



15-15-REZC – Academy Park II, LLC

Staff Report prepared for the Board of Supervisors

Revised January 6, 2016

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

I. PUBLIC HEARINGS:

Planning Commission	January 5, 2016	Recommend Approval
Board of Supervisors	January 25, 2016	Public Hearing

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Proposed Zoning:	Village Center (VC)	
Existing Zoning:	Residential-Commercial (R-C)	
Parcel Size:	2.47± acres total (1.235 ac. & 1.235 ac.)	
Parcel ID#	39C-2-2 and 39C-2-3	
Owner(s):	Academy Park II, LLC and Capital 626, LLC	
Location of Property:	Northwest Corner of the Intersection of Anderson Highway and Academy Road	
Electoral District:	#3 Bethesda/Lees Landing	
Land Use Plan Recommendation:	Village Center	
Zoning of Surrounding Property:	North:	Residential-Commercial (R-C); Commercial (C)
	South:	Commercial (C)
	East:	Residential-Commercial (R-C); Commercial (C)
	West:	Residential-Commercial (R-C)

III. EXECUTIVE SUMMARY:

The applicant is requesting the conditional rezoning of 2.47± acres located in the northwest corner of the intersection of Anderson Highway (Rt. 60) and Academy Road from Residential-Commercial (R-C) to Village Center (VC). The parcel is further identified as Tax Parcels 39C-2-2 and 39C-2-3. The applicant has initiated the rezoning request to allow for the construction of a 1-story, 7,225 square foot retail building for use by an auto parts store on one (1) of the two (2) parcels. The applicant does not have a proposed use or user for the second parcel. The parcels are currently zoned R-C, which does not provide a sufficient property footprint due to setback constraints to accommodate the proposed building and required site improvements.

The Planning Commission conducted a public hearing to consider public comment on the proposed rezoning at their January 4, 2016 meeting. No citizens spoke during the public hearing. After discussing the request, the Commission voted unanimously to recommend approval of the request to the Board of Supervisors.

IV. SUBJECT PROPERTY:

The subject property consists of 2.47± acres located in the northwest corner of the intersection of Anderson Highway (Rt. 60) and Academy Road. The subject property consists of two (2) out-parcels in front of the Powhatan Plaza Shopping Center located at 2015 Academy Road. The property is currently zoned Residential-Commercial (RC), and the current land use is designation is vacant mixed use. The proposed rezoning of the 2.47± acres consists of approximately 510 feet of road frontage along Anderson Highway (Rt. 60). The subject property is identified as Tax Parcels 39C-2-2 and 39C-2-3.

Figure 1 - Subject Property



V. LAND USE ANALYSIS:

The applicant has proposed the construction of a 1-story, 7,225 square foot retail building on western 1.235 acres of the 2.47[±] acres that are subject to the rezoning request. The applicant does not have a proposed use or user for the other parcel at this time. Both of the parcels are currently zoned R-C. The R-C zoned area does not provide a sufficient property footprint to accommodate the proposed building and required site improvements – parking, buffers and landscaping.

The use of the property, and the density and building and site design of the development will be controlled by the Zoning and Subdivision Ordinances.

The existing right of way for Anderson Highway is two hundred feet (200') wide, which is adequate if future additional through lanes and turn lanes are necessary. There shall be no direct access allowed to Anderson Highway or Academy Road from the parcels through the proposed twenty-five (25) foot buffer. The parcels will only be accessed using the existing access points in the shopping center.

VI. PUBLIC SERVICE ANALYSIS:

VDOT – J.T. Phillippe, VDOT Richmond District

No objections to the request. VDOT may have an interest in the nature of any proposed development because of potential access management issue and potential for traffic generation.

VDH – Richard Michniak, Environmental Health Supervisor

VDH has no adverse comments for the Academy Park II project located at Route 60 and Acacemy Road.

Public Works – Johnny Melis, Utilities Manager

The parcels (39C-2-2 and 39C-2-3) are within the Water and Wastewater Service District and shall connect to the County's sewer system at the developer's expense.

Building Inspections – Kevin Zoll, Building Plans Reviewer

- For 2B construction type building an estimated 3000 GPM for 3 hours of available fire flow (water supply) will be required for this site. For 5B construction type building an estimated 3750 GPM for 3 hours of available fire flow (water supply) will be required for this site.
 - Fire lanes shall be provided as per Appendix D of the Statewide Fire Prevention Code or as recommended by Powhatan Fire Department.
 - Fire hydrants shall be provided as per Appendix C of the Statewide Fire Prevention Code or as recommended by Powhatan Fire Department.
 - Use and Occupancy classification as well as any possible fire separation and/or sprinkler requirements shall be determined when the building permits are applied for.
-

VII. COMPREHENSIVE PLAN ANALYSIS:

The subject properties are part of the Courthouse Village Special Area Plan included the 2010 Long –Range Comprehensive Plan, which designates the subject property as Village Center on the Countywide Land Use Plan Map.

The request is consistent with the Vision of the 2010 Long-Range Comprehensive Plan, which states in part:

“The dominant rural character will be supplemented by mixed residential and business uses situated as defined locations primarily along the Route 60 Corridor and along Route 711 east of the Route 288 interchange.”

This request is general consistent with the Goals of the 2010 Long – Range Comprehensive Plan:

- Economic Development: Establish targeted geographic areas for economic development along the Route 60 Corridor...
- Economic Development: Strive to move closer to a commercial/residential tax base valuation of at least 30%/70%...

The proposed planned development is also generally consistent with the Village Center Land Use Policies and the list of Appropriate Land Uses in a Village Center found in the 2010 Comprehensive Land Use Plan, which include:

- Small- to medium-scale commercial, retail;
- Office; and
- Services including restaurants.

The request is consistent with the intention of the Courthouse Village Special Area Plan in the 2010 Comprehensive Land Use Plan stating:

“The existing Courthouse Village Area serves as a natural civically oriented village center for this area with opportunities for new village and commerce centers at major intersections along Route 60.”

VIII. PROFFERED CONDITIONS:

The applicant has proffered the following conditions with this rezoning request:

- 25-foot easement buffer area on roads (Hwy 60) Anderson Hwy and Academy Road.

IX. STAFF RECOMMENDATION:

The request is consistent with the recommendations of the 2010 Comprehensive Land Use Plan, and therefore staff recommends approval of the request submitted by Academy Park LLC to conditionally rezone 2.47± acres located in the northwest corner of the intersection of Anderson Highway and Academy Road, further identified as Tax Parcels 39C-2-2 and 39C-2-3 from R-C to VC with proffered condition, and amend the County’s Zoning District Map.

X. PLANNING COMMISSION RECOMENDATION:

In accordance with Article 37, of the Powhatan Zoning Ordinance, and in accordance public necessity, convenience, general welfare and good zoning practice, the Planning Commission unanimously recommended *approval* of the request submitted by Academy Park II, LLC to conditionally rezone 2.47± acres located in the northwest corner of the intersection of Anderson Highway and Academy Road, further identified as Tax Parcels 39C-2-2 and 39C-2-3 from Residential-Commercial (R-C) to Village Center (VC) with proffered conditions, and amend the County's Zoning District Map.

XI. PROPOSED RESOLUTION:

In accordance with Article 37, of the Powhatan Zoning Ordinance, and in accordance public necessity, convenience, general welfare and good zoning practice, the Board of Supervisors (*approval / denial / deferral*) of the request submitted by Academy Park II, LLC to conditionally rezone 2.47± acres located in the northwest corner of the intersection of Anderson Highway and Academy Road, further identified as Tax Parcels 39C-2-2 and 39C-2-3 from Residential-Commercial (R-C) to Village Center (VC) with proffered conditions, and amend the County's Zoning District Map.

Attachment(s):

1. Application for Rezoning
 2. Vicinity Map
 3. Zoning Map
 4. Rezoning Plat
 5. Rezoning Layout Plan
 6. Sketch of Anderson Highway and Buffer
 7. Preliminary layout of retail building
 8. Adjacent Property Owners
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REZONING APPLICATION

Please Type or Print

For office use only Case # 15-15-REZZ Date of Pre-application meeting 10/30/2015 Date Filed 11/5/2015

APPLICANT INFORMATION

Owner/Applicant Academy Park II, LLC Telephone (804) 337-0173 Address 2120 STAVEMILL ESTATE DRIVE Powhatan, Virginia Owner [X] Lessee []

Contract Purchaser LAURENCE DEVELOPMENT INC Telephone (336) 918-0489 Address PO Box 202 DAVIDSON, NC 28036

Who Should Correspondence or Questions regarding this Application be directed to: (804) 337-0173 Name LARRY BEAZDEN / TAMARA ANDERSON Telephone (336) 918-0489 Address PO Box 202 DAVIDSON, NC 28036

PARCEL INFORMATION AND REQUEST

Tax Map 39C-2-2 AND 39C-2-3 Section # Food Lion Center Location Hwy 10 and Academy St Area (acres/sq. ft.) in Property 2.470 AC Area (acres/sq. ft.) In Rezoning 2.470 ACRES

Are there any Deed Restrictions? Yes [X] No [] (If yes, attach copy of restrictions) Current Zoning R/C (Residential Commercial) Requested Zoning V/C (Village Center)

Describe in Detail the Proposed Use of Property: TRACT # 39C-2-2 Retail Auto Part Store TRACT # 39C-2-3 Retail (No designated use at this time)

COMPREHENSIVE PLAN + IMPACT

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

Property is in Which Area of Land Use Plan Map Mixed USE Rezoning in Conformance? YES

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

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

Need for Buffer Areas along Property Lines YES # ft. width 25 Feet Along Roads

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

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

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

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

Need for Architectural Design Standards to Assure Compatibility of Structures YES

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

Limitations on Uses Which May Impact Adjacent Properties N/A

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

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

2nd entrance/exit N/A, Paired Driveways

CONCEPTUAL DEVELOPMENT PLAN

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

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

Adjacent Land Owner List

<u>Tax Map #</u>	<u>Name</u>	<u>Address</u>
39-63B	Duncan and Associates	830 Columbia Rd: Columbia, VA 23038
39-84A	Barnett Heating and AC	1224 Crowder Dr. Midlothian, VA 23223
039-85	Lowery, Et al	3524 Old Buckingham Rd: Powhatan VA 23193
039-86	Archie Goodwin	3630 Goodwin Dr. Powhatan VA 23139
039-87	Grove & Libbie Service Co	3106 Lanvale Ave: Richmond VA 23230
039-88	Lester Brown	2771 Trenholm Rd: Powhatan VA 23139
039-89	Greg Anderson	2105 Academy Rd: Powhatan VA 23139
039-90	Richard Goodwin III	2419 Academy Rd: Powhatan VA 23139
039-91	Fallen, LLC	1646 Fallen Timber Trail: Powhatan VA 23193
039C-4	AWN Union Street LLC	124 East Lee St. Warrenton, VA 20186
039C-2-5	Academy Park II, LLC	2120 Stavemill Estate Dr: Powhatan, VA 23193
039C-2-1	Academy Park II, LLC	2120 Stavemill Estate Dr: Powhatan, VA 23193

STATEMENT FOR VALIDITY OF INFORMATION

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

State of Virginia
County of Powhatan to wit

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

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

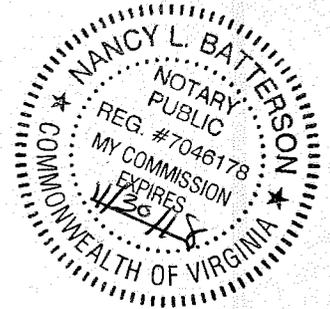
Signed Tamara R Anderson

Print Name Tamara R Anderson

Subscribed and sworn to before me this 3 day of Nov., 2015.

Notary Public Nancy Batterson

My Commission Expires 11/30/18



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

STATEMENT OF PROFFER

CASE # 15-15-REZC

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

25 FOOT EASEMENT BUFFER AREA ON ROADS
(HY 60) ANDERSON HY AND ACADEMY ROAD

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

Tamara R Anderson
Owner of Record - Signature

11-3-15
Date

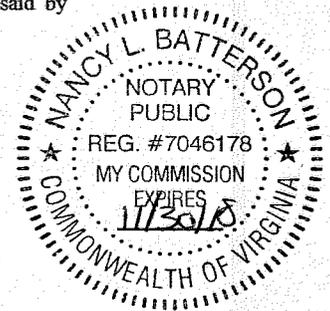
Type or print name Tamara R Anderson

COMMONWEALTH OF VIRGINIA,
COUNTY OF Powhatan to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by
Tamara Anderson whose name is signed to the above, on this 3 day of Nov 2015

Notary Public Nancy Batterson

My Commission expires: 11/30/18



OWNERSHIP DISCLOSURE

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

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

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

<u>NAME</u>	<u>ADDRESS (Include Zip Code)</u>
Tamara R Anderson Manager for Academy Park II, LLC " " Capital 626, LLC	2120 Staremill Est Dr Powhatan Va 23139

I, Tamara R Anderson, do hereby swear and affirm that to the best of my knowledge and belief, the above information is true and that I am the applicant for this request for parcel number(s) _____ of tax map number(s) _____ requesting Rezoning, Conditional Use Permit, and Variance/Appeal. (Please circle one)

39C-2-2
39C-2-3

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

Tamara R Anderson Signature

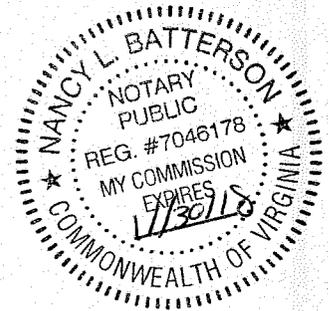
STATE OF VIRGINIA
COUNTY OF POWHATAN, to wit:

This day Tamara Anderson personally appeared before me, Nancy Batterson, Notary Public in and for the County and State aforesaid, and swore or affirmed that the matters stated in the foregoing Ownership Disclosure Affidavit are true to the best of his/her knowledge and belief.

Given under my hand this 3 day of Nov, 2015

Notary Public Nancy Batterson

My commission expires: 11/30/18



APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY

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

Tamara R Anderson
Applicant's Signature

Date 11-3-15

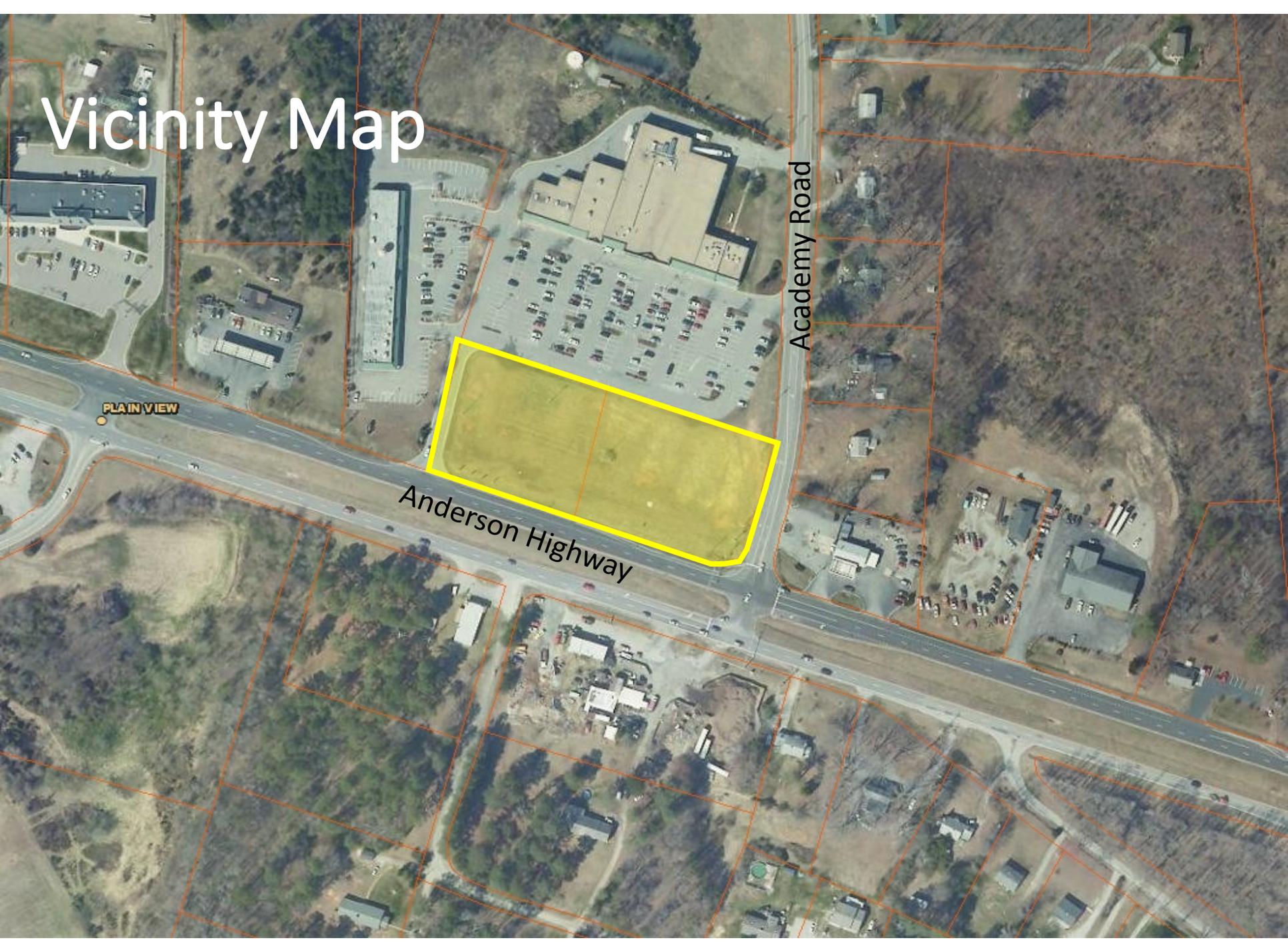
Subscribed and sworn to before me this 3 day of Nov., 20 15

Nancy Batterson
Notary Public's Signature

11/30/18
Commission Expiration Date



Vicinity Map



PLAIN VIEW

Academy Road

Anderson Highway

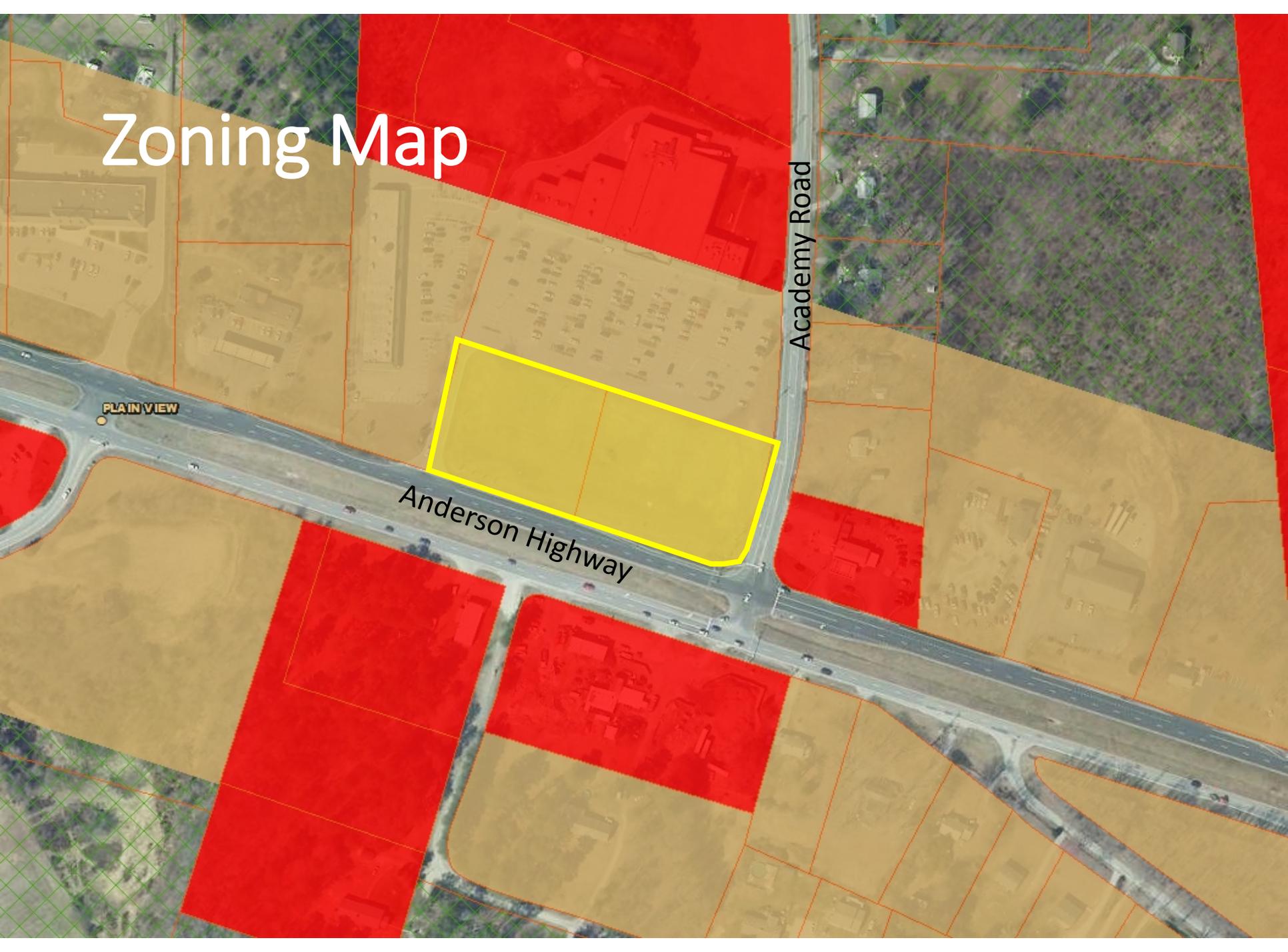
Site Map



Anderson Highway

Academy Road

Zoning Map

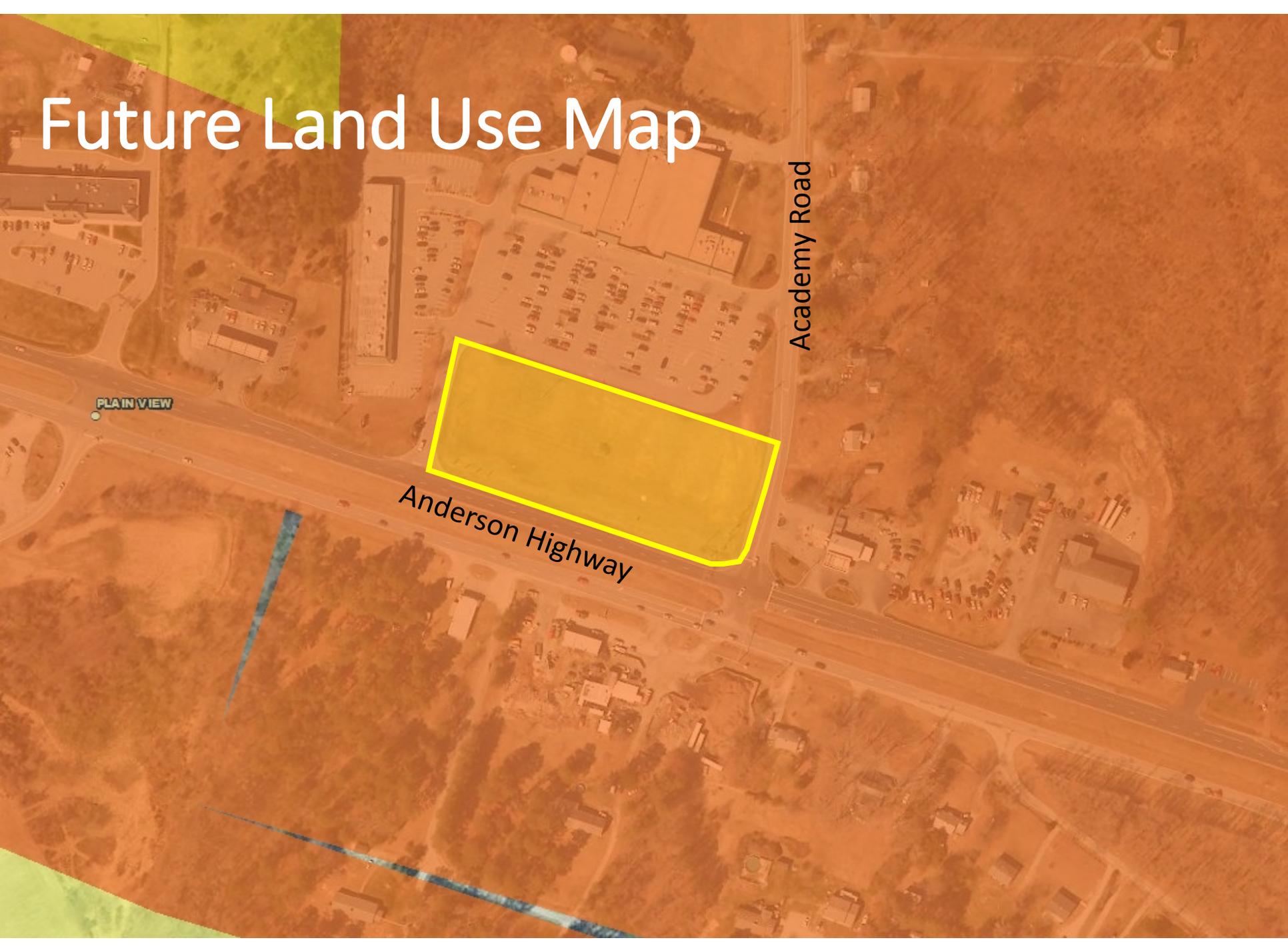


PLAIN VIEW

Academy Road

Anderson Highway

Future Land Use Map



Academy Road

PLAIN VIEW

Anderson Highway

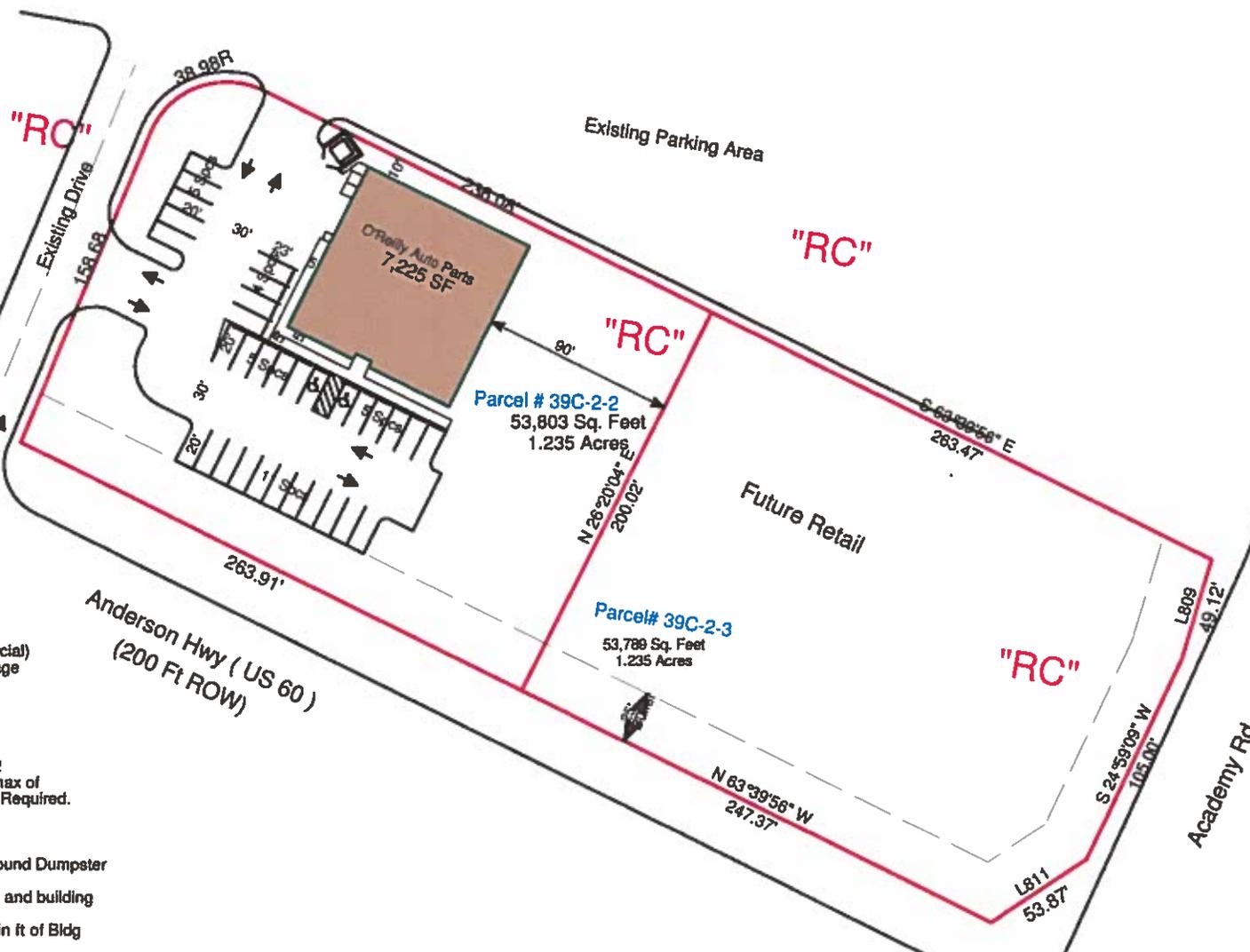
Water and Wastewater Service Map



Academy Road

Anderson Highway

PLAIN VIEW



Zoning: RC (Residential Commercial)
 Applying for Re-Zoning to VC Village
 Commercial Center
 Rezone request for Parcels:
 39C-2-2 and 39C-2-3
 Setbacks:
 Front - 10'; Side - 0'; Rear - 10'
 Parking: Provided - 30 + 2 HC= 32
 Required: 1 per 300 sf GFA to a max of
 125% of Minimum. (7,225/300=24) Required.
 30 spaces Max
 Landscaping:
 25' Buffer at Hwy ROW
 Landscape Screening required around Dumpster
 Enclosure
 5' planting area between sidewalk and building
 Signs:
 Building, 1.5 SF of sign area per lin ft of Bldg
 (85 x 1.5= 127.5 sf of Bldg sign)
 Ground, 50 SF and 15' High

Proposed O'reilly Auto Parts Store		
Concept Plan (Subject to Change)		
Rt 60 Powhatan, VA		
DATE: 11/2/2015	SCALE: 1" = 80'	DRAWN BY: WW Miller

BARNETTS HEATING & AIR
CONDITIONIN

1224 CROWDER DRIVE
MIDLOTHIAN, VA 23113

BROWN LESTER W JR & MARIA W

2771 TRENHOLM RD
POWHATAN, VA 23139

CAPITAL 626 LLC

2120 STAVEMILL ESTATES DRIVE
POWHATAN, VA 23139

LOWERY P B ET ALS

3574 OLD BUCKINGHAM ROAD
POWHATAN, VA 23139

ACADEMY PARK LLC

C/O TAMARA ANDERSON
2120 STAVEMILL ESTATES DRIVE
POWHATAN, VA 23139

AWN UNION STREET LLC

124 EAST LEE ST
WARRENTON, VA 20186

GROVE & LIBBIE SERVICE CO LLC

3106 LANVALE AVE
RICHMOND, VA 23230

ACADEMY PARK II LLC

C/O TAMARA ANDERSON
2120 STAVEMILL ESTATES DRIVE
POWHATAN, VA 23139