

**ORDINANCE O-2016-01****An Ordinance to conditionally rezone approximately 50<sup>±</sup> acres of land at the intersection of Huguenot Trail (Rt. 711) and Winterfield Road, from Residential-Utility (R-U) and Commercial (C) to Village Center Planned Development District (VC-PD)**

**WHEREAS**, Riverton Associates have submitted a request to the Powhatan County Board of Supervisors to rezone a 50<sup>±</sup> acre property identified as, Tax Parcels 32-44A, 32-44C, 32-45B1, 32-45B2, 32-46, 32-46A, 32-58B, 32D-1-1, 32D-1-3, 32C-2-1, 32C-2-2, 32C-2-3, 32C-2-4, 32C-2-5, 32C-2-6, and 32C-2-7, from Residential-Utility (R-U) and Commercial (c) to Village Center Planned Development District (VC-PD); 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 November 4, 2015 and all of those who spoke on this topic were heard; and

**WHEREAS**, the Planning Commission advertised and held a second public hearing on the proposed Rezoning, on December 1, 2015 and all of those who spoke on this topic were heard; and

**WHEREAS**, Riverton Associates has submitted a statement of proffer in conjunction with the rezoning request; and

**WHEREAS**, the Planning Commission voted recommended approval of the request to rezone the subject properties with proffered conditions; and

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

**WHEREAS**, the Powhatan County Board of Supervisors caused to be published a notice of public hearing on this matter in the Powhatan Today on January 13, 2016 and January 20, 2016; and

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

**WHEREAS**, the Powhatan County Board of Supervisors advertised a public hearing for January 25, 2016 and that meeting was rescheduled due to inclement weather to February 1, 2016,

and at the February 1, 2016 meeting the 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-2016-04 to rezone a 50<sup>±</sup> acre property identified as, Tax Parcels 32-44A, 32-44C, 32-45B1, 32-45B2, 32-46, 32-46A, 32-58B, 32D-1-1, 32D-1-3, 32C-2-1, 32C-2-2, 32C-2-3, 32C-2-4, 32C-2-5, 32C-2-6, and 32C-2-7, from Residential-Utility (R-U) and Commercial (c) to Village Center Planned Development District (VC-PD) with the following proffered conditions:

1. Textual Statement dated November 23, 2015
2. Exhibit "A" – Conceptual Master Plan prepared by RK&K dated January 15, 2016.
3. Exhibit "B" – Minimum Design Standards dated November 23, 2015
4. Exhibit "C" - Building Elevation for Single-Family Golf Villas.
5. The maximum density of commercial space in the project shall be limited to 75,000 square feet and the orientation of the commercial buildings shall generally follow the Conceptual Plan dated January 15, 2016 and submitted as part of the rezoning application. Any necessary compliance determinations with respect to the orientation of the commercial buildings shall be made by the county in its sole discretion.
6. Residential uses will include no more than 200 adult oriented premium apartment units and 22 single family detached homes. The apartments shall be constructed of materials substantially similar to those used in Winterfield Place, Phase One and the amenities provided shall include a high-quality recreation facility, clubhouse, swimming pool, outdoor recreation spaces and integrated garages. The apartment buildings shall be limited to three stories above finished grade and eave heights shall not exceed 35' above first floor elevation.
7. All commercial buildings shall be constructed in a manner that is substantially similar to the existing Winterfield Place development in terms of building size, materials, design, lighting and light fixtures, scale and walkability. Any determination as to whether a particular building complies with this proffer shall be made by the county in its sole discretion.
8. The lots developed by the extension of Founders Creek Court will be accepted into the Founders Bridge Property Owners Association. If Founders Bridge Property Owners Association is not willing to include the detached home lots on terms reasonably acceptable to the Developer, then the Developer shall create a separate Home Owner's Association for such lots on terms acceptable to the County.
9. The portion of Old Winterfield Road from Winterfield Road to the proposed cul-de-sac of lot 12 on the Conceptual Master Plan may be used as a construction entrance during the construction of the road and the 22 single-

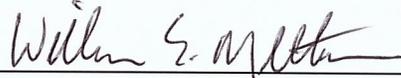
family golf villas. Once construction is complete, the remaining section of Old Winterfield Road that is not used for this development will be scarified, seeded and the unused portion of the right of way shall be vacated per VDOT specifications and standards.

10. Development of the homes to be constructed on Founders Court Creek property shall be in general conformance with the plan entitled "Exhibit A" Conceptual Master Plan, Powhatan, Virginia", dated January 15, 2016 (see case file), prepared by RKK, ("the Conceptual Master Plan"), or as specifically approved at the time of Plan of Development.
11. Architectural standards and style for these new homes on Founders Creek Court opposite existing homes on Founders Creek Court (two existing lots, Lots 28 and 29, and one new lot prior to open space, Lot 1, shown on Founders Creek Court), will be constructed to the architectural standards of the existing homes on Founders Creek Court, e.g., two 8' garage doors instead of one 16' garage door, continue color palette for brick, trim, front door, garage door, and no dormers. These three lots will also be bound by the Founders Bridge Property Owners Association, the Founders Bridge Golf Villas Association and the Founder's Bridge ARC, and will go through the typical new home construction process. Architectural standards for the homes to be constructed on the 21 remaining lots after the open space are on the attached "Exhibit B" – Minimum Exterior Materials Standards." Architectural style of these 21 homes shall be generally consistent with the elevations attached as Exhibit "C". Any deviation from the home elevations on Exhibit "C" or new elevations shall be approved by the Director of Planning.
12. The two open space areas depicted on the Conceptual Plan on Founder's Creek Court shall be dedicated free and clear to the Founders Creek Property Owners Association or the Founders Bridge Golf Villas Association.
13. Vertical construction shall not commence on the commercial units and the apartments, nor shall any land disturbance activity commence on the single family detached lots until adequate water and sewer capacity is verified by the developer and the utility service provider and approved by the county.
14. Individual wells and/or septic systems shall not be permitted for the provision of potable water or sanitary sewer.
15. Exterior materials for all structures shall be consistent with surrounding residential and commercial developments. Any question as to whether such exterior materials are consistent shall be made at the sole discretion of the county.
16. There shall be no direct residential, commercial, office or retail lot access to Winterfield Road (Rt. 714) or Huguenot Trail (Rt. 711).
17. Dedication of right of way to Powhatan County, and at no cost to Powhatan County, for the installation of a right turn lane into the project from Route 711, shall be made in conjunction with the approval and recordation of the plat for the Winterfield Place Phase II project.

18. The developer shall maintain a 50' planted buffer between any apartment buildings and Winterfield Rd. (Rt. 714). The buffer shall be constructed as a type "B" intermittent buffer as described in the Powhatan County Zoning Ordinance.
19. The developer shall pay to Powhatan County a cash proffer for residential units in the project, as follows:
  - a. The builder of single-family detached units shall pay a proffer of \$500.00 per unit for the purpose of capital investment in fire and safety equipment for Powhatan County. The proffer shall be paid at the time that Certificate of Occupancy is requested by the builder.
  - b. Multi-family (apartment) units shall pay to Powhatan County a cash proffer of \$500.00 per unit for the purpose of capital investment in fire and safety equipment for Powhatan County. The proffer shall be paid upon receipt of Certificate of Occupancy for respective multi-family units or a multi-family building.

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**APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON  
FEBRUARY 1, 2016.**

  
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**William E. Melton, Chairman  
Powhatan County Board of Supervisors**

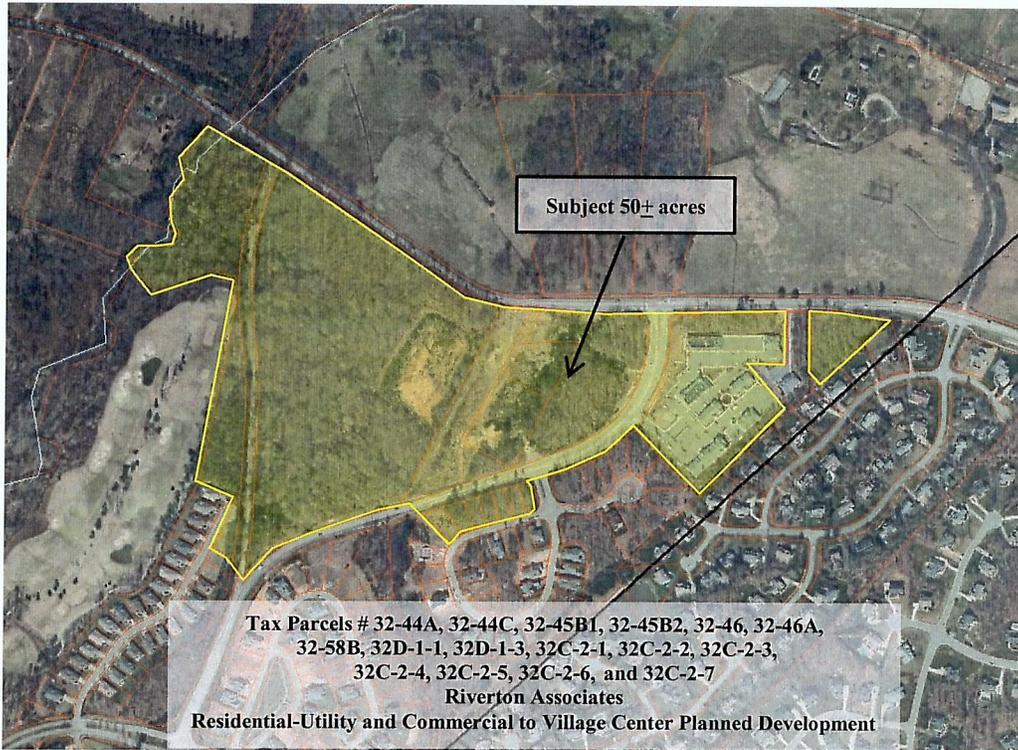
**ATTEST:**

  
\_\_\_\_\_  
**Patricia A. Weiler, 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**

**O-2016-01 to conditionally rezone approximately 2.47± acres of land located at the intersection of Huguenot Trail (Rt. 711) and Winterfield Road, from Residential-Utility (R-U) and Commercial (C) to Village Center Planned Development (VC-PD) with proffered conditions**



January 11, 2016

Proffered Conditions

Powhatan County Zoning Case # 1503RECZ

Pursuant to Section 15.2-2296 et seq. of the Code of Virginia and Section 83-123 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:

1. Textual Statement dated November 23, 2015
2. Exhibit "A" – Conceptual Master Plan prepared by RK&K dated **January 15, 2016**.
3. Exhibit "B" – Minimum Design Standards dated November 23, 2015
4. Exhibit "C" - Building Elevation for Single-Family Golf Villas.
5. The maximum density of commercial space in the project shall be limited to 75,000 square feet and the orientation of the commercial buildings shall generally follow the Conceptual Plan dated **January 15, 2016** and submitted as part of the rezoning application. Any necessary compliance determinations with respect to the orientation of the commercial buildings shall be made by the county in its sole discretion.
6. Residential uses will include no more than 200 adult oriented premium apartment units and 22 single family detached homes. The apartments shall be constructed of materials substantially similar to those used in Winterfield Place, Phase One and the amenities provided shall include a high-quality recreation facility, clubhouse, swimming pool, outdoor recreation spaces and integrated garages. The apartment buildings shall be limited to three stories above finished grade and eave heights shall not exceed 35' above first floor elevation.
7. All commercial buildings shall be constructed in a manner that is substantially similar to the existing Winterfield Place development in terms of building size, materials, design, lighting and light fixtures, scale and walkability. Any determination as to whether a particular building complies with this proffer shall be made by the county in its sole discretion.
8. The lots developed by the extension of Founders Creek Court will be accepted into the Founders Bridge Property Owners Association. If Founders Bridge Property Owners Association is not willing to include the detached home lots on terms reasonably acceptable to the Developer, then the Developer shall create a separate Home Owner's Association for such lots on terms acceptable to the County.
9. The portion of Old Winterfield Road from Winterfield Road to the proposed cul-de-sac of lot 12 on the Conceptual Master Plan may be used as a construction entrance during the construction of the road and the 22 single-family golf villas. Once construction is complete, the remaining section of Old Winterfield Road that is not used for this

development will be scarified, seeded and the unused portion of the right of way shall be vacated per VDOT specifications and standards.

10. Development of the homes to be constructed on Founders Creek Creek property shall be in general conformance with the plan entitled "Exhibit A" Conceptual Master Plan, Powhatan, Virginia", dated **January 15, 2016** (see case file), prepared by RKK, ("the Conceptual Master Plan"), or as specifically approved at the time of Plan of Development.
11. Architectural standards and style for the these new homes on Founders Creek Court opposite existing homes on Founders Creek Court (two existing lots, Lots 28 and 29, and one new lot prior to open space, Lot 1, shown on Founders Creek Court), will be constructed to the architectural standards of the existing homes on Founders Creek Court, e.g., two 8' garage doors instead of one 16' garage door, continue color palette for brick, trim, front door, garage door, and no dormers. These three lots will also be bound by the Founders Bridge Property Owners Association, the Founders Bridge Golf Villas Association and the Founder's Bridge ARC, and will go through the typical new home construction process. Architectural standards for the homes to be constructed on the 21 remaining lots after the open space are on the attached "Exhibit "B" – Minimum Exterior Materials Standards." Architectural style of these 21 homes shall be generally consistent with the elevations attached as Exhibit "C". Any deviation from the home elevations on Exhibit "C" or new elevations shall be approved by the Director of Planning.
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13. Vertical construction shall not commence on the commercial units and the apartments, nor shall any land disturbance activity commence on the single family detached lots until adequate water and sewer capacity is verified by the developer and the utility service provider and approved by the county.
14. Individual wells and / or septic systems shall not be permitted for the provision of potable water or sanitary sewer.
15. Exterior materials for all structures shall be consistent with surrounding residential and commercial developments. Any question as to whether such exterior materials are consistent shall be made at the sole discretion of the county.
16. There shall be no direct residential, commercial, office or retail lot access to Winterfield Road (Rt. 714) or Huguenot Trail (Rt. 711).
17. Dedication of right of way to Powhatan County, and at no cost to Powhatan County, for the installation of a right turn lane into the project from Route 711, shall be made in conjunction with the approval and recordation of the plat for the Winterfield Place Phase II project.

18. The developer shall maintain a 50' planted buffer between any apartment buildings and Winterfield Rd. (Rt. 714). The buffer shall be constructed as a type "B" intermittent buffer as described in the Powhatan County Zoning Ordinance.
19. The developer shall pay to Powhatan County a cash proffer for residential units in the project, as follows:
  - a. The builder of single-family detached units shall pay a proffer of \$500.00 per unit for the purpose of capital investment in fire and safety equipment for Powhatan County. The proffer shall be paid at the time that Certificate of Occupancy is requested by the builder.
  - b. Multi-family (apartment) units shall pay to Powhatan County a cash proffer of \$500.00 per unit for the purpose of capital investment in fire and safety equipment for Powhatan County. The proffer shall be paid upon receipt of Certificate of Occupancy for respective multi-family units or a multi-family building.

I hereby acknowledge that the rezoning of the subject property gives rise to the need for these conditions.

*[Handwritten Signature]*  
 Owner of Record – Signature

01/11/16  
 Date

G.B. Sowers, III, MGR.  
 Type or Print Name

COMMONWEALTH OF VIRGINIA  
 COUNTY OF POWHATAN, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by George B. Sowers, III whose name is signed to the above, on this 11<sup>th</sup> day of January, 2016.

Notary Public: Kelly Anne McGuire

My Commission Expires: 6-30-2019

Stamp:



**Winterfield Phase II  
Coordination of Powhatan County Comprehensive Plan  
November, 2015**

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Current Zoning - RU & C

Proposed Zoning – Village Center Planned development (VCPD)

Project Description – Acreage:	Parcel #1 (Riverton)	35.2 +/- ac.
	Parcel #2 (Winterfield Place)	6.0 +/- ac.
	Parcel #3 (Riverton lots)	1.4 +/- ac.
	<u>Parcel #2 (M/E Founder's Bridge)</u>	<u>7.4 +/- ac.</u>
	Total:	50.0 +/- ac.

Open Space, buffers, undeveloped acreage (approx): 20.0 +/- ac. (40%)

Proposed MF Units for Rent:	200
Proposed SFD Units for Sale:	<u>22</u>
Total Residential Units:	222

Residential Density: 4.44 units / acre (at 50.0 ac)

Notes –

Comp plan calls for residential densities of 4 - 8 residential units per acre in VCPD district  
Buildings shall be limited to 15,000 s.f. footprints, three stories in height  
Project should encourage walkability and include open and green spaces throughout the area  
Public infrastructure including roads, water and sewer should be readily available  
Project should have coordinated storm water management plan and minimum 20% open space  
Village center should have coordinated architectural form  
Maximum commercial density is typically 75,000 s.f.

Appropriate land uses and design goals in Village Center district:

Attached townhouse residential	Medium scale multi-family residential in
Vertically mixed-use buildings	neighborhood pattern
Small to medium-sized commercial	Retail / Office
Services including restaurants	Public / institutional uses
Plazas, squares, open space	Walkability

## **Winterfield Place Phase II Project Description / Textual Statement**

The rezoning from the current zoning categories of R-U (*Residential – Utility*) and C (*Commercial*) to the new Village Center Planned Development (*VCPD*) category allows for the development of a high quality mixed-use project consisting of a variety of commercial, residential and recreational uses. Commercial development will include the expansion of existing retail and office uses at the intersection of Route 711 and Winterfield Road. Residential uses will include approximately 200 adult oriented premium rental units as well as approximately 22 single family detached lots which will be a continuation of the “golf villas” along Founder’s Creek Court in the Founder’s Bridge development. The project will include walking trails and pedestrian connectivity within the development and accessible to adjacent developments, and will utilize and feature approximately 20 acres of buffers, open and green spaces.

The commercial buildings will follow the precedent of the existing Winterfield Place development in terms of building size, materials, design, scale and walkability. Current tenants in Winterfield include the following: Mediterraneo Restaurant, Wild Ginger Restaurant, Essex Bank, West Gynecology and Med Spa, Family Practice Specialists of Richmond, Winterfield Veterinary Hospital, Vino Market, Bellgrade Cleaners, Allure Nail Spa, Bella Arte Gallery, Poole and Poole Architecture, Roseland Custom Homes, Riverton Associates and the Pinnacle Group

The approximately 200 for-rent residential units will be developed as a high-end adult oriented project consisting of 1 and 2 bedroom units. These units will be marketed at the highest end of the market, and will include features such as high ceilings, walk-in closets, high-end finishes, integrated garage units, outdoor porches, patios and energy efficient construction. The development will feature adult-oriented recreational facilities including a swimming pool and clubhouse, fitness center, walking and jogging trails, an outdoor kitchen and fireplaces and an entertainment schedule designed for active adult tenants. The facility and residential units will be pet friendly, including a pet park.

The planned single family detached units will have vehicular access provided by the extension of Founders Creek Court along Old Winterfield Road. These units will be designed as “empty nester” type dwellings with proffered architectural guidelines that guarantee continuity with the existing Founders Bridge golf villas. Upon development these homes will be annexed into the Founder’s Bridge Homeowners Association.

The project will be pedestrian friendly, with walking paths and trails connecting the various uses. Current commercial amenities include restaurants, banking, medical, veterinary and retail vendors. Pedestrian access facilities will also be integrated into the existing Bel Crest

**Winterfield Place Phase II**  
**Project Description**  
**Page 2**

neighborhood to ultimately provide pedestrian access from Founders Bridge to the existing and new commercial tenants.

The property is designated as a Village Center in the 2010 Powhatan Comprehensive Plan, calling for moderate to high intensity residential, commercial, office and institutional uses. The project will be serviced by existing public water and sewer facilities and will feature a coordinated stormwater management plan. Open and green spaces make up nearly half of the entire development.

Architectural styles and building materials will be consistent with the design of the surrounding neighborhoods and commercial development, including Bel Crest and Winterfield Place. The developer will proffer that similar design and exterior materials will be used on all new structures in the project. Buildings will be smaller in scale, with footprints generally not to exceed 15,000 s.f. and typical building heights not to exceed three stories.

Access to the development will be provided by existing access points currently built along Winterfield Road, as well as an existing access point on Route 711 and a future full access point on Route 711, to be built in conjunction with the anticipated VDOT widening of Route 711 scheduled for construction in 2016. There shall be no direct residential lot access to Winterfield Road or Route 711.

It is anticipated that construction will begin on all phases of the new development in 2016.