proposed use connect to public water and/or sewer?	YES

A conceptual plan that shows the general configuration of the proposed development, including land uses, general building types, density/intensity, resource protection areas, pedestrian and vehicular circulation, open space, public facilities, and phasing, should be submitted with the application.

Revised 10/11/19 MM

Planned Development Districts: Proposed Standards (Complete this section only if requesting rezoning to one of the Village Growth Area: Planned Development Districts, which include VR-PD, VC-PD, and CC-PD. All of this information should also be included within the PD master plan and/or textual statement.)	
Proposed Density	Maximum of 2.07 units/AC
Amount of Dedicated Open Space (Acreage + % of Site)	Minimum of 20% of VR-PD or equals a minimum of 1.62 AC
Dimensional Standards	
Floor Area Ratio (FAR): Max.	See attached Donnelly Creek plan book for the following information
Lot Area: Min. (Sq. Ft.)	
Lot Width: Min. (Ft.)	
Impervious Surfaces: Max. (% of District Area)	
Individual Building Size: Max. (Sq. Ft.)	
Building Height: Max. (Ft.)	
Yard Depths or Setbacks: Min. (Ft.)	Front
	Side
	Rear
Setback from Abutting Single-Family Residential Uses: Min. (Ft.)	↓
Permitted Uses	Provide a list of all permitted uses with the PD District.
Master Plan	A master plan that shows the general configuration of the proposed development, including land uses, general building types, density/intensity, resource protection areas, pedestrian and vehicular circulation, open space, public facilities, and phasing, should be submitted with the application.

Proffer Statement

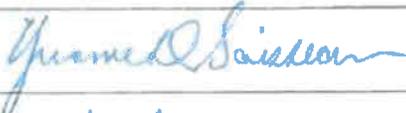
In accordance with § 15.2-2303 and Article II of the Powhatan County Zoning Ordinance, I do hereby voluntarily proffer, as the owner of record of the property or the applicant of this rezoning request, the conditions listed below. I hereby acknowledge that the rezoning of the subject property gives rise to the need for these conditions.

(Note: If text for all proffered conditions does not fit on this page, additional proffered conditions may be attached to the application as separate pages.) *See attached proffers dated ~~7/25/19~~*

Proffer #1		<i>Revised 10/04/19 MM</i>
Proffer #2		
Proffer #3		
Proffer #4		
Signature of Applicant		
Name of Applicant (Printed)	John S. Revercomb	

Commonwealth of Virginia
County of Henrico to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by John S. Revercomb whose name is signed to the above, on this 1st day of July 20 19.

Notary Public		
Commission Expires	<u>2/28/2023</u>	
Notary Number	<u>148498</u>	

Ownership Disclosure

List below the names and addresses of all owners or parties in interest of the land subject to this request.

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.

Name	Address
Dorothy M. Brown	1647 PAGE ROAD POWHATAN, VA 23139
Sprouses Corner, LLC c/o Alan Anderson	1664 ANDERSON HWY, SUITE F POWHATAN, VA 23135
New Ventures Real Estate LLC	1664 ANDERSON HWY, SUITE F POWHATAN, VA 23135

I, Richard E. Core, Jr., do hereby swear and affirm to the best of my knowledge and belief, the above information is true and that I am the applicant requesting rezoning for Tax Map 042-55A; 042-55B; 042-579; 042-72; 042-55.
If the information listed above changes at any time while this request is being considered, I will provide Powhatan County with an updated list of owners.

Signature of Applicant	<i>Richard E. Core, Jr.</i>
Name of Applicant (Printed)	Richard E. Core, Jr.

Commonwealth of Virginia
County of Henrico, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Richard E. Core, Jr., whose name is signed to the above, on this 24th day of July 2019.

Notary Public	<i>Yvonne D. Boisseau</i>	
Commission Expires	2/28/2023	
Notary Number	148498	

Revised 9/11/19 mm

Owner Information	
Name of Owner	Sprouses Corner LLC
Mailing Address	1644 ANDERSON HWY POWHATAN, VA 23139
Phone Number	804-839-7201
Email Address	sprousescorner@gmail.com

Parcel Information	
Tax Map Number	042-72
Physical Address	1680 ANDERSON HWY
General Description of Property Location	Approximately 0.75 miles east of the intersection of Anderson Highway and Stavemill Rd.
Election District	1
Total Acreage	5.06
Current Zoning	General Commercial w/ proffered conditions (06-14-REZC)
Requested Zoning	Commerce Center
Acreage to Be Rezoned	5.06
Countywide Future Land Use: Land Use Designation	Commerce Center

Consent of Owner(s) to Rezoning Request

If the applicant is not the owner, the applicant must provide written documentation that the current property owner consents to the rezoning application and that the applicant may submit proffered conditions on the property owner's

R. Alan Anderson

I, _____, am the owner of the property subject to this rezoning request and consent to the request submitted by Market/Eagle Partners LLC (Applicant) to rezone Tax Map 042-72 from General Commercial (Current Zoning District) to Commerce Center (Requested Zoning District) w/ proffered conditions.

Signature of Owner

R. Alan Anderson

Name of Owner (Printed)

R. Alan Anderson

Commonwealth of Virginia

County of Powhatan, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by R. Alan Anderson whose name is signed to the above, on this 2nd day of July 2019.

Notary Public

Wendy G Stinnett

Seal

Commission Expires

7-31-22

Notary Number

7597828

WENDY G STINNETT
Notary Public
Commonwealth of Virginia
Registration No. 7597828
My Commission Expires Jul 31, 2022

Owner Information	
Name of Owner	New Ventures Real Estate LLC
Mailing Address	1664 ANDERSON HWY STE B POWHATAN VA 23139
Phone Number	804-839-7201
Email Address	sprousescorner@gmail.com

Parcel Information	
Tax Map Number	042-57G
Physical Address	O Page Rd
General Description of Property Location	Approximately 0.75 miles east of the intersection of Anderson Hwy and Stavemill Rd.
Election District	1
Total Acreage	11.25
Current Zoning	A-10
Requested Zoning	VR-PD
Acreage to Be Rezoned	11.25
Countywide Future Land Use: Land Use Designation	VR

Consent of Owner(s) to Rezoning Request

If the applicant is not the owner, the applicant must provide written documentation that the current property owner consents to the rezoning application and that the applicant may submit proffered conditions on the property owner's

I, R. Alan Anderson am the owner of the property subject to this rezoning request and consent to the request submitted by Market Eagle Partners LLC (Applicant) to rezone Tax Map 042-57G from A-10 (Current Zoning District) to VR-PD (Requested Zoning District).

Signature of Owner	<u>R. Alan Anderson</u>
Name of Owner (Printed)	<u>R. Alan Anderson</u>

Commonwealth of Virginia
 County of Powhatan, to wit:
 Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by R. Alan Anderson whose name is signed to the above, on this 2nd day of July 2019

Notary Public	<u>Wendy G Stinnett</u>	Seal
Commission Expires	<u>7-31-22</u>	
Notary Number	<u>7597828</u>	

WENDY G STINNETT
 Notary Public
 Commonwealth of Virginia
 Registration No. 7597828
 My Commission Expires Jul 31, 2022

Owner Information	
Name of Owner	New Ventures Real Estate LLC
Mailing Address	1664 ANDERSON HWY STE B POWHATAN VA 23139
Phone Number	804-839-7201
Email Address	sprouescorner@gmail.com

Parcel Information	
Tax Map Number	042-55B
Physical Address	O Page Rd
General Description of Property Location	Approximately 0.75 miles east of the intersection of Anderson Hwy and Stavemill Rd.
Election District	1
Total Acreage	6.35
Current Zoning	A-10
Requested Zoning	VR-PD
Acreage to Be Rezoned	6.35
Countywide Future Land Use: Land Use Designation	VR

Consent of Owner(s) to Rezoning Request

If the applicant is not the owner, the applicant must provide written documentation that the current property owner consents to the rezoning application and that the applicant may submit proffered conditions on the property owner's

I, Alan Anderson, am the owner of the property subject to this rezoning request and consent to the request submitted by MARKED EAGLE PARTNERS LLC (Applicant) to rezone Tax Map 042-55B from A-10 (Current Zoning District) to VR-PD (Requested Zoning District).

Signature of Owner

R. Alan Anderson

Name of Owner (Printed)

R. Alan Anderson

Commonwealth of Virginia

County of Powhatan to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by R. Alan Anderson whose name is signed to the above, on this 2nd day of July 2019.

Notary Public

Wendy Stinnett

Seal

Commission Expires

7-31-22

Notary Number

7597828

WENDY G STINNETT
Notary Public
Commonwealth of Virginia
Registration No. 7597828
My Commission Expires Jul 31, 2022

Owner Information	
Name of Owner	New Ventures Real Estate LLC
Mailing Address	1664 ANDERSON HWY STE B POWHATAN VA 23139
Phone Number	804-839-7201
Email Address	sprouescorner@gmail.com

Parcel Information	
Tax Map Number	042-55A
Physical Address	0 Page Rd
General Description of Property Location	Approximately 0.75 miles east of the intersection of Anderson Hwy and Stavemill Rd.
Election District	1
Total Acreage	6.36
Current Zoning	A-10
Requested Zoning	VR-PD
Acreage to Be Rezoned	6.36
Countywide Future Land Use: Land Use Designation	VR

Consent of Owner(s) to Rezoning Request

If the applicant is not the owner, the applicant must provide written documentation that the current property owner consents to the rezoning application and that the applicant may submit proffered conditions on the property owner's

I, R. Alan Anderson am the owner of the property subject to this rezoning request and consent to the request submitted by Market Eagle Partners LLC (Applicant) to rezone Tax Map 042-55A from A 10 (Current Zoning District) to VR-PD (Requested Zoning District).

Signature of Owner	<u>R. Alan Anderson</u>
Name of Owner (Printed)	<u>R. Alan Anderson</u>

Commonwealth of Virginia
County of Powhatan to wit:
Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by R. Alan Anderson, whose name is signed to the above, on this 2nd day of July 20 19.

Notary Public	<u>Wendy G Stinnett</u>	Seal
Commission Expires	<u>7-31-22</u>	
Notary Number	<u>7597828</u>	

WENDY G STINNETT
Notary Public
Commonwealth of Virginia
Registration No. 7597828
My Commission Expires Jul 31, 2022

Revised 10/11/19

Owner Information	
Name of Owner	Dorothy M. Brown
Mailing Address	1647 PAGE ROAD POWHATAN, VA 23139
Phone Number	
Email Address	

Parcel Information	
Tax Map Number	042-55
Physical Address	1647 PAGE ROAD
General Description of Property Location	Approximately 0.75 miles east of the intersection of Anderson Highway and Stavemill Rd.
Election District	1
Total Acreage	24.03
Current Zoning	A-10
Requested Zoning	VR-PD
Acreage to Be Rezoned	13.86
Countywide Future Land Use: Land Use Designation	VR

Consent of Owner(s) to Rezoning Request

If the applicant is not the owner, the applicant must provide written documentation that the current property owner consents to the rezoning application and that the applicant may submit proffered conditions on the property owner's

I, Dorothy Brown, am the owner of the property subject to this rezoning request and consent to the request submitted by Markel | Eagle Partners, LLC (Applicant) to rezone Tax Map 042-55 from A-10 (Current Zoning District) to VR-PD (Part) (Requested Zoning District).

Signature of Owner

Dorothy M. Brown

Name of Owner (Printed)

Dorothy M. Brown

Commonwealth of Virginia

County of Powhatan to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Dorothy M. Brown, whose name is signed to the above, on this 24th day of July 2019.

Notary Public

Wendy G Stinnett

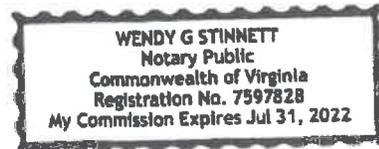
Seal

Commission Expires

7-31-22

Notary Number

7597828



Revised 10/11/19

Parcel Tax Map Number	Parcel Owner	Acreage	Current Zoning	Requested Zoning
042-72	Sprouses Corner LLC	5.06 AC	General Commercial w/ proffered conditions (06-14-REZC)	Commerce Center w/ proffered conditions
042-57G	New Ventures Real Estate LLC	11.25 AC	A-10	VR-PD
042-55B	New Ventures Real Estate LLC	6.35 AC	A-10	VR-PD
042-55A	New Ventures Real Estate LLC	6.36 AC	A-10	VR-PD
042-55	Dorothy M. Brown	13.84 AC of a 24.03 AC parcel	A-10	VR-PD

Attachment #2
Donnelly Creek Master Plan and Design Guide
(Last Revised October 23, 2019)



Donnelly Creek

Powhatan County, Virginia

Master Plan & Design Guide

July 5, 2019
Revised October 23, 2019

Landscape Architects:



Civil Engineers:



Home Builder:



Land Developer:



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Eagle Construction

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Founded in 1984 by Bryan Kornblau as a private homebuilder, Eagle Construction has built over 7,000 homes within 135 communities across Virginia. The company is currently building in 19 communities with 100 +/- homes under construction at any time.

In 2013, Eagle Construction was acquired by Markel Ventures. Markel Ventures' permanent investment in Eagle provides stability and job security to our team as well as to our stakeholders. As a source of permanent capital, Markel Ventures has enabled Eagle to no longer rely on bank loans for the funding of new projects, consequently reducing risk.

Since our formation in 1984 as a private homebuilder through today as a partner with Markel Ventures, Eagle has never had an annual operating loss.

At Eagle, we don't just build homes,
we build communities that celebrate life's moments.



Open-flow Floor Plans

First Floor Master Suites

One-level Living

What is an Eagle Moment?

Eagle Moment (*n.*)

A wink in time we inspire that captures the magic of everyday life.

- **Is a simple, wonderful human thing** - one filled with energy and emotion, and one felt deep inside by all those experience it
- **Is one lived to its fullest** - inspired by every choice made, action taken and promise fulfilled that enabled the moment to happen.
- **Can be inspired by anyone** - and are most powerful when created together.
- **Is about everything we do for our customers** and everything that happens before and after they get the keys.



Introduction

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Introduction

Context

Donnelly Creek is a +/- 38 acre assemblage located in eastern Powhatan County between Anderson Highway and Page Road within the County's Route 60 Corridor East Special Area.

 From Donnelly Creek to:

- Downtown Richmond - 23.9 miles (31 minutes)
- Richmond International Airport - 33.9 miles (37 minutes)
- Huguenot Volunteer Fire Station - 1.3 miles (3 minutes)
- Flat Rock Elementary School - 2.6 miles (6 minutes)
- Powhatan Middle School - 10.5 miles (15 minutes)
- Powhatan High School - 3.1 miles (5 minutes)
- Powhatan County Public Library - 10 miles (14 minutes)
- Powhatan County Administration Building - 9.6 miles (14 minutes)

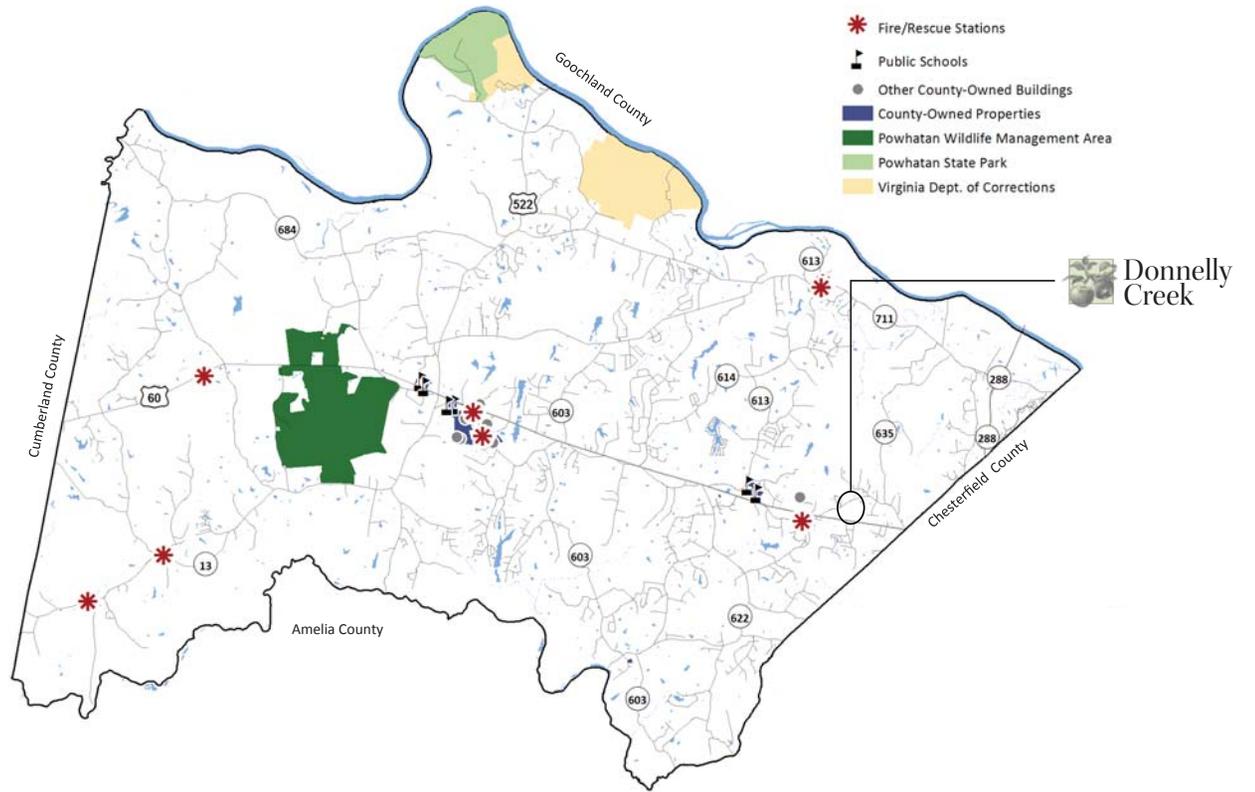
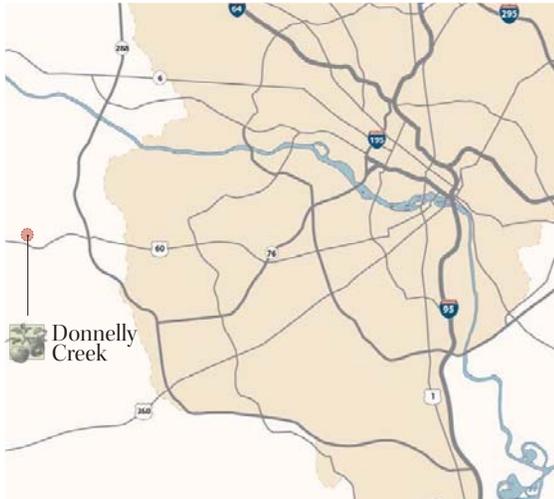


Image courtesy of 2019 Powhatan County Long Range Comprehensive Plan



Introduction

Powhatan County Long Range Comprehensive Plan

The Comprehensive Plan establishes a vision of what Powhatan County should look like in 20 to 30 years. It identifies objectives and strategies that can be implemented to realize that vision and addresses a variety of topics including land uses, housing, economic development, and natural resources. Elected and appointed officials of the county use the adopted plan as a guide for land use and public investment decisions.

In the Fall of 2016, the County began a three-year planning and review process to update the 2010 Long Range Plan which included:

- 6 public open houses hosted by the County to solicit citizen feedback on the draft plan
- Numerous workshops and public hearings on the draft plan held by the Planning Commission & Board of Supervisors to review the draft document
- A Comprehensive Plan Workgroup appointed by the Board of Supervisors to review the draft document

Board of Supervisors voted to approve the 2019 Powhatan County Long-Range Comprehensive Plan on June 24, 2019.

A link to the adopted Plan may be found online:
<http://www.powhatanva.gov/268/Community-Development>

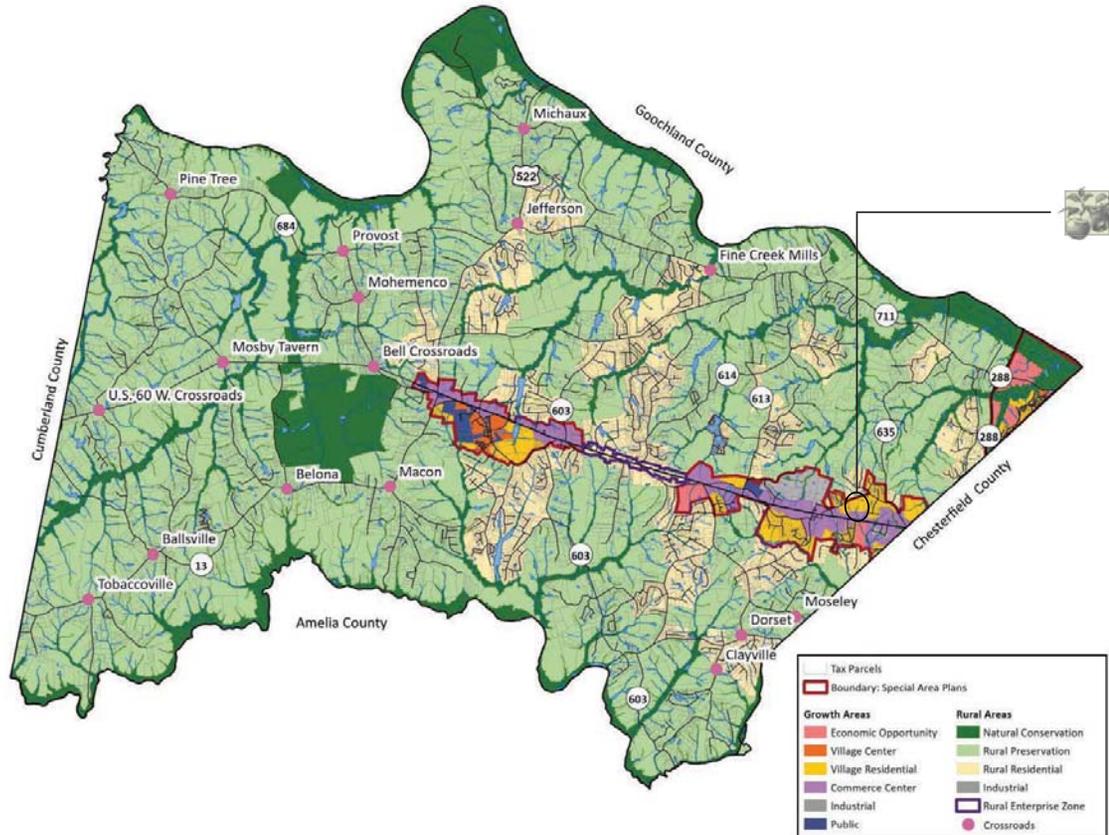


Image courtesy of 2019 Powhatan County Long Range Comprehensive Plan

Introduction

Powhatan County's Vision

"Powhatan County will be a place where people can see the stars at night, be in touch with the land, and yet be able to work, live, play, shop, and learn without leaving the County... The dominant rural character will be supplemented by mixed residential and business uses situated at defined locations primarily along the Route 60 Corridor and along Route 711 east of the Route 288 interchange... [These mixed-use clusters will also provide diverse housing options to complement the single-family uses that will continue to be prevalent in rural areas.]"

Land Use: Village Residential

Description

"Village Residential recommends thoughtful design to provide a variety of housing options in a layout that respects the low-intensity single-family character or adjacent rural areas, while providing slightly more intense development."

Intent

"Areas designated Village Residential should include walkable neighborhoods with diverse housing options and integrated parks and public uses, which are compatible with the residential qualities of the neighborhoods."

- Text courtesy of 2019 Powhatan County Long Range Comprehensive Plan

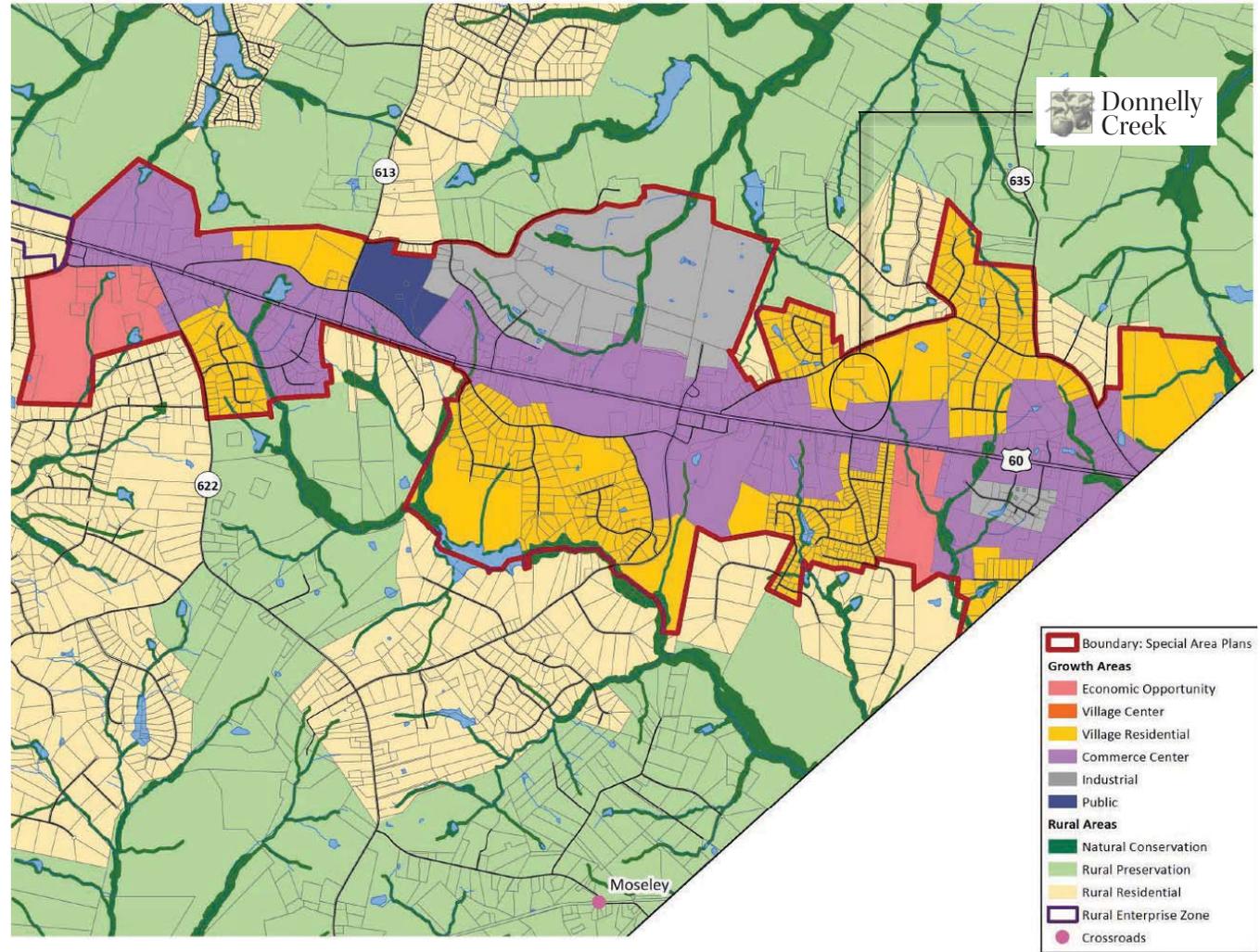


Image courtesy of 2019 Powhatan County Long Range Comprehensive Plan



Master Plan

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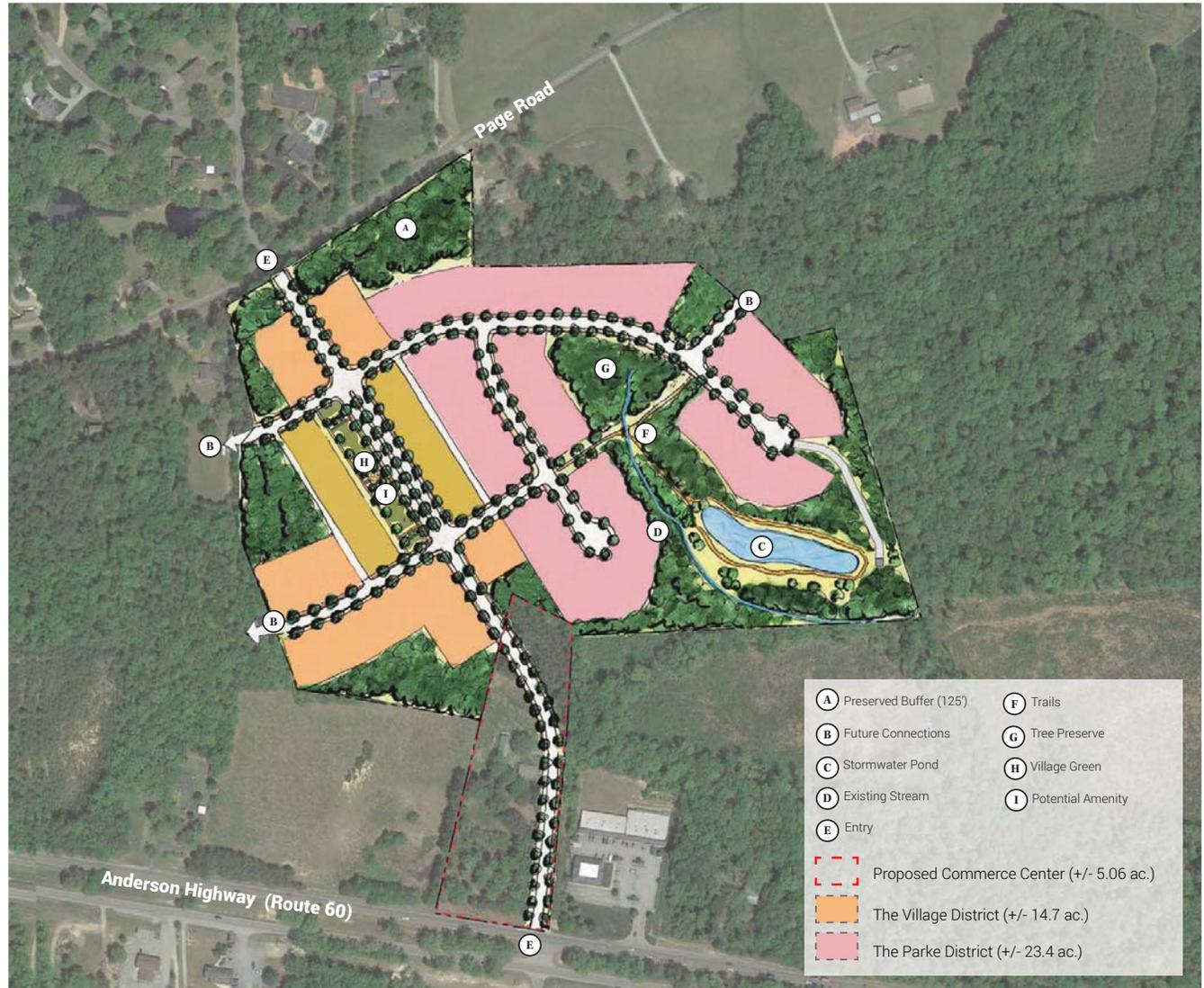
Master Plan

Illustrative Master Plan

Donnelly Creek is envisioned as a distinct, vibrant community, evoking a traditional neighborhood aesthetic with a variety of home and lot sizes. The name of the community pays tribute to the original property owner and the existing creek flowing across the property, which is preserved and emphasized in the natural open space within the community. Inside the neighborhood, homes relate to the street with gracious facades and varied setbacks to enliven the streetscape. The interconnected streets create a pattern of blocks through The Village and transform into a more curvilinear design, meandering through the Parke district. Open space design is key to the heart of the neighborhood, with each home in close proximity to a park, whether it be the formal Village Green or the Donnelly Park and Preserve. Jogging trails through Donnelly Park connect to sidewalks throughout the neighborhood, creating an active, walkable community. A 125'+ natural buffer along Page Road respects the lower intensity development to the north and creates a seamless transition from Donnelly Creek to those larger-lot neighborhoods, while still providing a connection to the commercial establishments along Route 60.

Donnelly Creek is comprised of two distinct residential districts: The Village and The Parke Lots. The community features two separate parks: The Village Green and Donnelly Park and Preserve. The community is proposed with an overall maximum density of +/-2.07 single-family residential dwellings per acre (no more than 79 homes).

This Master Plan book frequently references the 2019 Powhatan County Long Range Comprehensive Plan. County Strategies and Goals are highlighted not simply to show how the proposal conforms, but because we believe wholeheartedly in the vision it sets forth.



Master Plan

Site Inspiration & Vision



Master Plan

Home Inspiration & Vision



Master Plan

Illustrative Section Elevations





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District Guidelines

Powhatan County's Goal: Housing

Powhatan County will have a diverse range of housing that provides living opportunities for residents at all stages of their life.

Strategies

- Encourage developers to incorporate Universal Design principles into new construction, creating housing that allows older residents to age in place.
- Services, including sewer and water, should be made available for residential development (for a fee) in the focused growth areas indicated in the special area plans, to allow for higher density of residential development.

"There are limited options available for low-maintenance housing on smaller lots. Lack of housing choice may make it difficult for existing residents to find suitable housing as their circumstances change, or for new home buyers to secure housing that meets their needs. Providing a diverse stock of housing, consisting of styles, sizes, prices and locations, will allow the county to meet the needs and preferences of its residents, and to be more resilient to changes in the housing market."

- Text courtesy of 2019 Powhatan County Long Range Comprehensive Plan

The Village District

The heart of the community is The Village District, centered around a new connector road proposed in the County's Major Thoroughfare Plan, and enlivened by The Village Green to host block parties, pick-up soccer games, and impromptu afternoon picnics. Most of the homes in The Village will have rear-loaded garages through private alleys. While the gridded street layout enhances the traditional neighborhood design, the main roadway is designed with a landscaped median and sidewalks along both sides to encourage both pedestrian activity and slower vehicular speeds. The Village roadway network provides two stubs to the parcel east in order to allow for a cohesively planned community as set forth in the County's Comprehensive Plan, should that parcel be developed in the future.

The Village district contains the smallest of the home and lot sizes. Homes will be situated close to one another and will typically range in size from 1,400 - 2,000 square feet.



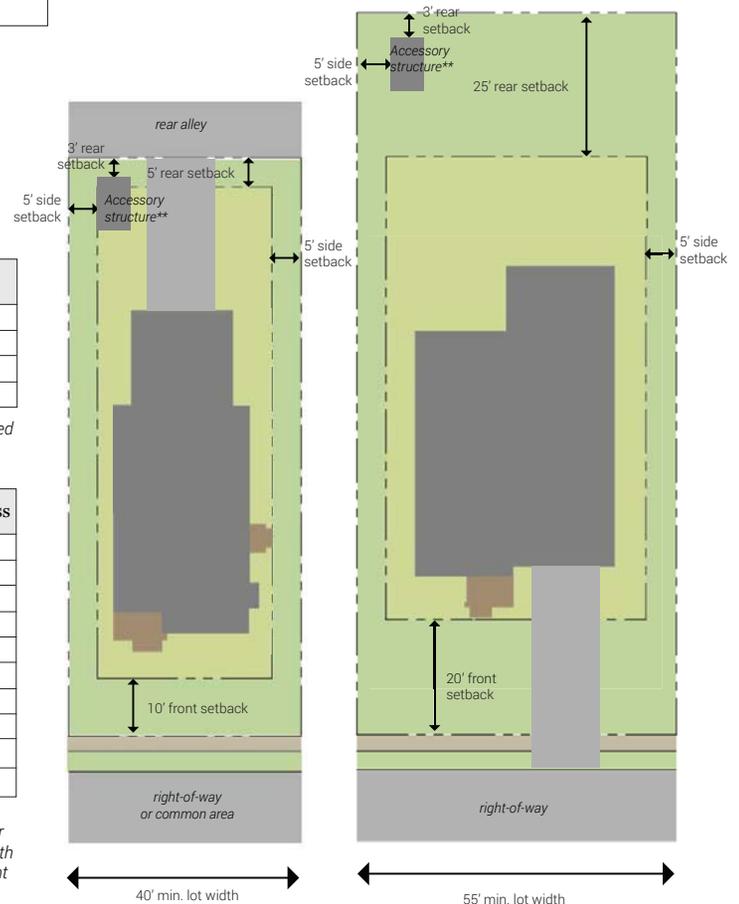
Village Lots with Rear Alley Access	
Minimum Lot Width	40'
Minimum Lot Area	4,000 SF
Minimum Yards	
Front Yard	10'
Side Yard	5'
Rear Yard	5'
Corner Lot Yard	10'
Maximum Building Height	35'
Maximum Front Yard	20'
Maximum Lot Coverage	65%

Village Lots Without Rear Alley Access	
Minimum Lot Width	55'
Minimum Lot Area	7,000 SF
Minimum Yards	
Front Yard	20' *
Side Yard	5'
Rear Yard	25'
Corner Lot Yard	10'
Maximum Building Height	35'
Maximum Front Yard	30'
Maximum Lot Coverage	60%

* Front facing attached garages shall be permitted only if they are setback at least four (4) feet from the front façade of the house, with façade being identified as the edge of the front porch or stoop closest to the road, and if no front porch or stoop, the front of the footings of the residence.

Accessory Structures**	
Minimum Yards	
Side Yard	5'
Rear Yard	3'
Corner Yard	10'

** Accessory structures shall only be permitted behind the principal structure



District Guidelines

The Parke District

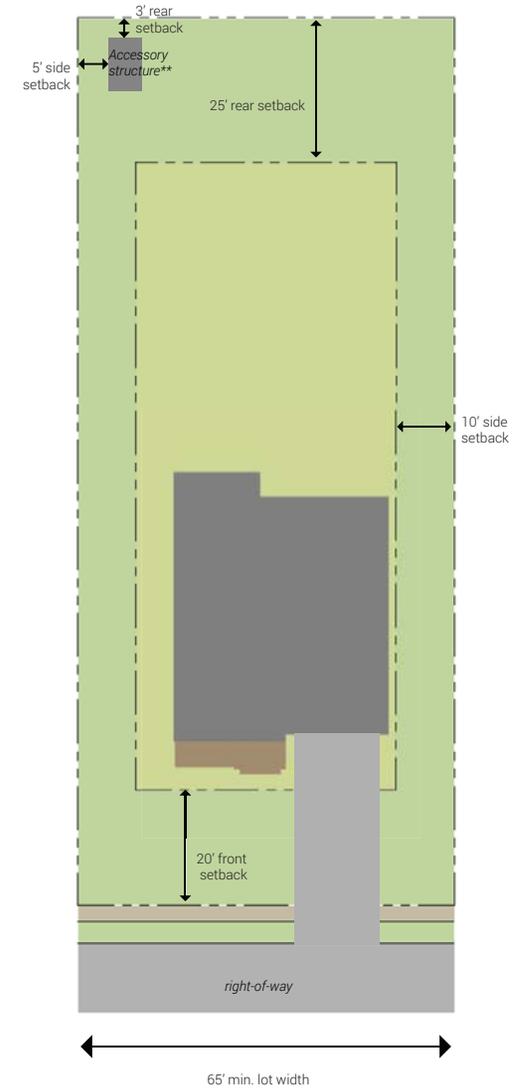
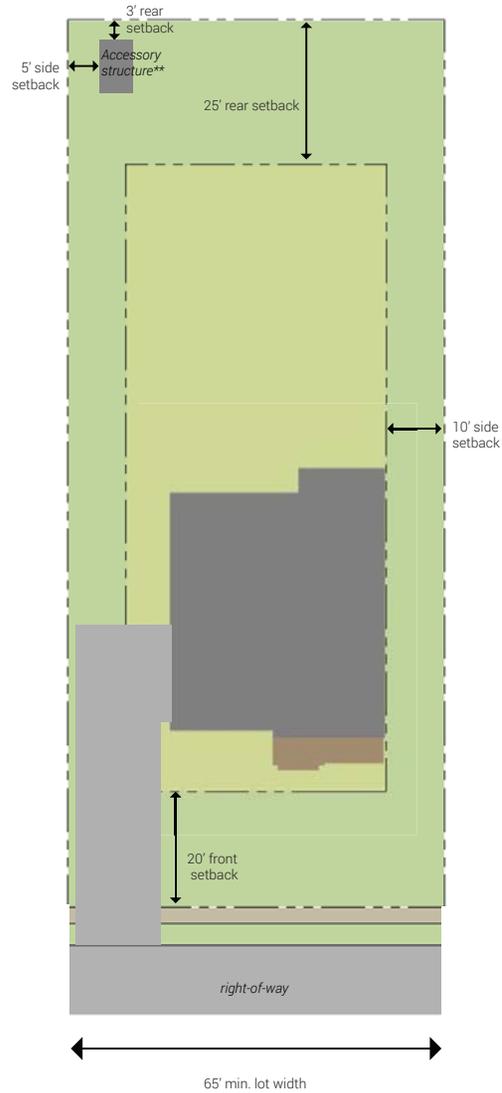
The Parke District is designed with the +/- 7-acre Donnelly Park and Preserve at its core. The streets begin to take on a more curvilinear design, meandering through the property's natural topography and environmentally sensitive lands. The homesites in The Parke are wider to allow for a more varied streetscape and are built to address the sloping topography as it falls toward the pond. Homes in The Parke will generally range in size from 1,800 - 2,500 square feet.

Parke Lots	
Minimum Lot Width	65'
Minimum Lot Area	8,000 SF
Minimum Yards	
Front Yard	20' *
Side Yard	10'
Rear Yard	25'
Corner Lot Yard	20'
Maximum Building Height	35'
Maximum Front Yard	40'
Maximum Lot Coverage	60%

Accessory Structures**	
Minimum Yards	
Side Yard	5'
Rear Yard	3'
Corner Yard	10'

** Accessory structures shall only be permitted behind the principal structure

* Front facing attached garages shall be permitted only if they are setback at least four (4) feet from the front façade of the house, with façade being identified as the edge of the front porch or stoop closest to the road, and if no front porch or stoop, the front of the footings of the residence.



District Guidelines

Additional Information

Conversion Schedule

The row of alley-accessed lots located within The Parke is designated as a “conversion” area. Its location, coupled with the alley access, affords this block the unique opportunity to be developed to either Parke standards or Village standards without impacting the character of the overall neighborhood. The ultimate development of this block to either Parke or Village standards shall be at the discretion of the Developer.



Permitted Uses

Permitted Principal Uses

The following uses are allowable as principal uses in the Donnelly Creek VR-PD District:

1. Dwelling, single-family detached;
2. Park or greenway; and,
3. Utility uses, minor.

Permitted Accessory Uses

The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the Donnelly Creek VR-PD District:

1. Home garden;
2. Home occupation;
3. Open space, park, playground, or recreational facility; and,
4. Swimming pool, spa, or hot tub.

Permitted Temporary Uses

The following uses are allowable as temporary uses of limited duration, in the Donnelly Creek VR-PD District:

1. Garage or yard sale;
2. Model sales home/unit;
3. Post-disaster temporary dwelling; and,
4. Temporary construction-related structure or facility.

The following use is allowable as a temporary use of limited duration in the Donnelly Creek VR-PD District, only on approval of a temporary business permit:

1. Estate sale/auction.

District Acreages & Densities

VR-PD Village District*:	+/- 14.67 acres	+/- 32 - 40 dwellings	+/- 2.2 - 2.7 du/ac.
VR-PD Parke District*:	+/- 23.42 acres	+/- 39 - 47 dwellings	+/- 1.7 - 2.0 du/ac.
Total VR-PD:	38.09 acres	Max. of 79 dwellings	2.07 du/ac.
Total CC:	5.06 acres		

* District acreages and densities are approximate and are based on a conceptual layout. The actual acreages and densities may vary slightly based on the final layout of the Property.



Open Space & Design

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Open Space & Design

Overview

A minimum of twenty percent of the site shall be set aside as open space, with at least 40% of the open space dedicated to active recreational areas. Two separate parks are proposed within Donnelly Creek, one formal green and one active park, connected with a network of walking/ jogging trails and sidewalks.

Open Space Calculations		
	Open Space Recommended	Open Space Provided
Percentage (Total)	20%	25%
Acreage (Total)	7.62 acres	9.52 acres

The open space calculations above include only the acreages of the parks and the Page Road buffer, and do not take into account the additional pockets of open space throughout the neighborhood.

The Village Green (+/- 0.75 acres)

The Village Green will be located within the heart of the Village District on Donnelly Parkway and will be a gathering space for neighborhood parties, casual afternoon picnics, or pick-up soccer games. The Village Green will be lined with shade trees, planted with various flowering shrubs and native grasses, and hardscaped with sidewalks and benches.



Open Space & Design

Donnelly Park & Preserve (+/- 7 acres)

Donnelly Park & Preserve is centrally located in The Parke District. This neighborhood amenity features a combination of active and passive recreation as well as areas designated for environmental conservation. The community's stormwater management pond is integrated into the Park, and will be transformed with a fountain and a perimeter walking/jogging trail. An additional landscaped greenway with walking trails and a pedestrian bridge will separate these active amenities from the Preserve.



Page Road Buffer (+/- 1.8 acres)

The transition from Donnelly Creek to the adjacent lower - density residential development across Page Road will be accomplished through the retention of a natural 125' buffer along Page Road. This buffer comprises approximately 1.8 acres of open space.



Open Space & Design

Environmental Stewardship

Powhatan County's Goal: Natural Resources

Powhatan County will preserve and protect natural resources and open spaces, including rivers, streams, creeks, forests, wildlife habitats, wetlands, floodplains, soil resources, and dark night skies.

Strategies

- Promote a village concept for new development in areas where sewer and water are available or will be available in the future
- Continue to require a minimum non-disturbance buffers from edge of all wetlands and streams
- Provide cluster development options for landowners and developers, allowing homes to be clustered together on smaller lots, leaving a percentage of the remaining land available for open space or other appropriate uses
- Encourage the construction of pedestrian and/or bicycle facilities whenever new thoroughfare roads are built or when existing thoroughfares are widened, in accordance with a master plan.
- Increase usage of energy conservation measures and green building techniques by encouraging participation from builders in green certification programs.

"Most new residential development in suburban and rural areas should be clustered for maximum open space preservation and natural resource protection. The county's efforts will preserve valued wetland areas and broad forested buffers, which filter runoff and enhance biodiversity."

- Text courtesy of 2019 Powhatan County Long Range Comprehensive Plan

Environmental Features

Within the heart of the Parke District in Donnelly Creek lie wetlands and an intermittent stream, which are respected and celebrated through the creation of Donnelly Park & Preserve. The Preserve is a pristine, undisturbed area, while Donnelly Park incorporates the stream and its wide buffers into the open space design. Homes in the Parke District will overlook, but not intrude upon, the stream and its buffer, and a pedestrian greenway and trail network will run alongside the creek before encircling the pond created onsite. As required in the Powhatan County Zoning Ordinance, riparian buffers of at least 100' abutting a perennial stream and 50' abutting an intermittent stream shall be provided.

Environmentally-Friendly Building Practices

As a homebuilder, Eagle Construction knows the importance of energy-efficient and green building, and partners with a national firm known as Pearl Certification that provides third-party certification of high-performing homes: homes with "performance assets" that make them healthy, safe, comfortable, energy- and water-efficient. Pearl's certification system is based on building science and was developed in consultation with national experts on energy efficiency and home performance, and with technical assistance from the National Renewable Energy Laboratory (NREL). Pearl's certification system takes into account how well an asset like insulation or a cooling system was installed, and also accounts for tools that allow a homeowner to view, understand and improve their home's performance.





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Infrastructure

Transportation

Powhatan County's Goal: Transportation

Powhatan County will have a transportation system that is coordinated with land use patterns and community character, with an acceptable level-of-service that supports economic development and maintains a high-quality of life.

Strategies

- Implement the County's Major Thoroughfare Plan according to the recommended project prioritization, as funds are available.
- Encourage pedestrian and bicycle improvements, especially in new developments, to enhance walkability and provide valuable recreation and health benefits.

"The Countywide Future Land Use Plan envisions how land will be developed over the next twenty to thirty years, while the Major Thoroughfare Plan identifies roadway improvements that area needed to support projected growth. The Major Thoroughfare Plan and recommended transportation strategies are consistent with the updated land use plan and other policies identified in the comprehensive plan."

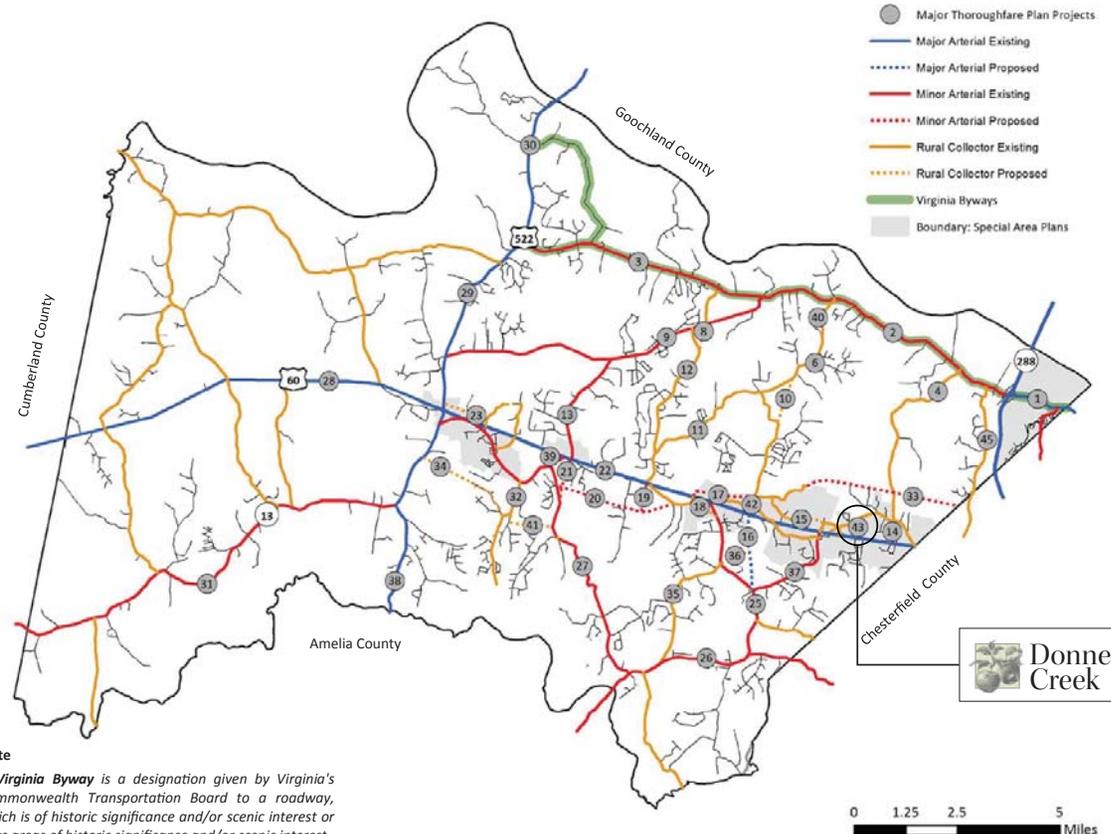
- Text courtesy of 2019 Powhatan County Long Range Comprehensive Plan

Page Rd/ Rt. 60 MTP Connector Road

The County's Major Thoroughfare Plan (MTP) identifies a new two-lane road through Donnelly Creek connecting Page Road to Anderson Highway (Rt. 60) as a short term priority for the County. The Plan estimates the cost to construct this new roadway to be nearly \$3.5 million. Not only is this proposed roadway incorporated into the Donnelly Creek neighborhood, it has been designed as a focal element with a landscaped median, an adjacent park, and sidewalks and parking along the roadway.

Commitment to Construct & Dedicate

The Developer shall construct all public roadways to VDOT standards and shall dedicate these roadways as public right-of-ways.



Note
A Virginia Byway is a designation given by Virginia's Commonwealth Transportation Board to a roadway, which is of historic significance and/or scenic interest or links areas of historic significance and/or scenic interest.

Image courtesy of 2019 Powhatan County Long Range Comprehensive Plan

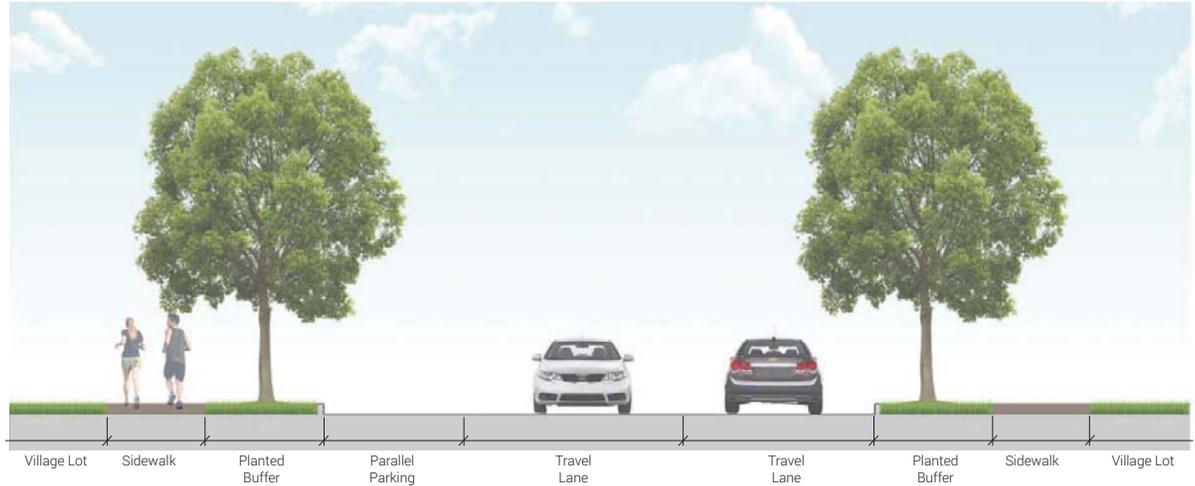
Infrastructure

Thoroughfare Standards

The efficient layout of Donnelly Creek enables a smaller network of public streets, while incorporating private alleys to enhance the neighborhood's village character. Three street stubs will be provided to adjacent parcels also recommended for Village Residential development to allow for cohesive, planned growth in the future.

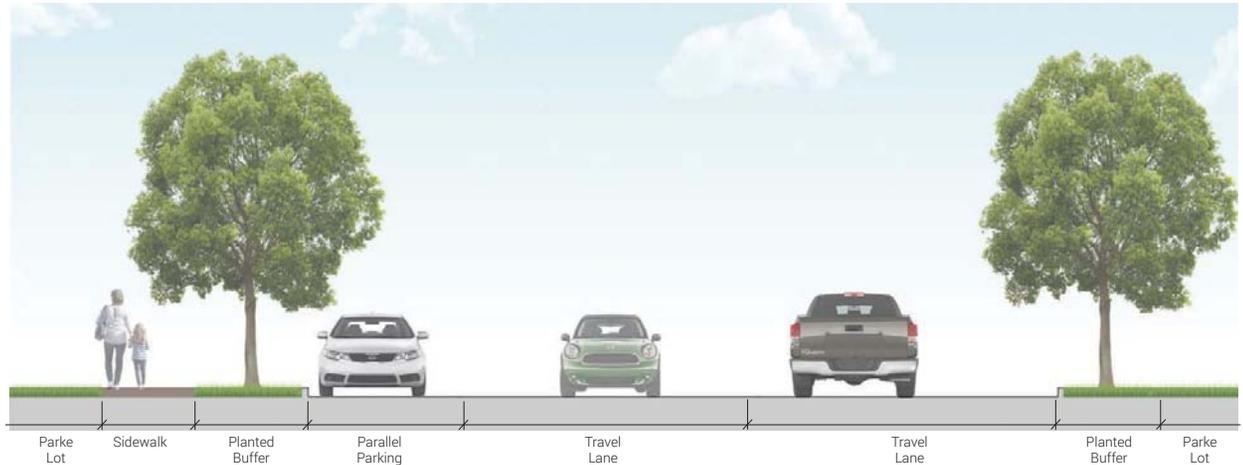
To create a traditional "village" character, the street system within Donnelly Creek is laid out in semi-regular blocks with a grid-like pattern, private alleys and narrow pavement width. On-street parking and sidewalks will be provided throughout the neighborhood. The street network in Donnelly Creek will also provide the two-lane connection from Page Road to Route 60 proposed in the County's Major Thoroughfare Plan. In order to ensure the lower speeds recommended in the Plan, median islands will be incorporated into the design. These islands will also enable additional landscaping in the public realm, while lowering speeds to allow for the safer integration of vehicular and pedestrian traffic.

The street stubs and walking/ jogging trail will be provided to adjacent parcels also designated Village Residential to allow to cohesive, planned growth in the future.



Village District ROW

Neighborhood Street (Public): Neighborhood streets will typically be designed with two travel lanes and on-street parking on one side of the street. In the heart of the Village, streets will be constructed with sidewalks on both sides, while the Village District's periphery and the Parke District will have sidewalks on one side of the street.



Parke District ROW

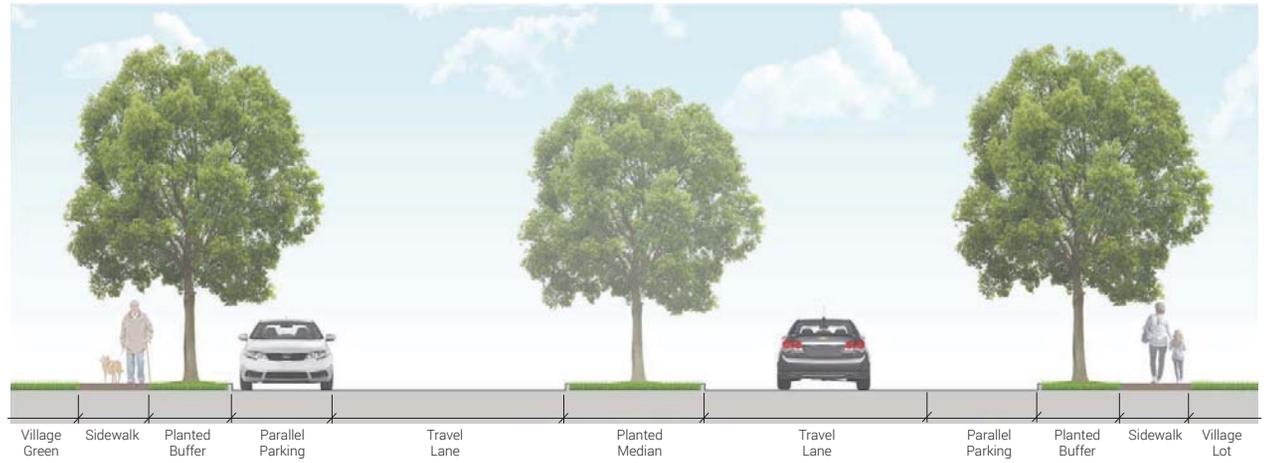
Infrastructure

Thoroughfare Standards

Central Village Boulevard (Public): In the heart of The Village, adjoining the Village Green, the right-of-way expands to accommodate a landscaped median, on-street parking in both directions and sidewalks on both sides of the street.

Alleys (Private): Alleys located in the Village District will be a maximum of 20' wide and will be privately maintained by the Homeowner's Association.

Stub Roads: Donnelly Creek is designed with three stub roads connecting to adjacent parcels also recommended for Village Residential development. The opportunity to link to the neighboring properties will allow for a more cohesive, well-designed overall community at such time as those properties are developed, as recommended in the County's Comprehensive Plan.



Village District Boulevard



Private Alley

Infrastructure

Public Utilities

Powhatan County's Goal: Infrastructure and Community Facilities

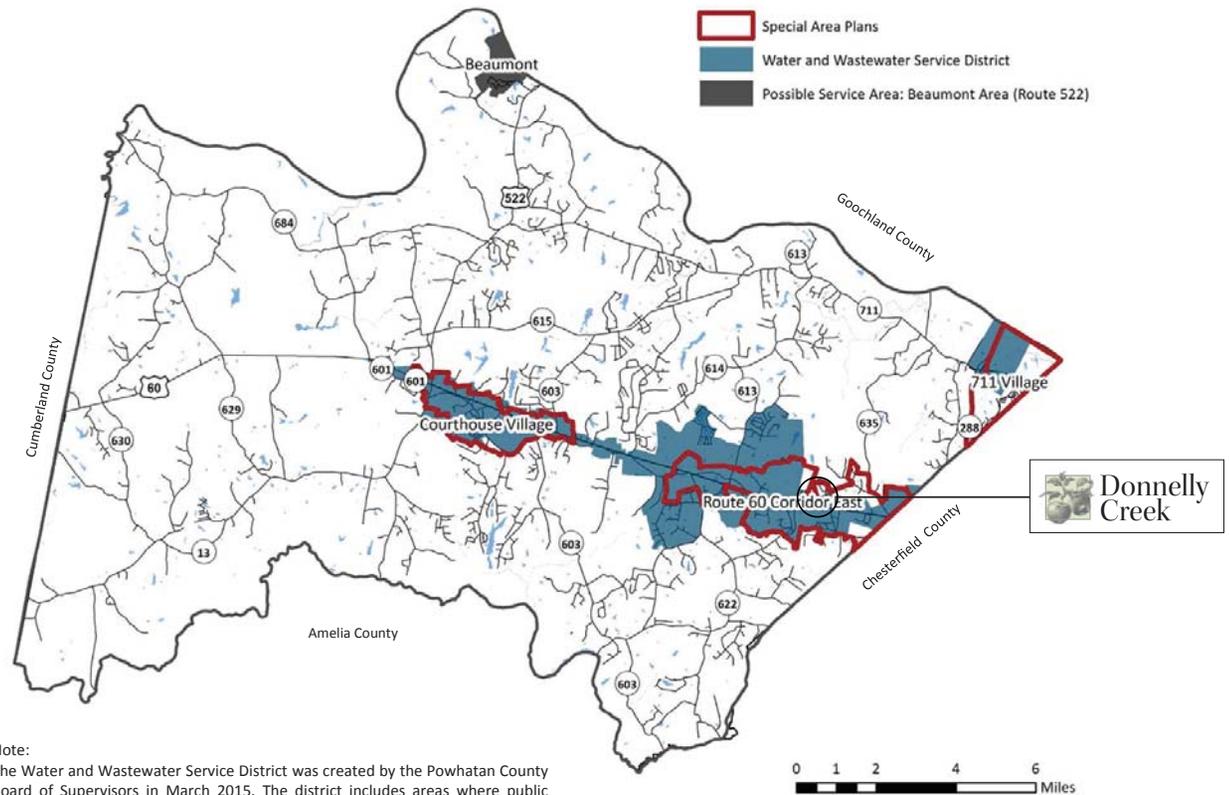
Powhatan County will provide infrastructure and community facilities in a fiscally-responsible manner with adequate levels-of-service, consistent with the proposed future land use plan.

Objectives

- Plan for compatible higher-density mixes of uses in areas where infrastructure is planned.
- Locate new infrastructure and community facilities to promote compact development in focused location within the Route 60 Corridor East, Route 711 and Courthouse Village areas.

"The intent is to direct growth to locations where the county has planned for utility services. Utility services are needed to support more intense development within the service area, aligning with recommendations made in the comprehensive plan... There is considerable interest in promoting a mix of residential and business use along Route 60. There are currently limited residential customers, as previously policy has been to reserve capacity for business uses. This policy will change as Powhatan County promotes housing opportunities along the corridor in the updated County-wide Land Use Plan."

- Text courtesy of 2019 Powhatan County Long Range Comprehensive Plan



Note:
The Water and Wastewater Service District was created by the Powhatan County Board of Supervisors in March 2015. The district includes areas where public utilities exist or are planned.
See page 31 for more information on locations where development may be served by public utilities.
Image courtesy of 2019 Powhatan County Long Range Comprehensive Plan

Water and Wastewater Facilities & Infrastructure

As outlined in the 2015 Water and Wastewater Master Plan and shown on the Water and Sewer Service Areas Map, Donnelly Creek is located within the Water and Wastewater Service District. Based on the 2015 Plan, the county currently has capacity to serve Donnelly Creek as proposed.

Commitment to Construct & Dedicate

In order to provide the residents of Donnelly Creek with public water and sewer services, the Developer will construct the necessary infrastructure to connect to the existing services located along Route 60 in accordance with County standards, and will dedicate the infrastructure to Powhatan County.

Stormwater Management Facilities

Donnelly Creek will have a coordinated stormwater management plan that meets all applicable governmental regulations. The neighborhood's stormwater management pond will be located in the southeastern corner of the site where the topography is naturally suited for this use. The pond, with a fountain feature, will serve as the centerpiece of the neighborhood's Donnelly Park.





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Proffers

The following proffers shall apply to property zoned VR-PD Village Residential Planned Development:

1. PD Plan

Development of the Property shall be in general conformance with the Donnelly Creek VR-PD Plan, entitled "Donnelly Creek - Powhatan, Virginia, Master Plan and Design Guide" and dated October 23, 2019.

2. Density

No more than seventy-nine (79) new single-family detached dwellings shall be constructed on the Property.

3. Buffers

Any newly created Parke or Village residential lot directly adjacent to a neighboring parcel not situated within the Donnelly Creek PD shall be planted with a Type A – Basic Buffer along said property line. Aforementioned buffer shall be not less than 8' in width, shall be planted with 2 canopy trees per 100 linear feet, 4 understory trees per 100 linear feet, and 10 shrubs per 100 linear feet, and shall be placed within a landscape easement on the lot. The buffer plantings shall be installed or bonded prior to the issuance of the Certificate of Occupancy for the lot on which they are required.

4. Stormwater Management Pond

The stormwater management pond located in the southeastern portion of the site shall be constructed with a fountain feature.

5. Cash Proffer

The Applicant or its assignees shall pay \$2,753 per newly created residential lot to Powhatan County for public facility improvements (\$869 for public schools or public transportation facilities, \$1,317 for public safety facilities, and \$567 for park facilities). Such payment shall be made prior to the time of the issuance of any Certificate of Occupancy for each dwelling built on each of the lots.

6. Severance

The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in part or in whole, shall not affect the validity or enforceability of the other proffers or the unaffected part of such proffer.

7. Page Road Buffer

No newly created Parke or Village lot shall be located within one-hundred twenty-five feet (125') of Page Road.

8. Age Restriction

Except as otherwise prohibited by the Virginia Fair Housing Law, Federal Fair Housing Law, and such other applicable Federal, State, or Local legal requirements, dwellings constructed on the Property shall be restricted to "housing for older persons" and shall comply with the Virginia Fair Housing Act (Virginia Code 39-96.7, as amended).

9. Improvements to Route 60

The following improvements to the intersection of Route 60 and the primary entrance to the Property shall be constructed prior to the issuance of the first Certificate of Occupancy for any new dwelling on the Property:

- a. Extend the existing eastbound left turn lane from its existing 100' storage length to a 325' storage length, or as otherwise approved by the Virginia Department of Transportation.
- b. Extend the existing westbound right turn lane from its existing 175' storage length to a 450' storage length, or as otherwise approved by the Virginia Department of Transportation.

10. Construction Traffic

The primary construction entrance to the Property shall be from Route 60.

The following proffers shall apply to property zoned CC Commerce Center:

1. Exterior Materials

At least seventy (70) percent of building facades visible from existing or planned roadways shall be constructed of brick, stone, or other masonry material with a similar appearance, durability, and quality.

2. Parking Lot Surfacing

All parking areas shall be finished with a hard-surface material, and shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.

3. Severance

The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in part or in whole, shall not affect the validity or enforceability of the other proffers or the unaffected part of such proffer.

4. Ingress/Egress to adjacent parcels

Upon construction of the new public roadway connecting Route 60 to Page Road, an ingress/egress driveway connection shall be provided to the adjacent Parcel 042-73A. Right-of-way will be dedicated from aforementioned roadway to the adjacent parcel 042-74 to allow for future connectivity.

Cash Proffer Methodology

The County's 2019 Capital Improvement Program was evaluated with regard to projects in Transportation, Public Safety, Schools, and Parks that generated an increase in capacity and were directly impacted by the proposed development. Donnelly Creek's pro-rated share of these costs was determined by calculating the percentage of Powhatan County's population generated by the Donnelly Creek neighborhood, and have been proffered as a cash contribution per home.

Category	2015	2019
	Proffer Policy	CIP
School*	1,379.00	869.00
Public Safety	201.00	1,317.00
Library	-	-
Parks & Recreation	184.00	567.00
Public Works	83.00	-
General Government	33.00	-
Total Capital Impact	1,880.00	2,753.00
Total	\$159,800.00	\$217,495.00

* Because this proposal now includes an age-restriction, the proffered amount for public school facility improvements may instead be used to fund transportation improvements related to the ongoing Route 60 Corridor Study, at the sole discretion of Powhatan County.

Development Phasing

Development in the Donnelly Creek PD will occur in a single phase and will not be controlled by a Development Phasing Plan.

Unified Control

The entirety of the Donnelly Creek PD property will be controlled by the Donnelly Creek PD Plan. Markel Eagle Partners, LLC is under to contract to purchase the properties, contingent upon the rezoning. The properties will be developed per the PD plan book and, after build-out, will be controlled by a Homeowners' Association.

Appendix

Proffer Details

Project Name	Capacity Increase ?	Direct Impact ?	5 Year CIP Total	Additional	TOTAL	Donnelly Creek's share
Public Safety						
Public Safety Radio System	N	N	\$1,009,000		\$1,009,000	
Courthouse Expansion	Y	Y		\$11,400,000 **	\$11,400,000	\$81,522
Public Safety Building	Y	Y			\$2,900,000	\$20,738
Fire/EMS Station #1 Addition	Y	Y	\$2,900,000		\$2,900,000	
Fire Station #6 Location	N	N	\$250,000		\$250,000	
Replacement of SC Breathing Apparatus	N	N				
Computer-Aided Dispatch Software/Hardware	N	N				
Fire Station #5 Driveway Improvements	N	N	\$70,000		\$70,000	
Fire Station #4 Driveway Improvements	N	N	\$140,000		\$140,000	
Fire Rescue Boat	Y	Y	\$71,000		\$71,000	\$508
Animal Control Cages	N	N				
Fire Rescue Training Center (Regional)	Y	Y	\$180,000		\$180,000	\$1,287
MDC Replacements	N	N	\$45,000		\$45,000	
Total Public Safety			\$4,665,000	\$11,400,000 **	\$16,065,000	\$104,055
Public Safety (Per Home)						\$1,317
Parks and Recreation						
Fighting Creek Park Expansion Phase #3	Y	Y	\$5,000,000		\$5,000,000	\$35,755
Fighting Creek Park Land Expansion	Y	Y	\$500,000		\$500,000	\$3,576
Softball Complex Concession Facility	Y	Y	\$260,000		\$260,000	\$1,859
Multipurpose Field	N	N				
Additional Practice Field	Y	Y				
Field Improvements - Jr High	Y	Y				
FCP Blue Field Expansion	Y	Y				
Field Improvements - Elementary Schools	Y	Y				
Skate Park and Parking Expansion	Y	Y				
Fighting Creek Park-Lighting Upgrade	N	N				
Athletic Field Improvements - Lighting	N	N	\$758,000		\$758,000	
Development of Recreational Plan	N	N	\$35,000		\$35,000	
Village Building Sports Field	Y	Y	\$500,000		\$500,000	\$3,600
Total Parks and Recreation			\$7,053,000		\$7,053,000	\$44,790
Parks and Recreation (Per Home)						\$567
Schools						
Powhatan Junior HS Replacement Renovation	Y	Y				
Joint Vehicle Maintenance Facility	N	N				
School Bus Fleet	N	N	\$5,355,000		\$5,355,000	
School Division Support Vehicle Fleet	N	N	\$635,000		\$635,000	
School Board Office Replacement/Renovation	N	N	\$99,000		\$99,000	
Pocahontas Elementary School Maintenance	N	N	\$2,611,000		\$2,611,000	
Powhatan Elementary School Maintenance	N	N	\$4,225,000		\$4,225,000	
Powhatan High School Maintenance	N	N	\$368,000		\$368,000	
Asphalt Maintenance	N	N	\$35,000		\$35,000	
New Elementary School	Y	Y	\$2,500,000		\$2,500,000	\$17,878
PHS Classroom Additions	Y	Y	\$7,100,000		\$7,100,000	\$50,772
New Wing for Middle School	N	N				
Pocahontas Middle School Repurpose	N	N				
Total School			\$16,938,000		\$16,938,000	\$68,650
School (Per Home)						\$869
Grand Total						
Total Cost			\$28,656,000	\$11,400,000 **	\$40,056,000	\$217,495
Per Home						\$2,753

**Because the addition of 79 age-restricted homes has the potential to accelerate this project's timeframe, the deferred cost of the Public Safety Building has been included in the proffer analysis.

Public Transportation Proffer

As part of the Donnelly Creek proposal, a new collector road would be constructed from Page Road to Route 60, as recommended in the County's Major Thoroughfare Plan (MTP). The MTP estimates the construction of this roadway to cost approximately \$3,400,000. The applicant is proposing to fund and construct the entire roadway as an "in-kind" proffer contribution.

Proffer Calculation Methodology

28,601 Current Population (US Census)

2.6 Persons per Household (PPH) (US Census)

79 Donnelly Creek Proposed Homes

206 Donnelly Creek Proposed Residents (79 homes x 2.6 pph)

28,807 Proposed County Population (Existing plus Donnelly Creek)
(28,601 + 206)

0.72% Donnelly Creek population as % of County population
(DC Proposed Population ÷ Total Proposed County Population)
(206 / 28807)

Category	2015	2019
	Proffer Policy	CIP
Schools*	\$1,379	\$869
Public Safety	\$201	\$1,317
Library	-	-
Parks & Recreation	\$184	\$567
Public Works	\$83	-
General Government	\$33	-
Total Capital Impact	\$1,880	\$2,753
Total	\$159,800	\$217,495

* Because this proposal now includes an age-restriction, the proffered amount for public school facility improvements may instead be used to fund transportation improvements related to the ongoing Route 60 Corridor Study, at the sole discretion of Powhatan County.

Per Section 15.2-2303.4 of the Code of Virginia, cash proffers may only be offered and accepted for public facility improvements, and only if the proffer addresses a need or a portion thereof, and if the new residential use receives a direct and material benefit from the proffer.

The Code defines public facility improvements as specifically relating to:

Public Transportation Facility Improvements

Construction of new roads, improvement or expansion of existing roads, and construction, improvement, or expansion of buildings, structures, parking, and other facilities directly related to transit.

Public Safety Facility Improvements

Construction of new law-enforcement, fire, emergency medical, and rescue facilities, or expansion of existing public safety facilities

Public School Facility Improvements

Construction of new primary and secondary public schools or expansion of existing primary and secondary public schools

Public Parks

Construction of expansion of playgrounds and other recreational facilities

The Code **excludes** operating expenses and ordinary maintenance or repair, as well as any capital improvements to an existing public facility, such as a renovation or technology upgrade, that do not expand the capacity of such facility.

In order to determine the cash proffer offered, the County's FY2019 5-Year Capital Improvement Program was analyzed to determine which improvements increased the capacities of their respective public facilities, and the proffer methodology described above was used to determine the amount attributable to the Donnelly Creek neighborhood.

Attachment #3
Proffer Statement
(Dated October 23, 2019)

Donnelly Creek

Proffer Statement

October 23, 2019

The following proffers shall apply to property zoned VR-PD Village Residential Planned Development:

1. **PD Plan.** Development of the Property shall be in general conformance with the Donnelly Creek VR-PD Plan, entitled “Donnelly Creek - Powhatan, Virginia, Master Plan and Design Guide” and dated October 23, 2019.
2. **Density.** No more than seventy-nine (79) new single-family detached dwellings shall be constructed on the Property.
3. **Buffers.** Any newly created Parke or Village residential lot directly adjacent to a neighboring parcel not situated within the Donnelly Creek PD shall be planted with a Type A – Basic Buffer along said property line. Aforementioned buffer shall be not less than 8’ in width, shall be planted with 2 canopy trees per 100 linear feet, 4 understory trees per 100 linear feet, and 10 shrubs per 100 linear feet, and shall be placed within a landscape easement on the lot. The buffer plantings shall be installed or bonded prior to the issuance of the Certificate of Occupancy for the lot on which they are required.
4. **Stormwater Management Pond.** The stormwater management pond located in the southeastern portion of the site shall be constructed with a fountain feature.
5. **Cash Proffer.** The Applicant or its assignees shall pay \$2,753 per newly created residential lot to Powhatan County for public facility improvements (\$869 for public schools or public transportation facilities, \$1,317 for public safety facilities, and \$567 for park facilities). Such payment shall be made prior to the time of the issuance of any Certificate of Occupancy for each dwelling built on each of the lots.
6. **Severance.** The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in part or in whole, shall not affect the validity or enforceability of the other proffers or the unaffected part of such proffer.
7. **Page Road Buffer.** No newly created Parke or Village lot shall be located within one-hundred twenty-five feet (125’) of Page Road.
8. **Age Restriction.** Except as otherwise prohibited by the Virginia Fair Housing Law, Federal Fair Housing Law, and such other applicable Federal, State, or Local legal requirements, dwellings constructed on the Property shall be restricted to “housing for

older persons” and shall comply with the Virginia Fair Housing Act (Virginia Code 39-96.7, as amended).

9. **Improvements to Route 60.** The following improvements to the intersection of Route 60 and the primary entrance to the Property shall be constructed prior to the issuance of the first Certificate of Occupancy for any new dwelling on the Property:
 - a. Extend the existing eastbound left turn lane from its existing 100’ storage length to a 325’ storage length, or as otherwise approved by the Virginia Department of Transportation.
 - b. Extend the existing westbound right turn lane from its existing 175’ storage length to a 450’ storage length, or as otherwise approved by the Virginia Department of Transportation.

10. **Construction Traffic.** The primary construction entrance to the Property shall be from Route 60.

Signature  Date 10/29/19

Donnelly Creek

Proffer Statement
October 23, 2019

The following proffers shall apply to property zoned CC Commerce Center:

1. **Exterior Materials.** At least seventy (70) percent of building facades visible from existing or planned roadways shall be constructed of brick, stone, or other masonry material with a similar appearance, durability, and quality.
2. **Parking Lot Surfacing.** All parking areas shall be finished with a hard-surface material, and shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.
3. **Severance.** The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in part or in whole, shall not affect the validity or enforceability of the other proffers or the unaffected part of such proffer.
4. **Ingress/Egress to adjacent parcels.** Upon construction of the new public roadway connecting Route 60 to Page Road, an ingress/egress driveway connection shall be provided to the adjacent Parcel 042-73A. Right-of-way will be dedicated from aforementioned roadway to the adjacent parcel 042-74 to allow for future connectivity.

Signature  Date 10/29/19

Attachment #4
Revised Traffic Assessment:
Donnelly Creek Development
(Dated October 9, 2019)



October 9, 2019

Mr. Andrew Pompei, AICP, CZA
Powhatan County
Planning Director
3834 Old Buckingham Road
Suite F
Powhatan, Virginia 23139

Re: Revised Traffic Assessment – Donnelly Creek Development
Powhatan County, Virginia

Mr. Pompei,

This revised traffic assessment is in regards to the proposed Donnelly Creek Development to be located in Powhatan County, Virginia. As part of the current development plan, it is proposed that a residential use development is to be constructed north of the US 60 (Anderson Highway) and south of Page Road in proximity to the existing US 60 and Holly Hills Road intersection.

As requested by County staff, a traffic impact analysis has been conducted to assess proposed site access impacts expected as a result of site development. Discussions with both VDOT and County staff has been conducted to develop a scope of services for this traffic assessment. Review of the original traffic assessment (dated 7/5/19) has been conducted by the Virginia Department of Transportation (VDOT) and comments (dated 9/6/19) have been provided for inclusion in this revised traffic assessment. Refer to Appendix A for the formal response to comments letter prepared as part of the study revision.

Executive Summary

As proposed, the plan of development looks to construct a residential use development. However, due to the location of adjoining undeveloped property, the addition of potential commercial uses have been included as part of this development plan since access to each property (Donnelly Creek / commercial property) will share in the proposed plan of access at the buildout of Donnelly Creek. The proposed plan of access will provide two points of full movement site access on both US 60 at the existing intersection of US 60 and Holly Hills Road and Page Road at the existing intersection of Page Road and Old Powhatan Estates. Buildout of the proposed site is to include 83 single family residential units; 10,000sf of office land uses; 15,000sf of retail land uses. Refer to Appendix C for the proposed site conceptual site plan.

Analysis of existing peak hour traffic conditions indicates that the northbound left-right movement at the intersection of US 60 and Holly Hill Road is operating at unacceptable levels of service. Analysis indicates that all proposed site access movements are expected to work at acceptable levels of service except for the southbound left-through movement at the intersection of US 60 and Holly Hills Road / Site Drive #1.

Analysis of buildout peak hour traffic conditions (background, approved development, and site volumes) indicates that all study area traffic movements are expected to operate at acceptable levels of service except for the southbound and northbound side street movements at the intersection of US 60 and Holly Hills Road / Site Drive #1. Due to significant peak hour through volumes on US 60, side street movements do not have sufficient gaps in traffic flow to provide for acceptable operations.

Additional analysis of buildout traffic conditions has been provided for the revised traffic assessment such that the proposed Ellis Farm project has been added to buildout peak hour traffic conditions. Analysis of buildout plus pending Ellis Farm site traffic indicates that no significant impacts are expected within the study area for this project. The addition of Ellis Farm site traffic indicates that the study intersections are primarily governed by the prevailing flow of existing and projected background peak hour traffic conditions.

Based on site impacts, it is recommended to provide the following improvements as part of the Donnelly Creek buildout:

- Extend the existing eastbound left turn lane from its existing 100 foot (ft) storage length to a 325ft storage length
- Extend the existing westbound right turn lane from its existing 175ft storage length to a 450ft storage length.

As part of the right turn lane improvement is recommended to restrict existing right turn egress movements at the Powhatan Professional Center and provide internal access to Powhatan Professional Center such that all egress movements from the existing commercial site can utilize the proposed plan of access for Donnelly Creek. All buildout analyses assume a 'worst' case traffic condition that assumes the Powhatan Professional Center egress movements will be provided for at Site Drive #1. Based on turn lane warrant thresholds, turn lanes are not warranted at the intersection of Page Road and Old Powhatan Estates / Site Drive #2.

Existing/Background Traffic Conditions

In order to evaluate site impacts data was collected at all existing study area intersections for the AM (7am to 9am), and PM (4pm to 6pm) peak hours of a typical weekday. Data was obtained by conducting turning movement counts at the existing study area intersections in 15-minute intervals including heavy vehicle counts. Counts have been further analyzed to determine peak hour data for further analysis. Refer to Appendix B for all raw data sets. Refer to Figure 1 in Appendix C for the existing (2019) peak hour traffic conditions.

As determined from data collection efforts, U-turns do occur on US 60 within the study area for this project. Field observations indicate U-turn maneuvers occur on both the east and westbound left turn movements at the intersection of US 60 and Holly Hill Road (eastbound left turn movement: 1vph AM / 7vph PM; westbound left turn movement: 1vph AM / 13vph PM). All U-turn maneuvers have been included in the overall left turn movements detailed in the capacity analysis.

Existing (2019) peak hour traffic conditions have been adjusted to reflect a 2% annual growth rate to determine background (2025) peak hour traffic conditions. Refer to Figure 2 in the Appendix C for the background (2025) peak hour traffic conditions.

Approved Developments

As part of the background analysis for this study all approved developments are to be included as part of the comparative analysis. For this study two approved developments have been included as part of the analysis. Stoneridge Commercial Development is to be developed to the north of US 60 on Luck Stone Road and is expected to include 52,700sf of retail; 6,511sf fast food restaurant; 3,000sf convenience mart; 3,465sf bank. Peak hour site trips for this site was determined as part of a TIA Report submitted by Bowman Consulting dated 9/11/18 and can be found in Appendix D.

Classic Granite is a planned commercial development to be constructed in three phases. It is located on the southwest quadrant of the US 60 and Page Road/County Line Road intersection. The site is approved to develop Phase 1 of the development plan and is expected to include 72,211sf of manufacturing uses; 10,438sf of office uses; 7,881sf of retail uses. Peak hour site trips were developed as part of a TIA Report submitted by Green Light Solutions dated 8/30/18 and can be found in Appendix D.

Refer to Figure 3 for approved peak hour site trips in Appendix C. Background plus approved development peak hour traffic conditions have been determined by combining approved peak hour site trips (Figure 3) and background (2025) peak hour traffic conditions (Figure 2). Refer to Figure 4 in Appendix C for background plus approved (2025) peak hour traffic conditions.

Buildout Traffic Conditions

Buildout site development traffic conditions were determined by analyzing site trip generation numbers for land uses and densities (83 single family residential units; 10,000sf Office; 15,000sf Retail) utilizing the ITE Trip Generation Manual, 10th Edition. Refer to Table 1 for the trip generation results.

**TABLE 1
Buildout Site Trip Generation Results**

Land Use	Density	ITE Code	AM Peak Hour (vph)		PM Peak Hour (vph)		Daily (vpd) Total
			Enter	Exit	Enter	Exit	
Single Family	83 units	210	16	48	54	31	876
Office	10,000sf	710	31	5	2	11	114
Retail	15,000sf	820	99	61	64	69	1,654
Total Buildout Site Trips			146	114	120	111	2,644
Internal Site Trips (10% residential)			7	7	8	8	176
Pass-By Site Trips (34% retail)			26	26	21	21	532
Primary Site Trips			113	81	91	82	1,936

Total buildout site trips have been adjusted to reflect internal, pass-by and primary peak hour site trips. Internal site trips have been determined assuming a 10% capture rate for residential uses. Pass-by site trips have been determined based on a 34% pass-by rate determined from ITE data sets for the 820 (34%) land use. Refer to Figure 5 in the Appendix C for the primary site distribution percentages and Figure 7 for the primary hour site trip assignments. Refer to Figure

6 in the Appendix C for the pass-by distribution percentages and Figure 8 for the pass-by peak hour site trip assignments.

Buildout traffic conditions were determined by combining background plus approved (2025) peak hour traffic conditions (Figure 4) with site traffic conditions determined in Figures 7 and 8. Refer to Figure 9 in Appendix C for the buildout (2025) peak hour traffic conditions.

Pending Development

One pending development (currently being considered by Powhatan County for zoning approval) has been included as part of the study analysis. The proposed Ellis Farm project is proposed to include 249 single family residential units; 80,000sf of assisted living space; 15,000sf of office land uses; 10,000sf of retail land uses. Peak hour site trips were developed as part of a TIA Report submitted by Green Light Solutions dated 6/6/19 and can be found in Appendix D. Pending peak hour site trips have been added to buildout (2025) peak hour traffic conditions (Figure 9). Refer to Figure 10 for buildout plus pending (2025) peak hour traffic conditions.

Traffic Analysis

Existing traffic control and lane geometries have been obtained and utilized for all analysis scenarios for each off-site study intersection. Proposed site drive improvements have been utilized for Site Drive #1. Based on discussions with VDOT and County staff, there are no future roadway improvements expected during the study period for this report.

Analysis has been conducted using Synchro macro-scopic modeling for each traffic scenario. All analysis measures (delay, queues, volume-to-capacity) have been determined utilizing the Synchro modeling exclusively. Existing peak hour factors and heavy vehicle percentages have been utilized for the existing conditions analysis. Peak hour factors have been adjusted to utilize a 0.92 on all existing peak hours below 0.92, and heavy vehicle percentages have been adjusted to reflect a 2% rate on all existing percentages less than 2% for all future traffic analysis scenarios.

Existing (2019) Traffic Analysis

Existing (2019) peak hour traffic conditions detailed in Figure 1 have been analyzed to determine a base line for determining site traffic impacts. Refer to Table 2 for the existing (2019) peak hour analysis results. Refer to Appendix E for the computer printouts of the existing analysis.

**TABLE 2
 Analysis Summary
 Existing (2019) Peak Hour Traffic Conditions**

	Intersection	Control	Lane Group	Available Storage ¹	AM Peak Hour			PM Peak Hour		
					Lane LOS	Lane Delay (sec/veh)	Lane Queue (ft) ²	Lane LOS	Lane Delay (sec/veh)	Lane Queue (ft) ²
1.	US 60 (E/W) and Holly Hills Road (N/S)	Stop	NBLR WBL	- 100	F C	704.4 23.9	\$ 52	F B	369.1 11.4	\$ 71
2.	Page Road (E/W) and Old Powhatan Estates (N/S)	Stop	EBL SBLR	- -	A A	7.4 8.9	0 28	A A	7.3 8.6	6 27

NOTES

- (1) – Indicates continuous lane.
- (2) Queues are maximum queue observed as reported by SimTraffic.
- (3) \$ Indicates Delay/Queue incalculable.

Analysis indicates minor street left movements on US 60 are not operating at acceptable levels. This is typical of unsignalized side street movements along heavily traveled corridors such as US 60. Traffic signal improvements are not expected to be warranted at the intersection of US 60 and Holly Hills Road.

Analysis of study area intersections indicates that the following intersection movements are not operating at acceptable levels of service under existing (2019) peak hour traffic conditions:

US 60 and Holly Hills Road

- Northbound left-right turn movement

Analysis of study area intersections indicates that all existing storage bay capacities are maintaining traffic queues generated during the peak hours of the day.

Field observations during data collection efforts affirm failing traffic conditions; however, analytical delay measures are not consistent with field observations. Field observations indicate that delays are not as significant as those calculated by the traffic model. This is typical of the traffic modeling when volume to capacity ratios exceed 1.0.

When such conditions exist, driver behavior becomes more aggressive in order to maneuver vehicles into position. This is further evidences that US 60 side street delays are at unacceptable levels.

Background Plus Approved (2025) Traffic Analysis

Background Plus Approved (2025) peak hour traffic conditions detailed in Figure 4 have been analyzed as part of a comparative analysis to assess site traffic impacts. Refer to Table 3 for the background plus approved (2025) peak hour analysis results. Refer to Appendix F for the computer printouts of the background plus approved analysis.

TABLE 3
Analysis Summary
Background Plus Approved (2025) Peak Hour Traffic Conditions

Intersection	Control	Lane Group	Available Storage ¹	Lane LOS	AM Peak Hour Lane Delay (sec/veh)	Lane Queue (ft) ²	Lane LOS	PM Peak Hour Lane Delay (sec/veh)	Lane Queue (ft) ²
1. US 60 (E/W) and Holly Hills Road (N/S)	Stop	NBLR WBL	- 100	F D	1746.0 30.7	\$ 80	F B	958.3 13.2	\$ 100
2. Page Road (E/W) and Old Powhatan Estates (N/S)	Stop	EBL SBLR	- -	A A	7.4 8.9	0 30	A A	7.3 8.6	5 27

NOTES

- (1) – Indicates continuous lane.
- (2) Queues are maximum queue observed as reported by SimTraffic.
- (3) \$ Indicates Delay/Queue incalculable.

Analysis indicates minor street left movements on US 60 are not expected to operate at acceptable levels. Further deterioration beyond that determined under existing conditions is expected on all US 60 side street movements. Traffic signal improvements are not expected to be warranted at the intersection of US 60 and Holly Hills Road under background plus approved traffic conditions.

Analysis of study area intersections indicates that the following intersection movements are not expected to operate at acceptable levels of service under background plus approved (2025) peak hour traffic conditions (*italics denotes problem traffic movements determined in prior analysis*):

US 60 and Holly Hills Road

- *Northbound left-right turn movement*

Analysis of study area intersections indicates that all existing storage bay capacities are maintaining traffic queues generated during the peak hours of the day.

Buildout (2025) Traffic Analysis

Buildout (2025) peak hour traffic conditions detailed in Figure 9 have been analyzed as part of a comparative analysis to assess site traffic impacts. Refer to Table 5 for the buildout (2025) peak hour analysis results. Refer to Appendix G for the computer printouts of the buildout (2025) peak hour traffic conditions.

**TABLE 5
 Analysis Summary
 Buildout (2025) Peak Hour Traffic Conditions**

Intersection	Control	Lane Group	Available Storage ¹	AM Peak Hour			PM Peak Hour		
				Lane LOS	Lane Delay (sec/veh)	Lane Queue (ft) ²	Lane LOS	Lane Delay (sec/veh)	Lane Queue (ft) ²
1. US 60 (E/W) and Holly Hills Road (N/S)	Stop	NBLR	-	F	5303.2	\$	F	2683.8	\$
		EBL	325	B	10.7	62	D	34.9	304
		WBL	100	D	30.1	83	B	13.2	113
	Stop Stop	SBLT	-	F	3226.0	\$	F	37759.0	\$
		SBR	250	B	12.5	0	E	39.7	39
2. Page Road (E/W) and Old Powhatan Estates (N/S)	Stop	NBLTR	-	A	8.9	30	A	8.8	29
		EBL	-	A	7.4	0	A	7.3	6
		WBL	-	A	7.3	2	A	7.3	5
		SBLTR	-	A	9.1	30	A	8.6	27

NOTES

- (1) – Indicates continuous lane.
- (2) Queues are maximum queue observed as reported by SimTraffic.
- (3) \$ Indicates Delay/Queue incalculable.

Analysis indicates that both north and southbound left through movements at the intersection of US 60 and Holly Hills Road / Site Drive #1 are expected to operate at over capacity conditions. Each maneuver is expected to utilize a two stage maneuver to cross US 60 and each has an alternative route that can be utilized for routing purposes. A traffic signal is not expected to be warranted based on buildout traffic conditions.

Analysis of study area intersections indicates that the following intersection movements are not expected to operate at acceptable levels of service under buildout (2025) peak hour traffic conditions (*italics denotes problem traffic movements determined in prior analysis*):

US 60 and Holly Hills Road

- *Northbound left-through-right turn movement*
- Southbound left-through movement
- Southbound right turn movement

Analysis of study area intersections indicates that the following intersection movements are not expected to operate within available turn lane storage capacity under buildout (2025) peak hour traffic conditions (*italics denotes problem traffic movements determined in prior analysis*):

US 60 and Holly Hills Road

- Westbound left turn movement

Buildout plus Pending (2025) Traffic Analysis

Buildout plus pending (2025) peak hour traffic conditions detailed in Figure 10 have been analyzed as part of a comparative analysis to assess site traffic impacts. Refer to Table 6 for the buildout plus pending (2025) peak hour analysis results. Refer to Appendix H for the computer printouts of the buildout plus pending (2025) peak hour traffic conditions.

**TABLE 5
Analysis Summary
Buildout plus Pending (2025) Peak Hour Traffic Conditions**

	Intersection	Control	Lane Group	Available Storage ¹	AM Peak Hour			PM Peak Hour		
					Lane LOS	Lane Delay (sec/veh)	Lane Queue (ft) ²	Lane LOS	Lane Delay (sec/veh)	Lane Queue (ft) ²
1.	US 60 (E/W) and Holly Hills Road (N/S)	Stop	NBLR	-	F	5303.2	\$	F	3450.9	\$
			EBL	325	B	10.9	54	E	36.2	324
			WBL	100	D	31.0	98	B	13.5	109
		Stop Stop	SBLT	-	F	3555.8	\$	F	37759.0	\$
			SBR	250	B	12.7	2	E	41.0	29
2.	Page Road (E/W) and Old Powhatan Estates (N/S)	Stop	NBLTR	-	A	9.0	30	A	8.9	31
			EBL	-	A	7.4	0	A	7.3	0
			WBL	-	A	7.3	1	A	7.3	3
			SBLTR	-	A	9.2	28	A	8.7	27

NOTES

- (1) – Indicates continuous lane.
- (2) Queues are maximum queue observed as reported by SimTraffic.
- (3) \$ Indicates Delay/Queue incalculable.

Analysis indicates that the addition of Ellis Farm site traffic is expected to have a marginal impact to the study area. The primary impact of the pending development traffic is expected to occur on the eastbound left turn movement during the PM peak hour. Delays are expected to increase to LOS E and queues are anticipated to exceed proposed storage bay lengths.

Analysis of study area intersections indicates that the following intersection movements are not expected to operate at acceptable levels of service under buildout plus pending (2025) peak hour traffic conditions (*italics denotes problem traffic movements determined in prior analysis*):

US 60 and Holly Hills Road

- *Northbound left-through-right turn movement*
- Eastbound left movement
- *Southbound left-through movement*
- *Southbound right turn movement*

Analysis of study area intersections indicates that the following intersection movements are not expected to operate within available turn lane storage capacity under buildout plus pending (2025) peak hour traffic conditions (*italics denotes problem traffic movements determined in prior analysis*):

US 60 and Holly Hills Road

- *Westbound left turn movement*

Conclusions

Traffic impacts expected as a result of the proposed site are to be fully mitigated for all proposed traffic movements except for the southbound left-through and right turn movements at the intersection of US 60 and Holly Hill Road / Site Drive #1. Due to heavy peak hour volumes on US 60 the southbound left-through movement is expected to operate at over capacity levels under buildout peak hour conditions.

Due to side street volumes that do not meet warrants for installation of a traffic signal, mitigation of over-capacity conditions will depend on the ability of side street traffic to reroute to better operating facilities on US 60. Southbound movements rerouting are expected to occur via Site Drive #2 on Page Road which will provide indirect access to the existing signalized operation at US 60 and Stavemill Road.

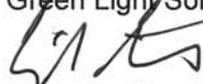
Northbound left turn traffic movements on Holly Hills Road at the US 60 intersection also have an alternative route to the unsignalized intersection of US 60 and Dogwood Road or rerouting to a northbound right turn lane in order to conduct a U-turn maneuver at the existing median crossing located at Dogwood Road. Where neither of these maneuvers are ideal, the long term solution for this type of side street operation along US 60 is the continued effort to provide parallel facilities along US 60 that will provide routes for side street traffic to gain access to up and down stream signalized operation on US 60.

Analysis of Page Road and Old Powhatan Estates / Side Drive #2 indicates that acceptable operations are expected under buildout peak hour traffic conditions. Analysis of turn lane warrants indicates that turn lanes are not warranted at buildout of the site.

Additional analysis of study area intersections that include traffic generated by the Ellis Farm project indicates that Ellis Farm traffic impacts are expected to produce marginal impacts to intersection levels of service. The most significant impact is expected on the eastbound left turn movement at the intersection of US 60 and Holly Hills Road / Site Drive #1. All improvements recommended as part of the Donnelly Creek Development are based on buildout traffic conditions that do not include the Ellis Farm project.

If you need any additional information or have any questions regarding this submittal, please feel free to call or email.

Sincerely,
Green Light Solutions, Inc.



Erich Strohhacker, PE
President

Attachment #5
Trip Generation Comparison
(Conventional Single-Family Dwellings vs. Age-Restricted Housing)

**TABLE 1
Buildout Site Trip Generation Results (TIA Report)**

Land Use	Density	ITE Code	AM Peak Hour (vph)		PM Peak Hour (vph)		Daily (vpd)
			Enter	Exit	Enter	Exit	Total
Single Family	83 units	210	16	48	54	31	876
Office	10,000sf	710	31	5	2	11	114
Retail	15,000sf	820	99	61	64	69	1,654
Total Buildout Site Trips			146	114	120	111	2,644
Internal Site Trips (10% residential)			7	7	8	8	176
Pass-By Site Trips (34% retail)			26	26	21	21	532
Primary Site Trips			113	81	91	82	1,936

**TABLE 2
Buildout Site Trip Generation Results (Age Restricted Housing)**

Land Use	Density	ITE Code	AM Peak Hour (vph)		PM Peak Hour (vph)		Daily (vpd)
			Enter	Exit	Enter	Exit	Total
Elderly Housing	83 units	251	12	24	25	16	478
Office	10,000sf	710	31	5	2	11	114
Retail	15,000sf	820	99	61	64	69	1,654
Total Buildout Site Trips			142	90	91	96	2,246
Internal Site Trips (10% residential)			3	3	5	5	96
Pass-By Site Trips (34% retail)			27	27	22	22	546
Primary Site Trips			112	60	64	69	1,604

Attachment #6
VDOT Comments
(Donnelly Creek Development: Traffic Assessment Report Comments –
Dated October 22, 2019)



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

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

Stephen C. Brich, P.E.
COMMISSIONER

October 22, 2019

Andrew Pompei
Planning Director
Powhatan County
3834 Old Buckingham Road
Powhatan, Virginia 23139

(Sent via E-mail)

Subject: Donnelly Creek Development
Traffic Assessment Report Comments

Dear Mr. Pompei:

The Virginia Department of Transportation (Department) has reviewed the resubmitted traffic study, dated October 9, 2019 for the proposed Donnelly Creek site along the north side of Anderson Highway (US 60), adjacent to the Powhatan Professional Center, and across from the intersection of Holly Hills Road (Route 1101), and the responses to the original review comments. Based on the comment responses, the Department finds that the revised report conforms to the requirements of a traffic impact analysis in regard to the accuracy of the methodologies, assumptions, and conclusions presented in the analysis.

The analysis was required by Powhatan County as part of the rezoning case for the Donnelly Creek development to define the impacts of site traffic on the surrounding road network. Summarized below are the key findings and recommendations included in the study:

Proposed Development

The applicant is proposing to construct a mixed-use development to include the following uses:

- 83 single family residential units
- 10,000 s.f. of office space
- 15,000 s.f. of retail space

The development is expected to be completely built-out in the year 2025, with no proposed phasing plan for the site. The anticipated trip generated for the proposed development is as follows (does not include deduction for internal capture and pass-by trips):

- AM Peak Traffic – 260 total trips
- PM Peak Traffic – 231 total trips
- Average Daily Traffic – 2,644 vehicles trips per day

Recommended Roadway Improvements

The proposed site will construct a new road between Anderson Highway and Page Road, intersecting each road at the following locations:

- Existing Anderson Highway intersection with Holly Hills Road (Route 1101)
- Existing Page Road intersection with Old Powhatan Estates (Route 1110)

Both existing intersections are three-legged intersections that will be converted to four-legged intersections with the construction of this new site access road. Along US 60, the applicant is proposing the following turn lane enhancements at the intersection to mitigate site traffic:

- Extend the existing eastbound left turn lane storage from 100 feet to 325 feet.
- Extend the existing westbound right turn lane storage from 175 feet to 450 feet.

Turn lane warrants were analyzed for both right and left turn lanes on Page Road at the intersection with Old Powhatan Estates and the proposed site access road. The report demonstrates that the projected site traffic in the build out year of 2025 does not meet either the Department or Powhatan County turn lane warrants at this intersection. As a result of the turn lane warrant analysis, no turn lanes are proposed at this intersection.

Conclusion and Recommendations

The traffic assessment report analysis of the proposed site traffic in the build out year (2025) demonstrated acceptable levels of service (LOS) at the intersection of Anderson Highway with the proposed site access road at the intersection with Holly Hills Road for all movements, except the following:

- Eastbound US 60 Left Turn to the Proposed Site Access Road
 - PM Peak Hour LOS E
- Southbound Proposed Site Access Road Through-Left Combined Movement
 - AM and PM Peak Hour LOS F
- Southbound Proposed Site Access Road Right Turn to WB US 60
 - AM and PM Peak Hour LOS F
- Northbound Holly Hills Road Through-Left-Right Combined Movement
 - AM and PM Peak Hour LOS F

Donnelly Creek – Traffic Assessment Report

October 22, 2019

Page 3 of 3

The proposed turn lane enhancements on US 60 will mitigate the proposed site traffic impact on the build out year traffic. The projected LOS F for the Holly Hills Road and the Proposed Site Access Road are typical of unsignalized street connections to high volume four-lane divided highways, such as US 60.

If you have any questions or require any additional information, I can be reached at 804-674-2384.

Sincerely,



Adam Wilkerson, PE

Area Land Use Engineer, Central

CC (Via E-mail):

- K. Bates (VDOT – Chesterfield Residency)
- R. Vilak (VDOT – Richmond District)
- D. Dreis (VDOT – Richmond District)
- E. Strohacker (Green Light Solutions)

Attachment #7
Access Management Waiver Request
(Dated October 11, 2019)



October 11, 2019

Mr. Andrew Pompei, Planning Director
Powhatan County
3834 Old Buckingham Road
Suite F
Powhatan, VA 23139

Re: Waiver to Local Entrance Standards for
Donnelly Creek rezoning (Case #19-06-REZC)

Dear Mr. Pompei,

I am writing to request a waiver to the Powhatan County local entrance standards in regards to our Donnelly Creek rezoning application (Case #19-06-REZC). The proposed collector road connecting Page Road to Route 60 at the existing median crossover at Holly Hills Road (as shown on the County's Major Thoroughfare Plan) does not meet the spacing standards from the existing ingress/egress to parcel 042-73A, as set forth in Table 68-175(e)(5)d of the County's Subdivision Ordinance. Per the Table, entrances from roads classified as Major Arterials (Speed Limit greater than 45 mph) must be spaced at least 625 feet apart. The existing right-in/right-out access to the Powhatan Professional Center is located approximately 245 feet east of the existing median crossover.

The County's Major Thoroughfare Plan recommends that the new collector road be located at the existing median crossover, as proposed in the rezoning request, in order to provide full turning movements and coordinated access. Further, the Traffic Impact Analysis (TIA) prepared in conjunction with the rezoning application studied this intersection and the proximity of these two access points on Route 60. As part of the westbound right turn lane improvement, the TIA recommends that existing right turn egress movements at the Powhatan Professional Center be restricted, and all egress movements from the existing commercial site would utilize the proposed collector road to access Route 60 at the full median crossover. Adhering to this recommendation, should this rezoning request be approved, the existing right-in/right-out access on Parcel 042-73A would be converted to a right-in only at the time full access to Route 60 is achieved via construction of the new collector road.

Should you have any questions or comments, I can be reached at (804) 741-4663 x260 or via email at ncroft@eagleofva.com.

Many thanks,

Nathalie Croft, Director of Land Planning
Eagle Construction of Va., LLC

CC: Erich Strohhacker, Green Light Solutions

zo 804.741.4663 + f 804.741.0553 + 2250 Old Brick Road, Suite 220, Glen Allen, VA 23060 + eagleofva.com

Powhatan County, Virginia

Legend

-  County Boundary
-  Parcels



Case #19-06-REZC: Vicinity Map

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Powhatan County is not responsible for its accuracy or how current it may be.

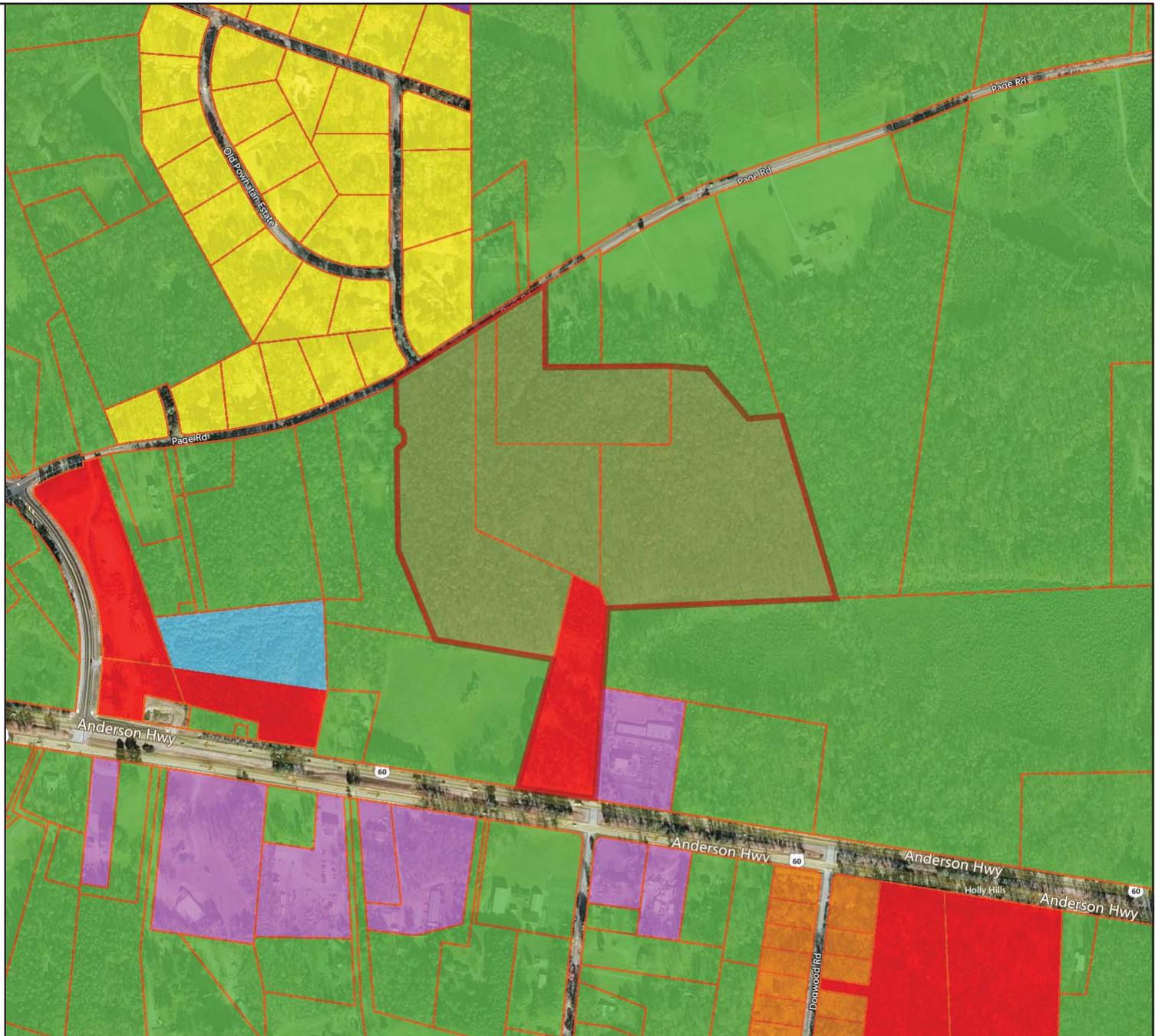
Feet



Powhatan County, Virginia

Legend

-  County Boundary
-  Parcels
- Zoning**
-  Agriculture A-10
-  Agricultural/Animal Confinement
-  Commerce Center Planned Development
-  Commerce Center
-  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
-  Village Center



Case #19-06-REZC: Zoning Map

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Powhatan County is not responsible for its accuracy or how current it may be.

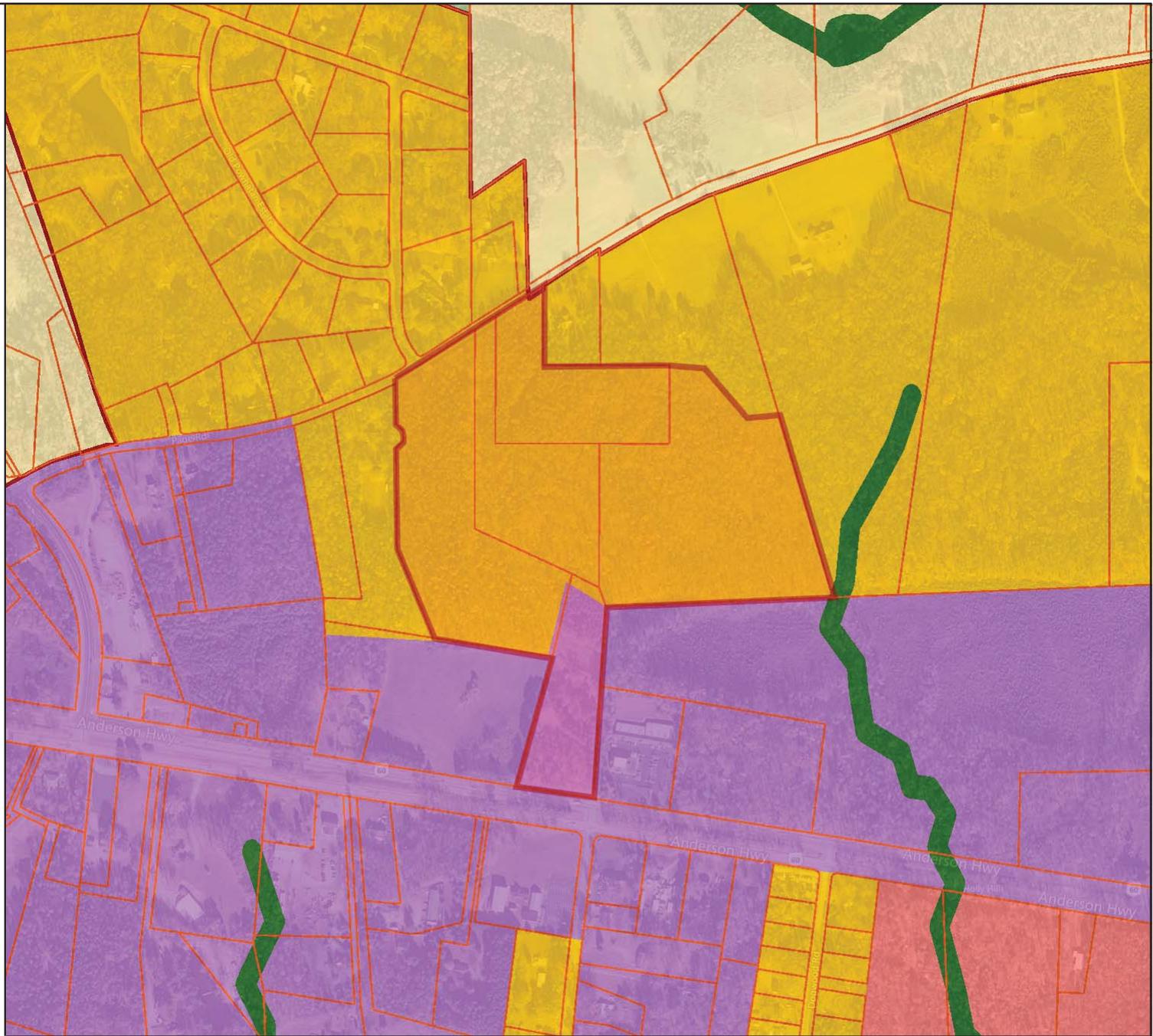
Feet



Powhatan County, Virginia

Legend

-  County Boundary
-  Parcels
-  Crossroads
-  Growth Area Boundaries
-  Rural Enterprise Zone Boundary
- Future Land Use**
-  Public Lands
-  Natural Conservation
-  Rural Preservation
-  Rural Residential
-  Low Density Residential
-  Village Residential
-  Village Center
-  Commerce Center
-  Economic Opportunity
-  Industrial



Case #19-06-REZC: Countywide Future Land Use Plan

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Powhatan County is not responsible for its accuracy or how current it may be.

Attachment #11
Neighborhood Meeting Comments



**Donnelly Creek Community Meeting Minutes
Powhatan County Public Library
July 1, 2019 6:30-8:00 pm**

Meeting Attendees:

Eagle – Nathalie Croft, Will Kennedy, Megan Moran
Engineer – Brian Mitchell/ Townes Site Engineering
Traffic Engineer – Erich Strohhacker/ Green Light Solutions

Presentation:

The Director of Planning for Eagle Construction, Nathalie Croft, began the presentation by introducing the Eagle team and the Planning Director for Powhatan County, Andrew Pompei, who was in attendance.

The presentation included the following items:

- A brief explanation of how the zoning ordinance and the comprehensive plan act as the two main tools used to regulate and guide growth and development in the County;
- An explanation of the proposed rezoning request of the subject properties from A-10 Agriculture and GC General Commercial to VR-PD Village Residential Planned Development and CC Commerce Center;
- A description of the Comprehensive Plan’s vision and intent for areas designated for Village Residential Growth; and,
- The proposed layout of the property, lot types/sizes, home types/sizes, roadway location and design, utilities, amenity features, and proffers.
 - Maximum density of 1.85 homes/acre
 - At least 20% open space
 - Two park areas
 - 100 foot natural buffer along Page Road
 - Construction/dedication of MTP new two-lane collector road from Rt. 60 to Page Road
 - \$2,720 cash proffer per home

The majority of concerns were related to traffic/roadways.

- Increased vehicular traffic on Page Road, and the ability of Page Road to handle increased traffic.
- Increased vehicular traffic on Route 60, and the ability of Route 60 to handle increased

traffic.

- Potential impacts to the safety of the overall roadway network in the area.
- How/if the proposed internal roadways would connect to adjacent parcels.

Traffic engineer, Erich Strohhacker, then spoke about the traffic study and answered questions community members had about increased vehicular trips and traffic concerns. It was noted that the traffic study will be made available as part of the Rezoning application.

Other questions and concerns that were raised include:

- home size and density: some residents felt that the proposed density of 1.82 homes/acre was too high, while one comment from an attendee noted that the proposal falls in the lower range of the Comprehensive Plan's recommended density;
- ability or inability of school capacity to accommodate new students from Donnelly Creek;
- ability or inability for the proposed development to be served by the County's existing water/sewer infrastructure and capacity;
- fiscal impacts to the County; and,
- cumulative impacts from Donnelly Creek and another proposed rezoning further east on Page Road.

Twenty-three residents signed in on the meeting's attendance log; however, it is estimated that approximately 35 people were in attendance.

Attachment #12

Public Comments Received via Email or Hand Delivered

Andrew Pompei, CZA, AICP

From: Carl Schwendeman <schwendemaca@vcu.edu>
Sent: Tuesday, August 06, 2019 2:41 PM
To: Andrew Pompei, CZA, AICP
Subject: The final drawing of the sidewalk plan and right turn lane for Route 60 at Holly Hills
Attachments: Donnelly Creek updated sidewalk plan for Page Road and Route 60.png; Holly Hills Right Turnlane and sidewalks.png

[External Email]

Good day my name is Carl Schwendeman.

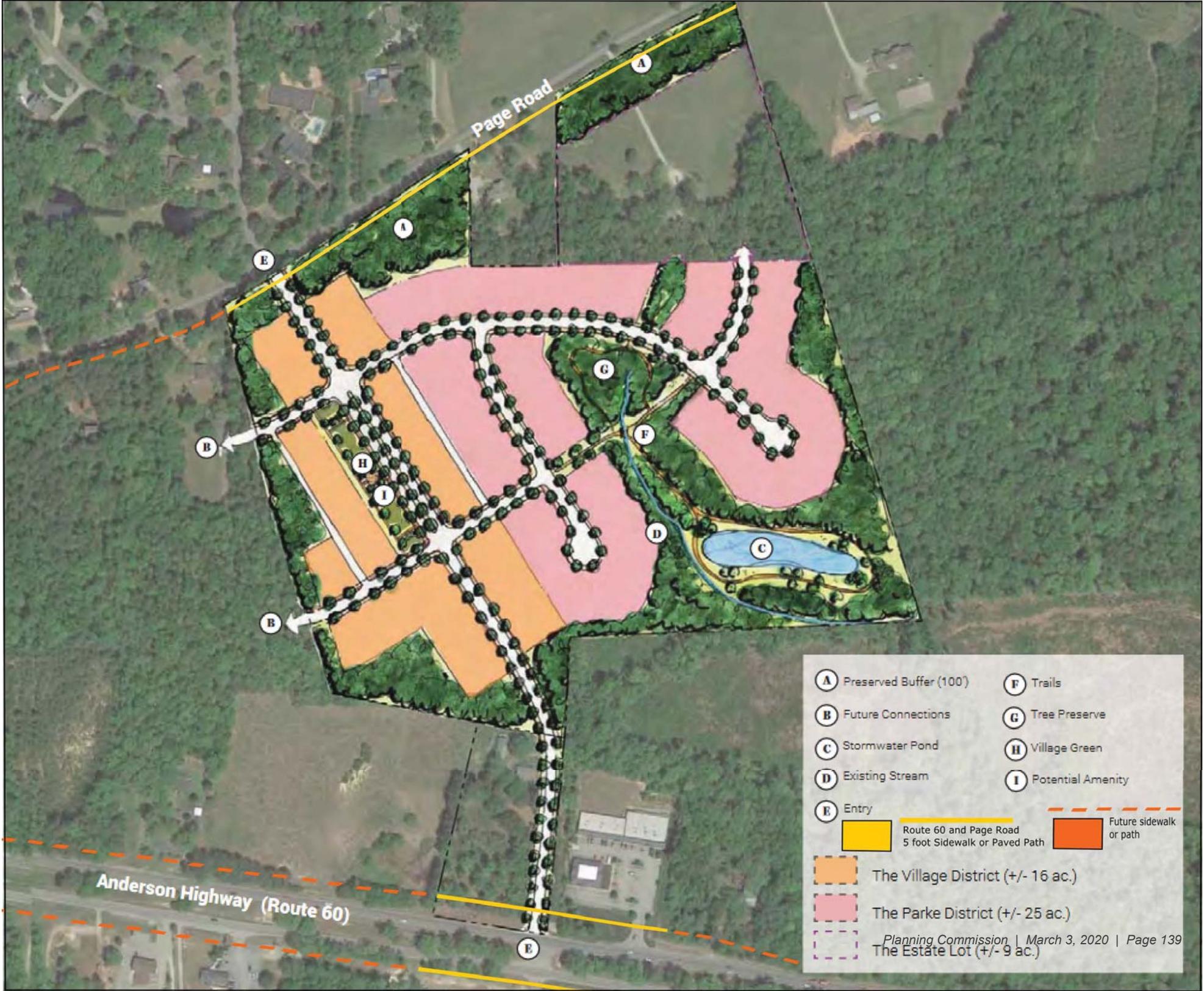
I have two final drawings of the proposal of why they should add sidewalks or a 5 foot wide paved pedestrian bike path to Page Road and Route 60.

And a right turn lane on Route 60 for the 1950's Holly Hills Subdivision

These are the two official drawings I would like to give to the Developer and that you can add to the county record for the planning sheet for Donnelly Creek.

The augment I would like to make to the developer is that the Donnelly Creek project sits between several very large empty lots of land that are two to three times it's size.

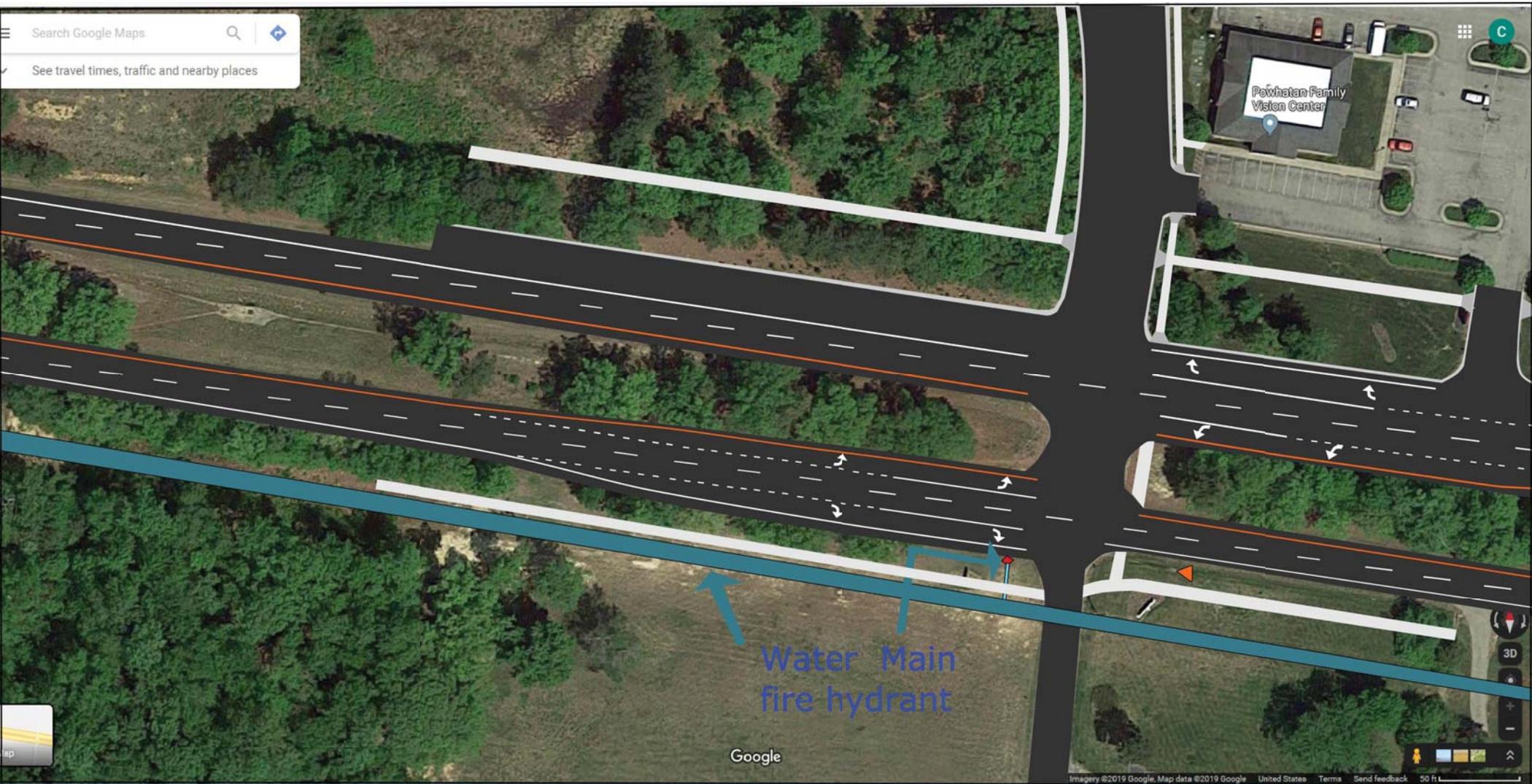
If they establish sidewalks now the other builders will extend them over time and this will avoid Powhatan County and Vdot to have to spend millions of dollars 20 to 40 years down the road to add sidewalks later on when Route 60 is fully built out.



(A) Preserved Buffer (100)	(F) Trails
(B) Future Connections	(G) Tree Preserve
(C) Stormwater Pond	(H) Village Green
(D) Existing Stream	(I) Potential Amenity
(E) Entry	

 Route 60 and Page Road 5 foot Sidewalk or Paved Path	 Future sidewalk or path
---	--

 The Village District (+/- 16 ac.)	 The Parke District (+/- 25 ac.)
 The Estate Lot (+/- 9 ac.)	



Andrew Pompei, CZA, AICP

From: Carl Schwendeman <schwendemaca@vcu.edu>
Sent: Sunday, October 27, 2019 8:22 PM
To: Andrew Pompei, CZA, AICP
Subject: The new mystery development near the courthouse
Attachments: Page Road needs some love.png; Page Road at 1338 Adress with wide lanes.png; Page Road as it is.png; Page Road reconstruction.png; The R Turn.png; US Route at Page Road as it is.png

Good day my name is Carl Schwendeman

I saw a zoning case sign for a community meeting while driving down Old Buckingham Road that was in a large empty farm field?

The new mystery development sign is near a farm field near the Powhatan Courthouse?

What type of building project could it be could it be a gas station or a new home subdivision or a restaurant?

I also have a drawing of Page Road showing what it would look like if it was widened from 16 feet wide to 36 feet wide with 6 foot wide paved shoulders and 12 foot wide travel lanes and a 5 foot sidewalk.

Could the county add these drawings to their public comments about both projects.

I plan to ask the Ellis Farm project if they could widen sections of Page Road from their project to the intersection of Manakintown Ferry Road by having their contractors that will build wide streets in their subdivisions to give Page Road the same treatment as the streets in their project.

For the Donnelly Creek project plan to ask them if they could use their road builders who are going to build streets in the project to upgrade Page Road on a 2,500 foot section of Page Road from the opening of their feeder road to Page Road's intersection with Carter Gallier Boulevard.

Thank you Carl Schwendeman





Page Road with two 12 foot wide Travel Lanes and two 6 foot paved shoulders

Attachment #13
Donnelly Creek Fiscal Impact Analysis
(Prepared by Applicant)

Donnelly Creek Fiscal Impact Analysis

This Fiscal Impact Analysis utilizes census data and the County's FY 2020 Operating Budget to calculate Donnelly Creek's fiscal impact to the County as proposed. It is projected that the recurring taxes (personal and real estate) will create an annual fiscal positive of \$366 per household, which equals a positive annual impact of just under \$29,000 for the entirety of Donnelly Creek.

US Census Data for Powhatan County

Total Population	28,601 people
People Per Household (pph)	2.6 pph

Total County Expenditures	
<i>Powhatan County FY 2020 Operating Budget p. 51</i>	
Administration	\$3,858,158
Judicial Administration	\$1,099,721
Public Safety	\$8,841,532
Public Works	\$2,484,354
Health and Welfare	\$4,555,502
Parks, Recreation, and Cultural	\$692,607
Community Development	\$2,424,989
Utilities	\$1,223,061
Schools	\$49,619,718
Schools Debt Service	\$6,625,136
County Debt Service	\$3,086,635
Utilities Debt Service	\$1,444,651
Total	\$85,956,064
Per Capita Expenditure	\$3,005 per person
<i>(\$85,956,064/28,601 population)</i>	
Per Household Expenditure	\$7,813 per household
<i>(\$3,005 x 2.6 pph)</i>	
Total without Schools	\$36,336,346
Per Capita Expenditure	\$1,270 per person
<i>(\$36,336,346/28,601 population)</i>	
Per Household Expenditure	\$3,302 per household
<i>(\$1,270 x 2.6 pph)</i>	

TOTAL COUNTY EXPENDITURES (WITHOUT SCHOOLS) PER HOUSEHOLD
\$3,302 per household

Total Tax Revenue per Household	
Personal Property Tax	\$720
<i>(assumes \$20,000 total value)</i>	
Real Estate Tax	\$2,948
<i>(assumes average assessed value of \$335,000)</i>	
Total Tax Revenue Per Household	\$3,668

TOTAL TAX REVENUE GENERATED PER HOUSEHOLD
\$3,668 per household

Total Revenue - Total Expenditures = Net Fiscal Impact
\$3,668 - \$3,302 = \$366 per household

\$366 x 79 homes = \$28,914 annual recurring revenue



Powhatan County Planning Commission Agenda Item

Meeting Date: March 3, 2020

Agenda Item Title: **Case #20-01-REZC: Berk and Alp LLC (District #2: Powhatan Station/Graceland)** requests the amendment of the proffer statement for three parcels (Tax Map Parcels #43-33, 43-33A, and 43-35) zoned Light Industrial (I-1) with proffered conditions and Commerce Center (CC) with proffered conditions (Case #18-01-REZC: Ordinance #O-2018-28). The subject properties are located southwest of the intersection of U.S. Route 60 (Anderson Highway) and State Route 671 (County Line Road). The applicant is requesting that Proffered Condition #1 be amended to reference a revised conceptual plan, which shows a new location for a commercial entrance on U.S. Route 60 (Anderson Highway). The 2019 Long-Range Comprehensive Plan designates the subject properties as Commerce Center and Natural Conservation (Route 60 Corridor East Special Area Plan) on the Countywide Future Land Use Map.

Motion: In accordance with Article II of the Powhatan County Zoning Ordinance and public necessity, convenience, general welfare, and good zoning practice, the Powhatan County Planning Commission recommends (*approval / denial / deferral*) of the request submitted by Berk and Alp LLC to amend the proffer statement for Tax Map Parcels #43-33, 43-33A, and 43-35 (Case #18-01-REZC) by revising Proffered Condition #1 to reference an updated conceptual plan.

Dates Previously Considered by PC: Workshop: February 4, 2020

Summary of Item: As part of Case #18-04-REZC (Approved September 24, 2018), Tax Map Parcels #43-33, 43-33A, and 43-35 were rezoned from General Commercial (C) with proffered conditions (Case #08-01-REZC) to Commerce Center (CC) with proffered conditions (10.64 acres) and Light Industrial (I-1) with proffered conditions (10.72 acres). These properties are located at the southwest corner of the U.S. Route 60 (Anderson Highway)/State Route 671 (County Line Road) intersection. Proffered conditions relate to a conceptual plan; building materials; dedication of a site for a pump station; and landscaping.

The applicant is proposing to amend Proffered Condition #1 to reference an updated conceptual plan/zoning exhibit, which shows the proposed site entrance farther west along U.S. Route 60 (Anderson Highway).

Staff Recommendation: The Department of Community Development recommends **deferral** of this request as currently presented, to provide the applicant with additional time to revise the proposed design. With concurrence from VDOT, staff can support this request if certain design issues are addressed (see Part VI of attached staff report).

Attachments: Staff Report
Application

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.



20-01-REZC Berk and Alp LLC

Request to Amend the Proffer Statement (Case #18-04-REZC) for
Tax Map Parcels #43-33, 43-33A, and 43-35
by Amending the Conceptual Plan

Staff Report Prepared for the Planning Commission
March 3, 2020

I. PUBLIC MEETINGS

Planning Commission	February 4, 2020	Workshop
	March 3, 2020	Public Hearing

II. GENERAL INFORMATION

Request	Amendment of Proffer Statement (Case #18-04-REZC) <ul style="list-style-type: none">• Amend Proffered Condition #1 (Conceptual Plan)
Existing Zoning	Commerce Center (CC) with Proffered Conditions Light Industrial (I-1) with Proffered Conditions (Case #18-04-REZC: Ordinance #O-2018-28)
Parcel ID#	43-33, 43-33A, and 43-35
Total Area	Total Site: 21.36 acres <ul style="list-style-type: none">• Portion Zoned CC: 10.64 acres• Portion Zoned I-1: 10.72 acres
Applicant	Berk and Alp LLC
Owner	Berk and Alp LLC
Location of Property	Southwest of Intersection of U.S. Route 60 (Anderson Highway) and State Route 671 (County Line Road)
Electoral District	(2) Powhatan Station/Graceland
2019 Land Use Plan Recommendation	Commerce Center and Natural Conservation (Route 60 Corridor East Special Area Plan)

III. EXECUTIVE SUMMARY

The applicant is requesting that one of the proffered conditions associated with Case #18-04-REZC (Ordinance #O-2018-28) be amended to reference a revised conceptual plan. The revised conceptual plan shows a new entrance on U.S. Route 60 (Anderson Highway) shared with Tax Map Parcel #43-34.

The proposed development (which will include light industrial and commercial uses) is in eastern Powhatan County, southwest of the intersection of U.S. Route 60 (Anderson Highway)/State Route 671 (County Line Road).

IV. PROPERTY DESCRIPTION

Location

The subject properties are located in eastern Powhatan County southwest of the intersection of U.S. Route 60 (Anderson Highway) and State Route 671 (County Line Road).¹

Existing Conditions

The subject properties total 21.36 acres and are mostly wooded with limited development. An existing commercial building is located on Tax Map Parcel #43-33A, and an existing single-family dwelling is located on Tax Map Parcel #43-35. An intermittent stream, which is a tributary to Swift Creek, flows across the northeastern portion of the properties.

Surrounding Properties

There is existing commercial and residential development in the surrounding area.

Direction	Zoning	Uses
North	Commerce Center (CC) Agricultural-10 (A-10)	<ul style="list-style-type: none"> Commercial Uses (Gas Station, Daycare, Automobile Repair Business)
South	Agricultural-10 (A-10)	<ul style="list-style-type: none"> Low-Density, Single-Family Residential Development
East	Chesterfield County <ul style="list-style-type: none"> Agricultural (A) Neighborhood Business (C-2) Corporate Office (O-2) 	<ul style="list-style-type: none"> Low-Density, Single-Family Residential Development
West	General Commercial (C) Light Industrial (I-1)	<ul style="list-style-type: none"> Commercial Uses Light Industrial Uses (Oakbridge)

Community Character

The subject properties are located along the south side of U.S. Route 60 (Anderson Highway) in far eastern Powhatan County, where there is existing commercial development:

- Commercial uses, including a gas station, daycare, and automobile repair business, are located on the north side of U.S. Route 60 (Anderson Highway).
- Commercial and light industrial uses are located west of the subject properties. Some of these uses are within Oakbridge (an existing industrial park), which is located approximately 0.25 miles west of the subject properties.

Low-density residential development is located east and south of the subject properties along State Route 671 (County Line Road).

¹ Note that portions of Tax Map Parcels #43-33A and 43-35 are located within Chesterfield County. This request would only apply to portions of the subject properties located within Powhatan County.

V. PROJECT ANALYSIS

Current Zoning

The subject properties are currently zoned Commerce Center (CC) with proffered conditions and Light Industrial (I-1) with proffered conditions (Case #18-04-REZC/Ordinance #O-2018-28: Approved September 24, 2018).

There are four (4) proffered conditions, which address the following issues (Attachment #4):

- Adherence to a conceptual plan;
- Building materials;
- Dedication of land for a pump station; and
- Landscaping/buffers.

Requested Proffer Amendment

The applicant is requesting an amendment to Proffered Condition #1 (Case #18-04-REZC/Ordinance #O-2018-28: Approved September 24, 2018) to reference a revised conceptual plan.

Proffered Condition #1 currently reads as follows:

Development of the I-1 parcel shall be limited to 10.72 acres and shall be in substantial accord with the exhibit titled “Classic Granite and Marble Zoning Exhibit” prepared by Balzer and Associates, Inc. last revised August 22, 2018.

The applicant is proposing to amend Proffered Condition #1 to read:

Development of the I-1 parcel shall be limited to 10.72 acres and shall be in substantial accord with the exhibit titled “Classic Granite and Marble Zoning Exhibit” prepared by Balzer and Associates, Inc. last revised ~~August 22, 2018~~ December 20, 2019.

The revised conceptual plan shows a new shared entrance with Tax Map Parcel #43-34. There is an existing commercial entrance at that location, but it would be upgraded and reconfigured to meet current VDOT standards, with a lengthened right-turn lane and an acceleration lane. The entrance would be designed as right-in/right-out only.

Environment/Natural Resources

Agency Comments: Environmental Review (Powhatan County)

These properties contain multiple water features, which, per the Powhatan County Zoning Ordinance, require specific riparian buffers associated with them. These buffers will be reviewed and enforced when the site plan and land disturbance permit applications are submitted.

On-Site Natural Resources

Currently, most of the site is wooded. There is an intermittent stream (tributary to Swift Creek) that bisects the property, with some smaller branches extending from it. Wetlands are located along portions of the intermittent stream.

Transportation

Agency Comments: Virginia Department of Transportation (VDOT)

VDOT provided the following comments regarding the associated site plan (dated February 21, 2020):

- a. The single partial entrance shown on the original plans has been relocated to the west as a shared entrance with the western adjoining parcel.
- b. The shared internal entrance with the adjacent eastern property has been omitted from the proposed layout plan. Recommended providing access to the eastern site parcel.
- c. Please note, that the access management entrance spacing exception for the eastern site parcel zoned CC shall be submitted to VDOT for review and potential approval when developed, unless shared internal access is provided.
- d. The distance from the entrance shown on the layout plan to the existing entrance to the property immediately west of the site (661' CL to CL) meets the VDOT Access Management Minimum Spacing for Partial Access of 495', and meets the current access management entrance spacing for a principal arterial road with a posted speed limit of 55 mph of 625' for Powhatan County.
- e. The geometry and alignment of the proposed commercial entrance does not appear to be designed for the turning movement for a WB-67, which is the appropriate design vehicle for light industrial site on a principal arterial.
- f. The geometry and alignment for the proposed western shared entrance has not been shown and is depicted as to be determined (TBD).
- g. Please provide an overall conceptual plan in order to clearly show shared access from the subject parcel to the adjoining properties.

Local Road Network

The project's primary access would be from U.S. Route 60 (Anderson Highway):²

Roadway Characteristic	U.S. Route 60 (Anderson Highway)
Functional Classification: VDOT	Other Principal Arterial
Functional Classification: Powhatan Co. Major Thoroughfare Plan	Major Arterial (Existing)
Traffic Volume Estimates	35,000 ³

Traffic Analysis

A traffic study was submitted with the original zoning request (Case #18-04-REZC). An addendum has been submitted analyzing the updated phasing and functionality of the

² The subject properties' frontage on State Route 671 (County Line Road) is in Chesterfield County.

³ Traffic volumes are calculated by VDOT (2018) and represent the segment of U.S. Route 60 (Anderson Highway) between State Route 634 (Stavemill Road) and the Chesterfield County line.

proposed new entrance for the first phase of development (Attachment #3). This analysis found that, during Phase I of the development, trip generation will be as follows:

- AM Peak Hour: 67 Entering/20 Exiting
- PM Peak Hour: 32 Entering/66 Existing
- Total Daily Vehicle Trips: 706

This analysis concluded that “the proposed site drive approach is expected to operate at acceptable levels of service under Phase 1 buildout (2020) peak hour traffic conditions. Based on analysis results, the northbound right-turn movement [exiting the site] is expected to operate at an LOS [level of service] D under AM peak hour traffic conditions and an LOS C under PM peak hour traffic conditions” (page 3).

Site Entrances

Per local requirements [Subdivision Ordinance: Table 68-175(e)(5)(d)], entrances along the adjacent segment of U.S. Route 60 (Anderson Highway) must be spaced 625 feet apart.⁴ According to the applicant and VDOT, the proposed entrance will meet these requirements.⁵

Major Thoroughfare Plan

The Major Thoroughfare Plan (2019 Long-Range Comprehensive Plan: Chapter 9), establishes guidance regarding long-term development of the local transportation network. Per that plan, the adjacent segment of U.S. Route 60 (Anderson Highway) is classified as a *Major Arterial (Existing)*.

No specific improvements are recommended for the adjacent segment of U.S. Route 60 (Anderson Highway). There is a general recommendation that, along the entire U.S. Route 60 corridor, intersections be realigned, signals be modified, and turn lanes added to improve traffic flow (Map ID #22: p. 138).



View of Subject Properties (and Location of Proposed Entrance)
from U.S. Route 60 (Anderson Highway)

⁴ The adjacent segment of U.S. Route 60 (Anderson Highway) is classified as an *Other Principal Arterial* by VDOT, with a posted speed limit of 55 miles per hour.

⁵ According to the applicant, the proposed entrance will be approximately 627 feet from the nearest existing entrance, which serves 1403 Anderson Highway.

Development Requirements and Standards

Development Review: Next Steps

- *Site Plan Approval*

Prior to issuance of a building permit for new development, the applicant will be required to submit a site plan(s) for review and approval for all industrial and commercial uses [Sec. 83-123(g)].⁶

All site plans are evaluated to ensure that proposed development adheres to standards set forth in Article VIII (Development Standards) of the zoning ordinance. These standards address several components of the development, including:

- Vehicular Access and Circulation [Sec. 68-175(e)];
- Off-Street Parking and Loading [Sec. 83-455];
- Landscaping and Buffers [Sec. 83-461];
- Exterior Lighting [Sec. 83-469];
- Open Space [Sec. 83-470]; and
- Signage [Sec. 83-488].

Site plan applications are reviewed by the Department of Community Development.

Due to the proffered conditions, the site plan will be reviewed to ensure that it generally aligns with the proffered conceptual plan.

- *Development Design Pattern Book and Site Architecture*

Commercial development must adhere to design standards set forth in Sec. 83-477 (Institutional, Commercial, and Mixed-Use Development Standards).⁷ Prior to approval of a site plan for the commercial portion of the project, a *Development Design Pattern Book* must be submitted and approved by the Planning Commission.

The purpose of the *Development Design Pattern Book* is to help ensure that the architecture of new buildings is compatible with surrounding development, the *2019 Long-Range Comprehensive Plan*, and the *Countywide Development Guidebook*.

With the original zoning case, elevations were submitted for buildings proposed within the portion of the site zoned I-1. A *Development Design Pattern Book* is not required for industrial development, but industrial buildings must meet design standards set forth in Sec. 83-482 (Industrial Development Standards).

⁶ A site plan application (Case #18-16-SPA) has been submitted for review for a portion of the proposed project.

⁷ Revisions to this section of the zoning ordinance were approved on June 25, 2018 (Ordinance #O-2018-18).

VI. COMPREHENSIVE PLAN ANALYSIS

Countywide Future Land Use Plan

The *2019 Long-Range Comprehensive Plan* designates most of the subject properties as *Commerce Center* on the Countywide Land Use Plan Map. The properties are located within the Route 60 Corridor East Special Area Plan (one of three designated growth areas within Powhatan County). Portions of the site along an intermittent stream (tributary to Swift Creek) are designated *Natural Conservation*.

The planned development, which would incorporate a mix of light industrial (manufacturing), retail, and office uses within a unified project, generally aligns with recommendations made in the *2019 Long-Range Comprehensive Plan*.

Transportation

The proposed proffer amendment focuses primarily on changes to site access, with a relocated entrance shared with an adjoining property. The proposed improvements relate to the following objectives and strategies listed in the *2019 Long-Range Comprehensive Plan*:

- *Objective TR.8: Continue to develop Route 60 as the county's primary commercial and economic development corridor and provide transportation improvements to meet future travel demands for various types of trips and users.*

As part of this proposal, the applicant would upgrade an existing commercial entrance to meet current standards, with an extended turn lane and an acceleration lane.

- *Strategy TR.8.b: Continue to implement the county's access management standards.*
The proposed entrance meets local access management standards and results in shared access serving multiple existing parcels.

VII. PUBLIC COMMENTS

One member of the public submitted written comments regarding this request, asking that pedestrian and bicycle infrastructure be provided along U.S. Route 60 (Anderson Highway) (Attachment #8).

VIII. STAFF RECOMMENDATION

Favorable Attributes of Request

- Upgrading an existing commercial entrance to meet current standards and accommodating shared access between multiple parcels reduces the number of conflict points along a major thoroughfare, improves existing infrastructure, and helps implement recommendations made in the *2019 Long-Range Comprehensive Plan*.
- This request, if approved, will facilitate phased commercial/light industrial development within a designated growth area (Route 60 Corridor East Special Area Plan) at a location where commercial/light industrial uses are recommended in the Countywide Future Land Use Plan.

Unfavorable Attributes of Request

- VDOT has expressed concerns regarding the design of the proposed entrance and internal circulation.

Recommendation

The Department of Community Development recommends **deferral** of this request as currently presented, to provide the applicant with additional time to revise the proposed design. With concurrence from VDOT, staff can support this request if the following issues are addressed:

- Revisions should be made to the conceptual plan to show how development within the portion of the project zoned I-1 will connect to future development on parcels located to the east and west (as recommended by VDOT).
- Revisions should be made to the entrance to address concerns from VDOT regarding turning movements for trucks entering/exiting the site.

The applicant's representatives are actively working to address the aforementioned issues with VDOT, but a resolution had not been reached prior to transmittal of the agenda packet.

IX. PROPOSED RESOLUTION

In accordance with Article II of the Powhatan County Zoning Ordinance and public necessity, convenience, general welfare, and good zoning practice, the Powhatan County Planning Commission recommends (*approval / denial / deferral*) of the request submitted by Berk and Alp LLC to amend the proffer statement for Tax Map Parcels #43-33, 43-33A, and 43-35 (Case #18-01-REZC) by revising Proffered Condition #1 to reference an updated conceptual plan.

Attachment(s)

1. Application
2. Revised Conceptual Plan
3. Addendum to Revised Traffic Assessment: Classic Granite (December 20, 2019)
4. Ordinance #O-2018-28
5. Vicinity Map
6. Zoning Map
7. Countywide Future Land Use Map
8. Public Comments

Attachment #1
Application



County of Powhatan,
Virginia

Proffer Amendment
Application

For Office Use Only

received 12/23/19

Case Number

20-01-REC

Powhatan County, Virginia
Department of Community Development
3834 Old Buckingham Road: Suite F
Powhatan, VA 23139

Applicant Information	
Name of Applicant	BERK & ALP LLC
Mailing Address	14301 JUSTICE RD MIDLOTHIAN , VA 23113
Phone Number	(804) 658-9510
Email Address	tony@classicgranite.com

Owner Information (Complete this section if the applicant is not the current property owner)	
Name of Owner	SAME AS ABOVE
Mailing Address	
Phone Number	
Email Address	

If the applicant is not the owner, the applicant must provide written documentation that the current property owner consents to the application (see form entitled *Consent of Owner(s) to Request Rezoning*).

If there are multiple owners, all owners must sign the application or provide other documentation consenting to the application (see form entitled *Ownership Disclosure*).

Applicant Representative (Complete this section if correspondence should be directed to someone other than the applicant)	
Name of Representative	Christ Shust, Balzer & Associates Inc.
Mailing Address	15871 City View Drive, Suite 200 Midlothian, VA 23113
Phone Number	(804) 794-0571
Email Address	cshust@balzer.cc

Parcel Information	
Subdivision/Development Name	Classic Granite and Marble
Lot Number(s)	N/A
Tax Map Number(s)	043-33, 043-33A and 043-35
Physical Address(es)	17650 MIDLOTHIAN TPK 30 COUNTY LINE RD
Election District	2 - POWHATAN STATION/GRACELAND
Current Zoning	CC-Commerce Center & I-1 Light Industrial with Proffered Conditions
Original Rezoning Case	18-04-REZC
Acreage Involved in Request	21.36 ACRES
Countywide Future Land Use: Land Use Designation	CC - Commerce Center

Requested Proffer Amendment	
Subdivision/Development Name	Classic Granite and Marble
Original Rezoning Case	18-04-REZC
Original Condition to Be Amended	Development of the I-1 parcel shall be limited to 10.72 acres and shall be in substantial accord with the exhibit titled "Classic Granite and Marble Zoning Exhibit" prepared by Balzer and Associates, Inc. last revised August 22, 2018.
Proposed Amendment	Development of the I-1 parcel shall be limited to 10.72 acres and shall be in substantial accord with the exhibit titled "Classic Granite and Marble Zoning Exhibit" prepared by Balzer and Associates, Inc. last revised December 20, 2019.

Status of Proffered Conditions			
As a requested proffered amendment is reviewed, the Department of Community Development will determine whether proffered conditions associated with the original rezoning case have been implemented.			
Have all of the proffered conditions associated with the original rezoning case been implemented?			
Yes	<input checked="" type="radio"/>	No	<input type="radio"/>
If no, identify which proffered conditions have not been implemented.			

Ownership Disclosure

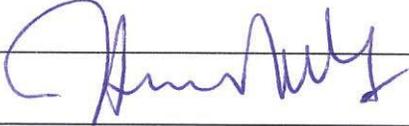
List below the names and addresses of all owners or parties in interest of the land subject to this request.

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.

Name	Address
Hasan Kilic, Sole Member	14301 JUSTICE RD MIDLOTHIAN , VA 23113

I, Hasan Kilic, do hereby swear and affirm to the best of my knowledge and belief, the above information is true and that I am the applicant requesting rezoning for Tax Map 043-33, 043-33A and 043-35.

If the information listed above changes at any time while this request is being considered, I will provide Powhatan County with an updated list of owners.

Signature of Applicant 

Name of Applicant (Printed) **Hasan Kilic**

Commonwealth of Virginia
County of Chesterfield, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Hasan Kilic, whose name is signed to the above, on this 12th day of December 20 19.

Notary Public Anne Garst Miller

Commission Expires 6/30/2023

Notary Number 7646240





www.balzer.cc
Richmond
Roanoke
New River Valley
Staunton
Harrisonburg
Lynchburg

Balzer and Associates, Inc.
15871 City View Drive
Suite 200
Midlothian, VA 23113
804-794-0571
FAX 804-794-2635

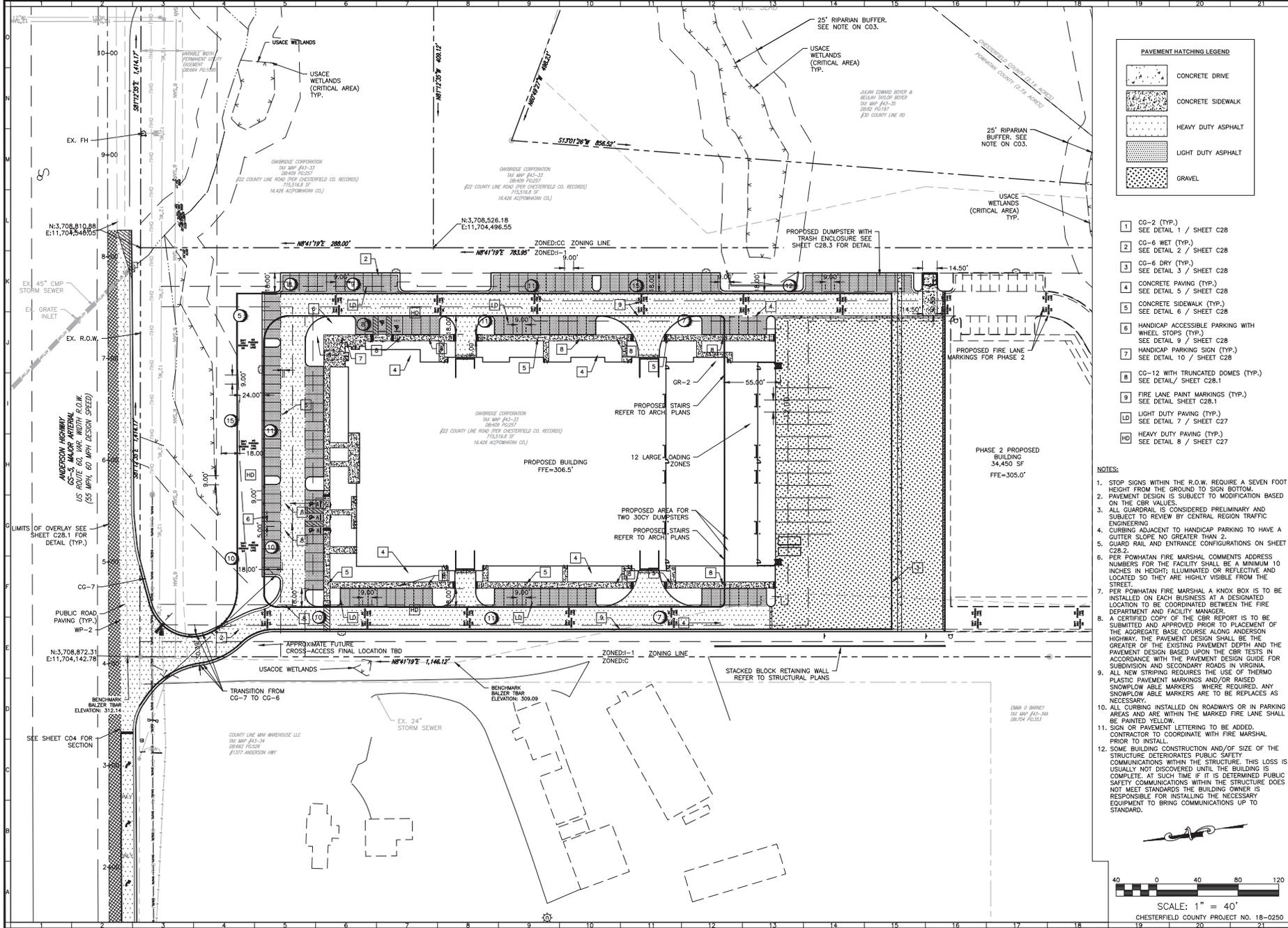


CLASSIC GRANITE AND MARBLE
LAYOUT PLAN
HUGENOT DISTRICT
POWHTAN COUNTY, VIRGINIA

DRAWN BY: JAT
DESIGNED BY: CMS
CHECKED BY: CMS
DATE: 5/30/2018
SCALE: AS NOTED

REVISIONS:
8/22/2018
03/06/2019
05/01/2019
12/23/2019

SHEET NO.
C03.1
JOB NO. 56170086



PAVEMENT HATCHING LEGEND

[Hatching]	CONCRETE DRIVE
[Hatching]	CONCRETE SIDEWALK
[Hatching]	HEAVY DUTY ASPHALT
[Hatching]	LIGHT DUTY ASPHALT
[Hatching]	GRAVEL

- 1 CG-2 (TYP.) SEE DETAIL 1 / SHEET C28
- 2 CG-6 WET (TYP.) SEE DETAIL 2 / SHEET C28
- 3 CG-6 DRY (TYP.) SEE DETAIL 3 / SHEET C28
- 4 CONCRETE PAVING (TYP.) SEE DETAIL 5 / SHEET C28
- 5 CONCRETE SIDEWALK (TYP.) SEE DETAIL 6 / SHEET C28
- 6 HANDICAP ACCESSIBLE PARKING WITH WHEEL STOPS (TYP.) SEE DETAIL 9 / SHEET C28
- 7 HANDICAP PARKING SIGN (TYP.) SEE DETAIL 10 / SHEET C28
- 8 CG-12 WITH TRUNCATED DOMES (TYP.) SEE DETAIL / SHEET C28.1
- 9 FIRE LANE PAINT MARKINGS (TYP.) SEE DETAIL SHEET C28.1
- LD LIGHT DUTY PAVING (TYP.) SEE DETAIL 7 / SHEET C27
- HD HEAVY DUTY PAVING (TYP.) SEE DETAIL 8 / SHEET C27

- NOTES:**
1. STOP SIGNS WITHIN THE R.O.W. REQUIRE A SEVEN FOOT HEIGHT FROM THE GROUND TO SIGN BOTTOM.
 2. PAVEMENT DESIGN IS SUBJECT TO MODIFICATION BASED ON THE CBR VALUES.
 3. ALL GUARDRAIL IS CONSIDERED PRELIMINARY AND SUBJECT TO REVIEW BY CENTRAL REGION TRAFFIC ENGINEERING.
 4. CURBING ADJACENT TO HANDICAP PARKING TO HAVE A GUTTER SLOPE NO GREATER THAN 2.
 5. GUARD RAIL AND ENTRANCE CONFIGURATIONS ON SHEET C28.2.
 6. PER POWHATAN FIRE MARSHAL COMMENTS ADDRESS NUMBERS FOR THE FACILITY SHALL BE A MINIMUM 10 INCHES IN HEIGHT, ILLUMINATED OR REFLECTIVE AND LOCATED SO THEY ARE HIGHLY VISIBLE FROM THE STREET.
 7. PER POWHATAN FIRE MARSHAL A KNOX BOX IS TO BE INSTALLED ON EACH BUSINESS AT A DESIGNATED LOCATION TO BE COORDINATED BETWEEN THE FIRE DEPARTMENT AND FACILITY MANAGER.
 8. A CERTIFIED COPY OF THE CBR REPORT IS TO BE SUBMITTED AND APPROVED PRIOR TO PLACEMENT OF THE AGGREGATE BASE COURSE ALONG ANDERSON HIGHWAY. THE PAVEMENT DESIGN SHALL BE THE GREATER OF THE EXISTING PAVEMENT DEPTH AND THE PAVEMENT DESIGN BASED UPON THE CBR TESTS IN ACCORDANCE WITH THE PAVEMENT DESIGN GUIDE FOR SUBDIVISION AND SECONDARY ROADS IN VIRGINIA.
 9. ALL NEW STRIPING REQUIRES THE USE OF THERMO PLASTIC PAVEMENT MARKINGS AND/OR RAISED SNOWFLOW ABLE MARKERS WHERE REQUIRED. ANY SNOWFLOW ABLE MARKERS ARE TO BE REPLACES AS NECESSARY.
 10. ALL CURBING INSTALLED ON ROADWAYS OR IN PARKING AREAS AND ARE WITHIN THE MARKED FIRE LANE SHALL BE PAINTED YELLOW.
 11. SIGN OR PAVEMENT LETTERING TO BE ADDED.
 12. CONTRACTOR TO COORDINATE WITH FIRE MARSHAL PRIOR TO INSTALL.
 13. SOME BUILDING CONSTRUCTION AND/OR SIZE OF THE STRUCTURE DETERMINATES PUBLIC SAFETY COMMUNICATIONS WITHIN THE STRUCTURE. THIS LOSS IS USUALLY NOT DISCOVERED UNTIL THE BUILDING IS COMPLETE. AT SUCH TIME IF IT IS DETERMINED PUBLIC SAFETY COMMUNICATIONS WITHIN THE STRUCTURE DOES NOT MEET STANDARDS THE BUILDING OWNER IS RESPONSIBLE FOR INSTALLING THE NECESSARY EQUIPMENT TO BRING COMMUNICATIONS UP TO STANDARD.

SCALE: 1" = 40'
CHESTERFIELD COUNTY PROJECT NO. 18-0250

Attachment #3

Addendum to Revised Traffic Assessment: Classic Granite
(December 20, 2019)



December 20, 2019

Mr. Andrew Pompei, AICP, CZA
Powhatan County
Planning Director
3834 Old Buckingham Road
Suite F
Powhatan, Virginia 23139

Re: Addendum to Revised Traffic Assessment – Classic Granite
Powhatan County, Virginia

Mr. Pompei,

This addendum to the revised Traffic Assessment (TA/dated 8/30/18) is in regards to changes in the land use/densities and plan of access proposed for phase 1 of the Classic Granite Site. Current plans indicate that phase 1 will include 148,343sf of commercial land uses with a single point of right-in/right-out site access.

Site densities in the revised Traffic Assessment (dated 8/30/18) indicated that phase 1 would include 90,530sf of commercial land uses with two points of access (left-in/right-in/right-out; right-out).

Executive Summary

Current proposals for phase 1 indicate that the proposed site will consist of a 133,582sf manufacturing land uses (83,582sf Classic Granite business operation; 50,000sf future expansion); 14,761sf furniture store. Access to the site is proposed to have one right-in/right-out site access on US 60. Refer to the technical appendix for a detailed site figure.

As part of the rezoning process for the approved site, a revised Traffic Assessment (dated 8/30/18) was prepared for and reviewed/approved by Powhatan County and VDOT. This study forms the basis for completing the analysis presented in this addendum.

Analysis indicates that the right-in/right-out site access is expected to operate at acceptable levels of service under AM and PM peak hour traffic conditions.

Existing/Background Peak Hour Traffic Conditions

Evaluation of the study intersection is based on traffic conditions determined in the original Traffic Assessment Report (TA). Existing (2018) peak hour traffic conditions have been utilized for this analysis. Refer to Figure 1 in the technical appendix for existing (2018) peak hour traffic conditions. Background (2020) peak hour traffic conditions have been determined based on a 2% annual growth rate. Refer to Figure 2 in the technical appendix for background (2020) peak hour traffic conditions.

Phase 1 Traffic Conditions

Phase 1 site development traffic conditions were determined by analyzing site trip generation numbers for phase 1 land uses and densities (133,582sf of manufacturing uses; 14,761sf of retail uses) utilizing the ITE Trip Generation Manual, 10th Edition. Refer to Table 1 for the trip generation results.

TABLE 1
Phase 1 Site Trip Generation Results

Land Use	Density	ITE Code	AM Peak Hour (vph)		PM Peak Hour (vph)		Daily (vpd)
			Enter	Exit	Enter	Exit	Total
Manufacturing	133,582sf	140	64	19	28	62	582
Retail	14,761sf	890	3	1	4	4	124
Total Buildout Site Trips			67	20	32	66	706

Site trips have been assigned to the proposed right-in/right-out site drive based on site distribution percentages determined in the original TA Report. Refer to Figure 3 in the technical appendix for the site distribution percentages used to assign total site trips to the study area. Refer to Figure 4 in the technical appendix for total phase 1 peak hour site trips.

Phase 1 buildout (2020) peak hour traffic conditions have been determined by combining background (2020) peak hour traffic conditions (Figure 2) with phase 1 total peak hour site trips (Figure 4). Refer to Figure 5 in the technical appendix for the phase 1 buildout (2020) peak hour traffic conditions.

Traffic Analysis

Proposed site drive improvements have been utilized for Site Drive #1. Based on discussions with VDOT and County staff, there are no future roadway improvements or approved development plans expected during the study period for this report.

Analysis has been conducted using Synchro macro-scopic modeling for this analysis. All analysis measures (delay, queues, volume-to-capacity) have been determined utilizing the Synchro modeling exclusively. Existing peak hour factors and heavy vehicle percentages have been utilized for the existing conditions analysis. Peak hour factors have been adjusted to utilize a 0.92 on all existing peak hours below 0.92, and heavy vehicle percentages have been adjusted to reflect a 2% rate on all existing percentages less than 2% for all future traffic analysis scenarios.

Phase 1 Traffic Analysis

Phase 1 buildout (2020) peak hour traffic conditions detailed in Figure 5 have been analyzed to assess the viability of the proposed plan of development. Refer to Table 2 for the Phase 1 buildout (2020) peak hour analysis results. Refer to the technical appendix for the computer printouts of the phase 1 buildout analysis.

TABLE 2
Analysis Summary
Phase 1 Buildout (2020) Peak Hour Traffic Conditions

Intersection	Control	Lane Group	Available Storage ¹	Lane LOS	AM Peak Hour Lane Delay (sec/veh)	Lane Queue (ft) ²	Lane LOS	PM Peak Hour Lane Delay (sec/veh)	Lane Queue (ft) ²
1. US 60 (E/W) and Site Drive #1 (N/S)	Stop	NBR	-	D	25.8	31	C	15.3	50

NOTES

- (1) – Indicates continuous lane.
- (2) Queues are average 95th percentile queues as reported by SimTraffic.
- (3) \$ Indicates Delay/Queue incalculable.

Analysis indicates that the proposed site drive approach is expected to operate at acceptable levels of service under phase 1 buildout (2020) peak hour traffic conditions. Based on analysis results, the northbound right turn movement is expected to operate at an LOS D under AM peak hour traffic conditions and an LOS C under PM peak hour traffic conditions.

Conclusions

Analysis indicates that the proposed site drive is expected to operate at acceptable levels of service with a right-in/right-out configuration under phase 1 buildout peak hour traffic conditions.

Therefore, it is recommended to approve the proposed plan of access for phase 1 of the Classic Granite plan of development.

If you need any additional information or have any questions regarding this submittal, please feel free to call or email.

Sincerely,
 Green Light Solutions, Inc.



Erich Strohacker, PE
 President

Attachment #4
Ordinance #O-2018-28

AN ORDINANCE TO CONDITIONALLY REZONE APPROXIMATELY 21.36 +/- ACRES OF LAND, BEING TAX MAP PARCELS #43-33, 43-33A, AND 43-35 OWNED BY OAKBRIDGE CORPORATION AND JMS INVESTMENTS LLC, FROM GENERAL COMMERCIAL (C) WITH PROFFERED CONDITIONS TO COMMERCE CENTER (CC) (10.64 ACRES) AND LIGHT INDUSTRIAL (I-1) (10.72 ACRES) WITH PROFFERED CONDITIONS.

WHEREAS, Berk and Alp LLC., submitted a request (Case #18-04-REZC) to the Powhatan County Board of Supervisors to rezone approximately 21.36 acres of land, being Tax Map Parcels #43-33, 43-33A, and 43-35, from General Commercial (C) with proffered conditions to Commerce Center (CC) (10.64 acres) and Light Industrial (I-1) (10.72 acres) with proffered conditions; and

WHEREAS, §15.2-1427 and §15.2-1433 of the *Code of Virginia*, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

WHEREAS, §15.2-2280, §15.2-2285 and §15.2-2286 of the *Code of Virginia*, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

WHEREAS, the Planning Commission advertised and held a public hearing on the proposed rezoning on September 4, 2018, and all of those who spoke on this topic were heard; and

WHEREAS, the Planning Commission voted to recommend approval of the request to rezone the subject property with proffered conditions; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice support approval of this rezoning; and

WHEREAS, the Powhatan County Board of Supervisors caused to be published a notice of public hearing on this matter in the Powhatan Today on September 12, 2018 and September 19, 2018; and

WHEREAS, the full text of this request was available for public inspection in the Powhatan County Administrator's Office, County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139; and

WHEREAS, on September 24, 2018, the Powhatan County Board of Supervisors held a public hearing on this matter and all of those who spoke on this topic were heard.

NOW, THEREFORE, BE IT ORDAINED, that the Powhatan County Board of Supervisors hereby approves Ordinance O-2018-28 to rezone approximately 21.36 acres of land, being Tax Map Parcels #43-33, 43-33A, and 43-35 owned by Oakbridge Corporation and JMS Investments LLC, from General Commercial (C) with proffered conditions to Commerce Center (CC) (10.64 acres) and Light Industrial (I-1) (10.72 acres) with the following proffered conditions:

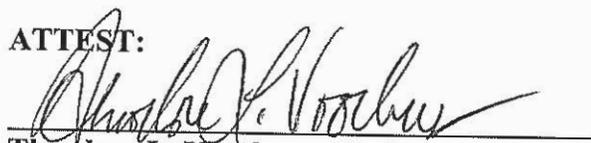
1. Development of the I-1 parcel shall be limited to 10.72 acres and shall be in substantial accord with the exhibit titled "Classic Granite and Marble Zoning Exhibit" prepared by Balzer and Associates Inc. last revised August 22, 2018.
2. Building development on the I-1 parcel shall have exterior wall surfaces constructed of glass, aluminum composited (ACM) panels; architectural CMU; metal panels; cementitious siding; stucco; E.I.F.S.; or other materials of comparable quality.
3. Prior to the issuance of the first Certificate of Occupancy for a new commercial, industrial, or mixed-use structure within the project, the owner shall dedicate 0.25 acres of land within the development to Powhatan County for a pump station at a location mutually agreed upon between the owner and the Department of Public Works, along with associated utility easements necessary to serve the site of the pump station.
4. Within the portion of the project zoned Commerce Center (CC), a minimum 30-foot-wide landscape buffer shall be provided along the perimeter of the development adjacent to the right-of-way of U.S. Route 60 (Anderson Highway). With an application for a Development Design Pattern Book (described in Sec. 83-477 of the zoning ordinance) for the portion of the project zoned CC, the applicant shall submit a conceptual design of the aforementioned landscape buffer (including the layout and planting schedule) that will be approved by the Planning Commission prior to site plan approval.

APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON SEPTEMBER 24, 2018.



**Carson L. Tucker, Chairman
Powhatan County Board of Supervisors**

ATTEST:



**Theodore L. Voorhees, Clerk
Powhatan County Board of Supervisors**

Recorded Vote:

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

Powhatan County, Virginia

Legend

-  County Boundary
-  Parcels



Case #20-01-REZC: Aerial Map

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Powhatan County is not responsible for its accuracy or how current it may be.

Feet



Powhatan County, Virginia

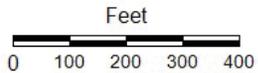
Legend

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



Chesterfield County

Case #20-01-REZC: Zoning Map

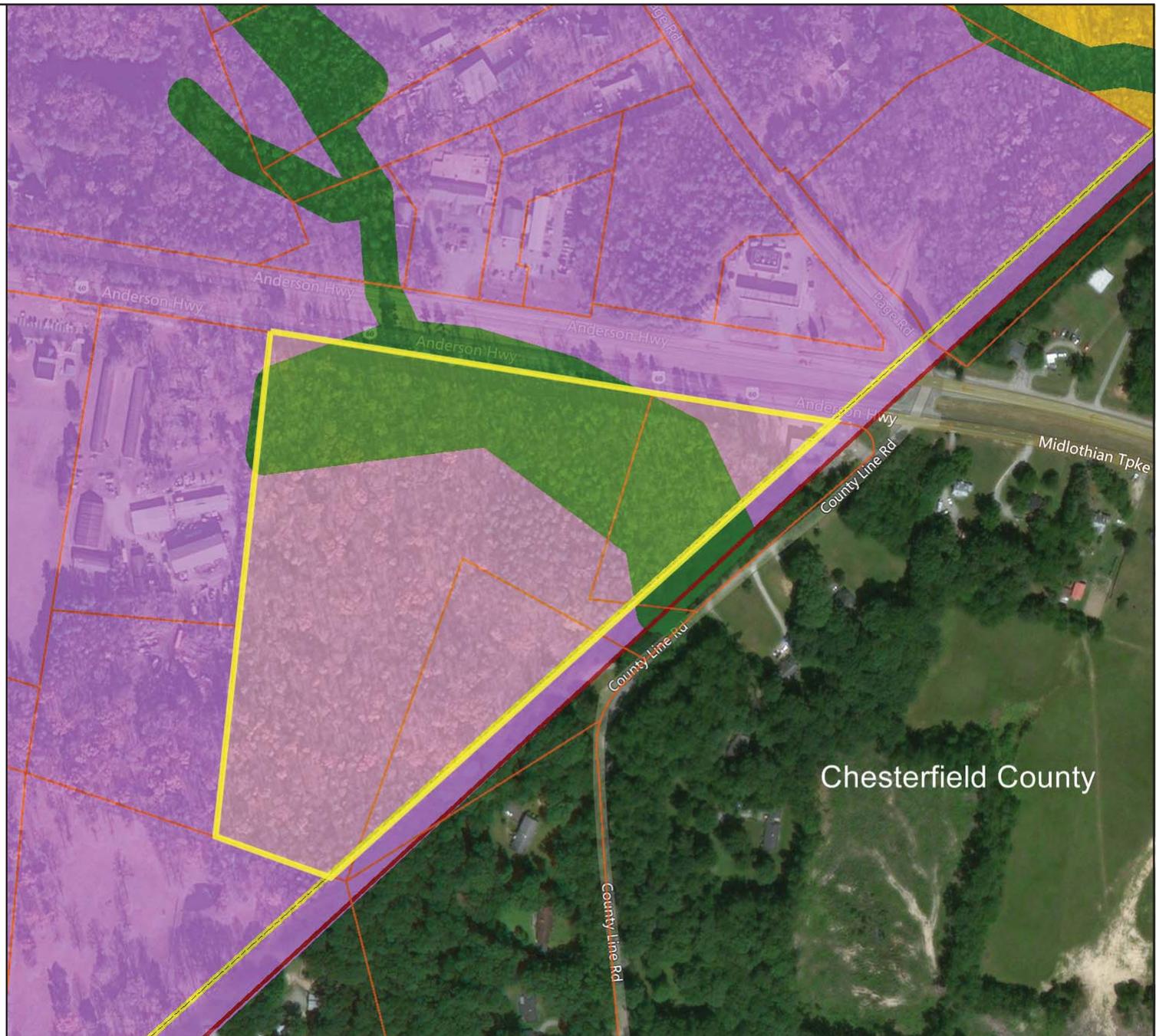


DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Powhatan County is not responsible for its accuracy or how current it may be.

Powhatan County, Virginia

Legend

-  County Boundary
-  Parcels
-  Crossroads
-  Growth Area Boundaries
-  Rural Enterprise Zone Boundary
- Future Land Use**
-  Public Lands
-  Natural Conservation
-  Rural Preservation
-  Rural Residential
-  Low Density Residential
-  Village Residential
-  Village Center
-  Commerce Center
-  Economic Opportunity
-  Industrial

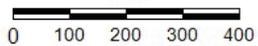


Chesterfield County

Case #20-01-REZC: Countywide Future Land Use Plan

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Powhatan County is not responsible for its accuracy or how current it may be.

Feet



Attachment #8
Public Comments

Andrew Pompei, CZA, AICP

From: Carl Schwendeman <schwendemaca@vcu.edu>
Sent: Tuesday, February 4, 2020 10:37 AM
To: Andrew Pompei, CZA, AICP
Subject: Zoning Case at the intersection of Route 60 and County Line Road
Attachments: Route 60 sidewalk at County Line 2.png; Route 60 sidewalk at County Line.png

Follow Up Flag: Follow up
Flag Status: Flagged

Good day, my name is Carl Schwendeman and I have a question about them building a new sidewalk along Route 60 for this project?

Could Powhatan County ask the builder of this project to build a 5 to 8 foot wide concrete sidewalk that is set back 20 to 30 feet back from Route 60's deadly river of flowing metal along the section of water main easement running along the front of this property.

The existing project also appears to have an internal sidewalk leading from one of the project's up to Route 60. The new sidewalk would give this internal sidewalk a main line to tap into.

The section of sidewalk could quickly grow very fast due to a 24 acre plot of land next door to this project and the Oakbridge Development

What makes this sidewalk personal is about 12 years ago when they built the water main easement along Route 60 and cleared land along Route 60.

I had made a story for the Powhatan Today about turning the water main easement into a bike path running from County Line Road to Flat Rock and on to Old Buckingham Road.

The bike path sidewalk would link Holly Hills and Oakbridge and future projects to the stores in Flat Rock.

Thank you



Powhatan County Planning Commission Agenda Item

Meeting Date: March 3, 2020

Agenda Item Title: **Case #20-04-AZ:** The **County of Powhatan** requests the amendment of provisions set forth in Chapter 83 (Zoning Ordinance), Article IV (Village Growth Area Districts), Division 2 (Village Growth Area Planned Development Districts) to clarify language describing the intent of Village Growth Area Planned Development Districts and to require that development within Village Growth Area Planned Development Districts incorporate certain design concepts that are identified within a planned development (PD) plan.

Motion: In accordance with public necessity, convenience, general welfare, and good planning practices, the Planning Commission recommends (*approval / denial / deferral*) of the request submitted by the County of Powhatan to amend Article IV (Village Growth Area Districts), Division 2 (Village Growth Area Planned Development Districts) of the Powhatan County Zoning Ordinance to:

- Clarify language regarding the intent of Village Growth Area Planned Development Districts; and
- Require that development within Village Growth Area Planned Development Districts incorporate certain design concepts that are identified within a planned development (PD) plan.

Dates Previously Considered by PC: Workshop: December 3, 2020
Workshop: January 4, 2020
Workshop: February 4, 2020

Summary of Item:

- Proposed revisions to Sec. 83-280 explain how the *Village Growth Area Planned Development (PD) Districts* are intended to promote high-quality design and innovative planning.
- A new subsection has been added to Sec. 83-282 that identifies what types of projects are an appropriate application of the PD districts. Several design elements are listed, which are based upon recommendations made in the *2019 Long-Range Comprehensive Plan* and described within the intent of the individual PD districts. Each PD plan must include language identifying which of the design elements will be incorporated into the proposed PD district.

Staff Recommendation: The Department of Community Development recommends **approval** of the proposed amendment.

Attachments: Staff Report
Proposed Ordinance

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.



20-04-AZ

County of Powhatan

Amend the Powhatan County Zoning Ordinance
to Amend Language Related to
Village Growth Area Planned Development (PD) Districts
Staff Report Prepared for the Planning Commission
March 3, 2020

I. PUBLIC MEETINGS

Planning Commission	December 3, 2020	Workshop
	January 4, 2020	Workshop
	February 4, 2020	Workshop
	March 3, 2020	Public Hearing

II. SUMMARY OF AMENDMENT

- Proposed revisions to Sec. 83-280 explain how the *Village Growth Area Planned Development (PD) Districts* are intended to promote high-quality design and innovative planning.
- A new subsection has been added to Sec. 83-282 that identifies what types of projects are an appropriate application of the PD districts. Several design elements are listed, which are based upon recommendations made in the *2019 Long-Range Comprehensive Plan* and described within the intent of the individual PD districts. Each PD plan must include language identifying which of the design elements will be incorporated into the proposed PD district.

III. ADDITIONAL INFORMATION

Current Situation

At its meeting on November 6, 2019, the Planning Commission requested that possible amendments to language/requirements related to *Village Growth Area Planned Development (PD) Districts* be prepared. The Planning Commission did not feel that previously-proposed planned developments provided exceptional design features and/or public benefits (considering the degree of design flexibility requested by applicants).

Sec. 83-280 does not provide clear guidance as to when a Village Growth Area Planned Development (PD) District is appropriate versus application of a Village Growth Area Base District.

Proposed Amendment

Based upon discussion at Planning Commission workshops held on December 3, 2019, January 7, 2020, and February 4, 2020, possible amendments to Sec. 83-280 and Sec. 83-282 have been prepared (attached):

- Proposed revisions to Sec. 83-280 explain how the *Village Growth Area Planned Development (PD) Districts* are intended to promote high-quality design and innovative planning.
- A new subsection has been added to Sec. 83-282 that identifies what types of projects are an appropriate application of the PD districts. Several design elements are listed, which are based upon recommendations made in the *2019 Long-Range Comprehensive Plan* and described within the intent of the individual PD districts. Each PD plan must include language identifying which of the design elements will be incorporated into the proposed PD district.

If the proposed amendment is adopted, development within a PD district must incorporate at least two (2) of the following elements:

- Context-sensitive infill development or redevelopment;
- Rehabilitation and reuse of historic structures;
- Exceptional pedestrian and bicycle infrastructure;
- Exceptional streetscape improvements;
- Exceptional corridor buffers;
- Exceptional open space protection;
- High-quality architecture and site design;
- Workforce housing; and/or
- Mix of housing options.

IV. COMPREHENSIVE PLAN ANALYSIS

The proposed amendment (if adopted) will help implement the following objective within the *2019 Long-Range Comprehensive Plan*:

Implement improved rural and mixed-use design standards that further enhance the quality of development (Objective LU.5: p. 57).

The proposed amendment is intended to promote high-quality design and innovative planning within designated growth areas by requiring development within PD districts to incorporate specific design elements. The design elements promoted align with specific recommendations made in the *2019 Long-Range Comprehensive Plan* (see following page).

Design Element	Comprehensive Plan Recommendation
Context-Sensitive Infill Development/Redevelopment	For development within the <i>Commerce Center</i> and <i>Village Center</i> land use designations, the <i>2019 Long-Range Comprehensive Plan</i> recommends that projects “have a coordinated architectural form and spatial feel, which should relate to surrounding developments” (p. 93, p. 98).
Rehabilitation and Reuse of Historic Structures	Strategy CR.1.a of the <i>2019 Long-Range Comprehensive Plan</i> states that Powhatan County should “encourage property owners to preserve historic structures and landscapes” (p. 50).
Exceptional Pedestrian and Bicycle Infrastructure	Strategy TR.5.a in the <i>2019 Long-Range Comprehensive Plan</i> states that Powhatan County should “encourage pedestrian and bicycle improvements, especially in new developments, to enhance walkability . . .” (p. 132).
Exceptional Corridor Buffers	The <i>2019 Long-Range Comprehensive Plan</i> recommends that wooded or landscaped buffers be provided between major thoroughfares and new development within the <i>Village Residential</i> and <i>Commerce Center</i> land use designations (p. 85, p. 97).
Workforce Housing	The <i>2019 Long-Range Comprehensive Plan</i> recommends that affordable and workforce housing provided within the <i>Village Residential</i> and <i>Village Center</i> land use designations be blended with other units of varying styles, sizes, and prices throughout a given development, with affordable units indistinguishable on the exterior from other units (p. 87, p. 93).
Mix of Housing Options	Strategy HS.2.b in the <i>2019 Long-Range Comprehensive Plan</i> states that Powhatan County should, “as part of major rezoning requests, encourage developers to provide a mixture of housing types” and should “work with developers to ensure different housing types are visually compatible with one another” (p. 25).

V. STAFF RECOMMENDATION

The Department of Community Development **recommends approval** of the proposed amendment, as it will:

- Provide greater clarity regarding the purpose and intent of PD districts.
- Require that new development within PD districts incorporate high-quality design elements promoted in the *2019 Long-Range Comprehensive Plan*.

VI. PLANNING COMMISSION RESOLUTION

In accordance with public necessity, convenience, general welfare, and good planning practices, the Planning Commission recommends (*approval / denial / deferral*) of the request submitted by the County of Powhatan to amend Article IV (Village Growth Area Districts), Division 2 (Village Growth Area Planned Development Districts) of the Powhatan County Zoning Ordinance to:

- Clarify language regarding the intent of Village Growth Area Planned Development Districts; and
- Require that development within Village Growth Area Planned Development Districts incorporate certain design concepts that are identified within a planned development (PD) plan.

Attachments

1. Proposed Ordinance

ORDINANCE #O-2020-__

Draft (Planning Commission): March 3, 2020

AN ORDINANCE AMENDING THE POWHATAN COUNTY CODE OF ORDINANCES TO AMEND THE PROVISIONS OF CHAPTER 83 (ZONING ORDINANCE), ARTICLE IV (VILLAGE GROWTH AREA DISTRICTS), DIVISION 2 (VILLAGE GROWTH AREA PLANNED DEVELOPMENT DISTRICTS) TO CLARIFY LANGUAGE DESCRIBING THE INTENT OF VILLAGE GROWTH AREA PLANNED DEVELOPMENT DISTRICTS AND TO REQUIRE THAT DEVELOPMENT WITHIN VILLAGE GROWTH AREA PLANNED DEVELOPMENT DISTRICTS INCORPORATE CERTAIN DESIGN CONCEPTS THAT ARE IDENTIFIED WITHIN A PLANNED DEVELOPMENT (PD) PLAN.

WHEREAS, Sections 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend, and codify ordinances or portions thereof; and

WHEREAS, Sections 15.2-2280, 15.2-2285, and 15.2-2286 of the Code of Virginia, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

WHEREAS, this amendment of the Powhatan County Zoning Ordinance is required to serve the public necessity, convenience, general welfare, and good zoning practice pursuant to Section 15.2-2286(A)(7) of the Code of Virginia, as amended; and

WHEREAS, the proper advertisement and public hearing was conducted as required by law; and

WHEREAS, the full text of this amendment was available for public inspection in the Department of Community Development, Powhatan County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that Article IV (Village Growth Area Districts), Division 2 (Village Growth Area Planned Development Districts) of the Zoning Ordinance of the County of Powhatan is amended and reenacted as follows:

**CODE OF THE COUNTY OF POWHATAN, VIRGINIA
CHAPTER 83. ZONING ORDINANCE**

...

ARTICLE IV. - VILLAGE GROWTH AREA DISTRICTS

...

DIVISION 2. - VILLAGE GROWTH AREA PLANNED DEVELOPMENT DISTRICTS

Sec. 83-280. - General purpose.

A planned development is a development that is planned and developed under unified control in accordance with more flexible standards and procedures that are conducive to creating more mixed-use, pedestrian-oriented, and otherwise higher-quality development than could be achieved through base zoning district regulations. The purpose of this division is to provide a uniform means for amending the official zoning district map to establish any of the three planned development (PD) zoning districts

allowed by this chapter: the VR-PD village residential planned development; the VC-PD village center planned development; and the CC-PD commerce center planned development.

The village growth area planned development (PD) districts are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other county goals and objectives by:

- (1) Allowing greater design flexibility than permitted through application of the village growth area base districts.
- (2) Accommodating a well-integrated mix of residential and/or nonresidential land uses within the same development, including (for residential projects) a mix of housing types, lot sizes, and densities.
- (3) Promoting quality design and environmentally-sensitive development that aligns with recommendations made in the long-range comprehensive plan, reflects the character of the surrounding area, and takes advantage of a site's natural and manmade features, such as mature trees, wetlands, surface waters, floodplains, and historic features.
- ~~(1) Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;~~
- ~~(2) Allowing greater freedom in selecting the means of providing access, open space, and design amenities;~~
- ~~(2) Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;~~
- ~~(2) Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and~~
- ~~(2) Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, wetlands, surface waters, floodplains, and historic features.~~

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

Sec. 83-281. - Classification of planned development zoning districts.

Land shall be classified into a planned development zoning district only in accordance with the procedures and requirements set forth in Article II (Administration) and this chapter.

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

Sec. 83-282. - General standards for all planned development districts.

(a) Project eligibility. Development within the PD district should incorporate innovative, high-quality design concepts that provide significant public benefits. Exemplary projects appropriate within a PD district include those that incorporate at least two (2) of the following:

- (1) Context-sensitive infill development or redevelopment: Enable pedestrian-oriented infill development or redevelopment designed to reflect the scale and architecture of surrounding development.

Commented [AP1]: Revised language explains how the Village Growth Area Planned Development (PD) Districts are intended to promote high-quality design and innovative planning.

Commented [AP2]: For development within the Commerce Center and Village Center land use designations, the 2019 Long-Range Comprehensive Plan recommends that projects "have a coordinated architectural form and spatial feel, which should relate to surrounding developments" (p. 93, p. 98).

(2) Historic rehabilitation and reuse: Include the rehabilitation and reuse of historic buildings (constructed prior to 1940).

Commented [AP3]: Relates to Strategy CR.1.a in the 2019 Long-Range Comprehensive Plan: “Encourage property owners to preserve historic structures and landscapes” (p. 50).

(3) Exceptional pedestrian and bicycle infrastructure: Provide pedestrian and/or bicycle infrastructure (sidewalks, shared-use paths, etc.) that exceeds minimum development standards and/or facilitates implementation of a regional trail network.

Commented [AP4]: Relates to Strategy TR.5.a in the 2019 Long-Range Comprehensive Plan: “Encourage pedestrian and bicycle improvements, especially in new developments, to enhance walkability . . .” (p. 132).

(4) Exceptional streetscape improvements: Create an attractive streetscape along adjacent major thoroughfares and other roadways by providing decorative street lighting, decorative benches (street furniture), and/or enhanced landscaping that exceeds minimum development standards; limiting freestanding signage to monument signs with a brick or stone base; and/or limiting the size, color, and lighting of all commercial signage.

(5) Exceptional corridor buffers: Provide buffers at least 75 feet in width along adjacent major thoroughfares, which are maintained in their natural state (if wooded) and/or planted at a rate that exceeds minimum development standards.

Commented [AP5]: The 2019 Long-Range Comprehensive Plan recommends that wooded or landscaped buffers be provided between major thoroughfares and new development within the *Village Residential* and *Commerce Center* land use designations (p. 85, p. 97). Sec. 83-461(f) requires corridor buffers in certain zoning districts that are 30' wide.

(6) Exceptional open space protection: Protect an exceptional amount of open space (30 percent or more of the site) or preserve a unique natural feature or habitat.

(7) High-quality architecture and site design: Incorporate high-quality architecture, building materials, and site design to create an attractive pedestrian-friendly streetscape, with buildings that relate to the street and are scaled to maintain a “small town feel” (guaranteed with proffered conditions).

Commented [AP6]: This language is similar to that used in the intent of the VC-PD zoning district in the zoning ordinance [Sec. 83-300(A)].

(8) Workforce housing: Integrate workforce housing (as defined by local policy) with market-rate units, with at least ten percent of the total number of residential units classified as workforce housing.

Commented [AP7]: The 2019 Long-Range Comprehensive Plan recommends that affordable and workforce housing provided within the *Village Residential* and *Village Center* land use designations be blended with other units of varying styles, sizes, and prices throughout a given development, with affordable units indistinguishable on the exterior from other units (p. 87, 93).

(9) Mix of housing options: Provide diverse housing options (or single-family dwellings on lots of varying sizes), with no single housing type exceeding 80 percent of the total number of residential units.

Commented [AP8]: Relates to Strategy HS.2.b of the 2019 Long-Range Comprehensive Plan: “As part of major rezoning requests, encourage developers to provide a mixture of housing types. Work with developers to ensure different housing types are visually compatible with one another” (p. 25). This language also aligns with the intent of the VR-PD zoning district [Sec. 83-290(A)].

The PD plan shall identify which of the aforementioned elements are reflected within the design of projects within the PD district, with related terms and conditions within the PD plan assuring that the elements identified will be implemented.

(b) *PD plan.* The PD plan shall:

- (1) Include a statement of planning and marketing objectives for the district;
- (2) Identify the general location of individual development areas, identified by land use(s) and/or development density or intensity;
- (3) Identify for the entire PD district and each development area the acreage, types and mix of land uses, number of residential units (by use dwelling type ~~and number of bedrooms~~), nonresidential floor area (by use type), residential density, and nonresidential intensity;
- (4) Identify the general location, amount, and type (whether designated for active or passive recreation) of open space;
- (5) Identify the location of environmentally sensitive lands, wildlife habitat, and waterway corridors;
- (6) Identify the on-site transportation circulation system, including the general location of all public streets and private roads, existing or projected transit corridors, and pedestrian and bicycle pathways, and how they will connect with existing and planned county and state systems;

Commented [AP9]: Residential development (particularly single-family detached units and townhouses) is generally measured in the number of units, not the number of bedrooms.

- (7) Identify the general location of on-site potable water and wastewater facilities, and how they will connect to county systems;
- (8) Identify the general location of on-site stormwater management facilities, and how they will connect to county systems;
- (9) Identify the general location of all other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management; ~~and~~
- (10) Include a development phasing plan in accordance with section 83-282(~~de~~), development phasing plan if phasing of PD development is proposed; ~~and~~

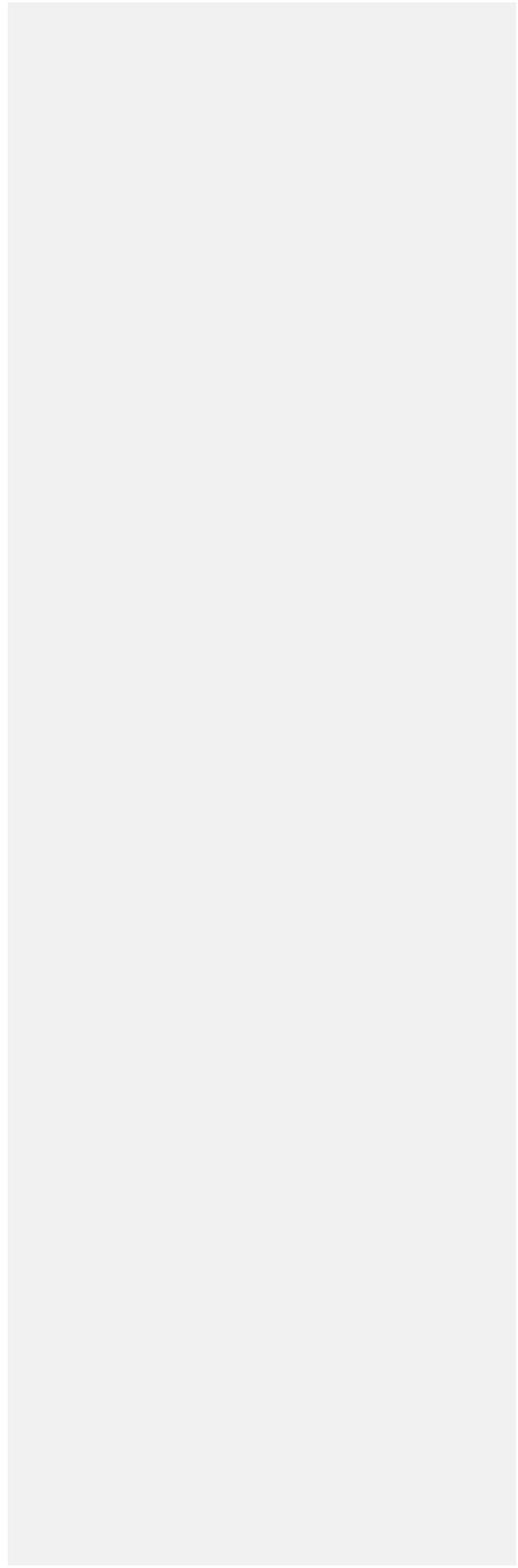
(40)(11) Identify which elements listed in section 83-282(a), project eligibility will be reflected within the design of projects within the PD district.

- (c) *Consistency with county plans.* The PD Zoning District designation, the PD plan, and the PD terms and conditions shall be consistent with the comprehensive plan and any functional plans and small area plans adopted by the county.
- (d) *Compatibility with surrounding areas.* Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the PD plan shall provide for transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, and siting of service areas.
- (e) *Development phasing plan.* If development in the PD district is proposed to be phased, the PD plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the county's capital improvements program.
- (f) *Conversion schedule.* The PD plan may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use and one type of nonresidential use may be converted to another type of nonresidential use. Such conversions may occur within development areas and between development areas as long as they occur within the same development phase, as identified by the approved development phasing plan, and are consistent with established extents of conversion set down in the conversion schedule.
- (g) *On-site public facilities.*
 - (1) Design and construction. The PD plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with applicable county, state, and federal regulations.
 - (2) Dedication. The PD plan shall establish the responsibility of the developer/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable county, state, and federal regulations.
 - (3) Modifications to street standards. In approving a PD plan, the board of supervisors may approve modifications or reductions of private road design standards—including those for right-of-way widths, pavement widths, required materials, and turning radii—on finding that:
 - a. The PD plan provides for separation of vehicular, pedestrian, and bicycle traffic;
 - b. Access for emergency service vehicles is not substantially impaired;

- c. Adequate off-street parking is provided for the uses proposed; and
 - d. Adequate space for public utilities is provided within the street right-of-way.
- (h) *PD terms and conditions.* The PD terms and conditions shall include, but not be limited to:
- (1) Conditions related to approval of the application for the PD Zoning District classification;
 - (2) The PD plan, including any density/intensity standards, dimensional standards, and development standards established in the PD plan;
 - (3) Conditions related to the approval of the PD plan, including any conditions related to the form and design of development shown in the PD plan;
 - (4) Provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;
 - (5) Provisions related to environmental protection and monitoring; and
 - (6) Any other provisions the board of supervisors determines are relevant and necessary to the development of the PD in accordance with applicable standards and requirements of this chapter.
- (i) *Uses.* The principal, accessory, and temporary uses allowed in each type of PD district are identified in the use tables in Article VII: Use Standards. Allowed principal uses in a particular PD district shall be established in the PD plan, subject to conversion in accordance with a schedule incorporated in the PD plan in accordance with section 83-282(e)f): Conversion schedule. Allowed uses shall be consistent with the comprehensive plan and the purpose of the particular type of PD district, and subject to applicable use-specific standards in Article VII: Use Standards, and any additional limitations or requirements set forth in this division for the particular type of PD district.
- (j) *Densities/intensities.* The densities for residential development and the intensities for nonresidential development applicable in each development area of a PD district shall be as established in the PD plan, and shall be consistent with the comprehensive plan, other adopted special area and county plans, and the purpose of the particular type of PD district.
- (k) *Dimensional standards.* The dimensional standards applicable in each development area of a PD district shall be as established in the PD plan, and shall be consistent with the purpose of the particular type of PD District. The PD plan shall include at least the following types of dimensional standards:
- (1) Maximum dwelling units per acre and/or maximum floor area ratio;
 - (2) Minimum lot area;
 - (3) Minimum lot width;
 - (4) Maximum impervious surface area;
 - (5) Maximum building height;
 - (6) Maximum individual building size;
 - (7) Minimum and maximum yard depths or setbacks; and
 - (8) Minimum buffers and/or setbacks from adjoining residential development or residential zoning districts, from adjacent farm operations, and from environmental features such as watercourses and wetlands.

(l) *Development standards.* All development in a PD district shall comply with the development standards of Article VIII: Development Standards, and Powhatan County Code chapter 68 (Subdivisions), or any modifications of those standards established in the PD plan as consistent with the comprehensive plan and other adopted county plans, the objective of the particular type of development standard, the purpose of the particular PD district, and any additional limitations or requirements set forth in this division for the particular type of PD district.

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





Powhatan County Planning Commission Agenda Item

Meeting Date: March 3, 2020

Agenda Item Title: Presentation: Parks and Recreation Needs Assessment

Action Requested: No Action Required

Dates Previously
Considered by PC: None

Summary of Item: This presentation will provide the Planning Commission with an update regarding the progress of the Parks and Recreation Master Plan, which was initiated by the Department of Public Works in coordination with the Parks and Recreation Advisory Committee.

Hard copies of this presentation will be distributed to the Planning Commission prior to the meeting.

Attachments: None

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.



Powhatan County Planning Commission Agenda Item

Meeting Date: March 3, 2020

Agenda Item Title: Discussion: Elimination of Single Cut Subdivisions (Subdiv. Ordinance: Sec. 68-114)

Motion: The Department of Community Development requests feedback regarding the elimination of *single cut subdivisions* (Subdiv. Ordinance: Sec. 68-114). The Planning Commission may choose to initiate a text amendment to repeal provisions within Sec. 68-114 (and related language in other parts of the County Code) that allow *single cut subdivisions*.

Dates Previously Considered by PC: Initial Review (Workshop): February 4, 2020

Summary of Item: *A single cut subdivision* involves the division of a *parent tract*, which is a parcel platted prior to April 18, 1988 [Sec. 68-301/Sec. 83-521]. If a parcel created prior to that date has not been divided, one lot (at least two acres in size) may be created as part of a *single cut subdivision*. In most other instances (except for *family subdivisions*), the minimum lot area within the Agricultural-10 (A-10) zoning district (where most *single cut subdivisions* occur) is ten acres.

Both the Powhatan County Subdivision Ordinance (Chapter 68) and the Powhatan County Zoning Ordinance (Chapter 83) establish requirements for *single cut subdivisions*. If Sec. 68-114 is repealed, references to *single cut subdivisions* (and some references to *parent tract*) in other parts of the County Code would have to be removed.

Attachments: Staff Report
Proposed Ordinance Amendment

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.



20-02-AZ

County of Powhatan

Amend the Powhatan County Subdivision Ordinance and Zoning Ordinance
to Eliminate Single Cut Subdivisions

Staff Report Prepared for the Planning Commission
March 3, 2020

I. PUBLIC MEETINGS

Planning Commission	February 4, 2020	Workshop
	March 3, 2020	Workshop

II. SUMMARY OF AMENDMENT

The proposed amendment would eliminate *single cut subdivisions* [Subdivision Ordinance: Sec. 68-114]. References to *single cut subdivisions* (and some references to *parent tracts*) would also be removed from other portions of the County Code.

III. ADDITIONAL INFORMATION

Current Situation

Overview: Single Cut Subdivisions

A *single cut subdivision* involves the division of a *parent tract*, which is a parcel platted prior to April 18, 1988.¹ If a parcel created prior to that date has not been divided or changed, an additional lot (at least two acres in size) may be created as part of a *single cut subdivision*. In most other instances (except for *family subdivisions*), the minimum lot area within the Agricultural-10 (A-10) zoning district (where most *single cut subdivisions* occur) is ten acres.²

Number of Single Cut Subdivisions (2016 – 2019)				
Year	2016	2017	2018	2019
No. of Single Cut Subdivisions	15	13	5	3

Attachment #2 shows the location of *single cut subdivisions* that were approved in 2016, 2017, 2018, and 2019.

¹ See Sec. 68-301 (Subdivision Ordinance: Definitions) and Sec. 83-521 (Zoning Ordinance: Definitions).

² Sec. 83-107(b) states that the minimum lot size for a lot created as part of a *single cut subdivision* is two acres, with the residual parcel being two acres (if the parcel has frontage on a public road). Therefore, a *parent tract* as small as four (4) acres may be eligible for a *single cut subdivision*, if it has at least 430 feet of road frontage.

Proposed Amendment

The proposed amendment would eliminate *single cut subdivisions* [Subdivision Ordinance: Sec. 68-114].

Both the Powhatan County Subdivision Ordinance (Chapter 68) and the Powhatan County Zoning Ordinance (Chapter 83) establish requirements for *single cut subdivisions*. If Sec. 68-114 is repealed, references to *single cut subdivisions* (and some references to *parent tract*) in other parts of the County Code would have to be removed:

- Sec. 68-103(1)(i) (Director of Community Development)
- Sec. 68-108 (Certification and Recordation)
- Sec. 68-109(a) (Effect)
- Sec. 68-111(b)(1)(b) (Private Roads: Eligibility)
- Sec. 68-125 (Family Division)
- Sec. 68-236 (Subdivision Plat Requirements for Single Cut, Minor, and Family Div.)
- Sec. 68-301 (Definitions)
- Sec. 83-107(b) (Use Districts: Minimum Lot Size Reference Chart)
- Sec. 83-521 (Definitions)

IV. COMPREHENSIVE PLAN ANALYSIS

Many parcels zoned A-10 (where *single cut subdivisions* are permitted) are located within areas designated *Rural Preservation* and *Rural Residential*. These land use designations are intended to accommodate very low-density residential development (p. 58):

- *Rural Preservation*: 1 unit per 8 acres – 1 unit per 10 acres
- *Rural Residential*: 1 unit per 5 acres – 1 unit per 10 acres

Objective LU.2 states that “when development occurs in rural areas, the preferred form of development is conservation subdivisions, with smaller lots and preserved open space at an overall low-density consistent with a rural character” (p. 59).

Allowing additional lots as small as two (2) acres to be created in these areas would not be consistent with the aforementioned recommendations.

V. STAFF RECOMMENDATION

The Department of Community Development **recommends approval** of the proposed amendment. Eliminating options for *single cut subdivisions* would:

- Align with recommendations made in the 2019 Long-Range Comprehensive Plan; and
- Reduce development potential within rural areas (where additional residential development is discouraged).

VI. PLANNING COMMISSION RESOLUTION

The Planning Commission initiates an ordinance amendment to eliminate *single cut subdivisions*; remove references to *single cut subdivisions* within Chapter 68 (Subdivision Ordinance) and Chapter 83 (Zoning Ordinance); and to remove language within Chapter

68 (Subdivision Ordinance) and Chapter 83 (Zoning Ordinance) referring to *parent tracts* as parcels lawfully recorded prior to April 18, 1988.

Attachments

1. Proposed Ordinance
2. Map of Single Cut and Family Divisions (2016 – 2019)

ORDINANCE #O-2020-__

Draft (Planning Commission): March 3, 2020

AN ORDINANCE AMENDING THE POWHATAN COUNTY CODE OF ORDINANCES TO AMEND PROVISIONS SET FORTH IN SEVERAL SECTIONS OF CHAPTER 68 (SUBDIVISION ORDINANCE) AND CHAPTER 83 (ZONING ORDINANCE) TO ELIMINATE SINGLE CUT SUBDIVISIONS; REMOVE REFERENCES TO SINGLE CUT SUBDIVISIONS WITHIN CHAPTER 68 (SUBDIVISION ORDINANCE) AND CHAPTER 83 (ZONING ORDINANCE); AND TO REMOVE LANGUAGE WITHIN CHAPTER 68 (SUBDIVISION ORDINANCE) AND CHAPTER 83 (ZONING ORDINANCE) REFERRING TO PARENT TRACTS AS PARCELS LAWFULLY RECORDED PRIOR TO APRIL 18, 1988.

WHEREAS, Sections 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950, as amended, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

WHEREAS, Section 15.2-2240 of the Code of Virginia, 1950, as amended, mandates each local governing body to adopt a subdivision ordinance, pursuant to Sections 15.2-2240 through 15.2-2279 (Land Subdivision and Development) to assure the orderly subdivision of land and its development; and

WHEREAS, Sections 15.2-2280, 15.2-2285, and 15.2-2286 of the Code of Virginia, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

WHEREAS, the proposed amendments to Chapter 68 (Subdivision Ordinance) are intended to ensure that subdivisions and other development promote the health, safety, convenience, order, prosperity, and welfare of the present and future residents of the County; and

WHEREAS, the proposed amendments to Chapter 83 (Zoning Ordinance) are required to serve the public necessity, convenience, general welfare, and good zoning practice pursuant to Section 15.2-2286(A)(7) of the Code of Virginia, as amended; and

WHEREAS, the proposed amendment is intended to prevent the creation of non-conforming lots within rural areas, helping protect Powhatan County's traditionally rural character; and

WHEREAS, the proper advertisement and public hearing was conducted as required by law; and

WHEREAS, the full text of this amendment was available for public inspection in the Department of Community Development, Powhatan County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that the following sections of Chapter 68 (Subdivision Ordinance) and Chapter 83 (Zoning Ordinance) of the Code of the County of Powhatan, Virginia are amended and reenacted as follows:

**CODE OF THE COUNTY OF POWHATAN, VIRGINIA
CHAPTER 68. SUBDIVISION ORDINANCE**

...

ARTICLE I. – GENERAL PROVISIONS

...

Sec. 68-103. - Director of community development.

The director is designated by the county administrator to administer and enforce the provisions of the subdivision ordinance. The director, or his designee, shall have the following powers and duties under this subdivision ordinance:

- (1) To review and decide applications for the following:
 - a. Major subdivision plats;
 - b. Subdivision construction plans;
 - c. Final subdivision plats;
 - d. Minor subdivision plats;
 - e. Family divisions;
 - f. Non-subdivision plats;
 - g. Private roads (as permitted by section 68-111(b)(1));
 - h. Interpretations of chapter 68: Subdivisions; and
 - i. ~~Single cut subdivision plats.~~

...

ARTICLE II. – SPECIFIC REVIEW PROCEDURES

...

Sec. 68-108. - Certification and recordation.

If the application for a division is approved, the director shall enter on the plat a signed certification that the plat is approved by the county in accordance with this ordinance and ready for recordation, as well as any other certifications as may be appropriate. For family, ~~single cut~~, minor and major subdivisions, as well as non-subdivision plats, the subdivider shall file an approved and certified plat with the office of the clerk of the circuit court, and shall provide proof of recording to the director.

...

Sec. 68-109. - Effect.

- (a) ~~Single cut, f~~Family, minor subdivisions, final plats and non-subdivision plats approval, certification if required and recordation of the plat allows the subdivider to proceed with conveying the platted lots by reference to the recorded plat.

...

Sec. 68-114. - ~~Single cut subdivision~~Reserved.

- ~~(a) Purpose. The provisions of this article shall apply to single cut subdivisions. It is intended that platting and approval requirements for such subdivisions be restricted to the minimum necessary to ensure compliance with minimum lot size requirements of the zoning ordinance.~~
- ~~(b) Access. A single cut subdivision shall either abut a public road by a minimum of 30 feet or have access to a public road via a dedicated access right of way or easement at least 30 feet in width. Single cut subdivisions shall be prohibited on private roads where the main parcel does not front on a public road, unless provided in accordance with article II, section 68-111(b).~~
- ~~(c) Charitable division. A division of one parcel of land may be permitted for conveyance to a bona fide charitable organization subject to the following:~~

- ~~(1) May only be taken from agricultural zoned parcels;~~
- ~~(2) A charitable division taken from a parent tract shall not count as a division towards the property owner's division rights;~~
- ~~(3) A charitable division parcel shall be a minimum of two acres in size and shall produce a residual parcel of not less than ten acres in size. All other lot requirements shall follow the zoning ordinance provisions; and~~
- ~~(4) No application fee shall be charged for review and/or approval of the plat.~~
- ~~(d) Expiration. Approval shall expire if the plat is not recorded with the office of the clerk of the circuit court:~~
 - ~~(1) Within six months after the date of the approval; or~~
 - ~~(2) Within an extension of the applicable time period.~~

...

Sec. 68-111. - Private roads.

...

(b) *Eligibility.*

- (1) The director may approve the use of a private road subject to certification and recordation of a road maintenance agreement, compliant with this chapter, for the following:
 - a. Family divisions of no more than ten-lots; or
 - b. ~~Single cut or m~~Minor divisions of no more than two lots; or
 - c. Internal access roads for a commercial, business or industrial park.

...

Sec. 68-125. - Family division.

...

- (a) *Purpose.* The purpose of this section is to establish the procedure and standards for review of family divisions. Family division review is intended to ensure that proposed lots are appropriately and accurately delineated on a plat that serves as a permanent record of the subdivision.
- (b) *Family division review standards.* An application for family division approval shall be approved on a finding the applicant has demonstrated that:

...

- ~~(3) A family division taken from a parent tract shall not count as a division towards the property owner's division rights;~~

...

ARTICLE IV. – SPECIFICATIONS FOR PLANS AND PLATS

...

Sec. 68-236. - Subdivision plat requirements for ~~single cut,~~ minor and family divisions.

...

ARTICLE V. – DEFINITIONS

...

...

Sec. 68-301. - Definitions.

...

Monuments means markers placed on or in the land.

Parent tract means ~~with respect to the right to a single cut under this chapter, the term parent tract shall mean any lot or parcel which was lawfully recorded by a plat of subdivision and/or deed(s) in the office of the clerk of the circuit court of Powhatan County prior to April 18, 1988. In all other cases, Parent tract shall mean~~ the whole of the property from which a new parcel is being made or subdivided.

Performance guarantee means any security which may be accepted in lieu of a requirement that certain improvements be made before the approving body approves a plan, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

...

Subdivision, preliminary plat (See section 68-110(a), Preliminary plat)

~~*Subdivision, single cut* means a subdivision of only two lots created by a single division of land from a parent tract.~~

Supervisors means the board of supervisors of Powhatan County, Virginia.

...

CHAPTER 83. ZONING ORDINANCE

...

ARTICLE I. – GENERAL PROVISIONS

...

Sec. 83-107. - Use districts.

...

(b) Minimum lot size.

Minimum Lot Size Reference Chart	
Scenario	Result
Minimum Lot Size (A-10 District)	10 acres
Lot Line Adjustment (A-10 District)	2 acres for parent tract on a public road; 10 acres for all other parcels; the result of the lot line adjustment may not create any additional non-conforming parcels

Lot Line Adjustment (RR District)	10 acres; parcels less than 10 acres may be increased but not decreased in size by the lot line adjustment
Single cut subdivision exception; main parcel on public road (A-10 District)	2 acres for the single cut parcel plus 2 acres for the residual parcel (4 acres total)
Single cut subdivision exception; main parcel on private road (A10 District)	2 acres for the single cut parcel plus 10 acres for the residual parcel (12 acres total); private road must be upgraded to state specifications from the state road to the single cut parcel; minimum lot size to be computed outside the 50' right of way
Family member division; main parcel on public road, or access provided to public road via main parcel (A-10 District)	2 acres for the family division parcel plus 2 acres for the residual parcel (4 acres total)

...

ARTICLE XI. – DEFINITIONS

...

Sec. 83-521. - Definitions.

...

~~Parent tract means any lot or parcel which was lawfully recorded by a plat of subdivision and/or deed(s) in the Office of the Clerk of the Circuit Court of Powhatan County prior to April 18, 1988. (See: Powhatan County Code, chapter 68 (Subdivisions).)~~

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

This amendment shall take effect immediately upon passage.

ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON _____, 2020.

David T. Williams, Chairman
Powhatan County Board of Supervisors

ATTEST:

Bret Schardein, Clerk
Powhatan County Board of Supervisors

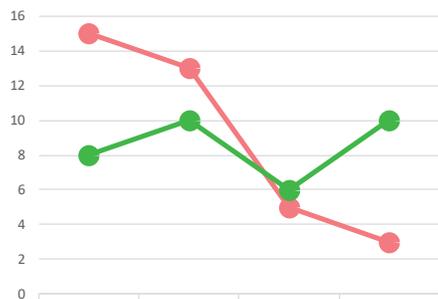
Recorded Vote:

David T. Williams _____
Larry J. Nordvig _____
Michael W. Byerly _____
William L. Cox _____
Karin M. Carmack _____

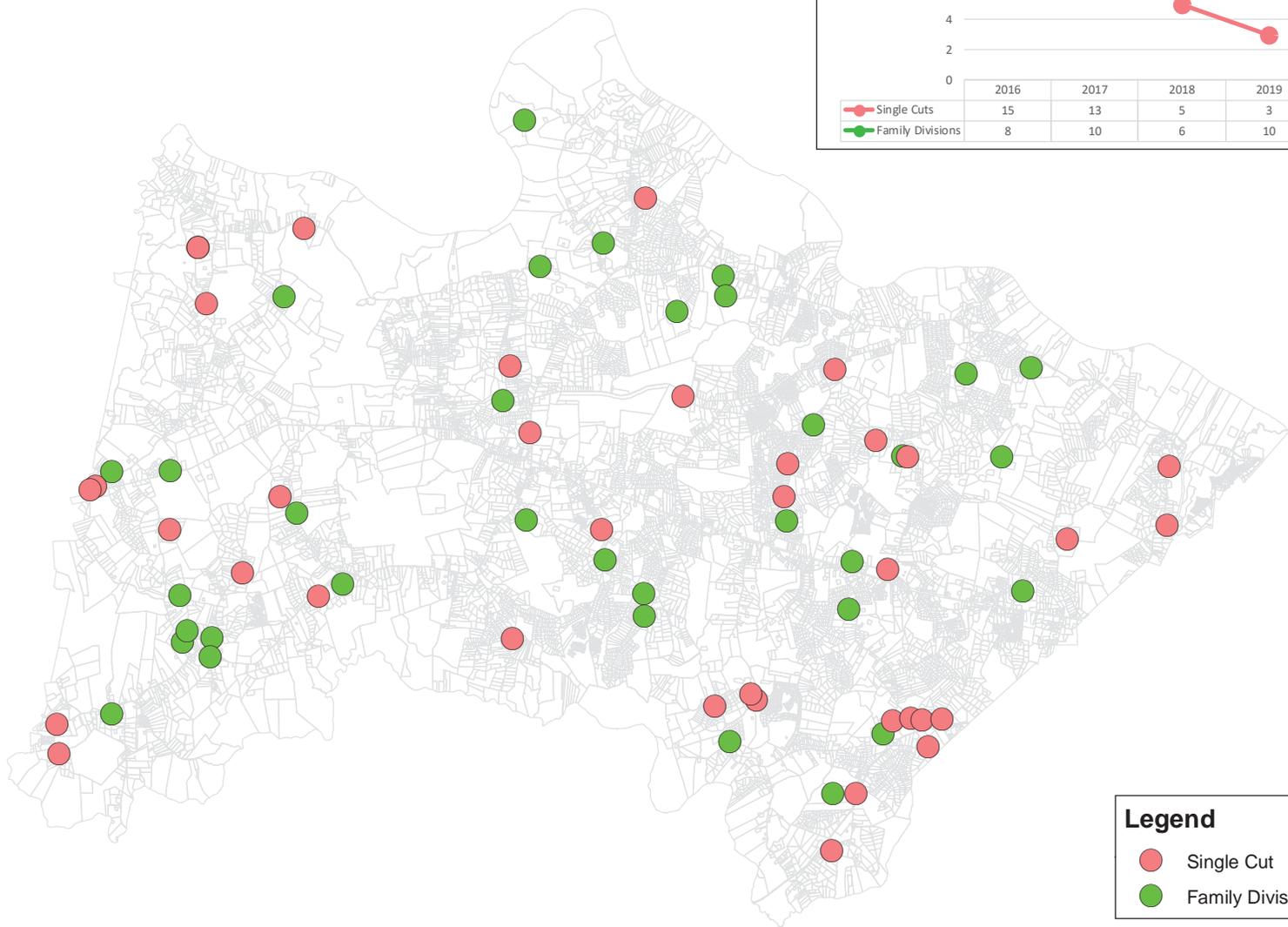
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Single Cuts and Family Divisions (2016-2019)

Number of Applications by Year

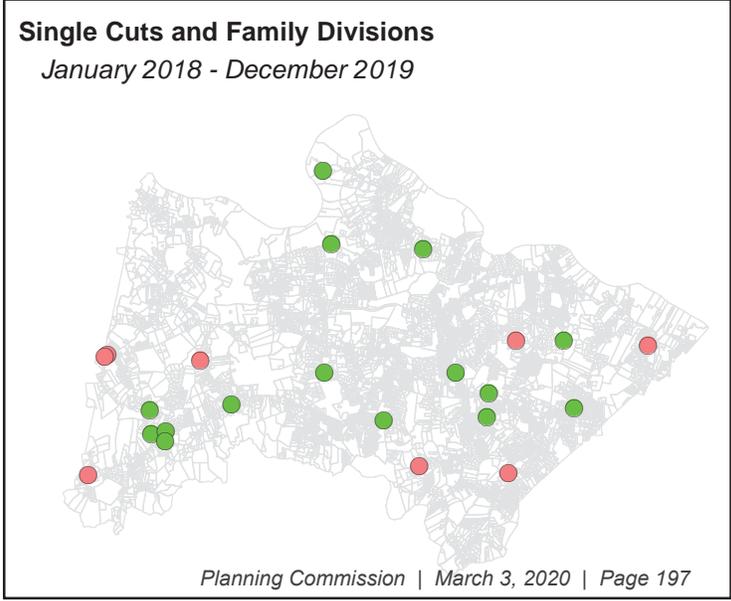
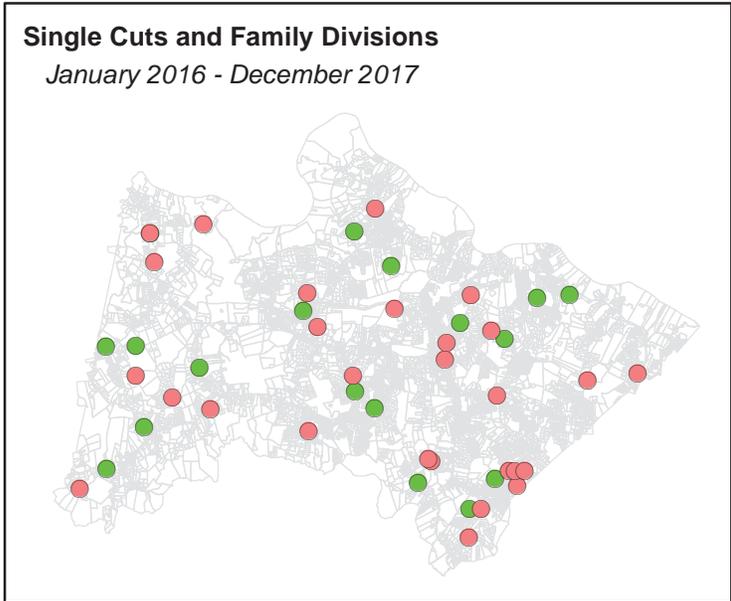


	2016	2017	2018	2019
Single Cuts	15	13	5	3
Family Divisions	8	10	6	10



Legend

- Single Cut
- Family Division





Powhatan County Planning Commission Agenda Item

Meeting Date: March 3, 2020

Agenda Item Title: Discussion: Revisions to Standards for Family Divisions (Subdiv. Ordinance: Sec. 68-125)

Action Requested: The Department of Community Development requests feedback regarding potential revisions to standards applicable to *family divisions* (Subdiv. Ordinance: Sec. 68-125). The Planning Commission may choose to initiate a text amendment to formally review the revisions proposed.

Dates Previously Considered by PC: Initial Review (Workshop): March 3, 2020

Summary of Item: §15.2-2244 of the Code of Virginia requires that every locality include provisions in its subdivision ordinance allowing *family divisions*.

Sec. 68-125 (Family Divisions) establishes provisions that allow property owners to create one or more parcels to sell/gift to immediate family members (including a natural or legally-defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent).

The County Attorney's Office and the Department of Community Development recommend that the following changes to Sec. 68-125 be considered:

- *Change Holding Period*
Currently, a property owner must own a parcel for at least ten years to be eligible to create a lot through a *family division*. Once the lot is created, the immediate family member receiving that lot must own it for at least five years before selling it.
The proposed provision would reduce the "holding period" for those giving and receiving property through a *family division*. A property owner would have to own a parcel for at least one year to be eligible to create a lot through a *family division*, with the immediate family member receiving the lot being required to own it for at least seven years before selling it.
- *Provide Greater Specificity Regarding Exceptions to Holding Period*
Proposed language identifies instances when the "holding period" may be reduced (job relocation; required foreclosure/bankruptcy sale; and/or death of the owner).
- *Clarify Recipients Must Be Adults*
Proposed language states that any immediate family member receiving a lot as part of a family division must be an adult.

Attachments: Staff Report (with Attachments)
Proposed Ordinance Amendment

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.



20-03-AZ

County of Powhatan

Amend the Powhatan County Subdivision Ordinance
to Change the Holding Period Before and After Creating a
Family Division Lot

Staff Report Prepared for the Planning Commission
March 3, 2020

I. PUBLIC MEETINGS

Planning Commission	February 4, 2020	Workshop
	March 3, 2020	Workshop

II. SUMMARY OF AMENDMENT

The proposed amendment would:

- Reduce the amount of time a property owner must own a property before creating a lot through a *family division*.
- Increase the amount of time a person receiving a lot through a *family division* must own a property before selling/transferring it to someone other than an immediate family member.
- Identify specific instances in which the required “holding period” may be reduced.
- Clarify that any immediate family member receiving a lot as part of a *family division* must be an adult.

III. ADDITIONAL INFORMATION

Current Situation: State Code

The Code of Virginia establishes guidelines regarding *family divisions*. Per § 15.2-2244, some localities are required to adopt provisions allowing *family divisions*, while such provisions are optional in other localities:

- Localities with a growth rate of less than 10% between the latest and next-to-latest decennial census are required to adopt provisions allowing *family divisions*.
- “High-growth” localities (those with a population increase of 10% or more between the latest and next-to-latest decennial census), or counties/cities adjacent to “high-growth” localities, may adopt provisions allowing *family divisions* (but are not required to).

Between 2000 and 2010 (the latest and next-to-latest decennial census), the population of Powhatan County increased 25% (22,377 to 28,046). However, the Weldon Cooper Center has estimated a much lower growth rate in recent years, estimating that the population has only increased 6.5% between 2010 and 2019 (28,046 to 29,867). Based on estimates from the Weldon Cooper Center, some adjoining localities (including Chesterfield County) are expected to be classified as “high-growth” localities.

§ 15.2-2244 establishes certain requirements regarding the design of family subdivisions.

Component of Family Divisions	State Code Requirements
Immediate Family Member	A member of the immediate family is defined as any person who is a natural or legally-defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the owner. Any locality may (at its discretion) include aunts, uncles, nieces, and nephews in its definition of immediate family (§ 15.2-2244).
Number of Divisions	One (1) per eligible family member (§ 15.2-2244).
Right-of-Way	Lots less than five (5) acres must have a reasonable right-of-way of not less than 10 feet or more than 20 feet providing ingress/egress to a dedicated/recorded public street (§ 15.2-2244).
Parcel Size	There is no minimum/maximum lot size established in the Code of Virginia, but localities are permitted to establish a maximum lot size of one (1) acre (§ 15.2-2244.2).
Holding Period	A locality may require that a property must have been owned for up to 15 consecutive years by the current landowner or member of the immediate family prior to creation of a <i>family division</i> . A locality may require that a landowner agree to place a restrictive covenant on the subdivision property that would prohibit transfer of the property to a nonmember of the immediate family for a period of up to 15 years (§ 15.2-2244.1).

Current Situation: Local Requirements

Sec. 68-125 (Family Divisions) establishes provisions that allow property owners to create one or more parcels to sell/gift to immediate family members (including a natural or legally-defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent). Compared to conventional subdivisions, the review procedure for *family divisions* is simplified, and the required improvements are minimal.

Minimum Lot Area for *Family Division* Lots by Zoning District
[Sec. 83-107(b)]

Zoning District	Minimum Area: <i>Family Division</i> Lot	Minimum Area: Residual Parcel
Agricultural-10 (A-10) (Main Parcel on Public Road)	2 acres	2 acres
Agricultural-10 (A-10) (Main Parcel on Private Road)	2 acres	10 acres
Rural Residential (RR)	2 acres	10 acres
Single-Family Residential – 2 (R-2)	2 acres	2 acres
Residential-Utility (R-U)	2 acres	2 acres

Proposed Amendment

The following amendments to Sec. 68-125 (Family Divisions) are proposed:

- *Change Holding Period*

Currently, a property owner must own a parcel for at least ten years to be eligible to create a lot through a *family division*. Once the lot is created, the immediate family member receiving that lot must own it for at least five years before selling it.

The proposed amendment would reduce the “holding period” for those giving property through a *family division*. A property owner would have to own a parcel for at least one year to be eligible to create a lot through a *family division* (compared to ten years per current regulations).

The proposed amendment would increase the “holding period” for those receiving property through a *family division*. A family member receiving a lot through a *family division* would have to own it for at least seven years before transferring it outside of the immediate family (compared to five years per current regulations). Requiring that those receiving a lot through a *family division* hold it for a prolonged period of time helps ensure lots are created for the intended purpose (transfer to immediate family members) and not for speculative investments.

- *Provide Greater Specificity Regarding Exceptions to Holding Period*

Proposed language identifies instances when the “holding period” for recipients may be reduced (job relocation; required foreclosure/bankruptcy sale; and/or death of the owner).

- *Clarify Recipients Must Be Adults*

Proposed language states that any immediate family member receiving a lot as part of a family division must be an adult.

Comparison: Current Requirements vs. Proposed Requirements

Feature	Current Requirement	Proposed Requirement
Required Holding Period <u>Before</u> Creating a Family Division Lot	10 years	1 year
Required Holding Period <u>After</u> Creating a Family Division Lot	5 years	7 years
Minimum Lot Area	2 acres	No change
Access	1 – 2 lots: Min. 20’ Easement	No change in easement width/construction requirements. New language added requiring that all lots use the same easement for access and share an entrance to a public road.
	3 – 10 lots: Private Road Standards	
	≥ 11 Lots: Public Road	
Age of Recipient	Not specified	New language clarifies that only <u>adult</u> family members may be gifted a lot through a <i>family division</i> .

Number of Family Division Applications (2016 – 2019) ¹				
Year	2016	2017	2018	2019
No. of Family Division App.	8	10	6	10

Purpose of Family Divisions

Throughout Virginia, the primary purpose of *family divisions* is (1) “to promote the values society places upon the disposition of family estates during the lifetime of the owner with a minimum of government regulation” and (2) “to promote the cohesiveness of the family” (1989 Va. Op. Atty. Gen. 100; Albemarle County Land Use Law Handbook).

IV. COMPREHENSIVE PLAN ANALYSIS

The 2019 Long-Range Comprehensive Plan does not specifically address *family divisions*.

Many parcels zoned A-10 (where most *family divisions* occur) are located within areas designated *Rural Preservation* and *Rural Residential*. These land use designations are intended to accommodate very low-density residential development (p. 58):

- *Rural Preservation*: 1 unit per 8 acres – 1 unit per 10 acres

¹ Most applications for *family divisions* submitted during the aforementioned time period (2016 – 2019) involved the creation of a single lot.

- *Rural Residential*: 1 unit per 5 acres – 1 unit per 10 acres

Objective LU.2 states that “when development occurs in rural areas, the preferred form of development is conservation subdivisions, with smaller lots and preserved open space at an overall low-density consistent with a rural character” (p. 59).

Allowing additional lots as small as two (2) acres to be created in these areas would not be consistent with the aforementioned recommendations, unless they are clustered to protect open space.

V. PLANNING COMMISSION RESOLUTION

The Planning Commission initiates an ordinance amendment to modify standards for *family divisions* established within Chapter 68 (Subdivision Ordinance).

Attachments

1. Proposed Ordinance
2. Map of Single Cut and Family Divisions (2016 – 2019)
3. Required Holding Period Before and After Creating a Family Division Lot: Survey of Virginia Localities

ORDINANCE #O-2020-__

Draft (Planning Commission): March 3, 2020

AN ORDINANCE AMENDING THE POWHATAN COUNTY CODE OF ORDINANCES TO AMEND THE PROVISIONS OF CHAPTER 68 (SUBDIVISION ORDINANCE), ARTICLE II (SPECIFIC REVIEW PROCEDURES), SECTION 68-125 (FAMILY DIVISION) TO REDUCE THE REQUIRED HOLDING PERIOD BEFORE CREATING A FAMILY DIVISION LOT FROM TEN YEARS TO ONE YEAR; INCREASE THE REQUIRED HOLDING PERIOD AFTER CREATING A FAMILY DIVISION LOT FROM FIVE YEARS TO SEVEN YEARS; CLARIFY THAT ONLY ADULTS MAY RECEIVE A FAMILY DIVISION LOT; AND CLARIFY STANDARDS REGARDING ACCESS.

WHEREAS, Sections 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950, as amended, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

WHEREAS, Section 15.2-2240 of the Code of Virginia, 1950, as amended, mandates that each local governing body adopt a subdivision ordinance, pursuant to Sections 15.2-2240 through 15.2-2279 (Land Subdivision and Development) to assure the orderly subdivision of land and its development; and

WHEREAS, Section 15.2-2244 of the Code of Virginia, 1950, as amended, mandates that local subdivision ordinances include reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner; and

WHEREAS, the proposed amendment is intended to ensure that subdivisions and other development promote the health, safety, convenience, order, prosperity, and welfare of the present and future residents of the County; and

WHEREAS, the proper advertisement and public hearing was conducted as required by law; and

WHEREAS, the full text of this amendment was available for public inspection in the Department of Community Development, Powhatan County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that Section 68-125 of the Subdivision Ordinance of the County of Powhatan be amended and reenacted as follows:

**CODE OF THE COUNTY OF POWHATAN, VIRGINIA
CHAPTER 68. SUBDIVISION ORDINANCE**

...

ARTICLE I. – GENERAL PROVISIONS

...

Sec. 68-125. - Family division.

- (a) *Purpose.* The purpose of this section is to establish the procedure and standards for review of family divisions. Family division review is intended to ensure that proposed lots are appropriately and accurately delineated on a plat that serves as a permanent record of the subdivision.
- (b) *Family division review standards.* An application for family division approval shall be approved on a finding the applicant has demonstrated that:
 - (1) Only one such division shall be allowed during the lifetime of each adult family member of the donor or grantor without regard for ownership by the donor or grantor of differing tracts or parcels of ~~land, and~~land and shall not be for the purpose of circumventing this ordinance. Any further

division beyond one cut for each family member shall be considered a subdivision subject to the provisions of this ordinance;

- (2) A family division taken from a parent tract shall not count as a division towards the property owner's division rights;
- (3) The land being divided has been owned by the current owner or member of the owner's immediate family for at least ~~ten~~ consecutive years;
- (4) The owner agrees to place a restrictive covenant on the subdivided lots that would prohibit their transfer to a nonmember of the owner's immediate family for a period of ~~five~~ seven (7) years, unless the county, at its sole discretion, executes and records a document agreeing to a shorter time period where required by changed circumstances;
 - a. The Planning Commission shall make the determination as to whether a reduction in the seven (7) years is warranted. The decision of the Planning Commission may be appealed to the Board of Supervisors within thirty (30) days of a decision; or
 - b. The Subdivision Agent may, at his sole discretion, reduce the seven (7) year period if (i) the owner of the parcel is transferred by his employer to a county more than 50 miles from Powhatan County; (ii) a request to sell the property is made by a bona fide creditor pursuant to a deed of trust, action by a trustee in bankruptcy, or by order of a court of competent jurisdiction; or (iii) the death or legal incompetence of the owner.
- (5) The division results in no lot with an area less than two acres;
- (6) No lot hereby created shall qualify as a family division unless it has a reasonable access right-of-way or easement providing ingress and egress to a publicly maintained street or road as follows (these standards will be calculated in the aggregate regardless of the timing of the divisions). Where practicable, all lots must use the same easement for access, and shall not have separate driveway entrances on the public road.
 - a. Minimum of 20 feet for one to two lots served by a driveway constructed to the residential driveway standard outlined in § 68-175(e)(8)b.1.
 - b. ~~Minimum of 40 feet for three~~ For a three (3)- to ten (10) lots division, the lots must, at a minimum, be served by a private road constructed to standards outlined in § 68-175(e)(8)b.2.
 - c. Divisions resulting in a total of 11 or more lots, served by a public road constructed to standards outlined in § 68-175(e)(8)a.
- ~~(7) The division is not for the purpose of circumventing the county's subdivision regulations.~~
- (78) Family divisions utilizing the private road standards of § 68-175(e)(8)b. shall be reviewed and acted on by the director, subject to certification and recordation of a road maintenance agreement as required by 68-175(e)(8)b.2.vii.
- (89) Procedure for family subdivision of property held in trusts. Property held by a trust may be divided as a family subdivision provided it meets the following requirements:
 - a. All trust beneficiaries must be immediate adult family members of one another, as defined in this section.
 - b. All trust beneficiaries must agree in writing that the property should be subdivided.
 - c. All purchasers or giftees of subdivided parcels must be adult immediate family members of beneficiaries of the trust, although they need not themselves be beneficiaries.
 - d. The division shall comply with all other requirements of this section for family divisions.

- (c) *Non-immediate family members.*
 - (1) No building permit shall be issued on the lot being divided off to any person other than an immediate family member.
 - (2) No structure on the lot being divided off shall be rented to any person other than an immediate family member.
- (d) *Expiration.* Family division approval shall expire if the family division plat is not recorded with the office of the clerk of the circuit court:
 - (1) Within six months after the date of the family division approval; or
 - (2) Where construction or installation of public infrastructure improvements required to serve the area covered by the family division plat has commenced in accordance with the family division approval and their completion is ensured by a performance guarantee in accordance with section 68-215, performance guarantees, within one year after the date of the family division approval or such further time period specified in the performance guarantee; or
 - (3) Within an extension of the applicable time period.

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

This amendment shall take effect immediately upon passage.

ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON _____, 2020.

David T. Williams, Chairman
Powhatan County Board of Supervisors

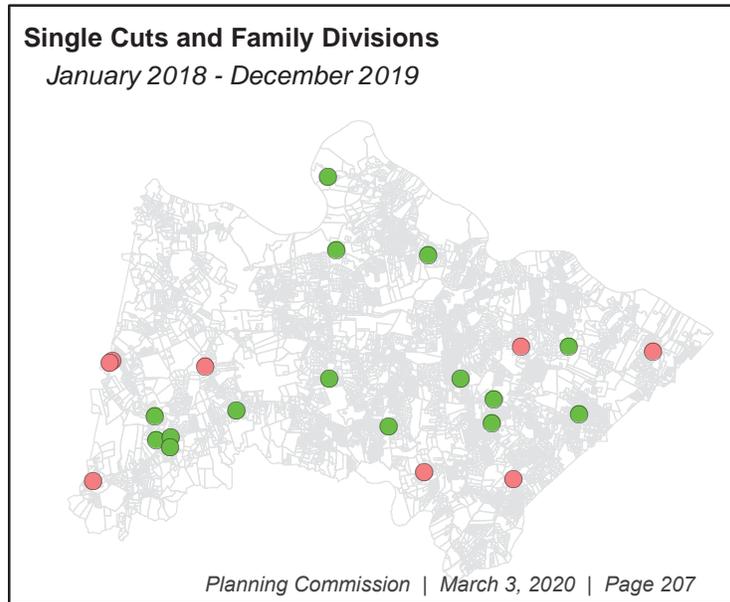
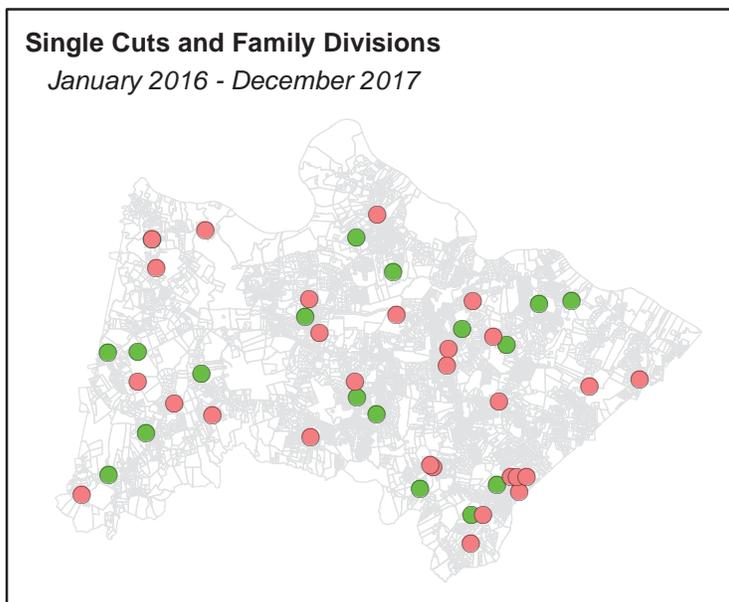
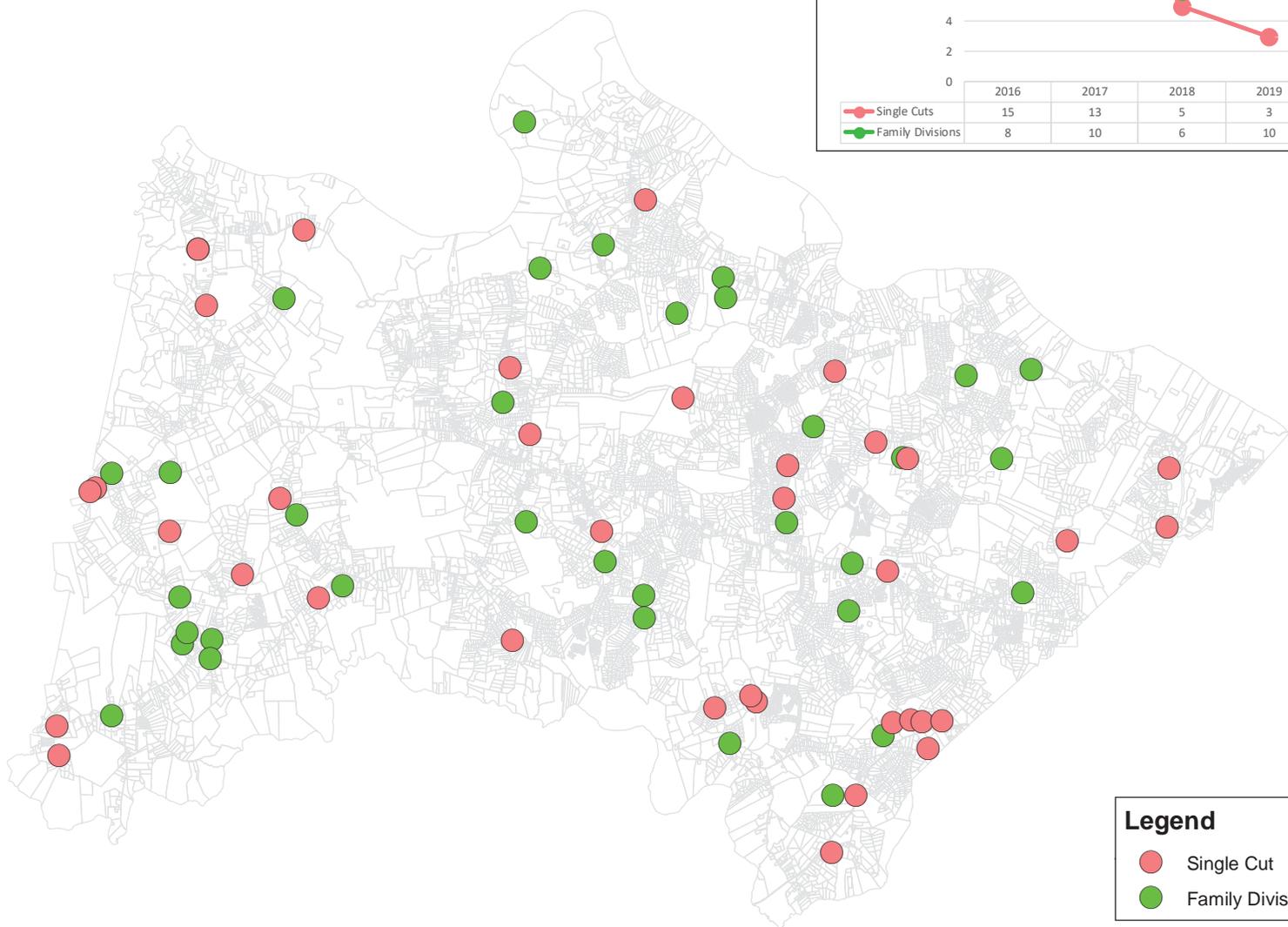
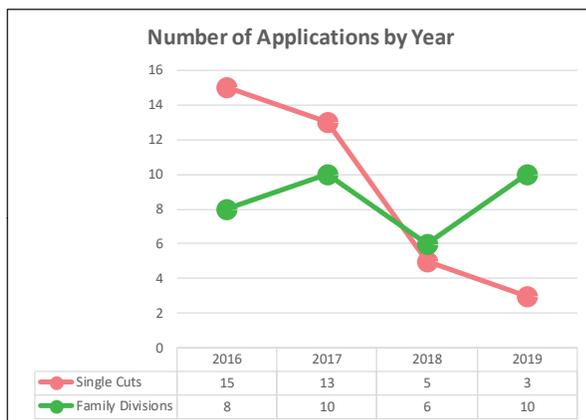
ATTEST:

Bret Schardein, Clerk
Powhatan County Board of Supervisors

Recorded Vote:

David T. Williams _____
Larry J. Nordvig _____
Michael W. Byerly _____
William L. Cox _____
Karin M. Carmack _____

Single Cuts and Family Divisions (2016-2019)



**Required Holding Period Before and After Creating a Family Division Lot:
Survey of Virginia Localities
January 2020**

Locality	Required Holding Period <u>Before</u> Creating Family Division Lot (Years)	Required Holding Period <u>After</u> Creating Family Division Lot (Years)
Chesterfield	2	5
Culpeper	5	5
Dinwiddie	2	5
Fluvanna	0	3
Goochland	0	0
Hanover	0	3
Henrico	0	5
Louisa	0	15
Prince George	2	5